

2011 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB275)

Received: 02/23/2012

Received By: **mkunkel**

Wanted: **As time permits**

Companion to LRB:

For: **Dale Schultz (608) 266-0703**

By/Representing: **Dan Schmidt**

May Contact: **Dan Schmidt**

Drafter: **mkunkel**

Subject: **Higher Education - tech. college**

Addl. Drafters:

Extra Copies: **PG**

Submit via email: **YES**

Requester's email: **Sen.Schultz@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Membership on board

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	mkunkel 02/23/2012	jdyer 02/23/2012	rschluet 02/23/2012	_____	mbarman 02/23/2012	mbarman 02/23/2012	
/2	mkunkel 02/23/2012	jdyer 02/23/2012	jmurphy 02/23/2012	_____	sbasford 02/23/2012	sbasford 02/23/2012	

FE Sent For:

<END>

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/?							
/1	mkunkel 02/23/2012 mkunkel	jdyer 02/23/2012	rschluet 02/23/2012		mbarman 02/23/2012	mbarman 02/23/2012	

*PTA
when 12 is ready, call Dan Schmidt at Leg Council & give jacket to him. He will deliver to Sen Schultz.
MOK*

FE Sent For:

<END>

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Senate Amendment (SA-SSA1-SB275)

Received: **02/23/2012**

Received By: **mkunkel**

Wanted: **As time permits**

Companion to LRB:

For: **Sheila Harsdorf (608) 266-7745**

By/Representing: **Matt Wuebke**

May Contact:

Drafter: **mkunkel**

Subject: **Higher Education - tech. college**

Addl. Drafters:

Extra Copies: **PG**

Submit via email: **YES**

Requester's email: **Sen.Harsdorf@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

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See attached

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/1	mkunkel 02/23/2012	jdyer 02/23/2012	rschluet 02/23/2012	_____	mbarman 02/23/2012	mbarman 02/23/2012	

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Received: 02/23/2012

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Companion to LRB:

For: **Sheila Harsdorf (608) 266-7745**

By/Representing: **Matt Wuebke**

May Contact:

Drafter: **mkunkel**

Subject: **Higher Education - tech. college**

Addl. Drafters:

Extra Copies: **PG**

Submit via email: **YES**

Requester's email: **Sen.Harsdorf@legis.wisconsin.gov**

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No specific pre topic given

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/?	mkunkel	1/23 jld	1 2/23/12	_____	_____	_____	_____

FE Sent For:

<END>

Kunkel, Mark

From: Kunkel, Mark
Sent: Thursday, February 23, 2012 8:12 AM
To: Wuebke, Matt
Subject: RE: SB 275 amendment - RUSH

Regarding item 1 below:

A) Under current law, the appt committee for all tech college district boards must do to a plan of representation for membership on the district board that takes into account the general population distribution in the **district** and distribution of women and minorities in the population of the **district**.

B) Under current law, the plan for only the Milwaukee area tech college must also consider the distribution of minorities in the population of the **city**, not just the **district**.

The substitute amendment eliminates both items A and B above for the Milwaukee area tech college district. I assume that you want to retain current law for item A. But do also want to retain item B? *per Matt: include A & B*

Regarding item 2 below, do you want to add an elected official to the 9 members that are required under the substitute amendment, so that there are 10? That would create an even number of members who may not be able to resolve tied votes. Or do you want to replace one of the members? If so, which one? The substitute amendment has the following 9 members: 6 representing employers, 1 school district administrator, and 2 additional members. Also, if you want to replace one of the employer members, so that there are 5 instead of 6, do you want to change the requirement that 3 employer members represent businesses with 100 or more employees, 3 represent manufacturing businesses, and 3 represent businesses with 15 or more employees? On that last point, note that the substitute amendment says 30 or more employees, but based on item 3 below, you want to change 30 employees or more to 15 employees or more.

Let me know what you want to do regarding the above, and I will get you an amendment as soon as possible.

-- Mark

From: Wuebke, Matt
Sent: Wednesday, February 22, 2012 6:30 PM
To: Kunkel, Mark
Subject: SB 275 amendment - RUSH

per Matt: one of the additional members

Hi Mark,

I believe you drafted SB 275 and the substitute amendment. If not, please let me know and I can contact the correct drafter.

We would like to draft a simple amendment to the substitute amendment. The simple amendment would accomplish the following:

1. Require the Milwaukee Area Tech College to prepare a Plan of Representation for the board. I am told this is a requirement all other tech college boards must fulfill and would not be required under the sub amendment.
2. Require that one member of the board be an elected official. Again, my understanding is that this is required currently for tech college boards, but is not required under the sub amendment.
3. Lower the number of employees from 30 to 15 for eligible business owners for the board.

Let me know if you have any questions or concerns with this. The committee has a hearing tomorrow morning at 10AM, so if we could get the simple amendment by then, I would appreciate it.

Thanks
Matt Wuebke
Office of Sen. Sheila Harsdorf
800-862-1092



SENATE SUBSTITUTE AMENDMENT 1,
TO 2011 SENATE BILL 275

February 22, 2012 – Offered by Senator GROTHMAN.

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~~ ¹⁵ 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~~ ^{One}

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. or 1g. c.

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

c. One elected official who holds a state or local office, as defined in s. 5.02.

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~~

Same but w/ old - is in ?

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~~ ^{three} specified in section 38.08 (1) (a) 1g.
5 ~~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~~ ^{two} specified in section 38.08 (1) (a) 1g.
15 ~~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)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa2470/1

MDK:.....

NOTE

jld

now

**SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2011 SENATE BILL 275**

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 2, line 14: delete "30 or more" and substitute "15 or more".
- 3 **2.** Page 2, line 18: delete that line and substitute:
- 4 "c. One elected official who holds a state or local office, as defined in s. 5.02.
- 5 d. One additional member."
- 6 **3.** Page 2, line 21: delete "(1) (a) 1. e." and substitute "(1) (a) 1. e. or lg. c."
- 7 **4.** Page 3, line 2: delete the material beginning with that line and ending with
- 8 page 4, line 5 and substitute:
- 9 **38.10 (2) (c) 1.** At the meeting and prior to the appointment of district board
- 10 members, the appointment committee shall formulate a plan of representation for
- 11b the membership of the district board. The plan shall give equal consideration to the

SECTION 7m. 38.10 (2)(c) of the statutes is amended to read:

8
9
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11b

1 general population distribution within the district and the distribution of women
 2 and minorities within the district. The plan of representation for the membership
 3 of the district board that governs a district encompassing a 1st class city shall also
 4 give equal consideration to the distribution of minorities within the 1st class city.
 5 The plan shall form the basis upon which membership of the district board is
 6 determined." ✓

7 **5.** Page 6, line 4: delete "one of the members" and substitute "the member" ✓

8 **6.** Page 6, line 14: delete "one of the members" and substitute "the member" ✓

9 **7.** Page 6, line 15: delete "c. of the statute^s" and substitute "d. of the statutes" ✓

10

11

(END)

D-note
↓

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa2470/1dn

MDK:.....

date

jkd

Sen. Harsdorf: ✓

This amendment does the following: ✓

1. Reimposes the plan of representation requirements on the appointment of members to the Milwaukee area technical college district board. ✓ (board)
2. Substitutes one elected official for one of the additional members of the board. ✓
3. Requires certain members of the board to represent businesses with 15 or more employees, instead of businesses with 30 or more employees. ✓

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa2470/1dn
MDK:jld:rs

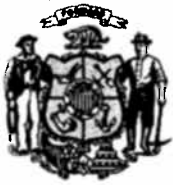
February 23, 2012

Sen. Harsdorf:

This amendment does the following:

1. Reimposes the plan of representation requirements on the appointment of members to the Milwaukee area technical college district board (board).
2. Substitutes one elected official for one of the additional members of the board.
3. Requires certain members of the board to represent businesses with 15 or more employees, instead of businesses with 30 or more employees.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov



State of Wisconsin
2011 - 2012 LEGISLATURE

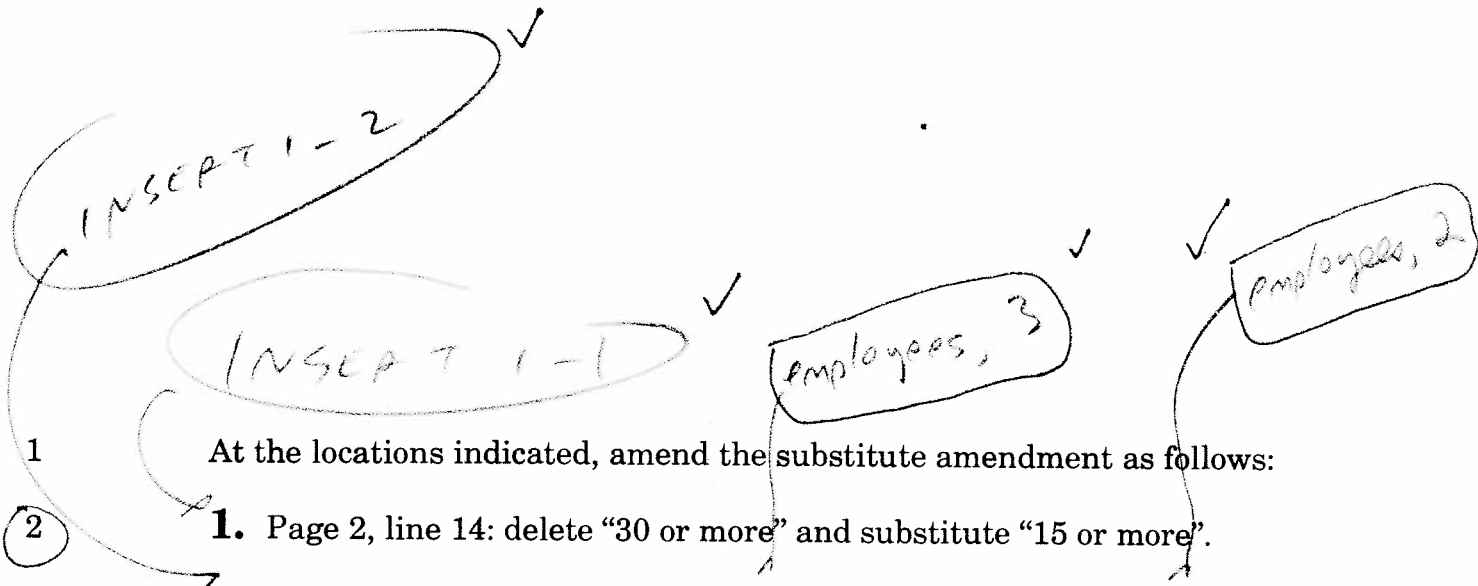


LRBa2470/A
MDK:jld:rs

NOW

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SENATE AMENDMENT,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2011 SENATE BILL 275



- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 2, line 14: delete "30 or more" and substitute "15 or more".
- 3 **2.** Page 2, line 18: delete that line and substitute:
- 4 "c. One elected official who holds a state or local office, as defined in s. 5.02.
- 5 d. ^{Two} ~~One~~ additional member". 5 ← letter
- 6 **3.** Page 2, line 21: delete "(1) (a) 1. e." and substitute "(1) (a) 1. e. or lg. c.".
- 7 **4.** Page 3, line 19: delete the material beginning with that line and ending with
- 8 page 4, line 5, and substitute:
- 9 "**SECTION 7m.** 38.10 (2) (c) of the statutes is amended to read:
- 10 38.10 (2) (c) 1. At the meeting and prior to the appointment of district board
- 11 members, the appointment committee shall formulate a plan of representation for

1 the membership of the district board. The plan shall give equal consideration to the
2 general population distribution within the district and the distribution of women
3 and minorities within the district. The plan of representation for the membership
4 of the district board that governs a district encompassing a 1st class city shall also
5 give equal consideration to the distribution of minorities within the 1st class city.
6 The plan shall form the basis upon which membership of the district board is
7 determined.”.

8 **5.** Page 6, line 4: delete “one of the members” and substitute “the member”.

9 **6.** Page 6, line 14: delete “one of the members” and substitute “the member”.

10 **7.** Page 6, line 15: delete “c. of the statutes” and substitute “d. of the statutes”.

11 (END)

INSEPT 2-7 ✓

INSEPT 2-8 ✓

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa2470/2ins
MDK:.....

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INSERT 1-1:

1. Page 2, line 13: delete "Six" and substitute "Five". ✓

INSERT 1-2:

2. Page 2, line 15: delete "at least 3" and substitute "at least 2". ✓

INSERT 2-7:

3. Page 5, line 23: delete "30 or more" and substitute "15 or more". ✓

INSERT 2-8:

4. Page 6, line 8: delete "30 or more" and substitute "15 or more". ✓

5. Page 6, line 13: delete lines 13 to ~~20~~²² and substitute:

"(c) One of the members specified in section 38.08 (1) (a) 1g. a. ✓ of the statutes, as created by this act, and the members specified in section ✓ 38.08 (1) (a) 1g. d. of the statutes, as created by this act, shall have terms expiring on ✓ June 30, 2016. The member specified in section 38.08 (1) (a) 1g. a. ✓ of the statutes, as created by this act, who is appointed under this paragraph shall represent employers with 15 or more employees. ✓ The members appointed under this paragraph shall replace the members of the district board appointed under section 38.08 (1) (a) 1., 2009 stats., whose terms were scheduled to expire on June 30, 2014." ✓