

No. 165, S.]

[Published May 29, 1941.]

CHAPTER 129.

AN ACT to repeal 62.09 (10) (e), 62.12 (7) (d); to renumber 66.04 (8) to be 66.04 (8) (a); to amend 27.10 (1) (b), 40.57, 41.16 (5), 43.27 (2), 62.09 (11) (d), 62.12 (6) (a), 66.06 (10) (d), 66.50 (1) (g); and to create 66.04 (8) (b) to (e) of the statutes, relating to the establishment of a uniform procedure in paying out city and village funds.

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

SECTION 1. Paragraph (b) of subsection (1) of section 27.10 of the statutes is amended to read:

(27.10) (1) (b) All moneys appropriated for park purposes, or received by subscription, gift, fees or otherwise for parks, parkways, boulevards, or pleasure drives, shall be paid over to the city treasurer and be disbursed by orders of the city clerk drawn upon the city treasurer to pay accounts or bills that have been audited and allowed by said board and presented to the city clerk. Such order shall * * * be paid * * * *by the clerk and treasurer in the manner provided by subsection (8) of section 66.04.* The board shall not contract any liability on the part of the city in excess of the budget authorized by the common council.

SECTION 2. Section 40.57 of the statutes is amended to read:

40.57 The city * * * *clerk (or comptroller where applicable)* shall keep separate accounts of all moneys raised and apportioned for city school purposes. Said moneys shall be paid out as follows: The school board shall present to the city clerk a certified bill, voucher, or schedule signed by its president and secretary, giving the names of the claimants and the amount and nature of each claim. The city clerk shall issue proper orders upon such certification, to the city treasurer, who shall pay them from the proper funds *in the manner provided by subsection (8) of section 66.04.*

SECTION 3. Subsection (5) of section 41.16 of the statutes is amended to read:

(41.16) (5) The municipal * * * *clerk (or comptroller*

where applicable) shall keep * * * separate accounts of * * * all moneys appropriated or otherwise provided for vocational and adult education. Said moneys shall be * * * paid out as follows: The local board of vocational and adult education * * * shall * * * present to the town, village, or city * * * clerk a certified bill, voucher or schedule signed by its president and secretary giving the names of the claimants and the amount and nature of each claim. The municipal clerk shall issue proper orders upon such certification, to the municipal treasurer, who shall pay them from the proper funds in the manner provided by subsection (8) of section 66.04.

SECTION 4. Subsection (2) of section 43.27 of the statutes is amended to read:

(43.27) (2) The library board shall have exclusive control of the expenditure of all moneys collected, donated, or appropriated for the library fund, and of the purchase of a site and the erection of the library building whenever authorized; and exclusive charge, control, and custody of all lands, buildings, money, or other property devised, bequeathed, given, or granted to, or otherwise acquired or leased by the municipality for library purposes. The library board shall audit and approve all vouchers for the expenditures of such library and forward such vouchers or schedules covering the same, setting forth the names of claimants, the amounts of each claim and the purpose for which expended, to the municipal clerk with a statement thereon, signed by the secretary, that the expenditure has been incurred and that the library board has audited and approved the bill. The municipal clerk shall thereupon draw his order upon the treasurer, and the same shall be paid as other municipal orders are paid in the manner provided by subsection (8) of section 66.04.

SECTION 5. Paragraph (e) of subsection (10) of section 62.09 of the statutes is repealed.

SECTION 6. Paragraph (d) of subsection (11) of section 62.09 of the statutes is amended to read:

(62.09) (11) (d) He shall draw and sign all orders upon the treasury, * * * in the manner provided by subsection (8) of section 66.04, and keep a full account thereof in appropriate books. He shall carefully preserve all receipts filed with him.

SECTION 7. Paragraph (a) of subsection (6) of section 62.12 of the statutes is amended to read:

(62.12) (6) (a) *Unless otherwise provided by law city funds shall be * * * paid out only by authority of the council * * *. Such payment shall be made in the manner provided by subsection (8) of section 66.04. * * **

SECTION 8. Paragraph (d) of subsection (7) of section 62.12 of the statutes is repealed.

SECTION 9. Subsection (8) of section 66.04 of the statutes is renumbered to be paragraph (a) of subsection (8) of said section 66.04.

SECTION 10. Paragraphs (b), (c), (d), and (e) of subsection (8) of section 66.04 of the statutes are created to read:

(66.04) (8) (b) Municipal disbursements shall be by order check. No such order check shall be released to the payee, nor shall such be valid, unless signed by the clerk and treasurer of the municipality. Unless otherwise directed by ordinance adopted by the governing body, the mayor or village president shall countersign all city and village order checks. The governing body may also authorize additional signatures.

(c) Whenever any city or village board or commission is vested by statute with exclusive control and management of a fund, including the audit and approval of payments therefrom, independently of the governing body, such payments shall be made by orders issued by the city or village clerk upon the filing with him of certified bills, vouchers, or schedules signed by the proper officers of such board or commission, giving the name of the claimant or payee, and the amount and nature of each payment.

(d) No order shall be issued by the city or village clerk in excess of funds available or appropriated for the purposes for which such order is drawn, unless authorized by a resolution adopted by the affirmative vote of the members of the governing body of such city or village.

(e) The governing body of any city or village may, by ordinance adopted by a three-fourths vote of its members, enact a procedure alternative to that provided by paragraph (b) by providing that a complete list of all authorized disbursements verified by the signature of the clerk is filed with each depository bank prior to the issuance of checks for such disbursements. In such case municipal disbursements may be by check signed by

the treasurer of the municipality and by such other officer or officers as the governing body may direct by ordinance.

SECTION 11. Paragraph (d) of subsection (10) of section 66.06 of the statutes is amended to read:

(66.06) (10) (d) It may be provided, notwithstanding the provisions of section 62.09, that departmental expenditures be audited by such commission, and if approved * * * by the president and secretary of the commission, *be paid by the city or village clerk and treasurer in the manner provided by subsection (8) of section 66.04*; that the utility receipts be paid to a bonded cashier or cashiers appointed by the commission, to be turned over to the city treasurer at least once a month; and that the commission have such general powers in the construction, extension, improvement, and operation of the utility as shall be designated. Where in any municipality water mains have been installed or extended and the cost thereof has been in some instances assessed against the abutting owners and in other instances paid by the municipality or any utility therein, notwithstanding the provisions of section 62.19 it may be provided by the governing body of such municipality that all persons who paid any such assessment against any lot or parcel of land may be reimbursed the amount of such assessment regardless of when such assessment was made or paid. Such reimbursement may be made from such funds or earnings of said municipal utility or from such funds of the municipality as the governing body may determine.

SECTION 12. Paragraph (g) of subsection (1) of section 66.50 of the statutes is amended to read:

(66.50) (1) (g) To audit all accounts and claims against said hospital or against said board of trustees and, if approved, * * * *such shall be paid by the city or village clerk and treasurer in the manner provided by subsection (8) of section 66.04.*

SECTION 13. This act shall take effect upon passage and publication.

Approved May 27, 1941.