

1987 Senate Bill 38

Date of enactment: November 20, 1987
Date of publication: November 30, 1987

1987 Wisconsin Act 94

AN ACT to amend 38.08 (1) (a) 2, 38.08 (2), 38.10 (2) (a) and 38.10 (2) (c); and to create 38.08 (2m) and 38.10 (2) (fm) of the statutes, relating to elected officials serving on vocational, technical and adult education district boards and filling vacancies on vocational, technical and adult education district boards.

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

SECTION 1. 38.08 (1) (a) 2 of the statutes is amended to read:

38.08 (1) (a) 2. The employer and employe members of the district board shall be representative of the various businesses and industries in the district. The school district administrator shall be employed by the school board of a school district located in the district. At least 2 of the members of the district board shall be elected officials ~~of a county board of supervisors, common council, village board of trustees, town board of supervisors or school board, but no who~~ hold a state or local office, as defined in s. 5.02, except for the office of party committeeman or party committeewoman. No 2 members of the district board may be officials of the same governmental unit nor may any district board member be a member of the school board that employs the school district administrator member.

SECTION 2. 38.08 (2) of the statutes is amended to read:

38.08 (2) Members of a district board shall serve until their successors are appointed and qualified. A vacancy shall be filled for any unexpired term of more than 90 days in the manner provided for the making of original appointments in s. 38.10, except that if a vacancy occurs within 120 days preceding a spring election, the vacancy need not be filled until 60 days after the spring election, in the manner provided in s. 38.10.

SECTION 3. 38.08 (2m) of the statutes is created to read:

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

SECTION 4. 38.10 (2) (a) of the statutes is amended to read:

38.10 (2) (a) 1. On or before the first Monday in March, or within 30 days of the date on which a vacancy on the district board ~~resulting from an uncompleted term~~ occurs, the district board secretary shall notify each member of the appointment commit-

tee, each governing body having a member on the appointment committee and the board of the vacancy or of terms of office which will expire during the year.

2. The chairperson of the appointment committee shall fix a date, to be no later than 60 days after receipt of notification of the vacancy or term expiration, or 60 days after a spring election if a vacancy occurs within 120 days preceding a spring election, and a time and place for a public hearing and meeting of the appointment committee to approve a representation plan and to appoint district board members, and shall send written notice of the public hearing and meeting to each district board member, each governing body having a member on the appointment committee, each member of the appointment committee and the board.

SECTION 5. 38.10 (2) (c) of the statutes is amended to read:

38.10 (2) (c) At the meeting and prior to the appointment of district board members, the appointment committee shall formulate a plan of representation for the membership of the district board. The plan shall give equal consideration to the general population distribution within the district and the distribution of women and minorities within the district. The plan shall form the basis upon which membership of the district board is determined. The board shall

~~require that review district board appointments to determine whether they~~ comply with the provisions of the plan and the requirements of s. 38.08 (1) (a).

SECTION 6. 38.10 (2) (fm) of the statutes is created to read:

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