

1977 Assembly Bill 589

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CHAPTER 221, Laws of 1977

AN ACT to amend 116.03 (3), (4), (9) and (10), 116.04 and 116.07 (1) and (3); and to create 116.015 and 116.045 of the statutes, relating to miscellaneous changes in the laws relating to cooperative educational service agencies.

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

SECTION 1. 116.015 of the statutes is created to read:

116.015 Legal status. A cooperative educational service agency may in its name enter into contracts authorized by this subchapter and may sue and be sued.

SECTION 2. 116.03 (3), (4), (9) and (10) of the statutes are amended to read:

116.03 (3) Approve service contracts with school districts, counties ~~and~~, other ~~co-~~~~operative~~ cooperative educational service agencies and school districts outside the agency, but ~~such~~ the contracts shall not extend beyond 3 years. If the service covered by the contract is offered by the agency within which the recipient of service is located the contract shall be subject to approval by the board of control of the agency.

(4) Determine each participating local unit's prorated share of the cost of ~~eo-operative~~ cooperative programs and assess ~~such~~ the costs of each program against each ~~participating unit participating in the program including, without limitation because of enumeration, unemployment compensation, litigation expense, collective bargaining and monetary awards by courts and agencies,~~ but no board of control may levy any taxes. No cost may be assessed against a unit for a ~~eo-operative~~ cooperative program unless the unit enters into a contract for ~~such~~ the service.

(9) Require a bond of the treasurer and agency ~~eoordinator~~ administrator. The agency treasurer within 15 days following his election and the agency ~~eoordinator~~ administrator within 15 days following the beginning of his contractual duties each shall file a bond executed by 2 qualified sureties approved by the board of control or each may file a surety company bond in an amount determined by the board of control, but at least equal to 5% of the ~~annual agency budget~~ current administrative budget of the agency. If the board of control so determines, the agency treasurer and the agency ~~eoordinator~~ administrator shall file additional personal or surety bonds in such greater amounts as the board of control requires. The agency may purchase surety company bonds with agency funds.

(10) Authorize the expenditure of money for the purposes set forth in this subchapter and for the actual and necessary expenses of the board and agency ~~eo-ordinator~~ administrator and for the acquisition of equipment, space and personnel. All accounts of the agency shall be paid ~~on vouchers~~ by check signed by the ~~chairman~~ chairperson and secretary.

SECTION 3. 116.04 of the statutes is amended to read:

116.04 (title) **Agency administrator.** The agency ~~eo-ordinator~~ administrator shall be responsible for ~~eo-ordinating~~ coordinating and administering the services, securing the participation of the individual school districts, county boards and other ~~eo-operative~~ cooperative educational service agencies and implementing the policies of the board of control.

SECTION 4. 116.045 of the statutes is created to read:

116.045 Agency personnel. The agency is the sole employer of the personnel it employs. A recipient of personnel services is not deemed an employer because of the exercise of supervision or control over any personnel services provided.

SECTION 5. 116.07 (1) and (3) of the statutes are amended to read:

116.07 (1) A board of control may on its own motion or shall on the petition of 100 electors of the agency territory approach an adjoining board of control regarding the feasibility of the consolidation of their agencies. The boards of control acting jointly shall devise a plan for the equitable distribution of the assets and liabilities of the existing agencies and provide for the transfer of existing contracts and programs. Unless within 60 days of the filing of the petition each board of control passes a resolution to explore the feasibility of consolidation and to hold a separate public hearing, the resolution or petition is denied without further action.

(3) Following the hearing on the proposed consolidation the affected boards of control shall vote on the consolidation. A majority vote of the members present and voting from each board of control shall be necessary to approve the proposed consolidation. The consolidation shall become effective the next succeeding July 1. The boards of control acting jointly shall devise a plan for the equitable distribution of the assets and liabilities of the existing agencies and provide for the transfer of existing contracts and programs.

SECTION 6. Word changes. Wherever the term “coordinator” or “co-ordinator” appears in the following sections of the statutes, the term “administrator” is substituted: 116.03 (5), (7) and (11), 116.05, 116.08 (1) and 116.51 (3).
