



State of Wisconsin
2011 – 2012 LEGISLATURE



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**SENATE SUBSTITUTE AMENDMENT 2,
TO 2011 SENATE BILL 275**

March 7, 2012 – Offered by Senator GROTHMAN.

1 **AN ACT** *to repeal* 38.08 (1g); *to renumber* 38.10 (2) (g); *to renumber and*
2 *amend* 38.08 (1) (a) 1. and 38.10 (2) (c); *to amend* 38.08 (2m), 38.10 (2) (a) 2.,
3 38.10 (2) (b), 38.10 (2) (f) and 38.10 (2) (fm); and *to create* 38.08 (1) (a) 1g., 38.10
4 (1) (d) and 38.10 (2) (g) 2. of the statutes; **relating to:** the membership of
5 Milwaukee area technical 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. Five persons representing employers. Three of the members shall represent
14 employers with 15 or more employees, 2 of the members shall represent employers
15 with 100 or more employees, and at least 2 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. One elected official who holds a state or local office, as defined in s. 5.02.

19 d. Two additional members.

20 **SECTION 3.** 38.08 (1g) of the statutes is repealed.

21 **SECTION 4.** 38.08 (2m) of the statutes is amended to read:

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

25 **SECTION 5.** 38.10 (1) (d) of the statutes is created to read:

1 38.10 (1) (d) Notwithstanding pars. (a) to (c), the county executive of
2 Milwaukee County and the chairpersons of the Milwaukee, Ozaukee, and
3 Washington County boards of supervisors shall constitute the appointment
4 committee for the district board governing the Milwaukee area technical college.

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

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

15 **SECTION 7.** 38.10 (2) (b) of the statutes is amended to read:

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

21 **SECTION 8.** 38.10 (2) (c) of the statutes is renumbered 38.10 (2) (c) 1. and
22 amended to read:

23 38.10 (2) (c) 1. At the meeting and prior to the appointment of district board
24 members, the appointment committee shall formulate a plan of representation for
25 the membership of the district board. The plan shall give equal consideration to the

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

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

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

17 **SECTION 10.** 38.10 (2) (fm) of the statutes is amended to read:

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

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

7 **SECTION 11.** 38.10 (2) (g) of the statutes is renumbered 38.10 (2) (g) 1.

8 **SECTION 12.** 38.10 (2) (g) 2. of the statutes is created to read:

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

11 **SECTION 13. Nonstatutory provisions.**

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

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

19 (a) Two of the members specified in section 38.08 (1) (a) 1g. a. of the statutes,
20 as created by this act, and the member specified in section 38.08 (1) (a) 1g. b. of the
21 statutes, as created by this act, shall have terms expiring on June 30, 2014. Of the
22 members specified in section 38.08 (1) (a) 1g. a. of the statutes, as created by this act,
23 who are appointed under this paragraph, one member shall represent employers
24 with 15 or more employees and one member shall represent employers with 100 or
25 more employees and one of those members shall represent employers who are

1 manufacturing businesses. The members appointed under this paragraph shall
2 replace the members of the district board appointed under section 38.08 (1) (a) 1.,
3 2009 stats., whose terms were scheduled to expire on June 30, 2012.

4 (b) Two of the members specified in section 38.08 (1) (a) 1g. a. of the statutes,
5 as created by this act, and one of the members specified in section 38.08 (1) (a) 1g.
6 d. of the statutes, as created by this act, shall have terms expiring on June 30, 2015.
7 Of the members specified in section 38.08 (1) (a) 1g. a. of the statutes, as created by
8 this act, who are appointed under this paragraph, one member shall represent
9 employers with 15 or more employees and one member shall represent employers
10 with 100 or more employees and one of those members shall represent employers
11 who are manufacturing businesses. The members appointed under this paragraph
12 shall replace the members of the district board appointed under section 38.08 (1) (a)
13 1., 2009 stats., whose terms were scheduled to expire on June 30, 2013.

14 (c) One of the members specified in section 38.08 (1) (a) 1g. a. of the statutes,
15 as created by this act, the member specified in section 38.08 (1) (a) 1g. c. of the
16 statutes, as created by this act, and one of the members specified in section 38.08 (1)
17 (a) 1g. d. of the statutes, as created by this act, shall have terms expiring on June 30,
18 2016. The members appointed under this paragraph shall replace the members of
19 the district board appointed under section 38.08 (1) (a) 1., 2009 stats., whose terms
20 were scheduled to expire on June 30, 2014.

21 (END)