



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1712/1
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2011 ASSEMBLY BILL 353

October 31, 2011 – Introduced by Representatives HONADEL, BALLWEG, BIES, CRAIG, ENDSLEY, KOOYENGA, LEMAHIEU, MARKLEIN, PRIDEMORE, RIVARD, SPANBAUER, STRACHOTA and THIESFELDT, cosponsored by Senators GROTHMAN, COWLES, DARLING, GALLOWAY, LASEE and LAZICH. Referred to Committee on Colleges and Universities.

1 **AN ACT** *to renumber and amend* 38.08 (1); *to amend* 38.08 (2m), 38.10 (2) (c)
2 and 38.10 (2) (fm); and *to create* 38.08 (1b) of the statutes; **relating to:**
3 membership of technical college district boards.

Analysis by the Legislative Reference Bureau

Under current law, the Wisconsin technical college system consists of 16 technical college districts, which are administered by district boards. Each district board has the following nine members: two employers, two employees, one school district administrator, one elected state or local official, and three additional members. The employer and employee members must represent the various businesses and industries in the district. Members are appointed for three-year terms by appointment committees consisting of either county board chairs or school board presidents.

This bill changes the membership of district boards so that they consist of the following nine members: six business persons, one school district administrator, one elected state or local official, and one additional member. The bill defines “business person” as an owner, officer, director, member, manager, partner, operator, or employee of any of the following entities: 1) a business entity that is operated for profit; 2) a nonprofit hospital, clinic, or other health care organization or facility; or 3) a federal or state credit union. “Business person” is defined to also include a retired person who, prior to retirement, earned a substantial portion of his or her income as owner, officer, director, member, manager, partner, operator, or employee

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of any of the foregoing entities. The bill does not otherwise affect the requirements for appointing members.

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

1 **SECTION 1.** 38.08 (1) of the statutes is renumbered 38.08 (1d), and 38.08 (1d)

2 (a) 1. and 2., as renumbered, are amended to read:

3 38.08 **(1d)** (a) 1. A district board shall administer the district and shall be
4 composed of 9 members who are residents of the district, including ~~2 employers, 2~~
5 ~~employees, 3~~ 6 business persons, one additional member, a school district
6 administrator, as defined under s. 115.001 (8), and one elected official who holds a
7 state or local office, as defined in s. 5.02. ~~The board shall by rule define “employer”~~
8 ~~and “employee” for the purpose of this subdivision.~~

9 2. ~~The employer and employee~~ business person members of the district board
10 shall be representative of the various businesses and industries in the district. The
11 school district administrator shall be employed by the school board of a school district
12 located in the district. ~~Of the 3 additional members, no more than 2 may be~~
13 ~~employers, no more than 2 may be employees, no more than 3 may be school district~~
14 ~~administrators and no more than 3 may be elected officials.~~ No 2 members of the
15 district board may be officials of the same governmental unit nor may any district
16 board member be a member of the school board that employs the school district
17 administrator member.

18 **SECTION 2.** 38.08 (1b) of the statutes is created to read:

19 38.08 **(1b)** In this in section, “business person” means any of the following:

20 1. An owner, officer, director, member, manager, partner, operator, or employee
21 of any of the following entities:

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- 1 a. A business entity that is operated for profit.
- 2 b. A hospital, health care clinic, or other health care facility or organization,
3 that is nonprofit.
- 4 c. A federal or state credit union.

- 5 2. A retired person who, prior to retirement, earned a substantial portion of his
6 or her income as an owner, officer, director, member, manager, partner, operator, or
7 employee of any entity specified in subd. 1. a. to 1. c.

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

9 38.08 (2m) Any member of a district board serving as an elected official under
10 sub. ~~(1)~~ (1d) (a) 1. shall cease to be a member upon vacating his or her office as an
11 elected official.

12 **SECTION 4.** 38.10 (2) (c) of the statutes is amended to read:

13 38.10 (2) (c) At the meeting and prior to the appointment of district board
14 members, the appointment committee shall formulate a plan of representation for
15 the membership of the district board. The plan shall give equal consideration to the
16 general population distribution within the district and the distribution of women
17 and minorities within the district. The plan of representation for the membership
18 of the district board that governs a district encompassing a 1st class city shall also
19 give equal consideration to the distribution of minorities within the 1st class city.
20 The plan shall form the basis upon which membership of the district board is
21 determined. The board shall review district board appointments to determine
22 whether they comply with the provisions of the plan and the requirements of s. 38.08
23 ~~(1)~~ (1d) (a).

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

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1 38.10 **(2)** (fm) If the board determines under par. (c) that district board
2 appointments do not comply with the plan of representation under par. (c) or do not
3 comply with s. 38.08 ~~(1)~~ (1d) (a), the board shall notify the appointment committee
4 that the district board appointments are in noncompliance. Within 45 days after
5 receipt of the board's determination that the district board appointments are in
6 noncompliance, the appointment committee shall make district board appointments
7 that comply with the provisions of the plan of representation under par. (c) and with
8 s. 38.08 ~~(1)~~ (1d) (a). The board shall review any appointments made under this
9 paragraph. If the board determines that the appointments made under this
10 paragraph do not comply with a plan of representation under par. (c) or do not comply
11 with s. 38.08 ~~(1)~~ (1d) (a), the board shall formulate a plan of representation that
12 conforms with par. (c) and the board shall appoint the district board members in
13 accordance with the plan of representation and with s. 38.08 ~~(1)~~ (1d) (a).

SECTION 6. Nonstatutory provisions.

15 (1) TRANSITIONAL PROVISIONS.

16 (a) In this subsection:

17 1. "Appointment committee" means an appointment committee constituted
18 under section 38.10 (1) of the statutes.

19 2. "Additional member" means an additional member of a district board
20 specified in section 38.08 (1) (a) 1., 2009 stats., who is not an employer, employee,
21 school district administrator, or elected official member of the district board.

22 3. "Business person member" means a member of a district board that is a
23 business person, as defined in section 38.08 (1b) of the statutes, as created by this
24 act.

25 4. "District board" has the meaning given in section 38.01 (6) of the statutes.

