

1999 DRAFTING REQUEST

Bill

Received: **03/17/1999**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: Alvin Ott 1

By/Representing: **Don Dyke**

This file may be shown to any legislator: **NO**

Drafter: **shoveme**

May Contact: **Don Dyke, 6-0292**

Alt. Drafters:

Subject: **Munis - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Authorize municipal fire departments to deposit, disburse and spend certain funds.

Instructions:

See Attached, WLCS 0062/P2

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	shoveme 04/19/1999	jgeller 04/27/1999	martykr 04/27/1999	_____	lrb_docadmin 04/27/1999		Local
/1	shoveme 0712111999	jgeller 07/21/1999	jfrantze 07/22/1999	_____	lwilliam 07/22/1999	lrb_docadminLocal 08/13/1999	

FE Sent For: **08/13/1999.**

<END>

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/P1	shoveme 04/19/99	ygeller 04/27/99	martykr 04/27/99	_____	lrb_docadmin 04/27/99		Local
/1	shoveme 07121/99	ygeller 07121/99	jfrantze 07/22/99	_____	lwilliam 07/22/99		Local

FE Sent For:



<END>

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Topic:

Authorize municipal fire departments to-deposit, disburse and spend certain funds.

Instructions:

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/P1	shoveme 04/19/99	j geller 04/27/99	martykr 04/27/99	_____	lrb_docadmin 04/27/99		Local

11 MES 7/21/99
FE Sent For:

JG/21 J/mc
21
<END>

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1?	shoveme	PI 4/27 jlg	Kim 4/27	ch	submit		
PI MES 4/19/99							

FE Sent For:

<END>

DD:ksm;jal

PRELIMINARY

Al Ott

add a "hold harmless" 1/27/99
for local treasurers -

call Don for details

1 **AN ACT** to create 66.0425 of the statutes; **relating to:** authorizing cities, villages and
2 towns to grant authority to municipal fire departments to deposit, disburse and
3 expend certain funds.

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

4 **SECTION 1.** 66.0425 of the statutes is created to read:

5 **66.0425 Separate accounts for municipal fire volunteer funds. (1) DEFINITIONS.** In
6 this section:

7 (a) "Fire volunteer funds" means those funds of a city, village or town raised by
8 employes or volunteers of the city, village or town fire department through fund-raising
9 efforts and by donations given in the name of the fire department.

10 (b) "Public depository" means a public depository designated by the governing body
11 of the city, village or town under s. 34.05.

12 (2) **GENERAL AUTHORITY.** The governing body of a city, village or town may provide by
13 ordinance all of the following:

14 (a) That fire volunteer funds may be deposited by the fire department in a public
15 depository in an account in the name of the fire department.

16 (b) That the fire department has exclusive control of the expenditure of fire volunteer
17 funds in the account under par. (a).

18 (c) That an official or employe of the fire department may withdraw and disburse funds
19 from the account under par. (a).

1 (3) **AUTHORITY TO IMPOSE LIMITATIONS.** The governing body of the city, village or town
2 may place any limitations or requirements it determines are in the public interest on the
3 authority granted in an ordinance adopted under sub. (2), including any of the following:

4 (a) Limits on the type and amount of funds that may be deposited in the fire department's
5 separate account.

6 (b) Limits on the amounts and purposes of expenditures from the fire department's
7 separate account.

8 (c) Limits on withdrawals and disbursements that may be made by the fire department
9 from the fire department's separate account, including a requirement that withdrawals or
10 disbursements be made in accordance with s. 66.042.

11 (d) Bonding, reporting and audit requirements.

12 (4) **FUNDS ARE MUNICIPAL FUNDS.** Fire volunteer funds remain funds of the city, village
13 or town regardless of the provisions of an ordinance adopted under sub. (2).

 COMMENT: This preliminary draft does not attempt to treat existing
statutes that may need treatment in light of the creation of s. 66.0425 by
this draft; that treatment can be accomplished after agreement has been
reached on the primary proposal, which is set forth in proposed s.
66.0425.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2522/P1
MES.....A'
JG

WED

PRELIMINARY **DRAFT - NOT READY FOR** INTRODUCTION

D-note

gln

1 AN ACT... relating to: allowing cities, villages and towns to authorize municipal
2 fire departments to deposit, disburse and expend certain funds.

Analysis by the Legislative Reference Bureau

official

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 department to deposit in a public depository funds that are raised by fire department employes or volunteers, or funds that are donated, on behalf of the municipality's fire department. The ordinance may also give the particular employe or employe of the fire 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 department and not with the municipal treasurer.

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.

History: 1983 a. 532; 1985 a. 25 s. 15; 1985 a. 29; 1985 a. 135 s. 85; 1985 a. 218 s. 22; 1987 a. 27,378.

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.

History: 1971 c. 154; 1975 c. 375 s. 44; 1975 c. 421; 1983 a. 36; 1983 a. 189 s. 329 (21); 1983 a. 395 ss. 9.18; 1983 a. 532 s. 36; 1985 a. 29; 1987 a. 27,378.

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.

History: 1971 c. 154; 1975 c. 375 s. 44; 1975 c. 421; 1983 a. 36; 1983 a. 189 s. 329 (21); 1983 a. 395 ss. 9.18; 1983 a. 532 s. 36; 1985 a. 29; 1987 a. 27,378.

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.

History: 1971 c. 154, 175; 1971 c. 304 s. 29 (1); 1973 c. 90.243; 197.5 c. 21, 39, 41, 199, 258; 1975 c. 375 s. 44; 1975 c. 421; 1977 c. 29.151; 1977 c. 305 s. 64; 1979 c. 34, 221, 251; 1981 c. 20,317; 1983 a. 189 s. 329 (21); 1983 a. 210.395; 1983 a. 532 ss. 10, 14; 1985 a. 29, 39; 1985 a. 135 s. 83 (5); 1985 a. 225; 1987 a. 27, 181,378; 1989 a. 31, 56, 113; 1991 a. 39,316; 1993 a. 27, 184, 490; 1995 a. 225; 1997 a. 21,257.

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

21 62.09 (9) (e) ~~The~~ Except as provided in s. 66.043 (2), the treasurer shall deposit
22 immediately upon receipt thereof the funds of the city in the name of the city in the
23 public depository designated by the council. Such deposit may be in either a demand

1 deposit or in a time deposit, maturing in not more than one year. Failure to comply
 2 with the provisions hereof shall be prima facie grounds for removal from office. When
 3 the money is so deposited, the treasurer and the treasurer's bonders shall not be
 4 liable for such losses as are defined by s. 34.01 (2). The interest arising therefrom
 5 shall be paid into the city treasury.

History: 1971 c. 154,175; 1971 c. 304 s. 29 (1); 1973 c. 90,243; 1975 c. 21, 39, 41, 199, 258; 1975 c. 375 s. 44,1975 c. 421; 1977 c. 29, 151; 1977 c. 305 s. 64; 1979 c. 34, 221, 251; 1981 c. 20,317; 1983 a. 189 s. 329 (21); 1983 n. 210,395; 1983 a 532 ss. 10, 14; 1985 a. 29,39; 1985 a. 135 s. 83 (5); 1985 a. 225; 1987 a. 27, 181,378; 1989 a. 31, 56, 113; 1991 a. 39,316; 1993 a. 27, 184,490; 1995 a. 225; 1997 a. 27,257.

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

7 **66.042 (1)** Except as otherwise provided in subs. (2) to (5) and in s. 66.043 (2),

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

History: 1971 c. 154; 1971 c. 211 s. 124; 1977 c. 142, 225; 1979 c. 318; 1981 c. 20; 1983 a. 145; 1983 a 189 s. 329 (21); 1983 a. 192 s. 303 (2); 1983 a. 368,538; 1985 a. 91,225; 1989 a. 56 s. 258; 1993 a. 399.

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

19 **66.043 Separate accounts for municipal fire volunteer funds. (1)**

20 **DEFINITIONS.** In this section:

21 (a) "Fire volunteer funds" means funds of a municipality that are raised by
 22 employees of the municipality's fire department, by volunteers or by donation to the
 23 fire department, for the benefit of the municipality's fire department.

1 (b) "Municipality" means any city, village or town.

2 (c) "Public depository" has the meaning given in s. 34.01 (5).

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

5 (a) Authorizes a particular official or employe of the municipality's fire
6 department to deposit fire volunteer funds, in an account in the name of the fire
7 department, in a public depository.

8 (b) Gives the municipality's fire department, through the official or employe
9 described under par. (a), exclusive control over the expenditure of fire volunteer
10 funds in an account described under par. (a).

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

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

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

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

20 (4) OWNERSHIP OF FUNDS. Notwithstanding an ordinance enacted under sub.
21 (2), fire volunteer funds shall remain the property of the municipality until the funds
22 are disbursed.

23 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2522/1dn

MES.....

↑
JG

This bill is based on WLCS 0006/P2 and I believe it meets your intent, but I'm not sure if anything under current law would prohibit a municipality from ensuring that funds that are raised to benefit a municipal fire department are used by the fire department. In other words, I'm not sure why current law is insufficient to meet your intent. If this bill does not meet your intent, please let me know exactly what problem exists that you would like to remedy.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: Marc.Shovers@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2522P1dn
MES;jlg:km

April 27, 1999

This bill is based on WLCS 0006/P2 and I believe it meets your intent, but I'm not sure if anything under current law would prohibit a municipality from ensuring that funds that are raised to benefit a municipal fire department are used by the fire department. In other words, I'm not sure why current law is insufficient to meet your intent. If this bill does not meet your intent, please let me know exactly what problem exists that you would like to remedy.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: Marc.Shovers@legis.state.wi.us

"EMT volunteer funds" means funds of a municipality

create a similar definition for "first responders" is "first responders"

"Volunteer funds" means any of the following:

a) funds of a muni ... firedept

b) funds of muni ... EMT

c) funds of muni ... 1st responder

try & include First responders
→ p. 146.53(1)(d)

EMTS

146.50(1)(e)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2522/11

MES:jlg:km

FMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D. note

regen

or first responder

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 departments to deposit, disburse
4 and expend certain funds.

emergency medical technician

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 department to deposit in a public depository funds that are raised by fire department employes or volunteers, or funds that are donated, on behalf of the municipality's fire department. The ordinance may also give the particular official or employe of the fire 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 department and not with the municipal treasurer.

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:

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 volunteer funds. (1)**

23 **DEFINITIONS.** In this section:

(B) emergency medical technician
and first responder

INS. 4-1

g

1 (a) ~~“Fire volunteer funds” means funds of a municipality that are raised by~~
2 ~~employees of the municipality’s fire department, by ~~volunteers~~ or by donation to the~~
3 ~~fire department, for the benefit of the municipality’s fire department.~~

4 ~~“Municipality” means any city, village or town.~~

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

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

8 (a) Authorizes a particular official or employe of the municipality’s fire
9 department, ~~to deposit fire volunteer funds,~~ *emergency medical technician department or first responder,*
10 department, ~~in a public depository.~~ *of the department for which the individual serves as an official or employe*

11 (b) Gives the municipality’s fire department, through the official or employe
12 described under par. (a), exclusive control over the expenditure of ~~fire~~ volunteer
13 funds *of the department for which the individual serves as an official or employe* in an account described under par. (a).

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

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

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

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

1

2



**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2522/P1dn
MES:jlg:km

April 27, 1999

*and adds provisions for
emergency medical technicians
and first responders,*

such
This bill is based on WLCS 0906/P2 and I believe it meets your intent, but I'm not sure if anything under current law would prohibit a municipality from ensuring that funds that are raised to benefit ~~a~~ municipal ~~fire~~ department ~~are~~ used by the ~~fire~~ department. In other words, I'm not sure why current law is insufficient to meet your intent. If this bill does not meet your intent, please let me know exactly what problem exists that you would like to remedy.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: Marc.Shovers@legis.state.wi.us



1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2522/1ins
MES:jjk/11

1 INSERT 4-1

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

3 (b) "Emergency medical technician volunteer funds" means funds of a
4 municipality that are raised by employes of the municipality's emergency medical
5 technician department, by volunteers or by donation to the emergency medical
6 technician department, for the benefit of the municipality's emergency medical
7 technician department.

8 (c) "Fire volunteer funds" means funds of a municipality that are raised by
9 employes of the municipality's fire department, by volunteers or by donation to the
10 fire department, for the benefit of the municipality's fire department.

11 (d) "First responder" has the meaning given in s. 146.50³ (1) (d). ✓

12 (e) "First responder volunteer funds" means funds of a municipality that are
13 raised by employes of the municipality's first responder department, by volunteers
14 or by donation to the first responder department, for the benefit of the municipality's
15 first responder department.

16 (f) "Municipality" means any city, village or town.

17 (g) "Public depository" has the meaning given in s. 34.01 (5). ✓

18 ~~(g)~~ "Volunteer funds" means emergency medical technician volunteer funds,
19 fire volunteer funds or first responder volunteer funds.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2522/1dn
MES:jlg:jf

July 22, 1999

This bill is based on WLCS 0006/P2, and adds provisions for emergency medical technicians and first responders, and I believe it meets your intent, but I'm not sure if anything under current law would prohibit a municipality from ensuring that funds that are raised to benefit such municipal departments are used by the departments. In other words, I'm not sure why current law is insufficient to meet your intent. If this bill does not meet your intent, please let me know exactly what problem exists that you would like to remedy.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-O 129
E-mail: Marc.Shovers@legis.state.wi.us

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 7/22/99

To: Representative Ott

Relating to LRB drafting number: LRB-2522

Topic

Authorize municipal fire departments to deposit, disburse and spend certain funds.

Subject(s)

Munis - miscellaneous

1. **JACKET** the draft for introduction

Alvin R. Ott Jr.

in the **Senate** or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction

Alvin R. Ott Jr.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Marc E. Shovers, Senior Legislative Attorney
Telephone: (608) 266-0129

