

**2011 DRAFTING REQUEST**

**Assembly Amendment (AA-SB275)**

Received: 03/15/2012

Received By: jkuesel

Wanted: **Soon**

Companion to LRB:

For: **Cory Mason (608) 266-0634**

By/Representing: **Vicky Selkove**

May Contact:

Drafter: **jkuesel**

Subject: **Elections - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Mason@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Popular election of technical college district boards - partisan ballot at general election - Milwaukee only

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**Instructions:**

Partisan ballot at general election- Milwaukee only.

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 03/15/2012	wjackson 03/15/2012		_____			
/1			rschluet 03/15/2012	_____	sbasford 03/15/2012	sbasford 03/15/2012	

FE Sent For:

<END>

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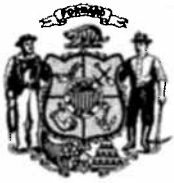
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12/11	jkuesel 3/15/12	1 WJ					

FE Sent For:

<END>



State of Wisconsin  
2011 - 2012 LEGISLATURE

2994/1  
LRBa2002/1  
JTK:cjs/wlj/med:md  
stays

NOW

ASSEMBLY AMENDMENT ,  
TO 2011 SENATE BILL 275

1 At the locations indicated, amend the bill, as shown by senate substitute  
2 amendment 2, as follows:

3 1. Page 1, line 5: delete "Milwaukee area technical college district board" and  
4 substitute <sup>the Milwaukee area</sup> technical college district boards, providing an exemption from and  
5 extending the time limit for emergency rule procedures, and granting rule-making  
6 authority".

7 2. Page 1, line 6: delete the material beginning with that line and ending with  
8 page 6, line 20, including the material inserted by senate amendment 1, and  
9 substitute:

10 "SECTION 1. 5.02 (3), (21) and (23) of the statutes are amended to read:

11 5.02 (3) "Educational officer" means the state superintendent, a member of a  
12 <sup>the Milwaukee area</sup> technical college district board, and a school board ~~members~~ member.

1 (21) "Spring election" means the election held on the first Tuesday in April to  
 2 elect judicial officers, educational ~~and~~ officers other than <sup>The Milwaukee area</sup> technical college district  
 3 board members, municipal officers, nonpartisan county officers and sewerage  
 4 commissioners and to express preferences for the person to be the presidential  
 5 candidate for each party in a year in which electors for president and vice president  
 6 are to be elected.

7 (23) "State office" means the offices of governor, lieutenant governor, secretary  
 8 of state, state treasurer, attorney general, state superintendent, justice of the  
 9 supreme court, court of appeals judge, circuit court judge, state senator, state  
 10 representative to the assembly ~~and~~, district attorney, and member of a <sup>The Milwaukee area</sup> technical <sub>over</sub>  
 11 college district board.

12 SECTION 2. 5.62 (3) of the statutes, as affected by 2011 Wisconsin Acts 32 and  
 13 75, is amended to read:

14 5.62 (3) The board shall designate the official primary ballot arrangement for  
 15 statewide offices, <sup>The Milwaukee area</sup> technical college district board members, and district attorney  
 16 within each prosecutorial district by using the same procedure as provided in s. 5.60

17 (1) (b). On each ballot and on each separate column or row on the ballot, the  
 18 candidates for office shall be listed together with the offices which they seek in the  
 19 following order whenever these offices appear on the partisan primary ballot:  
 20 governor, lieutenant governor, attorney general, secretary of state, state treasurer,  
 21 U.S. senator, U.S. representative in congress, state senator, representative to the  
 22 assembly, <sup>Milwaukee area</sup> technical college district board member, district attorney and the county  
 23 offices.

24 SECTION 3. 5.64 (1) (ag) of the statutes is amended to read:

1           5.64 (1) (ag) Except as authorized in s. 5.655, there shall be a separate ballot  
2 giving the names of all candidates for president and vice president and for statewide,  
3 congressional, legislative, <sup>Milwaukee area</sup> ~~technical college district~~, and county offices in the same  
4 form as prescribed by the board under s. 7.08 (1) (a).

5           **SECTION 4.** 7.60 (4) (a) of the statutes is amended to read:

6           7.60 (4) (a) The board of canvassers shall make separate duplicate statements  
7 showing the numbers of votes cast for the offices of president and vice president; state  
8 officials; U.S. senators and representatives in congress; state legislators; justice;  
9 court of appeals judge; circuit judges; <sup>Milwaukee area</sup> ~~members of the technical college district~~  
10 ~~boards~~; district attorneys; and metropolitan sewerage commissioners, if the  
11 commissioners are elected under s. 200.09 (11) (am). If a municipal judge elected  
12 under s. 755.01 (4) serves a municipality that is located partially within the county  
13 and candidates for that judgeship file nomination papers in another county, the  
14 board of canvassers shall prepare a duplicate statement showing the numbers of  
15 votes cast for that judgeship in that county for transmittal to the other county. For  
16 partisan candidates, the statements shall include the political party or principle  
17 designation, if any, next to the name of each candidate. The board of canvassers shall  
18 also prepare a statement showing the results of any county, technical college district,  
19 or statewide referendum. Each statement shall state the total number of votes cast  
20 in the county for each office; the names of all persons for whom the votes were cast,  
21 as returned; the number of votes cast for each person; and the number of votes cast  
22 for and against any question submitted at a referendum. The board of canvassers  
23 shall use one copy of each duplicate statement to report to the government  
24 accountability board, technical college district board, or board of canvassers of any

1 other county and shall file the other statement in the office of the county clerk or  
2 board of election commissioners.

3 **SECTION 5.** 7.60 (5) (a) of the statutes, as affected by 2011 Wisconsin Act 115,  
4 is amended to read:

5 7.60 (5) (a) Immediately following the canvass, the county clerk shall deliver  
6 or transmit to the government accountability board a certified copy of each statement  
7 of the county board of canvassers for president and vice president, state officials,  
8 senators and representatives in congress, state legislators, justice, court of appeals  
9 judge, circuit judge, ~~members of the technical college district boards~~ <sup>in the same area</sup> district  
10 attorney, and metropolitan sewerage commissioners, if the commissioners are  
11 elected under s. 200.09 (11) (am). The statement shall record the returns for each  
12 office or referendum by ward, unless combined returns are authorized under s. 5.15  
13 (6) (b) in which case the statement shall record the returns for each group of  
14 combined wards. Following primaries the county clerk shall enclose on forms  
15 prescribed by the government accountability board the names, party or principle  
16 designation, if any, and number of votes received by each candidate recorded in the  
17 same manner. The county clerk shall deliver or transmit the certified statement to  
18 the government accountability board no later than 9 days after each primary except  
19 the partisan primary, no later than 10 days after the partisan primary and any other  
20 election except the general election, and no later than 14 days after the general  
21 election. The board of canvassers shall deliver or transmit a certified copy of each  
22 statement for any technical college district referendum to the secretary of the  
23 technical college district board.

24 **SECTION 6m.** 7.70 (3) (d) of the statutes is amended to read:

1           7.70 (3) (d) When the certified statements and returns are received, the  
 2 chairperson of the board or the chairperson's designee shall proceed to examine and  
 3 make a statement of the total number of votes cast at any election for the offices  
 4 involved in the election for president and vice president; a statement for each of the  
 5 offices of governor, lieutenant governor, if a primary, and a joint statement for the  
 6 offices of governor and lieutenant governor, if a general election; a statement for each  
 7 of the offices of secretary of state, state treasurer, attorney general, and state  
 8 superintendent; for U.S. senator; representative in congress for each congressional  
 9 district; the state legislature; justice; court of appeals judge; <sup>Milwaukee area</sup> circuit judge; technical  
 10 college district board member; district attorney; metropolitan sewerage commission,  
 11 if the commissioners are elected under s. 200.09 (11) (am); and for any referenda  
 12 questions submitted by the legislature.

13           **SECTION 7m.** 7.70 (6) of the statutes is created to read:

14           (3) <sup>MILWAUKEE AREA</sup> 7.70 (6) <sup>1</sup> TECHNICAL COLLEGE DISTRICT BOARD MEMBERS; DETERMINATIONS. The  
 15 government accountability board shall transmit to the secretary of the technical  
 16 college district board a copy of the certified determination of the chairperson of the  
 17 government accountability board or his or her designee for the election of each  
 18 member of the <sup>Milwaukee area technical college</sup> district board.

19           **SECTION 10m.** 8.15 (6) (ds) of the statutes is created to read:

20           8.15 (6) (ds) For the office of member of the <sup>Milwaukee area</sup> technical college district board from  
 21 any election district, not less than 200 nor more than 400 electors.

22           **SECTION 11.** 9.10 (1) (a) of the statutes is amended to read:

23           9.10 (1) (a) The qualified electors of the state, of any county, city, village, or  
 24 town, of any congressional, legislative, judicial, ~~technical college~~ town sanitary, or  
 25 school district, <sup>or of the Milwaukee area technical college districts</sup> or of any prosecutorial unit may petition for the recall of any

1 incumbent elective official by filing a petition with the same official or agency with  
2 whom nomination papers or declarations of candidacy for the office are filed  
3 demanding the recall of the officeholder.

4 **SECTION 12.** 9.10 (2) (b) of the statutes is amended to read:

5 9.10 (2) (b) A recall petition for a city, village, town, Milwaukee area  
6 technical college district,  
7 town sanitary district, or school district office shall contain a statement of a reason  
8 for the recall which is related to the official responsibilities of the official for whom  
9 removal is sought.

9 **SECTION 13.** 9.10 (2) (d) of the statutes is amended to read:

10 9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless  
11 the petitioner first files a registration statement under s. 11.05 (1) or (2) with the  
12 filing officer with whom the petition is filed. The petitioner shall append to the  
13 registration a statement indicating his or her intent to circulate a recall petition, the  
14 name of the officer for whom recall is sought and, in the case of a petition for the recall  
15 of a city, village, town, Milwaukee area  
16 technical college district, town sanitary district, or school  
17 district officer, a statement of a reason for the recall which is related to the official  
18 responsibilities of the official for whom removal is sought. No petitioner may  
19 circulate a petition for the recall of an officer prior to completing registration. The  
20 last date that a petition for the recall of an officer may be offered for filing is 5 p.m.  
21 on the 60th day commencing after registration. After the recall petition has been  
22 offered for filing, no name may be added or removed. No signature may be counted  
23 unless the date of the signature is within the period provided in this paragraph.

23 **SECTION 14.** 9.10 (3) (a) of the statutes is amended to read:

24 9.10 (3) (a) This subsection applies to the recall of all elective officials other  
25 than city, village, town, Milwaukee area  
technical college district, town sanitary district, and school



Milwaukee area  
~~technical college district~~

1

district officials. City, village, town, ~~technical college district~~, town sanitary district, and school district officials are recalled under sub. (4).

3

SECTION 15. 9.10 (4) (title) of the statutes is amended to read:

CS MILWAUKEE AREA

4

9.10 (4) (title) CITY, VILLAGE, TOWN, TOWN SANITARY DISTRICT, TECHNICAL COLLEGE DISTRICT, AND SCHOOL DISTRICT OFFICES.

6

SECTION 16. 9.10 (4) (a) of the statutes is amended to read:

7

9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town, Milwaukee area ~~technical college district~~, town sanitary district, or school district official, is offered

8

for filing, the officer against whom the petition is filed may file a written challenge with the ~~municipal clerk or board of election commissioners or school district clerk official or agency~~ with whom it is filed, specifying any alleged insufficiency. If a challenge is filed, the petitioner may file a written rebuttal to the challenge with the ~~clerk or board of election commissioners~~ official or agency within 5 days after the challenge is filed. If a rebuttal is filed, the officer against whom the petition is filed may file a reply to any new matter raised in the rebuttal within 2 days after the rebuttal is filed. Within 14 days after the expiration of the time allowed for filing a reply to a rebuttal, the ~~clerk or board of election commissioners~~ official or agency shall file the certificate or an amended certificate. Within 31 days after the petition is offered for filing, the ~~clerk or board of election commissioners~~ official or agency shall determine by careful examination of the face of the petition whether the petition is sufficient and shall so state in a certificate attached to the petition. If the petition is found to be insufficient, the certificate shall state the particulars creating the insufficiency. The petition may be amended to correct any insufficiency within 5 days following the affixing of the original certificate. Within 2 days after the offering of the amended petition for filing, the ~~clerk or board of election~~

1 ~~commissioners official or agency~~ shall again carefully examine the face of the petition  
 2 to determine sufficiency and shall attach to the petition a certificate stating the  
 3 findings. Immediately upon finding an original or amended petition sufficient,  
 4 except in cities over 500,000 population and in technical college districts, the  
 5 ~~municipal clerk or school district clerk~~ official shall transmit the petition to the  
 6 governing body or to the school board. Immediately upon finding an original or  
 7 amended petition sufficient, in cities over 500,000 population, the board of election  
 8 commissioners shall file the petition in its office. Immediately upon finding an  
 9 original or amended petition sufficient, ~~in technical college districts~~ <sup>the Milwaukee area</sup>, the government  
 10 accountability board shall file the petition in its office.

11 **SECTION 17.** 9.10 (4) (d) of the statutes is amended to read:

12 9.10 (4) (d) Promptly upon receipt of a certificate under par. (a), the governing  
 13 body, school board, ~~or~~ board of election commissioners, or government accountability  
 14 board shall call a recall election. The recall election shall be held on the Tuesday of  
 15 the 6th week commencing after the date on which the certificate is filed, except that  
 16 if Tuesday is a legal holiday the recall election shall be held on the first day after  
 17 Tuesday which is not a legal holiday.

18 **SECTION 18.** 9.10 (7) of the statutes is amended to read:

19 9.10 (7) PURPOSE. The purpose of this section is to facilitate the operation of  
 20 article XIII, section 12, of the constitution and to extend the same rights to electors  
 21 of cities, villages, towns, ~~technical college districts~~ <sup>the Milwaukee area</sup>, town sanitary districts, and  
 22 school districts.

23 **SECTION 19.** 11.26 (1) (c) of the statutes is amended to read:

24 11.26 (1) (c) Candidates for representative to the assembly or member of a  
 25 ~~technical college district board~~ <sup>the Milwaukee area</sup>, \$500.

1 SECTION 20. 11.26 (2) (c) of the statutes is amended to read:

2 11.26 (2) (c) Candidates for representative to the assembly or member of a  
3 ~~technical college district board~~, \$500.  
A the Milwaukee area

4 SECTION 21. 11.31 (1) (f) of the statutes is amended to read:

5 11.31 (1) (f) Candidates for representative to the assembly or member of a  
6 ~~technical college district board~~, \$17,250 total in the primary and election, with  
7 disbursements not exceeding \$10,775 for either the primary or the election.  
A the Milwaukee area

8 SECTION 22. 11.31 (1) (g) (intro.) of the statutes is amended to read:

9 11.31 (1) (g) (intro.) In any jurisdiction or district, other than a ~~technical college~~  
10 ~~district~~ judicial district or circuit, with a population of 500,000 or more according  
11 to the most recent federal census covering the entire jurisdiction or district:  
A the Milwaukee area technical college district or

12 SECTION 23. 17.01 (10m) of the statutes is created to read:

13 17.01 (10m) By a member of a ~~technical college district board~~, to the secretary  
14 of the district board.  
A the Milwaukee area

15 SECTION 24. 17.02 (2) of the statutes is created to read:

16 17.02 (2) ~~TECHNICAL COLLEGE DISTRICT BOARD~~. Of the resignation of a member  
17 of a ~~technical college district board~~, by the secretary of the district board to the  
18 government accountability board.  
A MILWAUKEE AREA  
A the Milwaukee area

19 SECTION 25. 17.17 (2) of the statutes is created to read:

20 17.17 (2) ~~TECHNICAL COLLEGE DISTRICT BOARD~~. In the office of member of a ~~the~~  
21 ~~technical college district board~~, by the secretary of the district board to the  
22 government accountability board.  
A MILWAUKEE AREA  
A the Milwaukee area

23 SECTION 26. 17.27 (3) of the statutes is repealed and recreated to read:

24 17.27 (3) ~~TECHNICAL COLLEGE DISTRICT BOARD~~. Except as provided in s. 9.10, a  
25 vacancy in the office of member of a ~~technical college district board~~ may be filled by  
A MILWAUKEE AREA  
A the Milwaukee area

1 temporary appointment of the remaining members of the district board. The  
 2 temporary appointee shall serve until a successor is elected and qualifies. If the  
 3 vacancy occurs in any year after the Tuesday after the first Monday in November, and  
 4 on or before April 15, the vacancy shall be filled for the residue of the unexpired term,  
 5 if any, at the succeeding general election. If the vacancy occurs in any year after April  
 6 15 or on or before the Tuesday after the first Monday in November, the vacancy shall  
 7 be filled for the residue of the unexpired term, if any, at the 2nd succeeding general  
 8 election.

9 ~~SECTION 27. 38.04 (15) of the statutes is repealed.~~

10 SECTION 28. 38.06 (6) of the statutes is created to read:

11 ~~for the Annapolis area technical college district~~

12 38.06 (6) Promptly upon issuance of a reorganization order by the board, the  
 13 director of the board shall transmit a copy of the order to the government  
 14 accountability board.

15 SECTION 29. 38.08 (1) (a) of the statutes is repealed and recreated to read:

16 38.08 (1) (a) A district board shall administer the district and shall be composed  
 17 of 9 members who are residents of the district. The members shall be elected to  
 18 represent numbered election districts within each technical college district by the  
 19 electors of each election district on a nonpartisan ballot at the general election. Each  
 20 member of the district board shall be an elector of the numbered election district  
 21 within the technical college district for which he or she seeks office.

22 SECTION 30. 38.08 (1) (b) of the statutes is amended to read:

23 38.08 (1) (b) District board members shall take office on July 1 the first Monday  
 24 in January following their election and shall serve ~~staggered 3-year~~ 4-year terms.

SECTION 31. 38.08 (1) (c) of the statutes is created to read:

XNS  
11  
10-10

1 ~~38.08 (1) (c) Promptly upon receipt of the determinations from the government~~  
2 ~~accountability board under s. 7.70 (6) and upon appointment of any person to fill a~~  
3 ~~temporary vacancy on the district board, the secretary of the district board shall send~~  
4 ~~written notification of the name and address of each member and expiration date of~~  
5 ~~each member's term to the director of the technical college system board.~~

6 ~~SECTION 32. 38.08 (1g), (2) and (2m) of the statutes are repealed.~~

7 ~~SECTION 33. 38.08 (6) of the statutes is created to read:~~

8 ~~38.08 (6) (a) Within 90 days after the population count by block, established~~  
9 ~~in the decennial federal census of population, and maps showing the location and~~  
10 ~~numbering of census blocks become available in printed form from the federal~~  
11 ~~government or are published for distribution by an agency of this state or within 90~~  
12 ~~days after alteration of the boundaries of an existing district, the district board of~~  
13 ~~each existing district shall apportion and prescribe the boundaries of 9 numbered~~  
14 ~~election districts within the district, to be as nearly equal in population as possible.~~  
15 ~~Within 90 days after the creation of any new district, the technical college system~~  
16 ~~board shall similarly apportion and prescribe the boundaries of 9 numbered election~~  
17 ~~districts within that district. Alterations in election districts resulting from~~  
18 ~~boundary changes to existing districts may be made only to the extent required to~~  
19 ~~facilitate the change. Insofar as possible, each election district shall be compact and~~  
20 ~~observe the community of interest of existing neighborhoods. A detailed map and~~  
21 ~~description of each election district prescribed by a district board shall be prepared~~  
22 ~~and transmitted by the district board to the director of the technical college system~~  
23 ~~board.~~

24 ~~(b) All proposed district boundaries prescribed by a district board under par.~~

25 ~~(a) shall become effective only upon their approval by the technical college system~~

1 board. If the technical college system board disapproves the proposed boundaries,  
2 the district board shall submit a revised districting plan for approval of the technical  
3 college system board. Upon approval of the election district boundaries within any  
4 district, the technical college system board shall promulgate the boundaries  
5 established under par. (a) as a rule under ch. 227. The boundaries shall become  
6 effective on the effective date of the rule.

7 **SECTION 34.** 38.10 of the statutes is repealed.

8 **SECTION 35. Nonstatutory provisions.**

9 (1) INITIAL ELECTION OF DISTRICT BOARDS. Notwithstanding section 38.08 (6) of  
10 the statutes, as created by this act, within 60 days after the effective date of this  
11 subsection, the appointment committee of each technical college district shall adopt  
12 and transmit to the secretary of each technical college district board and the director  
13 of the technical college system board an initial districting plan for election districts  
14 as required by section 38.08 (6) of the statutes, as created by this act. The technical  
15 college system board shall review and determine its approval or disapproval of each  
16 plan as promptly as possible. If a plan is rejected, the appointment committee shall  
17 submit a new plan for approval. Notwithstanding section 227.24 (1) (a), (2) (b), and  
18 (3) of the statutes, the technical college system board may promulgate the plan as an  
19 emergency rule under section 227.24 of the statutes without providing evidence that  
20 promulgating a rule under this subsection as an emergency rule is necessary for the  
21 preservation of the public peace, health, safety, or welfare, and is not required to  
22 provide a finding of emergency for a rule promulgated under this subsection.  
23 Notwithstanding section 227.24 (1) (c) of the statutes, an emergency rule  
24 promulgated under this subsection applies until a rule replacing that rule takes  
25 effect or until the actions specified in section 227.24 (1) (d) of the statutes occur,

1       whichever is sooner. Notwithstanding section 227.19 (4) to (6) of the statutes, the  
2       rule replacing a valid emergency rule adopted under this subsection may not contain  
3       any substantive change from the emergency rule. Notwithstanding sections 227.135  
4       (2) and (4) and 227.24 (1) (e) 1d. and 1g. of the statutes, a proposed emergency rule  
5       promulgated under this subsection and the statement of the scope of the proposed  
6       emergency rule are not subject to approval of the governor.

7       (2) TRANSITIONAL TERMS. Notwithstanding chapter 269, laws of 1981, section 22,  
8       and section 38.08 (1) (b) of the statutes, as affected by this act, the members of each  
9       technical college district board who hold office on the effective date of this subsection  
10      shall cease to hold office on January 7, 2013. At the 2012 general election, 9 members  
11      shall be elected to each technical college district board for terms commencing on  
12      January 7, 2013. Notwithstanding section 38.08 (1) (b) of the statutes, as affected  
13      by this act, the persons elected to represent election districts numbered 1 and 2 at  
14      that election shall serve for terms of one year, the persons elected to represent  
15      election districts numbered 3 and 4 at that election shall serve for terms of 2 years,  
16      the persons elected to represent election districts numbered 5 and 6 at that election  
17      shall serve for terms of 3 years, and the persons elected to represent election districts  
18      numbered 7, 8, and 9 at that election shall serve for terms of 4 years.

19      (3) VACANCIES. Notwithstanding section 38.10, 2009 stats., the appointment  
20      committee of each technical college district shall not make any appointment to a  
21      technical college district board for the purpose of filling a vacancy resulting from  
22      expiration of a term of office after the effective date of this subsection.

23      **SECTION 36. Effective dates.** This act takes effect on April 15, 2012, except  
24      as follows:

1 (1) The treatment of sections ~~17.01 (10m), 17.02 (2), 17.17 (2), 17.27 (3), 28.04~~  
2 ~~(15), 38.08 (1) (a), (b), and (c), (1g), (2), and (2m), 38.08 (6), and 38.10~~ of the statutes  
3 ~~takes effect on January 7, 2013."~~

4 (END)



*ANS 10-10:1*



1 38.06 (6) Promptly upon issuance of a reorganization order for the Milwaukee  
2 area technical college district by the board, the director of the board shall transmit  
3 a copy of the order to the government accountability board.

4 SECTION 30. 38.08 (1) (a) 1. of the statutes is amended to read:  
5 38.08 (1) (a) 1. ~~A~~ district board shall administer the district and shall be  
6 composed of 9 members who are residents of the district, including 2 employers, 2  
7 employees, 3 additional members, a school district administrator, as defined under  
8 s. 115.001 (8), and one elected official who holds a state or local office, as defined in  
9 s. 5.02. The board shall by rule define "employer" and "employee" for the purpose of  
10 this subdivision.

11 SECTION 31. 38.08 (1) (a) 1m. of the statutes is created to read:  
12 38.08 (1) (a) 1m. The members of the Milwaukee area district board shall be  
13 elected to represent numbered election districts within the Milwaukee area  
14 technical college district by the electors of each election district at the ~~spring~~ <sup>general</sup> election.  
15 Each member of the district board shall be an elector of the numbered election  
16 district within the technical college district for which he or she seeks office.

17 SECTION 32. 38.08 (1) (b) of the statutes is amended to read:  
18 38.08 (1) (b) ~~District~~ Except as provided in par. (c), district board members shall  
19 take office on July 1 and shall serve staggered 3-year terms.

20 SECTION 33. 38.08 (1) (c) of the statutes is created to read:  
21 38.08 (1) (c) District board members in the Milwaukee area technical college  
22 district shall ~~serve~~ <sup>take office on the first Monday in January following</sup> 4-year terms. Promptly upon receipt of the determinations from ~~the~~ <sup>the</sup>  
23 the government accountability board under s. 7.70 (6) and upon appointment of any ~~person~~ <sup>election</sup>  
24 person to fill a temporary vacancy on the district board, the secretary of the ~~district~~ <sup>and</sup>  
25 Milwaukee area technical college district board shall send written notification of the ~~board~~ <sup>shall</sup>

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1 name and address of each member and expiration date of each member's term to the  
2 director of the technical college system board.

3 **SECTION 34.** 38.08 (1g) of the statutes is repealed.

4 **SECTION 35.** 38.08 <sup>g</sup>(2) and (2m) of the statutes are amended to read:

5 38.08 (2) Members of a district board other than the Milwaukee area technical  
6 college district board shall serve until their successors are appointed and qualified.  
7 A vacancy shall be filled for any unexpired term of more than 90 days in the manner  
8 provided for the making of original appointments in s. 38.10, except that if a vacancy  
9 occurs within 120 days preceding a spring election, the vacancy need not be filled  
10 until 60 days after the spring election, in the manner provided in s. 38.10.

11 **(2m)** Any member of a district board other than the Milwaukee area technical  
12 college district board serving as an elected official under sub. (1) (a) 1. shall cease to  
13 be a member upon vacating his or her office as an elected official.

14 **SECTION 36.** 38.08 (6) of the statutes is created to read:

15 38.08 (6) (a) Within 90 days after the population count by block, established  
16 in the decennial federal census of population, and maps showing the location and  
17 numbering of census blocks become available in printed form from the federal  
18 government or are published for distribution by an agency of this state or within 90  
19 days after alteration of the boundaries of an existing district, the district board of the  
20 Milwaukee area technical college district shall apportion and prescribe the  
21 boundaries of 9 numbered election districts within the district, to be as nearly equal  
22 in population as possible. Alterations in election districts resulting from boundary  
23 changes to the existing district may be made only to the extent required to facilitate  
24 the change. Insofar as possible, each election district shall be compact and observe  
25 the community of interest of existing neighborhoods. A detailed map and description

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1 of each election district prescribed by the district board shall be prepared and  
2 transmitted by the district board to the director of the technical college system board.

3 (b) All proposed district boundaries prescribed by the Milwaukee area  
4 technical college district board under par. (a) shall become effective only upon their  
5 approval by the technical college system board. If the technical college system board  
6 disapproves the proposed boundaries, the district board shall submit a revised  
7 districting plan for approval of the technical college system board. Upon approval  
8 of the election district boundaries within any district, the technical college system  
9 board shall promulgate the boundaries established under par. (a) as a rule under ch.  
10 227. The boundaries shall become effective on the effective date of the rule.

11 **SECTION 37.** 38.10 (1) (intro.) of the statutes is amended to read:

12 38.10 (1) (intro.) District board members in districts other than the Milwaukee  
13 area technical college district shall be appointed by an appointment committee  
14 constituted as follows:

15 **SECTION 38. Nonstatutory provisions.**

16 (1) INITIAL ELECTION OF MILWAUKEE AREA TECHNICAL COLLEGE DISTRICT BOARDS.  
17 Notwithstanding section 38.08 (6) of the statutes, as created by this act, within ~~60~~ <sup>30</sup>  
18 days after the effective date of this subsection, the appointment committee of the  
19 Milwaukee area technical college district shall adopt and transmit to the secretary  
20 of the district board and the director of the technical college system board an initial  
21 districting plan for election districts as required by section 38.08 (6) of the statutes,  
22 as created by this act. The technical college system board shall review and determine  
23 its approval or disapproval of the plan as promptly as possible. If the plan is rejected,  
24 the appointment committee shall submit a new plan for approval. Notwithstanding  
25 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the technical college system

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1 board may promulgate the plan as an emergency rule under section 227.24 of the  
 2 statutes without providing evidence that promulgating a rule under this subsection  
 3 as an emergency rule is necessary for the preservation of the public peace, health,  
 4 safety, or welfare, and is not required to provide a finding of emergency for a rule  
 5 promulgated under this subsection. Notwithstanding section 227.24 (1) (c) of the  
 6 statutes, an emergency rule promulgated under this subsection applies until a rule  
 7 replacing that rule takes effect or until the actions specified in section 227.24 (1) (d)  
 8 of the statutes occur, whichever is sooner. Notwithstanding section 227.19 (4) to (6)  
 9 of the statutes, the rule replacing a valid emergency rule adopted under this  
 10 subsection may not contain any substantive change from the emergency rule.  
 11 Notwithstanding sections 227.135 (2) and (4) and 227.24 (1) (e) 1d. and 1g. of the  
 12 statutes, a proposed emergency rule promulgated under this subsection and the  
 13 statement of the scope of the proposed emergency rule are not subject to approval of  
 14 the governor.

15 (2) TRANSITIONAL TERMS. Notwithstanding chapter 269, laws of 1981, section 22,  
 16 and section 38.08 (1) (b) of the statutes, as affected by this act, the members of the  
 17 Milwaukee area technical college district board who hold office on the effective date  
 18 of this subsection shall cease to hold office on <sup>January 7</sup> July 1, 2013. At the <sup>2012 general</sup> ~~2012 spring~~  
 19 election, 9 members shall be elected to the technical college district board for terms  
 20 commencing on <sup>January 7,</sup> ~~July~~, 2013. Notwithstanding section 38.08 (1) (c) of the statutes,  
 21 as created by this act, the persons elected to represent election districts numbered  
 22 1 and 2 at that election shall serve for terms of one year, the persons elected to  
 23 represent election districts numbered 3 and 4 at that election shall serve for terms  
 24 of 2 years, the persons elected to represent election districts numbered 5 and 6 at that

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1 election shall serve for terms of 3 years, and the persons elected to represent election  
2 districts numbered 7, 8, and 9 at that election shall serve for terms of 4 years.

3 (3) VACANCIES. Notwithstanding section 38.10 of the statutes, the appointment  
4 committee of the Milwaukee area technical college district shall not make any  
5 appointment to the technical college district board for the purpose of filling a vacancy  
6 resulting from expiration of a term of office after the effective date of this subsection.

7 **SECTION 39. Effective dates.** This act takes effect on ~~August 1~~ <sup>April 15</sup>, 2012, except  
8 as follows:

9 (1) The treatment of sections 17.01 (10m), 17.02 (2), 17.17 (2), 17.27 (3), 38.08  
10 (1) (a) 1. and 1m., (b), and (c), (1g), (2), and (2m), 38.08 (6), and 38.10 (1) (intro.) of  
11 the statutes takes effect on ~~July 1~~ <sup>January 7</sup>, 2013.”.

12 (END)