



1999 ASSEMBLY BILL 599

November 24, 1999 - Introduced by Representatives OTT, KESTELL, MUSSER, BOYLE, SPILLNER, BRANDEMUEHL, FREESE and PETROWSKI. Referred to Committee on Urban and Local Affairs.

1 **AN ACT to amend** 60.34 (1) (a), 61.26 (2), 61.26 (3), 62.09 (9) (a), 62.09 (9) (e) and
2 66.042 (1); and **to create** 66.043 of the statutes; **relating to:** allowing cities,
3 villages and towns to authorize municipal fire, emergency medical technician
4 or first responder departments to deposit, disburse and expend certain funds.

Analysis by the Legislative Reference Bureau

This bill authorizes a city, village or town (municipality) to enact an ordinance that authorizes a particular official or employe of the municipality's fire, emergency medical technician or first responder department to deposit in a public depository funds that are raised by fire, emergency medical technician or first responder department employes or volunteers, or funds that are donated, on behalf of the municipality's fire, emergency medical technician or first responder department. The ordinance may also give the particular official or employe of the fire, emergency medical technician or first responder department exclusive control over the expenditure of the funds. The ordinance may, however, impose limits on the type and amount of funds that may be deposited into the account or on the amount of withdrawals from the account and the purposes for which the withdrawals may be made.

Generally, under current law, all funds of a municipality must be deposited by, and are disbursed by, the municipal treasurer. Under this bill, although the funds in the account are funds of the municipality, the control to deposit and disburse the funds may remain with an official or employe of the fire, emergency medical technician or first responder department and not with the municipal treasurer.

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For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 60.34 (1) (a) of the statutes is amended to read:

2 60.34 (1) (a) ~~Receive~~ Except as provided in s. 66.043 (2), receive and take charge
3 of all money belonging to the town, or which is required by law to be paid into the
4 town treasury, and disburse the money under s. 66.042.

5 **SECTION 2.** 61.26 (2) of the statutes is amended to read:

6 61.26 (2) ~~Receive~~ Except as provided in s. 66.043 (2), receive all moneys
7 belonging or accruing to the village or directed by law to be paid to the treasurer.

8 **SECTION 3.** 61.26 (3) of the statutes is amended to read:

9 61.26 (3) ~~Deposit~~ Except as provided in s. 66.043 (2), deposit upon receipt the
10 funds of the village in the name of the village in the public depository designated by
11 the board. Failure to comply with this subsection shall be prima facie grounds for
12 removal from office. When the money is deposited, the treasurer and bonders are not
13 liable for the losses defined by s. 34.01 (2), and the interest shall be paid into the
14 village treasury.

15 **SECTION 4.** 62.09 (9) (a) of the statutes is amended to read:

16 62.09 (9) (a) ~~The~~ Except as provided in s. 66.043 (2), the treasurer shall collect
17 all city, school, county and state taxes, receive all moneys belonging to the city or
18 which by law are directed to be paid to the treasurer, and pay over the money in the
19 treasurer's hands according to law.

20 **SECTION 5.** 62.09 (9) (e) of the statutes is amended to read:

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1 62.09 (9) (e) ~~The~~ Except as provided in s. 66.043 (2), the treasurer shall deposit
2 immediately upon receipt thereof the funds of the city in the name of the city in the
3 public depository designated by the council. Such deposit may be in either a demand
4 deposit or in a time deposit, maturing in not more than one year. Failure to comply
5 with the provisions hereof shall be prima facie grounds for removal from office. When
6 the money is so deposited, the treasurer and the treasurer's bonders shall not be
7 liable for such losses as are defined by s. 34.01 (2). The interest arising therefrom
8 shall be paid into the city treasury.

9 **SECTION 6.** 66.042 (1) of the statutes is amended to read:

10 66.042 (1) Except as otherwise provided in subs. (2) to (5) and in s. 66.043 (2),
11 in every county, city, village, town and school district, all disbursements from the
12 treasury shall be made by the treasurer thereof upon the written order of the county,
13 city, village, town or school clerk after proper vouchers have been filed in the office
14 of the clerk; and in all cases where the statutes provide for payment by the treasurer
15 without an order of the clerk, it shall hereafter be the duty of the clerk to draw and
16 deliver to the treasurer an order therefor before or at the time when such payment
17 is required to be made by the treasurer. The provisions of this section shall apply to
18 all special and general provisions of the statutes relative to the disbursement of
19 money from the county, city, village, town or school district treasury except s. 67.10
20 (2).

21 **SECTION 7.** 66.043 of the statutes is created to read:

22 **66.043 Separate accounts for municipal fire, emergency medical**
23 **technician and first responder volunteer funds. (1) DEFINITIONS.** In this
24 section:

25 (a) "Emergency medical technician" has the meaning given in s. 146.50 (1) (e).

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1 (b) “Emergency medical technician volunteer funds” means funds of a
2 municipality that are raised by employes of the municipality’s emergency medical
3 technician department, by volunteers or by donation to the emergency medical
4 technician department, for the benefit of the municipality’s emergency medical
5 technician department.

6 (c) “Fire volunteer funds” means funds of a municipality that are raised by
7 employes of the municipality’s fire department, by volunteers or by donation to the
8 fire department, for the benefit of the municipality’s fire department.

9 (d) “First responder” has the meaning given in s. 146.53 (1) (d).

10 (e) “First responder volunteer funds” means funds of a municipality that are
11 raised by employes of the municipality’s first responder department, by volunteers
12 or by donation to the first responder department, for the benefit of the municipality’s
13 first responder department.

14 (f) “Municipality” means any city, village or town.

15 (g) “Public depository” has the meaning given in s. 34.01 (5).

16 (h) “Volunteer funds” means emergency medical technician volunteer funds,
17 fire volunteer funds or first responder volunteer funds.

18 **(2) GENERAL AUTHORITY.** Subject to subs. (3) and (4), the governing body of a
19 municipality may enact an ordinance that does all of the following:

20 (a) Authorizes a particular official or employe of the municipality’s fire
21 department, emergency medical technician department or first responder
22 department to deposit volunteer funds of the department for which the individual
23 serves as an official or employe, in an account in the name of the fire department,
24 emergency medical technician department or first responder department, in a public
25 depository.

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1 (b) Gives the municipality's fire department, emergency medical technician
2 department or first responder department, through the official or employe described
3 under par. (a), exclusive control over the expenditure of volunteer funds of the
4 department for which the individual serves as an official or employe in an account
5 described under par. (a).

6 **(3) LIMITATIONS, REQUIREMENTS.** An ordinance enacted under sub. (2) may
7 include any of the following limitations or requirements:

8 (a) A limit on the type and amount of funds that may be deposited into the
9 account described under sub. (2) (a).

10 (b) A limit on the amount of withdrawals from the account described under sub.
11 (2) (a) that may be made, and a limit on the purposes for which such withdrawals may
12 be made.

13 (c) Reporting and audit requirements that relate to the account described
14 under sub. (2) (a).

15 **(4) OWNERSHIP OF FUNDS.** Notwithstanding an ordinance enacted under sub. (2),
16 volunteer funds shall remain the property of the municipality until the funds are
17 disbursed.

18

(END)