



State of Wisconsin
2011 – 2012 LEGISLATURE



LRBa3023/1
JTK:wlj:rs

**ASSEMBLY AMENDMENT 61,
TO 2011 SENATE BILL 275**

March 15, 2012 – Offered by Representative MASON.

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 “the Nicolet area technical college district board, providing an exemption
5 from and extending the time limit for emergency rule procedures, and granting
6 rule-making 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 the
12 Nicolet area 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 the Nicolet area technical
3 college district board members, municipal officers, nonpartisan county officers and
4 sewerage commissioners and to express preferences for the person to be the
5 presidential candidate for each party in a year in which electors for president and
6 vice president 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 the Nicolet area
11 technical 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, the Nicolet area technical college district board members, and
16 district attorney within each prosecutorial district by using the same procedure as
17 provided in s. 5.60 (1) (b). On each ballot and on each separate column or row on the
18 ballot, the candidates for office shall be listed together with the offices which they
19 seek in the following order whenever these offices appear on the partisan primary
20 ballot: governor, lieutenant governor, attorney general, secretary of state, state
21 treasurer, U.S. senator, U.S. representative in congress, state senator,
22 representative to the assembly, Nicolet area technical college district board member,
23 district attorney and the county 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, Nicolet area technical college district, and county offices
4 in the same 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; members of the Nicolet area technical college
10 district 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 Nicolet area technical college district board,
10 district attorney, and metropolitan sewerage commissioners, if the commissioners
11 are 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; circuit judge; Nicolet
10 area technical college district board member; district attorney; metropolitan
11 sewerage commission, if the commissioners are elected under s. 200.09 (11) (am); and
12 for any referenda questions submitted by the legislature.

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

14 7.70 (6) NICOLET AREA TECHNICAL COLLEGE DISTRICT BOARD MEMBERS;
15 DETERMINATIONS. The government accountability board shall transmit to the
16 secretary of the technical college district board a copy of the certified determination
17 of the chairperson of the government accountability board or his or her designee for
18 the election of each member of the Nicolet area 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 the Nicolet area technical college
21 district board from 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, town sanitary, or school district, or
25 of the Nicolet area technical college district, or of any prosecutorial unit may petition

1 for the recall of any incumbent elective official by filing a petition with the same
2 official or agency with whom nomination papers or declarations of candidacy for the
3 office are filed 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, Nicolet area the Nicolet
6 area technical college district, town sanitary district, or school district office shall
7 contain a statement of a reason for the recall which is related to the official
8 responsibilities of the official for whom 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, Nicolet area technical college district, town sanitary district,
16 or school district officer, a statement of a reason for the recall which is related to the
17 official responsibilities of the official for whom removal is sought. No petitioner may
18 circulate a petition for the recall of an officer prior to completing registration. The
19 last date that a petition for the recall of an officer may be offered for filing is 5 p.m.
20 on the 60th day commencing after registration. After the recall petition has been
21 offered for filing, no name may be added or removed. No signature may be counted
22 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, Nicolet area technical college district, town sanitary district,

1 and school district officials. City, village, town, Nicolet area technical college district,
2 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:

4 **9.10 (4)** (title) CITY, VILLAGE, TOWN, TOWN SANITARY DISTRICT, NICOLET AREA
5 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,
8 Nicolet area technical college district, town sanitary district, or school district
9 official, is offered for filing, the officer against whom the petition is filed may file a
10 written challenge with the ~~municipal clerk or board of election commissioners or~~
11 ~~school district clerk official or agency~~ with whom it is filed, specifying any alleged
12 insufficiency. If a challenge is filed, the petitioner may file a written rebuttal to the
13 challenge with the ~~clerk or board of election commissioners~~ official or agency within
14 5 days after the challenge is filed. If a rebuttal is filed, the officer against whom the
15 petition is filed may file a reply to any new matter raised in the rebuttal within 2 days
16 after the rebuttal is filed. Within 14 days after the expiration of the time allowed for
17 filing a reply to a rebuttal, the ~~clerk or board of election commissioners~~ official or
18 agency shall file the certificate or an amended certificate. Within 31 days after the
19 petition is offered for filing, the ~~clerk or board of election commissioners~~ official or
20 agency shall determine by careful examination of the face of the petition whether the
21 petition is sufficient and shall so state in a certificate attached to the petition. If the
22 petition is found to be insufficient, the certificate shall state the particulars creating
23 the insufficiency. The petition may be amended to correct any insufficiency within
24 5 days following the affixing of the original certificate. Within 2 days after the
25 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 the Nicolet area technical college districts,
10 the government 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, the Nicolet area technical college districts, town sanitary
22 districts, and 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 the
25 Nicolet area technical college district board, \$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 the
3 Nicolet area technical college district board, \$500.

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 the
6 Nicolet area technical college district board, \$17,250 total in the primary and
7 election, with disbursements not exceeding \$10,775 for either the primary or the
8 election.

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

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

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

15 17.01 **(10m)** By a member of the Nicolet area technical college district board,
16 to the secretary of the district board.

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

18 17.02 **(2)** NICOLET AREA TECHNICAL COLLEGE DISTRICT BOARD. Of the resignation
19 of the Nicolet area member of a technical college district board, by the secretary of
20 the district board to the government accountability board.

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

22 17.17 **(2)** NICOLET AREA TECHNICAL COLLEGE DISTRICT BOARD. In the office of
23 member of a technical college district board, by the secretary of the district board to
24 the government accountability board.

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

1 17.27 (3) NICOLET AREA TECHNICAL COLLEGE DISTRICT BOARD. Except as provided
2 in s. 9.10, a vacancy in the office of member of the Nicolet area technical college
3 district board may be filled by temporary appointment of the remaining members of
4 the district board. The temporary appointee shall serve until a successor is elected
5 and qualifies. If the vacancy occurs in any year after the Tuesday after the first
6 Monday in November, and on or before April 15, the vacancy shall be filled for the
7 residue of the unexpired term, if any, at the succeeding general election. If the
8 vacancy occurs in any year after April 15 or on or before the Tuesday after the first
9 Monday in November, the vacancy shall be filled for the residue of the unexpired
10 term, if any, at the 2nd succeeding general election.

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

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

15 **SECTION 30.** 38.08 (1) (a) 1. of the statutes is amended to read:

16 38.08 (1) (a) 1. ~~A~~ Except as provided in subd. 1m., a district board shall
17 administer the district and shall be composed of 9 members who are residents of the
18 district, including 2 employers, 2 employees, 3 additional members, a school district
19 administrator, as defined under s. 115.001 (8), and one elected official who holds a
20 state or local office, as defined in s. 5.02. The board shall by rule define “employer”
21 and “employee” for the purpose of this subdivision.

22 **SECTION 31.** 38.08 (1) (a) 1m. of the statutes is created to read:

23 38.08 (1) (a) 1m. The members of the Nicolet area district board shall be elected
24 to represent numbered election districts within the Nicolet area technical college
25 district by the electors of each election district at the general election. Each member

1 of the district board shall be an elector of the numbered election district within the
2 technical college district for which he or she seeks office.

3 **SECTION 32.** 38.08 (1) (b) of the statutes is amended to read:

4 38.08 (1) (b) ~~District~~ Except as provided in par. (c), district board members shall
5 take office on July 1 and shall serve staggered 3–year terms.

6 **SECTION 33.** 38.08 (1) (c) of the statutes is created to read:

7 38.08 (1) (c) District board members in the Nicolet area technical college
8 district take office on the first Monday in January following their election and shall
9 shall serve 4–year terms. Promptly upon receipt of the determinations from the
10 government accountability board under s. 7.70 (6) and upon appointment of any
11 person to fill a temporary vacancy on the district board, the secretary of the Nicolet
12 area technical college district board shall send written notification of the name and
13 address of each member and expiration date of each member’s term to the director
14 of the technical college system board.

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

16 **SECTION 35.** 38.08 (2) and (2m) of the statutes are amended to read:

17 38.08 (2) Members of a district board other than the Nicolet area technical
18 college district board shall serve until their successors are appointed and qualified.

19 A vacancy shall be filled for any unexpired term of more than 90 days in the manner
20 provided for the making of original appointments in s. 38.10, except that if a vacancy
21 occurs within 120 days preceding a spring election, the vacancy need not be filled
22 until 60 days after the spring election, in the manner provided in s. 38.10.

23 **(2m)** Any member of a district board other than the Nicolet area technical
24 college district board serving as an elected official under sub. (1) (a) 1. shall cease to
25 be a member upon vacating his or her office as an elected official.

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

2 38.08 **(6)** (a) Within 90 days after the population count by block, established
3 in the decennial federal census of population, and maps showing the location and
4 numbering of census blocks become available in printed form from the federal
5 government or are published for distribution by an agency of this state or within 90
6 days after alteration of the boundaries of an existing district, the district board of the
7 Nicolet area technical college district shall apportion and prescribe the boundaries
8 of 9 numbered election districts within the district, to be as nearly equal in
9 population as possible. Alterations in election districts resulting from boundary
10 changes to the existing district may be made only to the extent required to facilitate
11 the change. Insofar as possible, each election district shall be compact and observe
12 the community of interest of existing neighborhoods. A detailed map and description
13 of each election district prescribed by the district board shall be prepared and
14 transmitted by the district board to the director of the technical college system board.

15 (b) All proposed district boundaries prescribed by the Nicolet area technical
16 college district board under par. (a) shall become effective only upon their approval
17 by the technical college system board. If the technical college system board
18 disapproves the proposed boundaries, the district board shall submit a revised
19 districting plan for approval of the technical college system board. Upon approval
20 of the election district boundaries within any district, the technical college system
21 board shall promulgate the boundaries established under par. (a) as a rule under ch.
22 227. The boundaries shall become effective on the effective date of the rule.

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

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

4 **SECTION 38. Nonstatutory provisions.**

5 (1) INITIAL ELECTION OF NICOLET AREA TECHNICAL COLLEGE DISTRICT BOARDS.
6 Notwithstanding section 38.08 (6) of the statutes, as created by this act, within 30
7 days after the effective date of this subsection, the appointment committee of the
8 Nicolet area technical college district shall adopt and transmit to the secretary of the
9 district board and the director of the technical college system board an initial
10 districting plan for election districts as required by section 38.08 (6) of the statutes,
11 as created by this act. The technical college system board shall review and determine
12 its approval or disapproval of the plan as promptly as possible. If the plan is rejected,
13 the appointment committee shall submit a new plan for approval. Notwithstanding
14 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the technical college system
15 board may promulgate the plan as an emergency rule under section 227.24 of the
16 statutes without providing evidence that promulgating a rule under this subsection
17 as an emergency rule is necessary for the preservation of the public peace, health,
18 safety, or welfare, and is not required to provide a finding of emergency for a rule
19 promulgated under this subsection. Notwithstanding section 227.24 (1) (c) of the
20 statutes, an emergency rule promulgated under this subsection applies until a rule
21 replacing that rule takes effect or until the actions specified in section 227.24 (1) (d)
22 of the statutes occur, whichever is sooner. Notwithstanding section 227.19 (4) to (6)
23 of the statutes, the rule replacing a valid emergency rule adopted under this
24 subsection may not contain any substantive change from the emergency rule.
25 Notwithstanding sections 227.135 (2) and (4) and 227.24 (1) (e) 1d. and 1g. of the

1 statutes, a proposed emergency rule promulgated under this subsection and the
2 statement of the scope of the proposed emergency rule are not subject to approval of
3 the governor.

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

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

21 **SECTION 39. Effective dates.** This act takes effect on April 15, 2012, except
22 as follows:

