



State of Wisconsin
2011 - 2012 LEGISLATURE



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**ASSEMBLY AMENDMENT 49,
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 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 (2m) of the statutes is created to read:

13 **5.62 (2m) WISCONSIN INDIANHEAD TECHNICAL COLLEGE DISTRICT BOARD.** In those
14 years when a primary is scheduled, there shall be a separate ballot for member of the
15 Wisconsin Indianhead technical college district board. Arrangement of the names
16 on the ballot shall be determined by the government accountability board in the same
17 manner as provided under s. 5.60 (1) (b). The ballot shall be titled “Official Primary
18 Ballot for Wisconsin Indianhead Technical College District Board.”

19 **SECTION 3m.** 5.64 (1) (title) of the statutes is repealed and recreated to read:

20 **5.64 (1) (title) OFFICIAL BALLOT FOR PARTISAN OFFICES.**

21 **SECTION 4.** 5.64 (1m) of the statutes is created to read:

22 **5.64 (1m) WISCONSIN INDIANHEAD TECHNICAL COLLEGE DISTRICT BOARD.** In those
23 years when an election is scheduled, there shall be a separate ballot for each member
24 of the Wisconsin Indianhead technical college district board. The government
25 accountability board shall determine the official ballot arrangement for Wisconsin

1 Indianhead technical college district board candidates by using the same method as
2 that used under 5.60 (1) (b).

3 (b) Only the 2 candidates for election to the Wisconsin Indianhead technical
4 college district board receiving the highest numbers of votes within each election
5 district at the primary election shall be nominees for their respective offices at the
6 general election. Only their names shall appear on the official general election ballot.

7 **SECTION 6.** 7.60 (4) (a) of the statutes is amended to read:

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

1 to report to the government accountability board, technical college district board, or
2 board of canvassers of any other county and shall file the other statement in the office
3 of the county clerk or board of election commissioners.

4 **SECTION 7.** 7.60 (5) (a) of the statutes, as affected by 2011 Wisconsin Act 115,
5 is amended to read:

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

25 **SECTION 7m.** 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 8.** 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 technical college district
19 board.

20 **SECTION 10.** 8.11 (6) of the statutes is created to read:

21 8.11 (6) WISCONSIN INDIANHEAD TECHNICAL COLLEGE DISTRICT BOARD MEMBERS. A
22 primary shall be held in an election for any seat on Wisconsin Indianhead technical
23 college district board whenever there are more than 2 candidates in any election
24 district.

25 **SECTION 10e.** 8.15 (5) (a) of the statutes is amended to read:

1 8.15 (5) (a) ~~Each~~ Except as provided in par. (am), each nomination paper shall
2 have substantially the following words printed at the top:

3 I, the undersigned, request that the name of (insert candidate's last name plus
4 first name, nickname or initial, and middle name, former legal surname, nickname
5 or middle initial or initials if desired, but no other abbreviations or titles) residing
6 at (insert candidate's street address) be placed on the ballot at the (general or special)
7 election to be held on (date of election) as a candidate representing the (name of
8 party) so that voters will have the opportunity to vote for (him or her) for the office
9 of (name of office). I am eligible to vote in (name of jurisdiction or district in which
10 candidate seeks office). I have not signed the nomination paper of any other
11 candidate for the same office at this election.

12 **SECTION 10g.** 8.15 (5) (am) of the statutes is created to read:

13 8.15 (5) (am) For the office of member of the Wisconsin Indianhead technical
14 college district board, the nomination paper format under s. 8.10 (2) (b) shall apply
15 except that reference to the general election shall be inserted.

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

17 8.15 (6) (ds) For the office of member of the Wisconsin Indianhead technical
18 college district board from any election district, not less than 200 nor more than 400
19 electors.

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

21 9.10 (1) (a) The qualified electors of the state, of any county, city, village, or
22 town, of any congressional, legislative, judicial, Wisconsin Indianhead technical
23 college, town sanitary, or school district, or of any prosecutorial unit may petition for
24 the recall of any incumbent elective official by filing a petition with the same official

1 or agency with whom nomination papers or declarations of candidacy for the office
2 are filed demanding the recall of the officeholder.

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

4 9.10 (2) (b) A recall petition for a city, village, town, Wisconsin Indianhead
5 technical college district, town sanitary district, or school district office shall contain
6 a statement of a reason for the recall which is related to the official responsibilities
7 of the official for whom removal is sought.

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

9 9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless
10 the petitioner first files a registration statement under s. 11.05 (1) or (2) with the
11 filing officer with whom the petition is filed. The petitioner shall append to the
12 registration a statement indicating his or her intent to circulate a recall petition, the
13 name of the officer for whom recall is sought and, in the case of a petition for the recall
14 of a city, village, town, Wisconsin Indianhead technical college district, town sanitary
15 district, or school district officer, a statement of a reason for the recall which is related
16 to the official responsibilities of the official for whom removal is sought. No petitioner
17 may circulate a petition for the recall of an officer prior to completing registration.
18 The last date that a petition for the recall of an officer may be offered for filing is 5
19 p.m. on the 60th day commencing after registration. After the recall petition has
20 been offered for filing, no name may be added or removed. No signature may be
21 counted unless the date of the signature is within the period provided in this
22 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, Wisconsin Indianhead technical college district, town

1 sanitary district, and school district officials. City, village, town, Wisconsin
2 Indianhead technical college district, town sanitary district, and school district
3 officials are recalled under sub. (4).

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

5 9.10 (4) (title) CITY, VILLAGE, TOWN, TOWN SANITARY DISTRICT, WISCONSIN
6 INDIANHEAD TECHNICAL COLLEGE DISTRICT, AND SCHOOL DISTRICT OFFICES.

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

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

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

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

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

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

21 9.10 (7) PURPOSE. The purpose of this section is to facilitate the operation of
22 article XIII, section 12, of the constitution and to extend the same rights to electors
23 of cities, villages, towns, the Wisconsin Indianhead technical college district, town
24 sanitary districts, and school districts.

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

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

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

4 11.26 (2) (c) Candidates for representative to the assembly or member of the
5 Wisconsin Indianhead technical college district board, \$500.

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

7 11.31 (1) (f) Candidates for representative to the assembly or member of the
8 Wisconsin Indianhead technical college district board, \$17,250 total in the primary
9 and election, with disbursements not exceeding \$10,775 for either the primary or the
10 election.

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

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

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

17 17.01 (10m) By a member of the Wisconsin Indianhead technical college
18 district board, to the secretary of the district board.

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

20 17.02 (2) WISCONSIN INDIANHEAD TECHNICAL COLLEGE DISTRICT BOARD. Of the
21 resignation of a member of the Wisconsin Indianhead technical college district board,
22 by the secretary of the district board to the government accountability board.

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

1 17.17 (2) WISCONSIN INDIANHEAD TECHNICAL COLLEGE DISTRICT BOARD. In the
2 office of member of the Wisconsin Indianhead technical college district board, by the
3 secretary of the district board to the government accountability board.

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

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

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

16 38.06 (6) Promptly upon issuance of a reorganization order for the Wisconsin
17 Indianhead district by the board, the director of the board shall transmit a copy of
18 the order to the government accountability board.

19 **SECTION 28m.** 38.08 (1) (a) 1. of the statutes is amended to read:

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

1 **SECTION 29.** 38.08 (1) (a) 1m. of the statutes is created to read:

2 38.08 (1) (a) 1m. The members of the Wisconsin Indianhead district board shall
3 be elected to represent numbered election districts within the Wisconsin Indianhead
4 technical college district by the electors of each election district on a nonpartisan
5 ballot at the general election. Each member of the district board shall be an elector
6 of the numbered election district within the technical college district for which he or
7 she seeks office.

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

9 38.08 (1) (b) Except as provided in par. (c), district board members shall take
10 office on July 1 and shall serve staggered 3-year terms.

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

12 38.08 (1) (c) District board members in the Wisconsin Indianhead district shall
13 serve 4-year terms and shall take office on the first Monday in January following
14 their election. Promptly upon receipt of the determinations from the government
15 accountability board under s. 7.70 (6) and upon appointment of any person to fill a
16 temporary vacancy on the Wisconsin Indianhead district board, the secretary of the
17 district board shall send written notification of the name and address of each
18 member and expiration date of each member's term to the director of the technical
19 college system board.

20 **SECTION 31e.** 38.08 (1g) of the statutes is repealed.

21 **SECTION 31j.** 38.08 (2) and (2m) of the statutes are amended to read:

22 38.08 (2) Members of a district board other than the Wisconsin Indianhead
23 technical college district board shall serve until their successors are appointed and
24 qualified. A vacancy shall be filled for any unexpired term of more than 90 days in
25 the manner provided for the making of original appointments in s. 38.10, except that

1 if a vacancy occurs within 120 days preceding a spring election, the vacancy need not
2 be filled until 60 days after the spring election, in the manner provided in s. 38.10.

3 **(2m)** Any member of a district board other than the Wisconsin Indianhead
4 technical college district board serving as an elected official under sub. (1) (a) 1. shall
5 cease to be a member upon vacating his or her office as an elected official.

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

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

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

1 the boundaries established under par. (a) as a rule under ch. 227. The boundaries
2 shall become effective on the effective date of the rule.

3 **SECTION 34m.** 38.10 (1) (intro.) of the statutes is amended to read:

4 38.10 (1) (intro.) District board members in districts other than the Wisconsin
5 Indianhead technical college district shall be appointed by an appointment
6 committee constituted as follows:

7 **SECTION 35. Nonstatutory provisions.**

8 (1) INITIAL ELECTION OF WISCONSIN INDIANHEAD TECHNICAL COLLEGE DISTRICT
9 BOARD. Notwithstanding section 29, of the statutes, as created by this act, within 60
10 days after the effective date of this subsection, the appointment committee of the
11 Wisconsin Indianhead technical college district shall adopt and transmit to the
12 secretary of the technical college district board and the director of the technical
13 college system board an initial districting plan for election districts as required by
14 section 38.08 (6) of the statutes, as created by this act. The technical college system
15 board shall review and determine its approval or disapproval of each plan as
16 promptly as possible. If the plan is rejected, the appointment committee shall submit
17 a new plan for approval. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the
18 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 the
9 Wisconsin Indianhead technical college district board who hold office on the effective
10 date of this subsection shall cease to hold office on January 7, 2013. At the 2012
11 general election, 9 members shall be elected to the technical college district board for
12 terms commencing on January 7, 2013. Notwithstanding section 38.08 (1) (c) of the
13 statutes, as created by this act, the persons elected to represent election districts
14 numbered 1 and 2 at that election shall serve for terms of one year, the persons
15 elected to represent election districts numbered 3 and 4 at that election shall serve
16 for terms of 2 years, the persons elected to represent election districts numbered 5
17 and 6 at that election shall serve for terms of 3 years, and the persons elected to
18 represent election districts numbered 7, 8, and 9 at that election shall serve for terms
19 of 4 years.

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

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

