

# State of Wisconsin



2011 Senate Bill 275

Date of enactment: **April 12, 2012**  
Date of publication\*: **April 26, 2012**

## 2011 WISCONSIN ACT 286

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

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

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

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

a. Two employers, ~~2~~

b. Two employees, ~~3~~

c. Three additional members, ~~a~~

d. One school district administrator, as defined under s. 115.001 (8), ~~and one~~

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

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

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

38.08 (1) (a) 1g. The district board governing the Milwaukee area technical college shall be composed of

9 members who are residents of the district, 7 of whom are residents of Milwaukee County, consisting of the following:

a. Five persons representing employers. Three of the members shall represent employers with 15 or more employees, 2 of the members shall represent employers with 100 or more employees, and at least 2 of the members shall represent employers who are manufacturing businesses.

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

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

d. Two additional members.

**SECTION 3.** 38.08 (1g) of the statutes is repealed.

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

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

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

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

\* Section 991.11, WISCONSIN STATUTES 2009-10: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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

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

38.10 (2) (a) 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 required under par. (c) 1. 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 7.** 38.10 (2) (b) of the statutes is amended to read:

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

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

38.10 (2) (c) 1. 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 of representation for the membership of the district board that governs a district encompassing a 1st class city shall also give equal consideration to the distribution of minorities within the 1st class city. The plan shall form the basis upon which membership of the district board is determined.

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

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

38.10 (2) (f) Selection of district board members and approval of a representation plan required under par. (c) 1. by the appointment committee shall be by majority vote of a quorum under par. (g). If the appointment committee cannot reach agreement on the representation plan and district board membership within 30 days after their first meeting, the board shall formulate the plan of repre-

sentation and appoint the district board members in accordance with the plan.

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

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

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

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

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

**SECTION 13. Nonstatutory provisions.**

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

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

(a) Two of the members specified in section 38.08 (1) (a) 1g. a. of the statutes, as created by this act, and the member specified in section 38.08 (1) (a) 1g. b. of the statutes, as created by this act, shall have terms expiring on June 30, 2014. Of the members specified in section 38.08 (1) (a) 1g. a. of the statutes, as created by this act, who are appointed under this paragraph, one member shall represent employers with 15 or more employees and one member shall represent employers with 100 or more employees and one of those members shall represent employers who are manufacturing businesses. The members appointed under this paragraph shall replace the members of the district board appointed under section

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38.08 (1) (a) 1., 2009 stats., whose terms were scheduled to expire on June 30, 2012.

(b) Two of the members specified in section 38.08 (1) (a) 1g. a. of the statutes, as created by this act, and one of 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, 2015. Of the members specified in section 38.08 (1) (a) 1g. a. of the statutes, as created by this act, who are appointed under this paragraph, one member shall represent employers with 15 or more employees and one member shall represent employers with 100 or more employees and one of those members shall represent employers who are manufacturing businesses. The members appointed under this paragraph shall replace

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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, 2013.

(c) One of the members specified in section 38.08 (1) (a) 1g. a. of the statutes, as created by this act, the member specified in section 38.08 (1) (a) 1g. c. of the statutes, as created by this act, and one of 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 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.