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CHAPTER 16

AN ACT to amend 39.06 (3a) (a) to (e) (intro. par.), (f) and (h) of the statutes, relating to the creation of a joint county superintendency.

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

39.06 (3a) (a) to (e) (intro. par.), (f) and (h) of the statutes are amended 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 * * * *other counties* 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 * * * *with other counties* 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 * * * *another* 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 * * * *any* 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 * * * *any* other county affected. If the education committee of * * * *any* county affected consists of less membership than the same committee of * * * *any* 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 * * * *any* other county con-

cerned. 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 * * *.

(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 * * * 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 * * * counties shall vote on the question, "Shall the county superintendent's district of the * * * counties concerned be merged into a joint county superintendency?"

(d) If the majority of the representatives of the * * * 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 * * * *each county * * * board* voting as provided in sub.

(4). The county boards shall report their action to the state superintendent. If * * * *any board* votes in the negative, and a vacancy in the office of county superintendent exists, the state superintendent shall proceed to appoint a superintendent for * * * *any* county in which * * * *a* vacancy exists as otherwise directed by statute. If the proposal is made by reason of * * * *any* vacancy, and is approved, the county superintendent of the county in which no vacancy exists, upon notification of affirmative action by * * * *all* county boards *concerned*, 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 * * * *any* county concerned whereupon the plan shall be put into effect immediately.

(e) (intro. par.) When the joint county superintendency has gone into effect the county superintendent shall call a meeting of the education * * * *committees* of the * * * 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:

(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 * * * 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.

(h) The county clerk of the county having the * * * *plurality* 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 * * * *any* 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 * * * *plurality* 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.

Approved March 30, 1961.
