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1983 Senate Bill 281

Date of enactment: April 25, 1984

Date of publication: May 2, 1984

1983 Wisconsin Act 368

AN ACT to amend 14.58 (1) (intro.) and (d), (6), (9), (12) and (18), 16.007 (6) (b) 1, 16.40 (10), 16.52 (8), 16.53 (1) (d) 3, 16.75 (1) (b), 18.06 (2), 18.10 (5), 20.115 (5) (h), 20.566 (1) (a), 20.906 (6), 20.907 (5) (e) 2, 20.912, 20.920 (2) (a) and (b), 20.921 (3) (a), 23.66 (2), 25.17 (3) (b) 4 and (dg) 3, (7) (a) and (11), 29.09 (7m) (a), 34.01 (1), (2), (3) and (6), 34.03 (1) (k), 34.045 (1) (a), (e) and (f), 34.05 (1), 34.09, 34.10, 40.02 (8) (b), 40.06 (1) (c), 40.24 (intro.), 45.37 (9c), 45.72 (5) (c), 45.79 (5) (a) 4, 46.018, 46.21 (6) (c), 49.12 (7) and (9), 59.74 (1), 60.19 (3) (c), 60.35 (2), 60.756 (14), 66.04 (2) (a) 1, 66.042 (2) and (6), 66.94 (25), 67.04 (9), 67.12 (10) (title) and (a), 70.112 (1), 71.01 (3) (a) 1, 71.09 (7) (c), (11) (am) and (12) (b), 74.031 (7), 74.035 (2), 78.68 (1) (b), 87.12 (8), 93.24 (8) (intro.), 102.32 (1) and (4), 102.51 (2) (c), 108.16 (5) (c), 116.03 (10), 119.52 (3) (a), 120.15 (1), 120.16 (2), 186.09 (1), 186.35 (5) (d), 231.17, 604.05, 641.19 (1) and 885.06 (1); and to create 67.04 (9) (b) and (c), 67.12 (10) (a) 2 and 3, 186.05 (1) (d) and 186.113 (20) and (21) of the statutes, relating to authorizing credit unions to act as depositories for public funds, restricting the exempt status of credit unions for purposes of the income and franchise taxes and designating the higher education corporation as a public depositor.

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

SECTION 2. 14.58 (1) (intro.) and (d), (6), (9), (12) and (18) of the statutes are amended to read:

14.58 (1) HAVE CUSTODY OF MONEYS. (intro.) Receive and have charge of all moneys paid into the treasury and any other moneys received by officers and employes of state agencies, and pay out the moneys as directed by law, except as provided in s. 20.907 (5) (b). Checks and, share drafts or other drafts on depositories in which moneys may be deposited shall be signed in one of the following methods:

(d) By placing on a check ~~or, share draft or other draft~~ the facsimile signature of the state treasurer adopted by him or her as a facsimile signature. Any depository shall be fully warranted and protected in making payment on any check ~~or, share draft or other draft~~ bearing such facsimile notwithstanding that the ~~same facsimile~~ may have been placed ~~thereon on the check, share draft or other draft~~ without the state treasurer's authority.

(6) KEEP CASH AND FUND ACCOUNTS. Keep records showing the number, date and amount of each cash receipt issued by ~~his the~~ treasurer's office and classify said receipts by state funds; submit a summary statement of collections by fund together with a copy of each remittance advice in support thereof; keep also records showing the check ~~or, share draft or other draft~~ number, date, payee and amount of each cash disbursement and classify said disbursements by state funds; keep a record of the date, payee and amount of each disbursement made by a money transfer technique other than a check or draft and classify the disbursement by state fund; and verify at the end of each week the amounts shown by ~~his the~~ treasurer's records to represent total cash balance and cash balances of individual state funds by comparing said amounts with corresponding balances appearing on records maintained by the department of administration.

(9) REPORT TO GOVERNOR BIENNIALY. Report to the governor, within 20 days after June 30 in each even-numbered year, a statement showing for each of the 2 preceding fiscal years the cash balance in each state fund at the beginning of the year, the aggregate

amount of receipts credited and the aggregate amount of disbursements charged to each said fund during the year and the resultant cash balance in each state fund at the end of the year. This statement shall further show as of the end of each said 2 years, at par, the aggregate value of securities held for each state fund and the aggregate value of securities held in trust or deposited for safekeeping, and shall show the manner in which the total cash balance was accounted for by listing the balances on deposit in each state account in a public depository, deducting from the total of such balances the aggregate amount of checks and, share drafts or other drafts outstanding and adding thereto the aggregate amount of cash and cash items in office.

(12) STAMP CHECKS AND DRAFTS. Cause to be plainly printed or stamped upon all checks, share drafts and other drafts issued by ~~him~~ the state treasurer, the words "Void if not presented for payment within one year". Any check, share draft or other draft not presented for payment within the aforesaid period of one year shall be properly canceled by the state treasurer on his or her records and the amount thereof credited to the fund upon which it was drawn. Notice of such cancellation and credit shall be immediately submitted by the state treasurer to the department of administration.

(18) SALE OF INVESTMENTS. Whenever the department of administration draws a check ~~or, share draft or other draft~~ dated the next following business day upon a fund whose investment and collection is under the exclusive control of the investment board pursuant to s. 25.17 (1), and the receipts of the state treasurer are insufficient to permit a disbursement from said fund in the amount of such check ~~or, share draft or other draft~~, the investment board shall sell investments owned by such fund for delivery in time to provide sufficient money to cover such check ~~or, share draft or other draft~~ on the date which it bears.

SECTION 3. 16.007 (6) (b) 1 of the statutes is amended to read:

16.007 (6) (b) 1. Payment of the amount owed by the state under any check, share draft or other draft issued by it which has been voided for failure to present the check, share draft or other draft for payment within the prescribed period from the date of issuance.

SECTION 4. 16.40 (10) of the statutes is amended to read:

16.40 (10) DETERMINE MINIMUM CASH BALANCES. Determine the minimum cash balances needed in ~~operating banks~~ public depositories in which operating accounts are maintained at all times to meet the operating requirements of all agencies.

SECTION 5. 16.52 (8) of the statutes is amended to read:

16.52 (8) REFUND ACCOUNTS. The secretary shall establish rules permitting agencies, authorized to do so by the governor, to issue checks, share drafts or other drafts to refund amounts not to exceed \$5 each. The secretary may establish petty cash funds for such agencies for the purpose of paying refunds.

SECTION 6. 16.53 (1) (d) 3 of the statutes is amended to read:

16.53 (1) (d) 3. The secretary may promulgate rules pertaining to the administration of garnishment actions under s. 812.23, including rules superseding s. 812.18 (1) (b) whenever the state is the garnishee in such actions. In any garnishment action where the judgment debtor is employed by the university of Wisconsin system, the secretary may require the appropriate payroll processing center for the university of Wisconsin system to directly process necessary forms, papers, deductions and checks, share drafts or other drafts in connection with such action.

SECTION 7. 16.75 (1) (b) of the statutes is amended to read:

16.75 (1) (b) When the estimated cost exceeds \$10,000, due notice inviting bids shall be published as a class 2 notice, under ch. 985, and the bids shall not be opened until at least 7 days from the last day of publication. The official advertisement shall give a clear description of the materials, supplies, equipment or service to be purchased, the amount

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of the bond, share draft ~~or~~, check or other draft to be submitted as surety with the bid and the date of public opening.

SECTION 8. 18.06 (2) of the statutes is amended to read:

18.06 (2) LOAN. An authorizing resolution may authorize the negotiation of a loan or loan agreement of any type, upon any terms, with any bank, savings and loan association or credit union, or with any agency of the United States.

SECTION 9. 18.10 (5) of the statutes is amended to read:

18.10 (5) REGISTRATION. The state treasurer shall act as registrar for evidence of indebtedness registrable as to principal or interest or both. No transfer of a registered evidence of indebtedness is valid unless made on the register maintained by the state treasurer for that purpose, and the state shall be entitled to treat the registered owner as the owner of such instrument for all purposes. Payments of principal and interest, when registered as to interest, of registered instruments shall be by check, share draft or other draft to the registered owner at ~~his~~ the owner's address as it appears on the register, unless the commission has otherwise provided. The commission may make such other provisions respecting registration as it deems necessary or useful. The state treasurer may enter into a contract for the performance of any of his or her functions under this subsection and sub. (7).

SECTION 10. 20.115 (5) (h) of the statutes is amended to read:

20.115 (5) (h) *State fair operations*. The amounts in the schedule for general program operations. All moneys received for or on account of the state fair, state fair park or other events shall be credited to this appropriation. Of the amount included for general program operations, the state fair park board may use an amount determined by the department of administration to maintain a contingent fund in the state's working bank, savings and loan association or credit union during the period from one month prior to the beginning until one month after the end of the state fair for the payment of claims incurred in the operation of the state fair, to be expended and accounted for insofar as applicable under s. 20.920. The unencumbered balance of this appropriation on June 30 of each year shall be transferred to the appropriation under par. (i).

SECTION 11. 20.566 (1) (a) of the statutes is amended to read:

20.566 (1) (a) *General program operations*. The amounts in the schedule for the administration of income, sales, excise and inheritance tax laws. From this appropriation, there are allotted, subject to the approval of the joint committee on finance, such sums as are necessary to be used as contingent funds to redeem bad checks, share drafts or other drafts returned to the state treasurer or state depositories and for establishing change funds in the amount deemed necessary by the department.

SECTION 12. 20.906 (6) of the statutes is amended to read:

20.906 (6) DIRECT DEPOSITS. The governor or the state treasurer may require state agencies making deposits under this section to make direct deposits to ~~a bank~~ any depository designated ~~as a depository~~ by the depository selection board, if such a requirement is advantageous or beneficial to this state.

SECTION 13. 20.907 (5) (e) 2 of the statutes is amended to read:

20.907 (5) (e) 2. Deposit of checks, share drafts or other drafts drawn upon accounts containing insufficient funds.

SECTION 14. 20.912 of the statutes is amended to read:

20.912 (title) Cancellation and reissue of checks and share drafts. (1) (title) CANCELLATION OF OUTSTANDING CHECKS AND SHARE DRAFTS. If any check, share draft or other draft drawn and issued by the state treasurer upon the funds of the state in any state ~~deposi-~~ ties depository is not paid within one year after issue, the state treasurer may ~~receipt for~~

cancel the same check, share draft or other draft and credit the amount thereof to the fund on which it is drawn.

(2) RESERVE FOR CANCELED DRAFTS. All receipts deposited amounts credited pursuant to sub. (1) shall be credited by the department of administration to a continuing reserve for checks, share drafts and other drafts canceled of the fund concerned, to be used for the payment of demands under sub. (3). Any check, share draft or other draft canceled on which demand for payment has not been presented within 6 years from date of issue shall be reverted from the reserve for canceled checks, share drafts and other drafts to the general revenues of the fund concerned by the department of administration.

(3) (title) REISSUE OF CANCELED CHECKS, SHARE DRAFTS AND OTHER DRAFTS. When the payee or person entitled to any check, share draft or other draft so canceled under sub. (1) by the state treasurer, or the payee or person entitled to any warrant so canceled by the department of administration, demands such check, share draft, other draft or warrant or payment thereof, the department of administration shall issue a new warrant therefor, to be paid out of the proper fund by the state treasurer.

(4) (title) INSOLVENT DEPOSITORIES. When the bank, savings and loan association or credit union on which any check, share draft or other draft is drawn by the state treasurer before payment of such check, share draft or other draft becomes insolvent or is taken over by the commissioner of banking, the commissioner of savings and loan, the federal home loan bank board, the commissioner of credit unions, the administrator of federal credit unions, or U.S. comptroller of the currency, the state treasurer shall on the demand of the person in whose favor such check, share draft or other draft was drawn and upon the return to the treasurer of such check, share draft or other draft issue a duplicate for the same amount.

(5) (title) LOST OR DESTROYED CHECKS, SHARE DRAFTS AND OTHER DRAFTS. If any check, share draft or other draft drawn and issued by the state treasurer is lost or destroyed and the bank, savings and loan association or credit union on which the check, share draft or other draft is drawn has been notified to stop payment thereon, the state treasurer may, after acknowledgment by the bank, savings and loan association or credit union that the check, share draft or other draft has not been paid, issue a duplicate check, share draft or other draft and thereafter the state treasurer shall be relieved from all liability thereon.

SECTION 15. 20.920 (2) (a) and (b) of the statutes are amended to read:

20.920 (2) (a) From the contingent fund authorized by ss. 20.245 (1) (a), 20.255 (2) (a) 2, 20.435 (9) and 20.485 (1), institutional bills of less than \$100 may be paid, but no part of the fund may be used for payment of salary or wages of an employee. The amount allotted to each institution shall be deposited in a separate account to be known as the "contingent fund" in a public depository to be designated by the respective departments. Payment of institutional bills of less than \$100 shall be made by check, share draft or other draft drawn by the superintendent against such account, except as otherwise provided in this section, without the necessity of being first submitted to the department and to the department of administration for approval and audit. The superintendent shall file claim for reimbursement on a sworn voucher which shall be accompanied by the bills to be reimbursed. Bills paid by check, share draft or other draft need not be receipted by the payee, but the number of the check, share draft or other draft shall be placed on the bill. Bills may be paid by cash if approved by the superintendent and receipted by the payee. After approval of such claim by the department and audit by the department of administration, the contingent fund shall be reimbursed the total amount lawfully paid therefrom. If the superintendent pays any bill which is subsequently disapproved either by the department or by the department of administration as unlawful or unauthorized, the superintendent shall, within 10 days after notification by the department, personally reimburse the state for such unlawful or unauthorized payment. All moneys received in reimbursement for payments made from the contingent fund shall be deposited to the credit of the account and are added to the appropriation. Each respective department,

with the approval of the department of administration, shall promulgate rules for carrying out this subsection. Each department shall require the superintendent of each institution to execute and file a surety bond in such sum as the joint committee on finance requires, guaranteeing the faithful discharge of the superintendent's duties and obligations under this section, the premium to be paid out of the proper appropriation for each department. Any check, ~~share draft or other draft~~ drawn against the contingent fund of an institution which is not paid within 2 years of the date of its drawing because of inability to locate the drawee or failure to submit the check, ~~share draft or other draft~~ for payment, after the bank has been requested to stop payment, shall be treated as a canceled check, ~~share draft or other draft~~ and added to the ~~checking account~~ balance of the ~~account upon which the check, share draft or other draft is drawn~~. A check, ~~share draft or other draft~~ for the amount so added shall be drawn in favor of the state treasurer and deposited in the general fund as a nonappropriated receipt. If the person entitled to a check, ~~share draft or other draft~~ so canceled presents a satisfactory claim therefor to the department, the department shall direct the department of administration to draw a warrant in payment of such claim and charge it to a sum sufficient appropriation for the repayment of canceled checks, ~~share drafts or other drafts~~. In those institutions in which the financial and business affairs are under the jurisdiction of a financial or business officer, the contingent fund shall be under that officer's jurisdiction and all of the provisions under this paragraph applying to the superintendent shall apply to that officer.

(b) As an alternative to the use of a contingent fund, the secretary of administration may authorize any department to issue drafts or warrants drawn on the state treasurer. Such drafts or warrants may be issued only in connection with purchase orders authorized under subch. IV of ch. 16 and may not exceed \$300 per draft or warrant. The state treasurer shall pay such drafts or warrants as presented. The secretary of administration shall audit the purchase orders issued. Any purchase order that is disapproved by the secretary as unlawful or unauthorized shall be returned by the secretary to the department for reimbursement to the state treasurer. The secretary shall make written regulations for the implementation of this paragraph. The secretary may require any department to utilize separate ~~bank~~ depository accounts to implement this paragraph. The illegal or unauthorized use of purchase orders and drafts or warrants under this paragraph is subject to the remedies specified in s. 16.77.

SECTION 16. 20.921 (3) (a) of the statutes is amended to read:

20.921 (3) (a) Each state agency shall indicate on its payrolls the amount to be deducted or deferred from the salary of each officer and employe, the reason for each deduction or deferral, the net amount due each officer or employe, the total amount due for each purpose for which deductions or deferrals have been made, and the person, governmental unit or private organization in each case entitled to receive the deductions or the amount deferred. The department of administration shall then issue warrants for the respective amounts due the persons listed on each payroll and the checks, ~~share drafts and other drafts~~ for the payments when received by the state agency shall be transmitted to the persons entitled to receive them.

SECTION 17. 23.66 (2) of the statutes is amended to read:

23.66 (2) The person receiving the deposit shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the clerk of court or municipal court regarding the disposition of the deposit, and notifying the defendant that if he or she fails to appear in court at the time fixed in the citation he or she will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment, any applicable natural resources assessment and any applicable natural resources restitution payment plus costs, including the fee prescribed in s. 814.63 (1), not to exceed the amount of the deposit which the court may accept. The original of the receipt shall be delivered to the defendant in person or by mail. If the defendant pays by check, ~~share draft or other draft~~, the check, ~~share draft or~~

other draft or a microfilm copy of the check, share draft or other draft shall be considered a receipt.

SECTION 18. 25.17 (3) (b) 4 and (dg) 3, (7) (a) and (11) of the statutes are amended to read:

25.17 (3) (b) 4. Certificates of deposit issued by banks located in the United States and by savings and loan associations and credit unions located in this state.

(dg) 3. Certificates of deposit maturing within one year or less from the date of investment, issued by banks, credit unions or savings and loan associations located in the United States and having capital and surplus of at least \$50,000,000.

(7) (a) Mortgages on real estate outside of ~~Wisconsin~~ this state may be made to, and the title to real estate outside of ~~Wisconsin~~ this state may be acquired in the name of, a trustee under a trust agreement between the board and a bank, credit union, savings and loan association or trust company organized under the laws of the United States or any state thereof having a combined capital and surplus of at least \$25,000,000; and any such mortgages or real estate acquired prior to June 24, 1966, may be assigned or conveyed to ~~such~~ the trustee under an appropriate trust agreement between it and the board.

(11) In order to promptly process investment transactions and receipts, have authority to establish and maintain accounts in its own name in those banks, savings and loan associations and credit unions with ~~whom it~~ which the board has entered into custodial agreements.

SECTION 19. 29.09 (7m) (a) of the statutes is amended to read:

29.09 (7m) (a) Each county clerk, to whom all or part of the compensation enumerated in sub. (10) is reserved in accordance with s. 59.15 (1), shall establish either in a credit union a share draft account, in a savings and loan association a checking or negotiable order of withdrawal account or in a bank a checking account to be used exclusively for the deposit of collections from license sales and such other collections as hereinafter indicated. ~~Such.~~ These collections shall be deposited by the county clerk in the account within one week after receipt ~~thereof~~. Payment to the department of the monthly remittance specified in sub. (7) shall be made by check, share draft or other draft drawn against ~~such~~ the account. The account shall be subject to ch. 34 and s. 66.042 (6). Other collections made by the county clerk and due the county may also be deposited in this ~~checking~~ account. When the account includes ~~other~~ collections other than licenses license collections, the county clerk's record of the balance in the account must show separately the exact amounts of license and other collections.

SECTION 20. 34.01 (1), (2), (3) and (6) of the statutes are amended to read:

34.01 (1) "Public deposit" means moneys deposited by the state or any county, city, village, town, drainage district, power district, school district, cooperative educational service agency, sewer district or any commission, committee, board or officer of any governmental subdivision of the state or any court of this state, a corporation organized under s. 39.33 or by the housing finance authority, if the authority elects to be bound by all or part of this chapter under s. 234.32 (2), in any state bank, savings and trust company, mutual savings bank, ~~savings and loan association or~~ national bank or federal or state credit union or savings and loan association in this state or in the local government pooled-investment fund, including private moneys held in trust by a public officer.

(2) "Public depository" means a credit union, savings and loan association, state bank, savings and trust company, mutual savings bank, or national bank in this state which receives or holds any public deposits.

(3) "Public depositor" means the state or any county, city, village, town, drainage district, power district, school district, cooperative educational service agency, sewer district, or any commission, committee, board or officer of any governmental subdivision of the state or any court of this state, a corporation organized under s. 39.33 or the

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housing finance authority if the authority elects to be bound by all or part of this chapter under s. 234.32 (2), which deposits any moneys in a public depository.

(6) "Loss" means any loss of public moneys, which have been deposited in a designated public depository in accordance with this chapter and upon which the required payment has been made into the state deposit fund, resulting from the failure of any public depository to repay to any public depositor the full amount of its deposit because the commissioner of credit unions, administrator of federal credit unions, commissioner of banking, comptroller of currency, federal home loan bank board or commissioner of savings and loan has taken possession of such the public depository or because such the public depository has, with the consent and approval of the commissioner of credit unions, administrator of federal credit unions, commissioner of banking or commissioner of savings and loan, adopted a stabilization and readjustment plan or has sold a part or all of its assets to another credit union, bank or savings and loan association which has agreed to pay a part or all of the deposit liability on a deferred payment basis or because such the depository is prevented from paying out old deposits because of rules of the commissioner of credit unions, administrator of federal credit unions, commissioner of banking, comptroller of the currency, federal home loan bank board or commissioner of savings and loan.

SECTION 21. 34.03 (1) (k) of the statutes is amended to read:

34.03 (1) (k) Prescribe rules and regulations fixing the requirements for qualification of credit unions, banks and savings and loan associations as public depositories and fixing the maximum allowable total public deposits of credit unions, banks and savings and loan associations and the terms and conditions under which public deposits may be received and held;

SECTION 22. 34.045 (1) (a), (e) and (f) of the statutes are amended to read:

34.045 (1) (a) Establish procedures for the selection of public depositories by state agencies and departments and procedures for contracting for the reasonable and necessary banking depository services by state agencies and departments and may direct the combination or division of services so as to provide convenient and cost efficient services.

(e) Require utilization of competitive bidding under s. 16.75 in the designation of all state public depositories and in contracting for banking depository services.

(f) Establish by rule minimum banking depository operational requirements that any institution must meet prior to being considered as eligible to submit any proposal to serve as a public depository or to provide services.

SECTION 23. 34.05 (1) of the statutes is amended to read:

34.05 (1) The governing board of each public depositor shall, by resolution, a certified copy of which shall be filed with the commissioner of banking, designate one or more public depositories, organized and doing business under the Wisconsin or U.S. laws of this state or federal law and located in Wisconsin this state, in which the treasurer of the governing board shall deposit all public moneys received by him or her and specify whether the moneys shall be maintained in time deposits subject to the limitations of s. 66.04 (2), demand deposits or savings deposits. The public depository designated shall have been approved as qualified to become a public depository by the commissioner of credit unions if the depository is a credit union chartered under ch. 186, the administrator of federal credit unions if the depository is a federally chartered credit union, the commissioner of banking if the depository is a bank, savings and trust company or mutual savings bank, or by the commissioner of savings and loan if the depository is a savings and loan association. A designation of a public depository by the governing board shall be a designation of such the public depository for all treasurers of such the governing board and for all public depositors for which each such treasurer shall act. No public depositor, through its governing board, treasurer or otherwise, may contract with

a public depository for, or condition its designation of a public depository or its deposit of public moneys upon, the agreement of the public depository to invest ~~such~~ deposits of public moneys in any particular form of investment or in any particular geographic location.

SECTION 24. 34.09 of the statutes is amended to read:

34.09 Financial institutions eligible as public depositories. Every credit union, state bank, savings and loan association, savings and trust company and mutual savings bank and every national bank located in this state which files with the commissioner of banking an agreement that it will pay over to the state deposit fund the amounts required to be paid on average daily balances of public deposits under s. 34.08 (2) and complies in all respects as to public deposits with this chapter, which accepts payments made by the state under s. 16.412 and which meets the qualifications required by the rules of the commissioner of banking, may be designated as a public depository and may receive and hold public deposits, subject to this chapter, in an amount not in excess of the amount specified by the commissioner of banking. The ~~commissioner of credit unions, the commissioner of banking or commissioner of savings and loan~~, upon request, shall advise any interested persons what credit unions, banks and savings and loan associations have qualified to become public depositories and any ~~such~~ qualified credit union, bank or savings and loan association may thereafter be designated by any governing board as a public depository. The commissioner of banking shall have the same powers and duties with regard to making and continuing public deposits in national banks, credit unions and in savings and loan associations as the powers and duties exercised and performed by the commissioner with regard to public deposits in state banks.

SECTION 25. 34.10 of the statutes is amended to read:

34.10 (title) Reorganization and stabilization of credit unions, banks and state savings and loan associations. Whenever the commissioner of credit unions, administrator of federal credit unions, commissioner of banking, comptroller of the currency, federal home loan bank board or commissioner of savings and loan has taken charge of a credit union, bank or savings and loan association with a view of restoring its solvency, pursuant to law, or with a view of stabilizing and readjusting the ~~banking~~ structure of any national or state credit union, banking institution or savings and loan association located in this state, and has approved a reorganization plan or a stabilization and readjustment agreement entered into between ~~such the credit union~~, bank or savings and loan association and depositors and unsecured creditors, or when a credit union, bank or savings and loan association, with the approval of the commissioner of credit unions, administrator of federal credit unions, commissioner of banking, comptroller of currency, federal home loan bank board or commissioner of savings and loan proposes to sell its assets to another credit union, bank or savings and loan association which agrees to assume a part or all of the deposit liability of such selling credit union, bank or savings and loan association and to pay the same on a deferred payment basis, the governing board of ~~such the~~ public depository may, on the approval of the commissioner of banking, join in the execution of any reorganization plan, or any stabilization and readjustment agreement, or any depositor's agreement relative to a proposed sale of assets if, in its judgment and that of the commissioner of banking, ~~such the~~ reorganization plan or stabilization and readjustment agreement or proposed sale of assets is in the best interest of all persons concerned. The joining in any ~~such~~ reorganization plan, or any stabilization and readjustment agreement, or any proposed sale of assets which meets the approval of the commissioner of banking ~~shall does not operate as a waiver of waive~~ any rights ~~arising~~ under this chapter.

SECTION 26. 40.02 (8) (b) of the statutes is amended to read:

40.02 (8) (b) "Beneficiary" does not include a person who dies before filing with the department an application for any death benefit payable to the person except as otherwise provided under group 2, under par. (a) 2. If a person dies after filing a beneficiary

application but before the date on which the benefit check, share draft or other draft is issued or funds are otherwise transferred, any benefit payable shall be paid in accord with the written designation of beneficiary, if any, filed with the department in connection with the application or, if none, in accord with the last designation previously filed by the person, or otherwise to the person's estate.

SECTION 27. 40.06 (1) (c) of the statutes is amended to read:

40.06 (1) (c) For state agencies, employer contributions shall be made from the respective funds from which the salaries are paid to the employe for whom the contributions are being made. The heads of the respective state agencies shall, at the time that salary deductions in accordance with par. (a) are sent to the department, determine the amount of the corresponding employer contributions, indicate the amount of the contribution on the report submitted to the department and prepare a voucher for payment to the department from the appropriate state funds of the amounts payable. The department shall transmit the voucher to the department of administration. The department of administration shall approve the voucher for payment within 5 working days, s. 16.53 (10) notwithstanding, and the state treasurer shall immediately issue a check, share draft or other draft to the department for the amount of the voucher.

SECTION 28. 40.24 (intro.) of the statutes is amended to read:

40.24 Annuity options. (intro.) Any participant who is eligible to receive a retirement annuity in the normal form may elect to receive the actuarial equivalent of the normal form annuity in one of the optional annuity forms prescribed in subs. (1) to (5), or in any one optional life annuity form provided by rule. The participant may also elect to receive the amount provided by accumulated additional contributions in a different optional form than the balance of the annuity. Any optional form shall be based on actuarial equivalent values with due regard to selection against the fund, shall not provide a greater monthly amount payable to others upon the death of the participant than the amount which would have been payable to the participant if the participant had continued to live and shall not be changed after the effective date of the annuity unless the participant's request for the change is received by the department within 30 days after the date the first annuity check, share draft or other draft is issued or funds are otherwise transferred.

SECTION 29. 45.37 (9c) of the statutes is amended to read:

45.37 (9c) **HANDLING OF MEMBERS' ACCOUNTS.** All funds held by the home for the members not needed by the members for their own use shall be deposited in a credit union, savings and loan association or bank in the form of certificates of deposit in the name of the home, and the interest therefrom shall be paid annually into the gifts and bequests fund of the home for the purposes for which that fund exists.

SECTION 30. 45.72 (5) (c) of the statutes is amended to read:

45.72 (5) (c) Set up and follow procedures to assure proper disbursement of the proceeds of insurance checks, share drafts or other drafts covering damages sustained on mortgaged properties.

SECTION 31. 45.79 (5) (a) 4 of the statutes is amended to read:

45.79 (5) (a) 4. Mail checks, share drafts or other drafts or otherwise transfer or arrange for transfer of funds, to authorized lenders not sooner than 7 days prior to proposed closing or disbursement dates.

SECTION 32. 46.018 of the statutes is amended to read:

46.018 Disbursement of funds and facsimile signatures. Withdrawal or disbursement of moneys deposited in a public depository, as defined in s. 34.01 (2), to the credit of the department or any of its divisions or agencies shall be by check, share draft or other draft signed by the secretary or by one or more persons in the department designated by written authorization of the secretary; ~~such~~. Such checks to, share drafts and other drafts

shall be signed personally or by use of a mechanical device adopted by the secretary or his or her designees for affixing a facsimile signature. Any public depository shall be fully warranted and protected in making payment on any check, share draft or other draft bearing such facsimile signature notwithstanding that the ~~same~~ facsimile may have been placed thereon without the authority of the secretary or his or her designees.

SECTION 33. 46.21 (6) (c) of the statutes is amended to read:

46.21 (6) (c) Notwithstanding ~~any other provisions of the~~ statutes, expenditures chargeable to appropriations of the county board of supervisors shall be made upon certified vouchers, certified voucher schedules, and certified public assistance rolls to the county clerk. The county clerk shall issue county orders upon the county treasurer in payment of ~~such these~~ certified instruments, provided that a single county order in favor of the county treasurer may be issued for the total amount authorized on a public assistance roll, in which case the county treasurer shall make individual payments by share drafts, bank checks or other drafts to parties listed on ~~such the~~ public assistance rolls, provided further that the county board of supervisors may by ordinance adopt a different method of making disbursements consistent with sound accounting and auditing procedure.

SECTION 34. 49.12 (7) and (9) of the statutes are amended to read:

49.12 (7) Any dependent person who uses money, checks, share drafts, other drafts, vouchers or any other thing of value furnished ~~him~~ to the person as relief for purposes other than as directed by the county or municipality furnishing such relief shall be punished as provided in sub. (2).

(9) If any person obtains for himself or herself, or for any other person or dependents or both, assistance under this chapter on the basis of facts stated to the authorities charged with the responsibility of furnishing assistance and fails to notify said authorities within 10 days of any change in the facts as originally stated and continues to receive assistance based on the originally stated facts such failure to notify shall be considered a fraud and the penalties in sub. (1) shall apply. The negotiation of a check, share draft or other draft received in payment of such assistance by the recipient or the withdrawal of any funds credited to the recipient's account through the use of any other money transfer technique after any change in such facts which would render ~~him~~ the person ineligible for such assistance shall be prima facie evidence of fraud in any such case.

SECTION 35. 59.74 (1) of the statutes is amended to read:

59.74 (1) The county board of each county ~~containing two hundred thousand or more~~ having a population of 200,000 or more shall designate ~~two~~ 2 or more, and in other counties the county board, or when the occasion arises and the county board is not in session, then a committee of the board which has been authorized to do so shall designate one or more credit unions, banks, banking institutions, or trust companies organized and doing business under the Wisconsin or United States laws of this state or federal law, located in Wisconsin this state, as county depositories, one or more of which shall be designated as working credit unions, savings and loan associations or banks, all deposits in which shall be active deposits.

SECTION 36. 60.19 (3) (c) of the statutes is amended to read:

60.19 (3) (c) The town board shall on or before March 15 prior to the commencement of the term of such officers and of each year thereafter, certify to the town treasurer the name or names of such assessor and assistants and the salaries to be paid to said persons, and the town treasurer shall periodically issue a check, share draft or other draft on the town treasury for the payment of such salaries on a semimonthly basis.

SECTION 37. 60.35 (2) of the statutes is amended to read:

60.35 (2) All order checks, share drafts or other drafts issued by a town shall be numbered consecutively as drawn.

SECTION 38. 60.756 (14) of the statutes is amended to read:

60.756 (14) Canceled checks, share drafts, other drafts and town orders, after 7 years.

SECTION 39. 66.04 (2) (a) 1 of the statutes is amended to read:

66.04 (2) (a) 1. Time deposits in any credit union, bank, savings bank, trust company or savings and loan association which is authorized to transact business in this state if the time deposits mature in not more than one year;

SECTION 40. 66.042 (2) and (6) of the statutes are amended to read:

66.042 (2) Notwithstanding ~~any other provision of law~~, a county having a population of 500,000 or more may, by ordinance, adopt any other method of allowing vouchers, disbursing funds, reconciling outstanding county orders, reconciling bank depository accounts, examining county orders, and accounting therefor consistent with accepted accounting and auditing practices, provided that such the ordinance shall prior to its adoption be submitted to the department of revenue, which ~~department~~ shall submit its recommendations with respect thereto on the proposed ordinance to the county board of supervisors.

(6) Withdrawal or disbursement of moneys deposited in a public depository as defined in s. 34.01 (2) by a treasurer as defined in s. 34.01 (7), other than the elected, appointed or acting official treasurer of a county, city, village, town or school district, shall be by endorsement, written order, draft, share draft or, check or other draft signed by the person or persons designated by written authorization of the governing board as defined in s. 34.01 (4). ~~Any such~~ The authorization shall conform to any specific statutory provision statute covering the disbursement of the funds. Any public depository shall be fully warranted and protected in making payment in accordance with the latest authorization on file therewith filed with it.

SECTION 41. 66.94 (25) of the statutes is amended to read:

66.94 (25) SECRETARY AND TREASURER. The board shall appoint a secretary and a treasurer, who need not be members of the board, to hold office during the pleasure of the board, and fix their duties and compensation. The secretary shall not be engaged in any other business or employment ~~during his tenure of office~~. Before entering upon the duties of their respective offices they shall take and subscribe an official oath, and the treasurer shall execute an official bond with corporate sureties to be approved by the board. The bond shall be payable to the authority in whatever penal sum may be directed by the board conditioned upon the faithful performance of the duties of the office and the payment of all money received ~~by him~~ according to law and the orders of the board. The board may, at any time, require a new bond from the treasurer in such penal sum as it may determine. The obligation of the sureties shall not extend to any loss sustained by the insolvency, failure or closing of any credit union, savings and loan association or national or state bank wherein the treasurer has deposited funds if the credit union, savings and loan association or bank has been approved by the board as a depository. The oaths of office and bond shall be filed in the principal office of the authority.

SECTION 42. 67.04 (9) of the statutes is amended to read:

67.04 (9) By any municipality to provide a sum not exceeding the amount of all funds belonging to ~~such the~~ municipality which have lawfully been deposited in a bank, savings and loan association or credit union, and which are not available to ~~such the~~ municipality because ~~such bank the~~:

(a) Bank has been placed in the hands of the commissioner of banking or is operating under a stabilization and readjustment agreement approved by the commissioner, or because ~~such the~~ bank has sold a part or all of its assets to another bank which has agreed to pay a part or all of the deposit liability of ~~such the~~ selling bank on a deferred payment basis, or because ~~such the~~ bank, being a national bank, has been placed in the

hands of the comptroller of the currency or is operating under a stabilization and readjustment agreement approved by the investment board.

SECTION 43. 67.04 (9) (b) and (c) of the statutes are created to read:

67.04 (9) (b) Commissioner of credit unions has taken possession of the credit union or the credit union has adopted a stabilization and readjustment plan approved by the commissioner of credit unions, or has transferred all or part of its assets to another credit union under a consolidation plan adopted under s. 186.31 and the absorbing credit union has agreed to pay all or part of the deposit liability of the absorbed credit union on a deferred payment basis.

(c) Commissioner of savings and loan has taken possession of the savings and loan association or the savings and loan association has adopted a stabilization and readjustment plan approved by the commissioner of savings and loan or the savings and loan association has transferred all or part of its assets to another savings and loan association which has agreed to pay all or part of the deposit liability of the absorbed savings and loan association on a deferred payment basis.

SECTION 44. 67.12 (10) (title) and (a) of the statutes are amended to read:

67.12 (10) (title) BORROWING AGAINST ASSETS IN CLOSED BANK, SAVINGS AND LOAN ASSOCIATION OR CREDIT UNION. (a) Notwithstanding ~~the requirements of sub. (1) (b)~~, the governing body of any county or other municipality which is authorized to borrow money may borrow a sum not exceeding the amount of all funds belonging to ~~such the~~ municipality which have been lawfully deposited in a bank, savings and loan association or credit union and which are not available because ~~such bank the~~ the:

1. Bank is in the hands of the office of the commissioner of banking, or is operating under a stabilization and readjustment agreement approved by the office or because ~~such the~~ the bank, with approval of the office of the commissioner of banking, has sold a part or all of its assets to another bank which has agreed to pay a part or all of the deposit liability of ~~such the~~ the selling bank on a deferred payment basis, or because ~~such the~~ the bank, being a national bank, has been placed in the hands of the comptroller of the currency as ~~provided by under~~ under federal statute law, or because ~~such the~~ the national bank is operating under a stabilization and readjustment agreement approved by the office of the commissioner of banking. ~~The~~

(am) A sum so borrowed under par. (a) shall be repaid, with interest at the agreed rate, on or before one year from the date of the loan and shall be secured by lawfully authorized orders or promissory notes, each order or promissory note when paid to be receipted and returned to the treasurer or fiscal agent of the municipality; provided, that deferred certificates of deposit issued to ~~such the~~ the municipality under the deferred payment plan of any bank, savings and loan association or credit union in this state which has been approved by the ~~office of the~~ commissioner of banking, commissioner of savings and loan or commissioner of credit unions may be pledged as collateral security for ~~such the~~ the loans. When so secured ~~such the~~ the loans shall be repaid on or before the latest maturity date of the deferred certificates of deposit pledged as collateral, and shall be payable in instalments equal in amount to each of ~~such the~~ the deferred certificates of deposit and payable on the various maturity dates of the deferred certificates of deposit.

SECTION 45. 67.12 (10) (a) 2 and 3 of the statutes are created to read:

67.12 (10) (a) 2. Commissioner of credit unions has taken possession of the credit union or the credit union has adopted a stabilization and readjustment plan approved by the commissioner of credit unions, or has transferred all or part of its assets to another credit union under a consolidation plan adopted under s. 186.31 and the absorbing credit union has agreed to pay all or part of the deposit liability of the absorbed credit union on a deferred payment basis.

3. Commissioner of savings and loan has taken possession of the savings and loan association or the savings and loan association has adopted a stabilization and readjustment plan approved by the commissioner of savings and loan or the savings and loan association has transferred all or part of its assets to another savings and loan association which has agreed to pay all or part of the deposit liability of the absorbed savings and loan association on a deferred payment basis.

SECTION 46. 70.112 (1) of the statutes is amended to read:

70.112 (1) MONEY AND INTANGIBLE PERSONALTY. Money and all intangible personal property, such as credit, checks, share drafts, other drafts, notes, bonds, stocks and other written instruments.

SECTION 46m. 71.01 (3) (a) 1 of the statutes, as affected by 1983 Wisconsin Act 27, is amended to read:

71.01 (3) (a) 1. Income of mutual insurers exempt from federal income taxation pursuant to section 501 (c) (15) of the internal revenue code, town mutuals organized under or subject to ch. 612, foreign insurers, and domestic insurers engaged exclusively in life insurance business, domestic insurers insuring against financial loss by reason of non-payment of principal, interest and other sums agreed to be paid under the terms of any note or bond or other evidence of indebtedness secured by a mortgage, deed of trust or other instrument constituting a lien or charge on real estate, railroad corporations and sleeping car companies, of car line companies from operation of car line equipment as defined in s. 76.39, and corporations organized under ch. 185 or operating under subch. I of ch. 616 which are bona fide cooperatives operated without pecuniary profit to any shareholder or member, or operated on a cooperative plan pursuant to which they determine and distribute their proceeds in substantial compliance with s. 185.45, and of all religious, scientific, educational, benevolent or other corporations or associations of individuals not organized or conducted for pecuniary profit. This paragraph does not apply to the income of mutual savings banks, mutual loan corporations, or savings and loan associations or credit unions except credit unions the membership of which is limited to groups having a common bond of occupation, or association, or to groups within a well-defined neighborhood, community or rural district. This paragraph applies to the income of credit unions except to the income of any credit union that is derived from public deposits for any taxable year in which the credit union is approved as a public depository under ch. 34 and acts as a depository of state or local funds under s. 186.113 (20). For purposes of this subdivision, the income of a credit union that is derived from public deposits is the product of the credit union's gross annual income for the taxable year multiplied by a fraction, the numerator of which is the average monthly balance of public deposits in the credit union during the taxable year, and the denominator of which is the average monthly balance of all deposits in the credit union during the taxable year. Beginning with calendar year 1972 and thereafter, this paragraph does not apply to the income of insurers under ch. 613 operating by virtue of s. 148.03, 447.13, 449.15, 450.13 or 613.80. Tax on the income of such insurers shall first be payable on or before March 15, 1973, and thereafter under s. 71.10 (1).

SECTION 47. 71.09 (7) (c), (11) (am) and (12) (b) of the statutes are amended to read:

71.09 (7) (c) Subject to the limitations provided in this subsection, a claimant may claim as a credit against Wisconsin income taxes otherwise due, Wisconsin property taxes accrued, or rent constituting property taxes accrued, or both. If the allowable amount of claim exceeds the income taxes otherwise due on claimant's income or if there are no Wisconsin income taxes due on claimant's income, the amount of the claim not used as an offset against income taxes shall be certified to the department of administration for payment to the claimant by check, share draft or other draft drawn on the general fund. No such check, share draft or other draft and no offset against income taxes otherwise payable, or refund of income taxes paid in respect of any such claim shall be charged against any town, city, village or county in the distribution of income taxes

under this chapter. No interest shall be allowed on any payment made to a claimant pursuant to this subsection.

(11) (am) Subject to the limitations provided in this subsection, a claimant may claim as a credit against Wisconsin income taxes otherwise due, the amount derived under par. (b). If the allowable amount of claim exceeds the income taxes otherwise due on claimant's income or if there are no Wisconsin income taxes due on claimant's income, the amount of the claim not used as an offset against income taxes shall be certified to the department of administration for payment to the claimant by check, share draft or other draft drawn on the general fund. No such check, share draft or other draft and no offset against income taxes otherwise payable, or refund of income taxes paid in respect of any such claim shall be charged against any town, city, village or county in the distribution of income taxes under this chapter. No interest shall be allowed on any payment made to a claimant under this subsection.

(12) (b) Applications for credit under this subsection shall be made on a form prescribed by the department of revenue and attached to the applicant's state income tax return. If the allowable amount of claim under this subsection exceeds the income taxes otherwise due on the claimant's income or if there are no Wisconsin income taxes due on the claimant's income, the amount of the claim not used as an offset against income taxes shall be certified to the department of administration for payment to the claimant by check, share draft or other draft from the appropriation under s. 20.835 (2) (e). No interest shall be allowed on any payment made to a claimant under this paragraph. No claim filed under this subsection shall be allowed unless the claim is filed within 4 years of the taxable year in which the costs upon which it is based were incurred.

SECTION 49. 74.031 (7) of the statutes is amended to read:

74.031 (7) (title) COLLECTION BY BANKS, SAVINGS AND LOAN ASSOCIATIONS OR CREDIT UNIONS. The treasurer of any city, village or town, subject to approval by the governing body, may designate banks, savings and loan associations and credit unions to which taxpayers may pay instalments of taxes and may provide for the remuneration of ~~such~~ the banks, savings and loan associations and credit unions. Notice of ~~such~~ this fact with the names and location of the banks, savings and loan associations and credit unions shall be given by publication as a class 1 notice, under ch. 985. ~~The receipts~~ A receipt of any bank, savings and loan association or credit union designated in the notice ~~herein provided for~~ shall protect the taxpayer to the same extent as if ~~the same were~~ a receipt signed by the treasurer in person.

SECTION 50. 74.035 (2) of the statutes is amended to read:

74.035 (2) The part-time treasurer of any town, city or village may designate banks, savings and loan associations and credit unions to which taxpayers may pay ~~such~~ the advance deposits. A notice containing the names and locations of the designated banks, savings and loan associations and credit unions shall be published as a class 1 notice, under ch. 985. A receipt from ~~any such~~ a designated bank, savings and loan association or credit union shall protect the taxpayer to the same extent as a receipt signed by the treasurer in person.

SECTION 51. 78.68 (1) (b) of the statutes is amended to read:

78.68 (1) (b) If any licensee fails, neglects or refuses to make the tax payment for any calendar month or quarter when due, the department shall send a written demand for payment to the licensee by mail addressed to the licensee at the address of the licensee's principal place of business. A penalty of \$10 is imposed for the first failure, neglect or refusal within a calendar year to make the tax payment when due and a penalty of 2% of the tax due but not less than \$10 is imposed for each successive failure, neglect or refusal to make the tax payment when due within the same calendar year. If tax remittance was made when due but by a defective share draft, other draft or bank check, the department may waive the penalty if it appears to the department that the defect was not intentional

and the defect is corrected promptly. If the tax and penalty are not paid within 10 days from the date the licensee received the department's demand, the license of the licensee shall be automatically revoked and the department shall determine the amount of tax due and shall proceed to collect the motor fuel, general aviation fuel or special fuel tax and penalty as provided in this chapter.

SECTION 52. 87.12 (8) of the statutes is amended to read:

87.12 (8) All moneys of the board shall be deposited in such credit unions, savings and loan associations or state or national banks ~~as the board may from time to time designate designated by the board,~~ and shall be drawn out only upon checks, share drafts or other drafts signed by the chairman and the treasurer of the board. As funds are required by the board ~~from time to time~~ for the work of constructing the improvement, the board shall by resolution ~~make requisition for~~ the amounts ~~so required upon~~ from the treasurers of the ~~several~~ public corporations holding money available for that purpose ~~pursuant to~~ under s. 87.10, and each ~~such~~ treasurer shall ~~forthwith~~ pay the amount ~~thus~~ requisitioned to the board. The amount to be requisitioned at any time from any ~~such~~ treasurer shall bear ~~such the same~~ the same proportion to the total amount requisitioned at ~~such~~ that time, as the amount certified by ~~such~~ the treasurer ~~pursuant to~~ under this section to be on hand and available ~~shall bear~~ bears to the total amount certified by all of ~~such~~ the treasurers to be on hand and available.

SECTION 53. 93.24 (8) (intro.) of the statutes is amended to read:

93.24 (8) (title) FUND FOR SPECIAL EVENTS AND CHANGE PURPOSES. (intro.) The state fair park board may maintain an imprest cash fund in an account in a Milwaukee or West Allis bank, savings and loan association or credit union approved by the depository selection board as a fund upon which to draw or obtain sufficient change for operation of the state fair and state fair park. Of the receipts from the operation of the state fair park, the state fair park board may deposit not more than the following amounts in the imprest cash fund:

SECTION 54. 102.32 (1) and (4) of the statutes are amended to read:

102.32 (1) By depositing the present value of the total unpaid compensation upon a 3% interest discount basis with ~~such~~ a credit union, savings and loan association, bank or trust company ~~as may be~~ designated by the department; or

(4) In cases where the time for making payments or the amounts thereof cannot be definitely determined, by furnishing a bond, or other security, satisfactory to the department for the payment of ~~such~~ compensation as may be due or become due. The acceptance of ~~such the~~ the bond, or other security, and the form and sufficiency thereof, shall be subject to the approval of the department. If the employer or insurer is unable or fails to immediately procure ~~such the~~ the bond, then, in lieu thereof, deposit shall be made with ~~such a credit union, savings and loan association,~~ a credit union, savings and loan association, bank or trust company, ~~as may be~~ designated by the department, of the maximum amount that may reasonably become payable in ~~such these~~ these cases, to be determined by the department at amounts consistent with the extent of the injuries and the ~~provisions of the law.~~ Such ~~The~~ bonds and deposits are to be reduced only to satisfy ~~such~~ claims and withdrawn only after the claims which they are to guarantee are fully satisfied or liquidated under sub. (1), (2) or (3); and

SECTION 55. 102.51 (2) (c) of the statutes is amended to read:

102.51 (2) (c) No person who is a nonresident alien shall be found to be either totally or partially dependent on a deceased employe for support who cannot establish dependency by proving contributions from the deceased employe by written evidence or tokens of the transfer of money, such as drafts, letters of credit, microfilm or other copies of paid share drafts, canceled checks, or receipts for the payment to any bank, express company, United States post office, or other agency commercially engaged in the transfer of funds from one country to another, for transmission of funds on behalf of said deceased employe to such nonresident alien claiming dependency. This provision shall

not be applicable unless the employe has been continuously in the United States for at least one year prior to his or her injury, and has been remuneratively employed therein for at least 6 months.

SECTION 56. 108.16 (5) (c) of the statutes is amended to read:

108.16 (5) (c) While the state has an account in the "Unemployment Trust Fund," public deposit insurance charges on the fund's balances held in ~~Wisconsin~~ banks, savings and loan associations and credit unions in this state, the premiums on surety bonds required of the fund's treasurer under this section, and any other expense of administration otherwise payable from the fund's interest earnings, shall be paid from the administration fund.

SECTION 57. 116.03 (10) of the statutes is amended to read:

116.03 (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 administrator and for the acquisition of equipment, space and personnel. All accounts of the agency shall be paid by check, share draft or other draft signed by the chairperson and secretary.

SECTION 58. 119.52 (3) (a) of the statutes is amended to read:

119.52 (3) (a) All proposals shall be sealed and shall be directed to the board. Proposals involving the expenditure of \$5,000 or more shall be accompanied by a bid bond executed by a surety corporation licensed to transact business in this state in a penal sum fixed by the board of not less than 5% nor more than 10% of the estimated cost of the construction work or the materials, equipment or supplies. In lieu of a bid bond, the bidder may accompany ~~his~~ the bid with a certified check, a certified share draft, other certified draft, a bank cashier's check or cash in the amount required by the board. If the bidder awarded the contract requiring a bid bond fails or refuses to execute the contract and performance bond, the amount of the bid bond, certified check, certified share draft, other certified draft, cashier's check or cash shall be forfeited to the city as liquidated damages.

SECTION 59. 120.15 (1) of the statutes is amended to read:

120.15 (1) Countersign all checks ~~and~~, share drafts or other drafts for disbursement of school district moneys.

SECTION 60. 120.16 (2) of the statutes is amended to read:

120.16 (2) Apply for, receive and sue for all money appropriated to or collected for the school district and disburse the same in accordance with this subsection and s. 66.042. Disbursements from the school district treasury shall be made by the school district treasurer upon the written order of the school district clerk after proper vouchers have been filed with the school district clerk. Such disbursements shall be by order check ~~or~~, share draft or other draft and no order check ~~or~~, share draft or other draft is valid nor may it be released to the payee unless signed by the school district clerk and school district treasurer and countersigned by the school district president. In a school district having 5 or more school board members, another school board member may countersign such order checks ~~or~~, share draft or other draft in lieu of the school district president. No order check ~~or~~, share draft or other draft may be drawn for the payment of which money has not been appropriated according to law. The school district treasurer may receive money raised in extracurricular activities. The school board may by resolution authorize the use of facsimile signatures as provided in s. 66.042 (3). A certified copy of the resolution shall be filed with the school district clerk and each public depository concerned.

SECTION 61. 186.05 (1) (d) of the statutes is created to read:

186.05 (1) (d) A public depositor, as defined in s. 34.01 (3), who makes a public deposit may become a member of the credit union if the bylaws permit membership of public depositors.

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SECTION 62. 186.09 (1) of the statutes is amended to read:

186.09 (1) The credit union may make loans to members upon ~~such~~ terms as approved by the credit committee or loan officers at rates of interest not to exceed the rate permitted by s. 138.041 (2), a rule adopted under s. 186.012 (4) or ch. 422.

SECTION 63. 186.113 (20) and (21) of the statutes are created to read:

186.113 (20) Act as depositories of state and local public funds.

(21) On request of the federal secretary of the treasury, act as federal depository, fiscal agent or both of the federal government and perform such services as the federal secretary of the treasury may require in connection with the collection of taxes and other obligations due the federal government and the lending, borrowing and repayment of money by the federal government, including the issue, sale, redemption or repurchase of bonds, notes, treasury certificates of indebtedness, or other obligations of the federal government.

SECTION 64. 186.35 (5) (d) of the statutes is amended to read:

186.35 (5) (d) A regular annual assessment, not to exceed 0.1% of the member credit union's savings capital, including public funds deposited in the credit union, shall be levied by the trustees. In the event of potential impairment of the corporation's capital funds, special assessments may be levied by the trustees with the approval of the commissioner. The member credit union's savings capital as of December 31 shall be the basis for calculating the assessment due the ensuing year. The trustees shall determine the date the annual assessment is due and payable. The annual assessment, and any special assessment, when paid by the member credit union, shall be a charge to its regular reserve. The membership fee and the annual assessment shall also be levied on credit union savings in a central credit union on a similar basis ~~as stated herein; however, the~~. The guaranty on such these credit union savings extends to the full amount of such the savings balances and is not limited by the maximum protection afforded a credit union member under sub. (2) (a). The guaranty on public funds is not limited by sub. (2) (a). Nothing in this paragraph authorizes levying of assessments under this paragraph against national corporate central credit unions.

SECTION 65. 231.17 of the statutes is amended to read:

231.17 Investment of funds. The authority may invest any funds in bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal and interest of which are guaranteed by, the United States; in those certificates of deposit or time deposits constituting direct obligations of any bank which are insured by the federal deposit insurance corporation; in certificates of deposit constituting direct obligations of any credit union which are insured by the Wisconsin credit union savings insurance corporation or the national credit union administration; in certificates of deposit constituting direct obligations of any savings and loan association which are insured by the federal savings and loan insurance corporation; or in short-term discount obligations of the federal national mortgage association. Any such securities may be purchased at the offering or market price thereof at the time of such purchase.

SECTION 66. 604.05 of the statutes is amended to read:

604.05 Investments. Assets of all funds under chs. 605 to 607 shall be invested by the state investment board under s. 25.17. Each January 1 the state treasurer shall credit each fund with earnings on the invested assets in each fund for the preceding 12 months. If any fund is indebted to the general fund of the state the fund shall be charged, at the end of each calendar year, with interest on the indebtedness at the average rate earned by the state upon its ~~bank~~ deposits in public depositories during the period of indebtedness and that sum shall be credited to the general fund.

SECTION 67. 641.19 (1) of the statutes is amended to read:

641.19 (1) The trustees of every employe welfare fund required to register under this chapter shall be responsible in a fiduciary capacity for all money, property, or other assets received, managed or disbursed by them, or under their authority, on behalf of such fund. Trustees shall invest the funds of their trusts and shall manage fund affairs in accordance with provisions contained in the instruments under which they are acting, or in the absence of any such provisions, shall invest in accordance with ch. 881 and shall manage fund affairs in accordance with the judgment and care under the circumstances prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs. All payments due to or from every welfare fund subject to this chapter shall be by check, bank draft, share draft, other draft, postal money order or other recognized written method of transmitting money or its equivalent.

SECTION 68. 885.06 (1) of the statutes is amended to read:

885.06 (1) Except when subpoenaed on behalf of the state or on behalf of a municipality in forfeiture actions no person shall be obliged to attend as a witness in any civil action, matter or proceeding unless ~~his~~ the person's fees are paid or tendered to ~~him~~ the person for one day's attendance and for travel; provided that tender of witness fees in the form of a check, share draft or other draft drawn by the state, a political subdivision of the state, a municipal corporation of the state or a department or officer of any of them which is payable to bearer or payable to the order of the person named in such subpoena shall oblige the person named in such subpoena to attend as a witness in accordance with the lawful requirements of such subpoena.

SECTION 69. **Initial applicability.** The treatment of section 71.01 (3) (a) 1 of the statutes by this act first applies to taxable year 1984.
