

No. 222, S.]

[Published August 13, 1959.

**CHAPTER 279**

AN ACT to repeal 39.05 (1m) ; to amend 39.05 (1) and 39.06 (3) ; and to create 39.06 (3a) of the statutes, relating to eligibility of county superintendent of schools, vacancies in said office, joint county superintendency, and related matters.

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

SECTION 1. 39.05 (1) of the statutes is amended to read:

39.05 (1) To be eligible to the office of county superintendent of schools a person must be a resident of the county; \* \* \* must be the holder of any degree from any college or university and *in addition* must hold a \* \* \* *school administrator's license as provided in orders of the department of public instruction, PI 3.10 (4)*. Qualification requirements provided by the \* \* \* 1959 amendment shall not apply to any person holding the office of county superintendent on June 15, \* \* \* 1959.

SECTION 2. 39.05 (1m) of the statutes is repealed.

SECTION 3. 39.06 (3) of the statutes is amended to read:

39.06 (3) The county boards of 2 or more counties may by the adoption of a joint resolution employ one superintendent of schools for their

counties. Such joint resolution shall be filed with their respective county clerks and the state superintendent before January 1 of the year in which an election for county superintendent is to be held. Such filing of the joint resolution shall terminate the position of county superintendent in the adopting counties at the end of the existing term. The resolution shall state that the position of superintendent of schools for the counties of ----- is created to become effective on July --, 19--, and that the election for that office shall be for superintendent of schools for the counties of ----- \* \* \* *The provisions of sub. (3a) (e) to (i) shall apply to such joint superintendencies.*

SECTION 4. 39.06 (3a) of the statutes is created to read:

39.06 (3a) (a) Whenever a vacancy occurs in the office of county superintendent of schools or at any other time except between the first day for circulating nomination papers for county superintendent and a date one year after the date of the election of county superintendent, the state superintendent may determine whether it is feasible to include the territory of any county with an adjacent county for services performed by the county superintendent. If, in the judgment of the state superintendent, the area in a county under the county superintendent's jurisdiction could feasibly be joined to an adjacent county the state superintendent shall publish a plan for such jointure in one or more newspapers in each of the counties affected by the plan and send notice thereof to the county clerk of each of the counties affected and to each county superintendent concerned. Such publication and notice to the county clerk shall give notice of the plan for attachment of the area within the county which is to be joined with a neighboring county for service by the county superintendent and it shall contain notice of the time and place of a public hearing and shall be published at least 10 days before the date of the hearing.

(b) The county clerk of each county affected by the plan proposed shall immediately notify the chairman of the county board of such proposal and each member of the education committee (if there is one) of such county board. If either county does not have a standing education committee, the chairman of the county board of such county shall immediately appoint a special committee consisting of supervisors who reside in the area served by the county superintendent of schools equal in number to the membership of the education committee of such other county affected. If the education committee of either county affected consists of less membership than the same committee of the other county affected, the chairman of the county board having the lesser membership on its committee shall appoint additional members from the area served by the county superintendent of schools until the committee membership equals in number the membership of the committee of the other county concerned. The chairman and each of these members shall be notified by the county clerk of the time and place of the public hearing published by the state superintendent of schools.

(c) The public hearing shall be conducted by the state superintendent or a member of his staff designated by him. After the public hearing, the chairman of each county board and the membership of the education committee (or its equivalent) from the 2 counties concerned who are in attendance, shall confer with the state superintendent or his representative. Before concluding such conference, the chairmen of the county boards and the members of the education committee of the 2 counties shall vote on the question, "Shall the county superintendent's districts of the 2 counties concerned be merged into a joint county superintendency?"

(d) If the majority of the representatives of the 2 county boards who were notified and are present and voting as individuals vote in the affirmative, they shall report their recommendation to the county board of supervisors of each county. The county boards shall vote to confirm or reject the proposal within 30 days of their notification. Confirmation shall be by majority vote of both county boards voting as provided in sub. (4). The county boards shall report their action to the state superintendent. If either votes in the negative, and a vacancy in the office of county superintendent exists, the state superintendent shall proceed to appoint a superintendent for the county in which the vacancy exists as otherwise directed by statute. If the proposal is made by reason of a vacancy, and is approved, the county superintendent of the county in which no vacancy exists, upon notification of affirmative action by both county boards, shall become the county superintendent of the joint county superintendency. If no vacancy exists, the plan shall be put into operation only when the term of the incumbent county superintendent expires unless a vacancy in the county superintendency occurs earlier in either county concerned whereupon the plan shall be put into effect immediately.

(e) When the joint county superintendency has gone into effect the county superintendent shall call a meeting of the education committee of the 2 counties concerned, or if there is no education committee, of the special committee appointed by the chairman to perform this function. Upon meeting, these committees shall organize into a joint county education committee by electing a chairman and vice-chairman. The county superintendent shall be secretary of the joint county education committee. The joint county education committee shall:

1. Determine the location of the office or offices of the county superintendent of schools.
2. Establish the salary of the superintendent and a procedure for the payment thereof.
3. Determine the method of compensating the county superintendent for his expenses as set forth in sub. (6).
4. Determine which county treasurer shall be treasurer of the joint county superintendency district.
5. Formulate a budget for the office.

(f) Each county shall assume its proportionate share of the costs of the operation of the joint county superintendency according to the ratio that the latest equalized valuation of the area served by the county superintendent in each county concerned bears to the total equalized valuation of the county superintendent's district in the counties concerned. When the tax levy necessary for the operation of the office of the county superintendent is approved by the county boards of the 2 counties, the county clerks shall place such levy upon the tax roll. Upon collection of the tax by the county treasurers the same shall be deposited to the credit of the joint county superintendent's account and dispersed according to the budget and reallocations made by the joint county education committee.

(g) Such joint county superintendency shall be entitled to the number of supervising teachers to which any other county superintendent's district would be entitled under s. 39.20.

(h) The county clerk of the county having the greater number of children between the ages of 4 and 20 years on its census on the preceding June 30 in the area served by the county superintendent shall be responsible for conducting the election of the county superintendent in the joint county superintendency which shall be allocated as a charge to each county as set forth in par. (f). The county clerk of the other county concerned

shall co-operate in conducting such an election as may be necessary, but filing of candidacy shall be with the county clerk of the county having the major number of children on its census as herein provided. The county clerk of such latter county shall also receive the election results and certify the candidate who is elected as such canvass of the election results indicates.

(i) The county superintendent of the joint county superintendency shall perform all of the duties for each of the counties that are prescribed for the county superintendent in a single county or superintendency district. He is authorized to delegate any secretarial duties prescribed by statute to other personnel in his office. Insofar as feasible, and not otherwise provided herein, he shall be governed by the general statutes and duties prescribed by statute for the county superintendent of schools in a single county or superintendency district.

(j) The county superintendent shall publish the budget formulated by the joint education committee as provided in s. 65.90. He shall notify each member of the county boards eligible to vote, according to sub. (4), of the public hearing. After the public hearing the members present shall, by majority vote, determine the budget and tax levy. The county superintendent shall thereupon calculate the amount to be levied in each of the counties and certify the proper amount to the county clerks concerned.

Approved July 31, 1959.

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