

No. 252, S.]

[Published May 29, 1917.

CHAPTER 293

AN ACT to create section 926—11h of the statutes, relating to the use of the proceeds from the sale of bonds.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is added to the statutes a new section to read: Section 926—11h. Whenever any bonds shall have been issued by any city in accordance with the provisions of section 926—11 and the purpose for which they were issued shall have been accomplished or completed, the proceeds from the sale of such bonds in excess of the sum expended for the purpose for which they were issued, shall be used towards the payment of the principal on said bonds or to repurchase any such bonds then outstanding. In any year in which there shall be on hand sufficient moneys derived from the proceeds of the sale of such bonds to pay the whole or a part of the principal falling due on such bonds, it shall be unnecessary for the city to collect more taxes for the payment of the principal on said bonds than are necessary to make up the difference between the amount which will become due in the ensuing year and the amount so available for payment of the principal of such bonds. The common council of such city may in any year raise a greater sum than shall be necessary in order to meet the principal and interest on bonds which fall due during the ensuing year and apply the same to the purchase and discharge of outstanding bonds at the lowest practical price.

SECTION 2. This act shall take effect upon its passage and publication.

Approved May 26, 1917.

No. 485, S.]

[Published May 29, 1917.

CHAPTER 294

AN ACT to amend the first paragraph of section 925q—161 and the second paragraph of section 925q—162 of the statutes, relating to the secretary of the board of estimate in cities of the first class.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first paragraph of section 925q—161 and the second paragraph of section 925q—162 of the statutes are amended to read: (Section 925q—161) (First Paragraph). In all such cities of the first class there shall be a board of estimate,

which shall consist of the mayor *who shall be president of the board*, president of the common council, comptroller, city treasurer, city attorney, commissioner of public works and the members of the finance committee of the common council. * * * *The secretary of said board shall be appointed by the city comptroller and shall keep a record of the proceedings of said board and perform all other duties pertaining to such office.* Said board shall convene on the first day of August in each year and the comptroller shall place before said board the reports and estimates made and filed with him pursuant to law by the various departments, boards and bodies, which under the provisions of the preceding section are required to be filed with the comptroller on or before the first day of August in said year. From the reports and estimates of such departments, boards and bodies, so made and filed it shall be the duty of said board of estimate to make and submit to the common council in writing on or before the fifteenth day of September in each year a proposed budget, setting forth in detail the various purposes for which money is to be expended during the ensuing fiscal year by each of such departments, boards and bodies, and the amounts of money which it is proposed shall be appropriated by the common council for each of said purposes. Provided that the board of estimate shall not have power to change the purposes for or amounts of money which may be expended by any board or body, which by law is authorized to determine the purposes for which money is to be expended by it and the tax which shall be levied therefor unless said board or body shall by resolution formally adopted by the affirmative vote of a majority of all the members thereof authorize such change in either said purposes or amounts. Whenever any such resolution shall have been adopted by any such board or body, it shall file with said board of estimate at least two days prior to the time the board of estimate is required to transmit that part of the budget to the common council a certified copy of such resolution and the board of estimate shall thereupon change such purposes or amounts in conformity with said resolution.

(Section 925q—162) (Second Paragraph). Except as otherwise specifically provided in this act no moneys shall be expended and no liabilities shall be incurred by said city or any department, board or body, by whatever name known, thereof, during any fiscal year for any purpose in excess of the amount provided therefor in the budget for said year nor for any purpose other than the purposes enumerated in said budget for said year. Whenever a department, board or body, by whatever name

known, shall be reimbursed for materials supplied or services performed unless the moneys so received are required by law to be paid into or placed to the credit of some other fund or funds the expenditures of money for such material or services shall not be deemed an expenditure within the meaning of this act but the money so received may be expended for the purposes for which the money was originally appropriated in said budget. Whenever the head of any department of such city or whenever any board or body, whose funds are subject to the control of the common council shall find it necessary to expend a sum for one or more of the purposes for which he or it is authorized by said budget to expend money in excess of that provided for in said budget, and that it will be unnecessary to expend the amount appropriated by said budget for some other purpose or purposes in his or its department, he or it may request the mayor to call a meeting of the board of estimate and upon such request it shall be the duty of the mayor to call a meeting of the board of estimate forthwith. At such meeting the head of the department or such board or body, by whatever name known, desiring such change in the budget shall submit the facts relating thereto, to the board of estimate and if the majority of the board approves thereof, the * * * *secretary of said board* shall immediately notify the comptroller, and it shall be the duty of the comptroller to revise such appropriations in the budget to conform to such decision of the board of estimate and to notify the head of the department or the board or body, affected thereby, of such change. Provided, however, that when any board or body, is authorized by law to determine the purposes for which money is to be expended by it and the tax to be levied therefor, the board of estimate shall not have power to change the purposes or amounts in said budget for any such board or body, but when any such board or body, shall by resolution formally adopted by the affirmative vote of a majority of all the members of such board or body, at a regular meeting of such board or body, or a special meeting called for said purpose determine it to be necessary to spend a larger sum for one or more of the purposes for which it is authorized by said budget to spend money than is provided for in said budget and that it will be unnecessary to expend the amount provided in said budget for some other purpose or purposes, the secretary, clerk or other similar officer or employe of said board or body, shall make and file with the comptroller of such city, a certified copy of such resolution and it shall be the duty of the comptroller to revise such amounts in the budget to conform to such resolution of said

board or body, and to notify said board or body of such change. However, no department, board or body, by whatever name known, shall be permitted to expend a larger sum than is appropriated by said budget for such department, board or body, except that unexpended balances from the proceeds of bonds or mortgage certificates carried over from the preceding year may be expended for the purposes for which said bonds or certificates were issued, provided that any department, board or body, whose funds are subject to the control of the common council of such city may expend sums appropriated by the common council from the common council contingent fund as hereinafter provided for the purposes for which such sums shall be appropriated. The common council shall have power to appropriate sums from time to time out of the common council contingent fund by resolution formally adopted by the affirmative vote of at least three-fourths of all the aldermen for any lawful purpose or purposes. Any board or body, by whatever name known, whose funds are not subject to the control of the common council, may appropriate sums from time to time out of its contingent fund by resolution formally adopted by the affirmative vote of three-fourths of all the members of such board or body, for any purpose for which said board or body, is authorized to expend money. Whenever any sum or sums shall have been appropriated by any such board or body, out of its contingent fund and before the expenditure thereof, it shall certify to the comptroller of said city the amount or amounts so appropriated and the purpose or purposes for which such sum or sums have been appropriated. The head of any department, board or body, charged by law with the construction, extension, operation and maintenance of a municipally owned public utility may in addition to the sums provided in the budget expend sums from time to time out of the surplus revenues of such public utility whenever it is deemed necessary so to do in order to maintain its service to the public when authorized by the common council of such city by resolution formally adopted by the affirmative vote of three-fourths of all the aldermen, specifying in said resolution the amount or amounts so appropriated and the purpose or purposes for which such sum or sums have been appropriated. Whenever such resolution shall have been adopted by the common council, and before the expenditure of any sum or sums so appropriated by it, a copy of such resolution shall be certified to the comptroller of said city. Unless otherwise specifically provided by law no municipal bonds other than those provided for in said budget shall be issued during the en-

suings fiscal year, except in great emergencies when it is necessary so to do to supply the funds necessary to preserve the public health or safety, and then only when authorized by the affirmative vote of three-fourths of all the members of the common council. Nothing herein contained shall prevent the city from expending moneys or incurring liabilities for any purposes which are by law assessable against lots, parts of lots or parcels of land benefited thereby or are a legal charge against any lots, parts of lots or parcels of land. Every officer or employe of the city who shall participate in the violation of this section shall be personally liable to the city for all loss or damage resulting from such violation. It shall not be necessary before adopting the budget herein provided to refer the said budget to any committee of the common council. Provided, however, that previous to the adoption of said budget or either portion thereof by the common council the said common council shall hold at least one public hearing on the same. The adoption of such budget shall be an appropriation of the several amounts of money for each of the several purposes named therein insofar as any appropriation by the common council is necessary, except the sum fixed for the common council contingent fund, and no further appropriation by the common council shall be necessary in order to authorize the head of any department or any board or body, to make such expenditure except expenditures out of the common council contingent fund, provided, however, that at any time after the adoption of such budget the common council may by resolution formally adopted by the affirmative vote of a majority of all the aldermen suspend any appropriation of money in the budget which shall not have been expended or reserved for the payment of indebtedness incurred or for services rendered, except that this power of suspension shall not apply to appropriations for boards or bodies whose funds are not subject to the control of the common council. Provided, however, that the appropriation of money by the adoption of the budget for any year shall not authorize the expenditure of money in a succeeding year except in payment of indebtedness incurred or for services rendered during the year for which the budget was adopted. All moneys raised for the purposes enumerated in the budget for any year for any department, board or body whose funds are subject to the control of the common council of such city and not expended either during that year or in payment of indebtedness incurred or for services rendered during the year for which the budget was adopted shall become a part of the general revenues of said city. All moneys raised for the

purposes enumerated in the budget for any year for any board or body, by whatever name known, whose funds are not subject to the control of the common council of such city and not expended either during that year, or in payment of indebtedness incurred or for services rendered during the year for which the budget was adopted, shall become a part of the revenues of such board or body. The foregoing provisions shall not apply to the expenditure of the proceeds of bonds or mortgage certificates issued by such city nor to the surplus revenues of municipally owned utilities.

SECTION 2. All acts or parts of acts insofar as they contravene the provisions of this act are hereby repealed; provided, that, nothing herein shall be construed as in any way amending or modifying any of the provisions of the public utilities law.

SECTION 3. This act shall take effect upon passage and publication.

Approved May 26, 1917.

No. 277, A.]

[Published May 31, 1917.

CHAPTER 295

AN ACT to appropriate certain sums of money therein named for deficits at the state prison and the state hospital for the insane.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any moneys in the general fund of the state treasury not otherwise appropriated to the Wisconsin state prison not to exceed for the fiscal year 1916—1917, (a) for operation fifty-four thousand four hundred fifty-six and eighteen hundredths dollars, (b) for repairs and maintenance five thousand eighty-nine and eighty-eight hundredths dollars, (c) and for capital ten thousand three hundred thirty-four and eighteen hundredths dollars, and to the Wisconsin state hospital for the insane the sum of three thousand dollars to carry out the provisions of section 561jn for the operation of laboratory of the psychiatric institute at that institution, to cover deficits at these institutions during the biennium ending June 30, 1917.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 28, 1917.