



State of Wisconsin
2011 – 2012 LEGISLATURE



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JTK:wlj:ch

**ASSEMBLY AMENDMENT 64,
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 Wisconsin Indianhead technical college district board, providing an
5 exemption from and extending the time limit for emergency rule procedures, and
6 granting 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 Wisconsin Indianhead technical college district board, and a school board members
13 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 Wisconsin Indianhead
3 technical college district board members, municipal officers, nonpartisan county
4 officers and sewerage commissioners and to express preferences for the person to be
5 the 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 Wisconsin
11 Indianhead 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 Wisconsin Indianhead technical college district board
16 members, and district attorney within each prosecutorial district by using the same
17 procedure as provided in s. 5.60 (1) (b). On each ballot and on each separate column
18 or row on the ballot, the candidates for office shall be listed together with the offices
19 which they seek in the following order whenever these offices appear on the partisan
20 primary ballot: governor, lieutenant governor, attorney general, secretary of state,
21 state treasurer, U.S. senator, U.S. representative in congress, state senator,
22 representative to the assembly, Wisconsin Indianhead technical college district
23 board member, 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, Wisconsin Indianhead technical college district, and
4 county offices 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 Wisconsin Indianhead
10 technical college district board; district attorneys; and metropolitan sewerage
11 commissioners, if the commissioners are elected under s. 200.09 (11) (am). If a
12 municipal judge elected under s. 755.01 (4) serves a municipality that is located
13 partially within the county and candidates for that judgeship file nomination papers
14 in another county, the board of canvassers shall prepare a duplicate statement
15 showing the numbers of votes cast for that judgeship in that county for transmittal
16 to the other county. For partisan candidates, the statements shall include the
17 political party or principle designation, if any, next to the name of each candidate.
18 The board of canvassers shall also prepare a statement showing the results of any
19 county, technical college district, or statewide referendum. Each statement shall
20 state the total number of votes cast in the county for each office; the names of all
21 persons for whom the votes were cast, as returned; the number of votes cast for each
22 person; and the number of votes cast for and against any question submitted at a
23 referendum. The board of canvassers shall use one copy of each duplicate statement
24 to report to the government accountability board, technical college district board, or

1 board of canvassers of any other county and shall file the other statement in the office
2 of the county clerk or 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 Wisconsin Indianhead technical college district
10 board, district attorney, and metropolitan sewerage commissioners, if the
11 commissioners are elected under s. 200.09 (11) (am). The statement shall record the
12 returns for each office or referendum by ward, unless combined returns are
13 authorized under s. 5.15 (6) (b) in which case the statement shall record the returns
14 for each group of combined wards. Following primaries the county clerk shall enclose
15 on forms prescribed by the government accountability board the names, party or
16 principle designation, if any, and number of votes received by each candidate
17 recorded in the same manner. The county clerk shall deliver or transmit the certified
18 statement to the government accountability board no later than 9 days after each
19 primary except the partisan primary, no later than 10 days after the partisan
20 primary and any other election except the general election, and no later than 14 days
21 after the general election. The board of canvassers shall deliver or transmit a
22 certified copy of each statement for any technical college district referendum to the
23 secretary of the 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; Wisconsin
10 Indianhead 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) WISCONSIN INDIANHEAD 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 Wisconsin Indianhead 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 Wisconsin Indianhead technical
21 college district board from any election district, not less than 200 nor more than 400
22 electors.

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

24 9.10 (1) (a) The qualified electors of the state, of any county, city, village, or
25 town, of any congressional, legislative, judicial, town sanitary, or school district, or

1 of the Wisconsin Indianhead technical college district, or of any prosecutorial unit
2 may petition for the recall of any incumbent elective official by filing a petition with
3 the same official or agency with whom nomination papers or declarations of
4 candidacy for the office are filed demanding the recall of the officeholder.

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

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

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

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

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

1 9.10 (3) (a) This subsection applies to the recall of all elective officials other
2 than city, village, town, Wisconsin Indianhead technical college district, town
3 sanitary district, and school district officials. City, village, town, Wisconsin
4 Indianhead technical college district, town sanitary district, and school district
5 officials are recalled under sub. (4).

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

7 9.10 (4) (title) CITY, VILLAGE, TOWN, TOWN SANITARY DISTRICT, WISCONSIN
8 INDIANHEAD TECHNICAL COLLEGE DISTRICT, AND SCHOOL DISTRICT OFFICES.

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

10 9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town,
11 Wisconsin Indianhead technical college district, town sanitary district, or school
12 district official, is offered for filing, the officer against whom the petition is filed may
13 file a written challenge with the ~~municipal clerk or board of election commissioners~~
14 ~~or school district clerk official or agency~~ with whom it is filed, specifying any alleged
15 insufficiency. If a challenge is filed, the petitioner may file a written rebuttal to the
16 challenge with the ~~clerk or board of election commissioners~~ official or agency within
17 5 days after the challenge is filed. If a rebuttal is filed, the officer against whom the
18 petition is filed may file a reply to any new matter raised in the rebuttal within 2 days
19 after the rebuttal is filed. Within 14 days after the expiration of the time allowed for
20 filing a reply to a rebuttal, the ~~clerk or board of election commissioners~~ official or
21 agency shall file the certificate or an amended certificate. Within 31 days after the
22 petition is offered for filing, the ~~clerk or board of election commissioners~~ official or
23 agency shall determine by careful examination of the face of the petition whether the
24 petition is sufficient and shall so state in a certificate attached to the petition. If the
25 petition is found to be insufficient, the certificate shall state the particulars creating

1 the insufficiency. The petition may be amended to correct any insufficiency within
2 5 days following the affixing of the original certificate. Within 2 days after the
3 offering of the amended petition for filing, the ~~clerk or board of election~~
4 ~~commissioners~~ official or agency shall again carefully examine the face of the petition
5 to determine sufficiency and shall attach to the petition a certificate stating the
6 findings. Immediately upon finding an original or amended petition sufficient,
7 except in cities over 500,000 population and in technical college districts, the
8 ~~municipal clerk or school district clerk~~ official shall transmit the petition to the
9 governing body or to the school board. Immediately upon finding an original or
10 amended petition sufficient, in cities over 500,000 population, the board of election
11 commissioners shall file the petition in its office. Immediately upon finding an
12 original or amended petition sufficient, in the Wisconsin Indianhead technical
13 college districts, the government accountability board shall file the petition in its
14 office.

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

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

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

23 9.10 (7) PURPOSE. The purpose of this section is to facilitate the operation of
24 article XIII, section 12, of the constitution and to extend the same rights to electors

1 of cities, villages, towns, the Wisconsin Indianhead technical college districts, town
2 sanitary districts, and school districts.

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

4 11.26 **(1)** (c) Candidates for representative to the assembly or member of the
5 Wisconsin Indianhead technical college district board, \$500.

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

7 11.26 **(2)** (c) Candidates for representative to the assembly or member of the
8 Wisconsin Indianhead technical college district board, \$500.

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

10 11.31 **(1)** (f) Candidates for representative to the assembly or member of the
11 Wisconsin Indianhead technical college district board, \$17,250 total in the primary
12 and election, with disbursements not exceeding \$10,775 for either the primary or the
13 election.

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

15 11.31 **(1)** (g) (intro.) In any jurisdiction or district, other than the Wisconsin
16 Indianhead technical college district or a judicial district or circuit, with a population
17 of 500,000 or more according to the most recent federal census covering the entire
18 jurisdiction or district:

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

20 17.01 **(10m)** By a member of the Wisconsin Indianhead technical college
21 district board, to the secretary of the district board.

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

23 17.02 **(2)** WISCONSIN INDIANHEAD TECHNICAL COLLEGE DISTRICT BOARD. Of the
24 resignation of the Wisconsin Indianhead member of a technical college district board,
25 by the secretary of the district board to the government accountability board.

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

2 17.17 **(2)** WISCONSIN INDIANHEAD TECHNICAL COLLEGE DISTRICT BOARD. In the
3 office of member of a technical college district board, by the secretary of the district
4 board to the government accountability board.

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

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

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

17 38.06 **(6)** Promptly upon issuance of a reorganization order for the Wisconsin
18 Indianhead technical college district by the board, the director of the board shall
19 transmit a copy of the order to the government accountability board.

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

21 38.08 **(1)** (a) 1. ~~A~~ Except as provided in subd. 1m., a district board shall
22 administer the district and shall be composed of 9 members who are residents of the
23 district, including 2 employers, 2 employees, 3 additional members, a school district
24 administrator, as defined under s. 115.001 (8), and one elected official who holds a

1 state or local office, as defined in s. 5.02. The board shall by rule define “employer”
2 and “employee” for the purpose of this subdivision.

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

4 38.08 (1) (a) 1m. The members of the Wisconsin Indianhead district board shall
5 be elected to represent numbered election districts within the Wisconsin Indianhead
6 technical college district by the electors of each election district at the general
7 election. Each member of the district board shall be an elector of the numbered
8 election district within the technical college district for which he or she seeks office.

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

10 38.08 (1) (b) ~~District~~ Except as provided in par. (c), district board members shall
11 take office on July 1 and shall serve staggered 3–year terms.

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

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

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

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

23 38.08 (2) Members of a district board other than the Wisconsin Indianhead
24 technical college district board shall serve until their successors are appointed and
25 qualified. A vacancy shall be filled for any unexpired term of more than 90 days in

1 the manner provided for the making of original appointments in s. 38.10, except that
2 if a vacancy occurs within 120 days preceding a spring election, the vacancy need not
3 be filled until 60 days after the spring election, in the manner provided in s. 38.10.

4 **(2m)** Any member of a district board other than the Wisconsin Indianhead
5 technical college district board serving as an elected official under sub. (1) (a) 1. shall
6 cease to be a member upon vacating his or her office as an elected official.

7 **SECTION 36.** 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 the
13 Wisconsin Indianhead technical college district shall apportion and prescribe the
14 boundaries of 9 numbered election districts within the district, to be as nearly equal
15 in population as possible. Alterations in election districts resulting from boundary
16 changes to the existing district may be made only to the extent required to facilitate
17 the change. Insofar as possible, each election district shall be compact and observe
18 the community of interest of existing neighborhoods. A detailed map and description
19 of each election district prescribed by the district board shall be prepared and
20 transmitted by the district board to the director of the technical college system board.

21 (b) All proposed district boundaries prescribed by the Wisconsin Indianhead
22 technical college district board under par. (a) shall become effective only upon their
23 approval by the technical college system board. If the technical college system board
24 disapproves the proposed boundaries, the district board shall submit a revised
25 districting plan for approval of the technical college system board. Upon approval

1 of the election district boundaries within any district, the technical college system
2 board shall promulgate the boundaries established under par. (a) as a rule under ch.
3 227. The boundaries shall become effective on the effective date of the rule.

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

5 38.10 (1) (intro.) District board members in districts other than the Wisconsin
6 Indianhead technical college district shall be appointed by an appointment
7 committee constituted as follows:

8 **SECTION 38. Nonstatutory provisions.**

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

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

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

21 (3) VACANCIES. Notwithstanding section 38.10 of the statutes, the appointment
22 committee of the Wisconsin Indianhead technical college district shall not make any
23 appointment to the technical college district board for the purpose of filling a vacancy
24 resulting from expiration of a term of office after the effective date of this subsection.

