



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBs0329/1
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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2011 ASSEMBLY BILL 353**

February 15, 2012 – Offered by Representative HONADEL.

1 **AN ACT** *to renumber* 38.10 (2) (g); *to renumber and amend* 38.08 (1) (a) 1. and
2 38.10 (2) (c); *to amend* 38.08 (2m), 38.10 (2) (a) 2., 38.10 (2) (b), 38.10 (2) (f) and
3 38.10 (2) (fm); and *to create* 38.08 (1) (a) 1g., 38.10 (1) (d) and 38.10 (2) (g) 2.
4 of the statutes; **relating to:** the membership of Milwaukee area technical
5 college district board.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

6 **SECTION 1.** 38.08 (1) (a) 1. of the statutes is renumbered 38.08 (1) (a) 1. (intro.)
7 and amended to read:

8 38.08 (1) (a) 1. (intro.) A district board shall administer the district and, except
9 as provided in subd. 1g., shall be composed of 9 members who are residents of the
10 district, including 2 consisting of the following:

11 a. Two employers, 2.

- 1 **b.** Two employees,~~3.~~
2 **c.** Three additional members,~~a.~~
3 **d.** One school district administrator, as defined under s. 115.001 (8),~~and one.~~
4 **e.** One elected official who holds a state or local office, as defined in s. 5.02.

5 **1r.** The board shall by rule define “employer” and “employee” for the purpose
6 of ~~this subdivision~~ subd. 1. a. and b. For purposes of subd. 1g. a., “employer” means
7 a business entity, as defined in s. 13.62 (5), nonprofit organization that provides
8 health care services, credit union, or cooperative association.

9 **SECTION 2.** 38.08 (1) (a) 1g. of the statutes is created to read:

10 **38.08 (1) (a) 1g.** The district board governing the Milwaukee area technical
11 college shall be composed of 9 members who are residents of the district, consisting
12 of the following:

13 a. Six persons representing employers. Three of the members shall represent
14 employers with 30 or more employees, 3 of the members shall represent employers
15 with 100 or more employees, and at least 3 of the members shall represent employers
16 who are manufacturing businesses.

17 b. One school district administrator, as defined in s. 115.001 (8).

18 c. Two additional members.

19 **SECTION 3.** 38.08 (2m) of the statutes is amended to read:

20 **38.08 (2m)** Any member of a district board serving as an elected official under
21 sub. (1) (a) 1. e. shall cease to be a member upon vacating his or her office as an elected
22 official.

23 **SECTION 4.** 38.10 (1) (d) of the statutes is created to read:

24 **38.10 (1) (d)** Notwithstanding pars. (a) to (c), the county executive of
25 Milwaukee County and the chairpersons of the Milwaukee, Ozaukee, and

1 Washington County boards of supervisors shall constitute the appointment
2 committee for the district board governing the Milwaukee area technical college.

3 **SECTION 5.** 38.10 (2) (a) 2. of the statutes is amended to read:

4 38.10 (2) (a) 2. The chairperson of the appointment committee shall fix a date,
5 to be no later than 60 days after receipt of notification of the vacancy or term
6 expiration, or 60 days after a spring election if a vacancy occurs within 120 days
7 preceding a spring election, and a time and place for a public hearing and meeting
8 of the appointment committee to approve a representation plan required under par.
9 (c) 1. and to appoint district board members, and shall send written notice of the
10 public hearing and meeting to each district board member, each governing body
11 having a member on the appointment committee, each member of the appointment
12 committee and the board.

13 **SECTION 6.** 38.10 (2) (b) of the statutes is amended to read:

14 38.10 (2) (b) The appointment committee member from the appropriate
15 governmental unit specified under sub. (1) (a), (b) or (c) having the largest population
16 in the district shall act as chairperson of the appointment committee. The county
17 executive of Milwaukee County shall act as the chairperson of the appointment
18 committee for the district board governing the Milwaukee area technical college.

19 **SECTION 7.** 38.10 (2) (c) of the statutes is renumbered 38.10 (2) (c) 1. and
20 amended to read:

21 38.10 (2) (c) 1. At the meeting and prior to the appointment of district board
22 members, the appointment committee shall formulate a plan of representation for
23 the membership of the district board. The plan shall give equal consideration to the
24 general population distribution within the district and the distribution of women
25 and minorities within the district. ~~The plan of representation for the membership~~

1 of the district board that governs a district encompassing a 1st class city shall also
2 give equal consideration to the distribution of minorities within the 1st class city.
3 The plan shall form the basis upon which membership of the district board is
4 determined. This subdivision does not apply to the appointment committee for the
5 district board governing the Milwaukee area technical college.

6 2. The board shall review district board appointments to determine whether
7 they comply with the provisions of the plan of representation required under subd.
8 1. and the requirements of s. 38.08 (1) (a).

9 **SECTION 8.** 38.10 (2) (f) of the statutes is amended to read:

10 38.10 (2) (f) Selection of district board members and approval of a
11 representation plan required under par. (c) 1. by the appointment committee shall
12 be by majority vote of a quorum under par. (g). If the appointment committee cannot
13 reach agreement on the representation plan and district board membership within
14 30 days after their first meeting, the board shall formulate the plan of representation
15 and appoint the district board members in accordance with the plan.

16 **SECTION 9.** 38.10 (2) (fm) of the statutes is amended to read:

17 38.10 (2) (fm) If the board determines under par. (c) 2. that district board
18 appointments do not comply with the plan of representation required under par. (c)
19 1. or do not comply with s. 38.08 (1) (a), the board shall notify the appointment
20 committee that the district board appointments are in noncompliance. Within 45
21 days after receipt of the board's determination that the district board appointments
22 are in noncompliance, the appointment committee shall make district board
23 appointments that comply with the provisions of the plan of representation required
24 under par. (c) 1. and with s. 38.08 (1) (a). The board shall review any appointments
25 made under this paragraph. If the board determines that the appointments made

1 under this paragraph do not comply with a plan of representation required under
2 par. (c) 1. or do not comply with s. 38.08 (1) (a), the board shall formulate a plan of
3 representation that conforms with par. (c) 1. and the board shall appoint the district
4 board members in accordance with the plan of representation and with s. 38.08 (1)
5 (a).

6 **SECTION 10.** 38.10 (2) (g) of the statutes is renumbered 38.10 (2) (g) 1.

7 **SECTION 11.** 38.10 (2) (g) 2. of the statutes is created to read:

8 38.10 (2) (g) 2. Three members shall constitute a quorum for the appointment
9 committee for the district board governing the Milwaukee area technical college.

10 **SECTION 12. Nonstatutory provisions.**

11 (1) In this section, “employer” means a business entity, as defined in section
12 13.62 (5) of the statutes, nonprofit organization that provides health care services,
13 credit union, or cooperative association.

14 (2) Notwithstanding section 38.08 (1) (b) of the statutes, the initial members
15 of the district board governing the Milwaukee area technical college who are
16 specified in section 38.08 (1) (a) 1g., as created by this act, shall be appointed as
17 follows:

18 (a) Two of the members specified in section 38.08 (1) (a) 1g. a. of the statutes,
19 as created by this act, and the member specified in section 38.08 (1) (a) 1g. b. of the
20 statutes, as created by this act, shall have terms expiring on June 30, 2014. Of the
21 members specified in section 38.08 (1) (a) 1g. a. of the statutes, as created by this act,
22 who are appointed under this paragraph, one member shall represent employers
23 with 30 or more employees and one member shall represent employers with 100 or
24 more employees and one of those members shall represent employers who are
25 manufacturing businesses. The members appointed under this paragraph shall

1 replace the members of the district board appointed under section 38.08 (1) (a) 1.,
2 2009 stats., whose terms were scheduled to expire on June 30, 2012.

3 (b) Two of the members specified in section 38.08 (1) (a) 1g. a. of the statutes,
4 as created by this act, and one of the members specified in section 38.08 (1) (a) 1g.
5 c. of the statutes, as created by this act, shall have terms expiring on June 30, 2015.
6 Of the members specified in section 38.08 (1) (a) 1g. a. of the statutes, as created by
7 this act, who are appointed under this paragraph, one member shall represent
8 employers with 30 or more employees and one member shall represent employers
9 with 100 or more employees and one of those members shall represent employers
10 who are manufacturing businesses. The members appointed under this paragraph
11 shall replace the members of the district board appointed under section 38.08 (1) (a)
12 1., 2009 stats., whose terms were scheduled to expire on June 30, 2013.

13 (c) Two of the members specified in section 38.08 (1) (a) 1g. a. of the statutes,
14 as created by this act, and one of the members specified in section 38.08 (1) (a) 1g.
15 c. of the statutes, as created by this act, shall have terms expiring on June 30, 2016.
16 Of the members specified in section 38.08 (1) (a) 1g. a. of the statutes, as created by
17 this act, who are appointed under this paragraph, one member shall represent
18 employers with 30 or more employees and one member shall represent employers
19 with 100 or more employees and one of those members shall represent employers
20 who are manufacturing businesses. The members appointed under this paragraph
21 shall replace the members of the district board appointed under section 38.08 (1) (a)
22 1., 2009 stats., whose terms were scheduled to expire on June 30, 2014.

23 (END)