

2001 DRAFTING REQUEST

Bill

Received: 02/09/2001

Received By: shoveme

Wanted: As time permits

Identical to LRB:

For: Alvin Ott (608) 266-5831

By/Representing: Beata

This file may be shown to any legislator: NO

Drafter: shoveme

May Contact:

Alt. Drafters:

Subject: Muns - miscellaneous

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

City, village and town authorization of emergency service departments to deposit and disburse certain funds

Instructions:

See Attached. Redraft 1999 AB 599, LRB -2522/1

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>
/?	shoveme 02/09/2001	jdye 02/14/2001		_____			Local
/1			rschluet 02/15/2001	_____	lrb_docadmin 02/15/2001	lrb_docadmin 02/16/2001	

FE Sent For:

<END>

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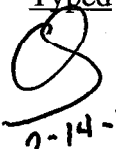
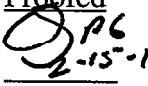
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1/?	shoveme	1 2/14 jld	 2-14-1	 2-15-1			
1/1	MES	2/9/01					

FE Sent For:

<END>

B I L L
REQUEST FORM

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

MES
2

Use of this form is optional. It is often better to talk directly with the LRB attorney who will draft the bill.

Use this form only for **BILL** drafts. Attach more pages if necessary.

Legislator, agency or other body requesting this draft: REP. AL. OTT

Date: 2/6/01 Person submitting request (name, phone number): BEATA KALIES 6-5831

Persons to contact for questions about this draft (names, phone numbers): Same

Describe the problem, including any helpful examples.

How do you want to solve the problem?

REDRAFT 1999 AB 579 (LRB 2522/1)

Please attach a copy of any correspondence or other material that may help us.
If you know of any statute sections that might be affected, list them or provide a marked-up (not retyped) copy.
You may attach a marked-up (not retyped) copy of any LRB draft, or provide its number (e.g., 1999 LRB-2345/1 or 1997 AB-67):

Requests are confidential unless stated otherwise.

- May we tell others that we are working on this for you? Yes No
- If yes: Anyone who asks? Yes No Any legislator? Yes No Only the following persons: _____

Do you consider this request urgent? Yes No If yes, please indicate why: _____

Should we give this request priority over any other pending request of this legislator, agency or body? If yes, sign your name here:
Yes No _____

2001-2002

1999-2000 LEGISLATURE

-2468/1
LRB-2522/L

MES: [initials]

JLD (AMPA)

2001 ~~1999~~ ASSEMBLY BILL ~~599~~

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

reple

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

Analysis by the Legislative Reference Bureau

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

(6) → 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 employee of the fire, emergency medical
 technician, or first responder department and not with the municipal treasurer.

ASSEMBLY BILL 599

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:

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

60.34 (1) (a) ~~Receive~~ Except as provided in s. ~~66.043(2)~~ ^{66.0628} receive and take charge of all money belonging to the town, or which is required by law to be paid into the town treasury, and disburse the money under s. ~~66.042~~ ^{66.0607}

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

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

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

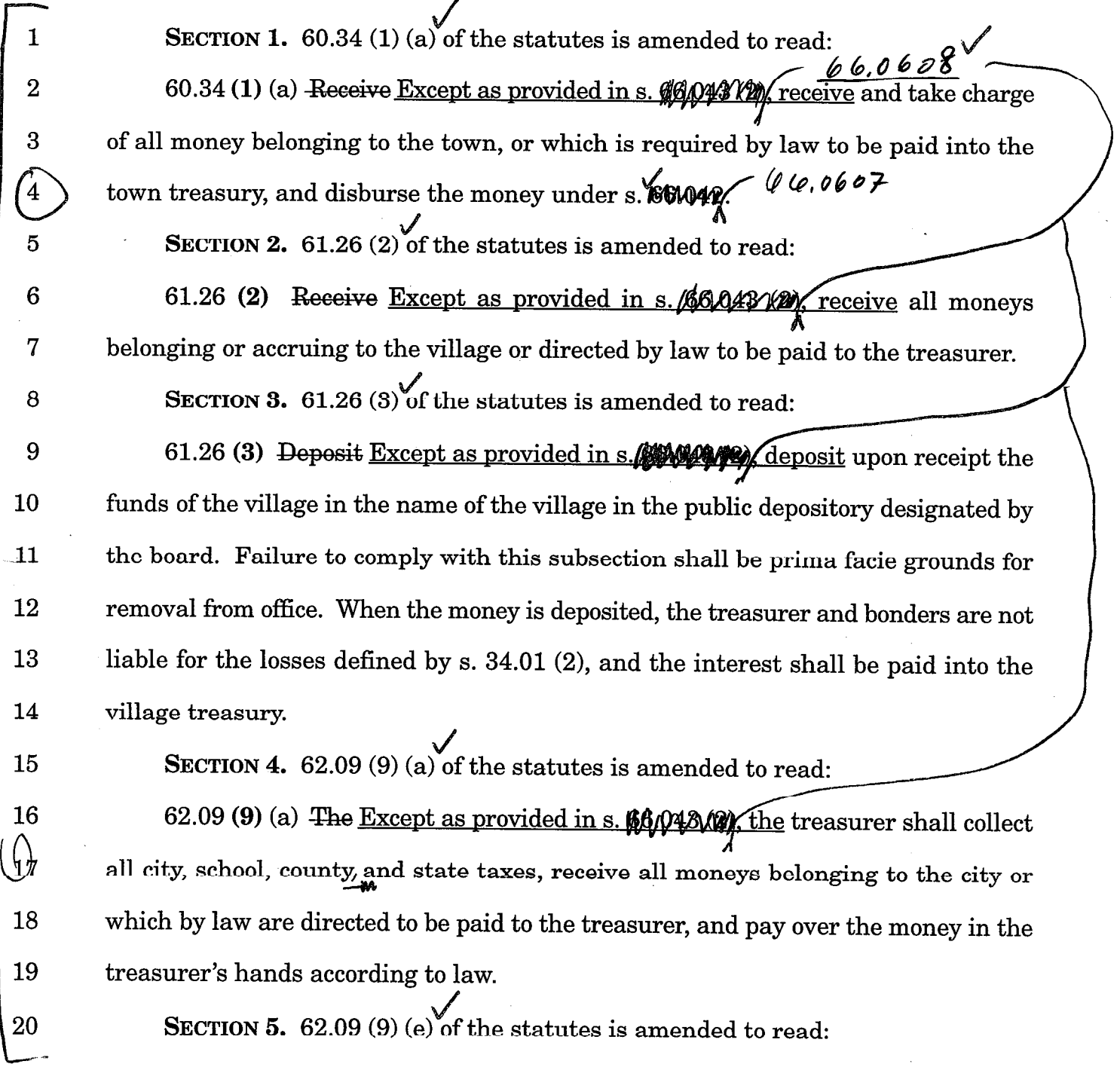
61.26 (3) ~~Deposit~~ Except as provided in s. ~~66.043(2)~~ deposit upon receipt the funds of the village in the name of the village in the public depository designated by the board. Failure to comply with this subsection shall be prima facie grounds for removal from office. When the money is deposited,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

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

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

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

PWJ/E



ASSEMBLY BILL 599

66.0608 ✓ ←

RWF

1 62.09 (9) (e) ~~The~~ Except as provided in s. ~~66.0608(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. ~~66.0602~~ ^{66.0607} (1) of the statutes is amended to read:

10 ~~66.0602~~ ^{66.0607} (1) Except as otherwise provided in subs. (2) to (5) and in s. ~~66.0602~~,
11 in ~~any~~^a county, city, village, town, ~~and~~^{or} school district, all disbursements from the
12 treasury shall be made by the treasurer ~~upon~~ 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~~ ^{IF} 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~~ ^{shall} draw and
16 deliver to the treasurer an order ~~therefor~~ ^{for the payment} before or at the time ~~when such~~ ^{that the} payment
17 is required to be made by the treasurer. ~~The provisions of this section shall apply~~ ^{This} to ~~all~~ ^{applies}
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. ~~66.0603~~ ^{66.0608} of the statutes is created to read:

22 ~~66.0603~~ ^{66.0608} ^③ Separate accounts for municipal fire, emergency medical
23 technician, and first responder volunteer funds. (1) DEFINITIONS. In this
24 section: ^③

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

ASSEMBLY BILL 599

SECTION 7

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 599

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

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

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

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

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

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

18 (END)



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

February 15, 2001

MEMORANDUM

To: Representative Ott

From: Marc E. Shovers, Senior Legislative Attorney

Re: LRB-2468 City, village and town authorization of emergency service departments to deposit and disburse certain funds

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-0129 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.