



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-2545/1
MES:jld

2017 SENATE BILL 122

March 23, 2017 - Introduced by Senators STROEBEL, KAPENGA, OLSEN and NASS, cosponsored by Representatives R. BROOKS, E. BROOKS, STEFFEN, KULP, MURSAU, HORLACHER, TUSLER, SKOWRONSKI, WEATHERSTON, BRANDTJEN, DUCHOW, KREMER, GANNON and PETRYK. Referred to Committee on Economic Development, Commerce and Local Government.

1 **AN ACT to amend** 61.25 (intro.), 61.26 (1), 61.28 (1), 61.29 (1) (a), 62.09 (4) (b),
2 66.0609 (4), 755.03 (1) and 755.03 (2) of the statutes; **relating to:** changing the
3 requirement that certain city and village officials must execute and file an
4 official bond.

Analysis by the Legislative Reference Bureau

Under this bill, with regard to a city treasurer, comptroller, chief of police, municipal judge, and other officials as the common council may direct, such officers are required to execute and file an official bond only if the common council directs them to do so. Similarly under the bill, a village clerk, treasurer, marshal, municipal judge, and constable are required to execute and file an official bond only if the village board directs them to do so. If a city or village does not require an official to execute and file an official bond, the bill requires the governmental body to obtain an insurance policy that covers the official. Under current law, these city and village officials are required to execute and file an official bond.

For further information see the ***state and 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:

5 **SECTION 1.** 61.25 (intro.) of the statutes is amended to read:

SENATE BILL 122**SECTION 1**

1 **61.25 Clerk.** (intro.) ~~The~~ If required to do so by the village board, the village
2 clerk shall execute and file an official bond. If the village board does not require the
3 clerk to execute and file an official bond, the board shall obtain a dishonesty
4 insurance policy or other appropriate insurance policy that covers the clerk, in an
5 amount determined by the board, in lieu of the bond requirement. It shall be the
6 village clerk's duty:

7 **SECTION 2.** 61.26 (1) of the statutes is amended to read:

8 61.26 (1) ~~Execute~~ If required to do so by the village board, execute and file an
9 official bond which may be furnished by a surety company as provided by s. 632.17
10 (2). If the village board does not require the treasurer to execute and file an official
11 bond, the board shall obtain a dishonesty insurance policy or other appropriate
12 insurance policy that covers the treasurer, in an amount determined by the board,
13 in lieu of the bond requirement.

14 **SECTION 3.** 61.28 (1) of the statutes is amended to read:

15 61.28 (1) ~~The~~ If required to do so by the village board, the village marshal shall
16 execute and file an official bond. If the village board does not require the marshal
17 to execute and file an official bond, the board shall obtain a dishonesty insurance
18 policy or other appropriate insurance policy that covers the marshal, in an amount
19 determined by the board, in lieu of the bond requirement. The marshal shall possess
20 the powers, enjoy the privileges and be subject to the liabilities conferred and
21 imposed by law upon constables, and be taken as included in all writs and papers
22 addressed to constables. The marshal shall obey all lawful written orders of the
23 village board. The marshal is entitled to the same fees prescribed for sheriffs in s.
24 814.70 for similar services, unless a higher fee is applicable under s. 814.705 (1) (c);
25 for other service rendered the village, compensation as the board fixes.

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1 **SECTION 4.** 61.29 (1) (a) of the statutes is amended to read:

2 61.29 (1) (a) ~~Execute~~ If required to do so by the village board, execute and file
3 an official bond. If the village board does not require the constable to execute and
4 file an official bond, the board shall obtain a dishonesty insurance policy or other
5 appropriate insurance policy that covers the constable, in an amount determined by
6 the board, in lieu of the bond requirement.

7 **SECTION 5.** 62.09 (4) (b) of the statutes is amended to read:

8 62.09 (4) (b) ~~The~~ If the council requires them to do so, the treasurer,
9 comptroller, chief of police and such others as the statutes or the council may direct,
10 shall execute and file an official bond in such sum as the council may determine, with
11 2 or more sureties or such bond may be furnished by a surety company as provided
12 by s. 632.17 (2), or the council may provide a schedule or blanket bond that includes
13 any or all of these officials. The council may at any time require new and additional
14 bonds of an officer. All official bonds must be approved by the mayor, and when so
15 approved shall be filed within 10 days after the officer executing the same shall have
16 been notified of election or appointment. Official bonds filed with the city clerk shall
17 be recorded in a book kept for that purpose. If the council does not require any or all
18 of these officials to execute and file an official bond, the council shall obtain a
19 dishonesty insurance policy or other appropriate insurance policy that covers such
20 officials, in an amount determined by the council, in lieu of the bond requirement.

21 **SECTION 6.** 66.0609 (4) of the statutes is amended to read:

22 66.0609 (4) The system under sub. (1) is operative only if the comptroller or
23 clerk is covered by a fidelity bond or insurance policy of not less than \$5,000 in
24 villages and 4th class cities, of not less than \$10,000 in 3rd class cities, and of not less
25 than \$20,000 in 2nd class cities, as described in s. 61.25 (intro.) or 62.09 (4) (b).

