

1999 DRAFTING REQUEST**Bill**Received: **02/28/99**Received By: **shoveme**Wanted: **As time permits**

Identical to LRB:

For: **Jeff Stone (608) 266-8590**By/Representing: **Rep. Stone**This file may be shown to any legislator: **NO**Drafter: **shoveme**

May Contact:

Alt. Drafters:

Subject: **Munis - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Eliminate bonding requirements for city officials

Instructions:

See Attached. Eliminate bonding requirements for CITY officials.

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>
/1	shoveme 02/28/99	wjackson 03/2/99	martykr 03/2/99	_____	lrb_docadmin 03/2/99		Local
/2	shoveme 03/24/99	wjackson 03/25/99	jfrantze 03/30/99	_____	lrb_docadmin 03/30/99		Local
/3	shoveme 04/8/99	wjackson 04/8/99	haueca 04/9/99	_____	lrb_docadmin 04/9/99	lrb_docadmin	Local 04/13/99
/4	shoveme 04/27/99	wjackson 04/29/99	mclark 05/4/99	_____	lrb_docadmin 05/4/99	lrb_docadmin	Local 05/4/99

FE Sent For (04/13/99,
/3)

(5-4-99
/4)

<END>

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/3	shoveme 04/8/99	wjackson 04/8/99	haugeca 04/9/99	_____	lrb_docadmin 04/9/99	lrb_docadmin	Local 04/13/99

14 MES 4/27/99
FE Sent For: (04/13/99) "13"
14 4/29 WJ 5/3 MRC/CH
MRC 5/3
<END>

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/2	shoveme 03/24/99	wjackson 03/25/99	jfrantze 03/30/99	_____	lrb_docadmin 03/30/99		Local

13 MES 4/8/99
 FE Sent For:
 13 Wlj 4/8

CM
 4-4
 CM 4-4
 KM
 <END>

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1/2 MES 3/24/99 12 3/25 WJ 3/30
 FE Sent For: H/Rl 3/30
 <END>

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1/2	shoveme	1 wlj 3/2	km 3/2	km 2			
1/1	NES 2/28						

FE Sent For:

<END>

2/18/99

TAMMY

Rep. Stone (414) 321-6100

some elected + appointed officials
must be bonded, when the
pol. subd's insurance ~~includes~~
~~bonding~~ covers ~~that~~ such officials
for the same things that the bond
covers them for:

2/19/98 conversation

City of Greenfield's insurance covers what
bonding does:

Greenfield's ins. has self-ins for first 50K -
bond starts at dollar "1"

allow municipalities to just have ins.

* Rep Stone will call back when he has
complete information

2/25 or 2/26

Eliminate ~~the~~ requirement that all ~~the~~ ~~city~~ officials be bonded --
ONLY cities



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2359/1

MES.../1:....

WLJ
PML

1999 BILL

D-note

gm

1 AN ACT ...; relating to: eliminating the requirement that certain city officers be
2 bonded.

Analysis by the Legislative Reference Bureau

Under current law, most officers of a city, village, town or county must obtain and file an official bond. Generally, in the case of ^{second, third, fourth} ~~2nd, 3rd and 4th~~ class cities, the treasurer, comptroller, chief of police and other officers, ^{as the} ~~as~~ the statutes or the common council direct, are required to execute and file an official bond, with sureties, in a sum determined by the common council. Such bonds may also be furnished by a surety company. All official bonds must be approved by the mayor of the city and when approved must be filed within ¹⁰ ~~10~~ days after ^{the person} ~~the~~ who executes the bond is notified of election or appointment. Official bonds are also filed with the city clerk. Similar bonding requirements apply to officers and other employees of ^{first} ~~1st~~ class cities (presently only Milwaukee).

^{third} ~~3rd~~ This bill removes the requirement that any elected or appointed officer of a ^{second} ~~2nd~~, ^{third} ~~3rd~~ or ^{fourth} ~~4th~~ class city obtain such a bond.

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:

3 SECTION 1. 62.09 (4) (b) ^{of} ~~of~~ the statutes is amended to read:

BILL

1 62.09 (4) (b) ~~The treasurer, comptroller, chief of police and such others as the~~
 2 ~~statutes or the council may direct, shall execute and file an official bond in such sum~~
 3 ~~as the council may determine, with 2 or more sureties or such bond may be furnished~~
 4 ~~by a surety company as provided by s. 632.17 (2). The council may at any time not~~
 5 ~~require new and additional bonds of an any elected or appointed city officer to obtain~~
 6 ~~or file an official bond. All official bonds must be approved by the mayor, and when~~
 7 ~~so approved shall be filed within 10 days after the officer executing the same shall~~
 8 ~~have been notified of election or appointment. Official bonds filed with the city clerk~~
 9 ~~shall be recorded in a book kept for that purpose.~~

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 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. 27, 257.

10 **SECTION 2.** 62.09 (4) (c) of the statutes is amended to read:

11 62.09 (4) (c) When an appointive officer has filed the oath,^{plain comma} and bond if required,
 12 the clerk shall issue to the officer a certificate of appointment. If the appointment
 13 is to a board or commission the appointee shall file the certificate with the secretary
 14 thereof.

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 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. 27, 257.

15 **SECTION 3.** 62.09 (9) (f) of the statutes is amended to read:

16 62.09 (9) (f) The treasurer may in writing, filed in the office of the clerk, appoint
 17 a deputy who shall act under the treasurer's direction and in the treasurer's absence
 18 or disability, or in case of a vacancy shall perform the treasurer's duties. The deputy
 19 shall receive such compensation as the council shall provide. ~~The acts of such deputy~~
 20 ~~shall be covered by official bond as the council shall direct.~~

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 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. 27, 257.

21 **SECTION 4.** 62.09 (10) (h) of the statutes is amended to read:

BILL

1 62.09 (10) (h) The comptroller may in writing, filed in the office of the clerk,
 2 appoint a deputy who shall act under the comptroller’s direction and in the
 3 comptroller’s absence or disability, or in case of a vacancy shall perform the
 4 comptroller’s duties. The deputy shall receive such compensation as the council
 5 provides. ~~The acts of such deputy shall be covered by official bond as the council~~
 6 ~~directs.~~

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 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. 27, 257.

7 **SECTION 5.** 62.09 (11) (i) of the statutes is amended to read:

8 62.09 (11) (i) The clerk may in writing filed in the clerk’s office appoint a deputy,
 9 who shall act under the clerk’s direction, and in the clerk’s absence or disability or
 10 in case of a vacancy shall perform the clerk’s duties, and shall have power to
 11 administer oaths and affirmations. The deputy shall receive such compensation as
 12 the council shall provide. ~~The clerk and the clerk’s sureties shall be liable on the~~
 13 ~~clerk’s official bond for the acts of such deputy.~~

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 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. 27, 257.

14 **SECTION 6.** 66.12 (1) (b) of the statutes is amended to read:

15 66.12 (1) (b) Local ordinances, except as provided in this paragraph or ss.
 16 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any
 17 or all violations under those ordinances, and may designate the manner in which the
 18 stipulation is to be made and fix the penalty to be paid. When a person charged with
 19 a violation for which stipulation of guilt or no contest is authorized makes a timely
 20 stipulation and pays the required penalty and pays the penalty assessment imposed
 21 by s. 165.87, the jail assessment imposed by s. 302.46 (1), the crime laboratories and
 22 drug law enforcement assessment imposed by s. 165.755 and any applicable
 23 domestic abuse assessment imposed by s. 973.055 (1) to the designated official, the

BILL**SECTION 6**

1 person need not appear in court and no witness fees or other additional costs may be
2 taxed unless the local ordinance so provides. A court appearance is required for a
3 violation of a local ordinance in conformity with s. 346.63 (1). The official receiving
4 the penalties shall remit all moneys collected to the treasurer of the city, village, town
5 sanitary district or public inland lake protection and rehabilitation district in whose
6 behalf the sum was paid, except that all jail assessments shall be remitted to the
7 county treasurer, within 20 days after its receipt by him or her; and in case of any
8 failure in the payment, the treasurer may collect the payment of the officer by action,
9 in the name of the office, and upon the official bond of the officer if such a bond exists,
10 with interest at the rate of 12% per year from the time when it should have been paid.
11 In the case of the penalty assessment imposed by s. 165.87, the crime laboratories
12 and drug law enforcement assessment imposed by s. 165.755, the driver
13 improvement surcharge imposed by s. 346.655 (1) and any applicable domestic abuse
14 assessment imposed by s. 973.055 (1), the treasurer of the city, village, town sanitary
15 district or public inland lake protection and rehabilitation district shall remit to the
16 state treasurer the sum required by law to be paid on the actions so entered during
17 the preceding month on or before the first day of the next succeeding month. The
18 governing body of the city, village, town sanitary district or public inland lake
19 protection and rehabilitation district shall by ordinance designate the official to
20 receive the penalties and the terms under which the official shall qualify.

History: 1971 c. 278; 1973 c. 336; 1975 c. 231; 1977 c. 29, 182, 269, 272, 305, 418, 447, 449, 1979 c. 32 s. 92 (17); 1979 c. 110 s. 60 (13); 1979 c. 331, 1981 c. 20, 317; 1983 a. 418 s. 8; 1987 a. 27, 389, Sup. Ct. Order, 146 W₂ (2d) xiii (1988); 1989 a. 107; 1991 a. 39, 40, 189; 1993 a. 16, 167, 246, 491, 1995 a. 201, 349, 1997 a. 27

21 **SECTION 7. 66.14** of the statutes is amended to read:

22 **66.14 Official bonds, premium.** Any 1st class city, however incorporated,
23 may pay the cost of any official bond furnished by an officer thereof, pursuant to law
24 or any rules or regulations requiring the same, if said officer shall furnish a bond with

BILL

1 a surety company or companies authorized to do business in this state, said cost not
2 to exceed the current rate of premium per year on the amount of said bond or
3 obligation by said surety executed. The cost of any such bond in such city shall be
4 charged to the fund appropriated and set up in the budget for the department, board,
5 commission or other body, the officer of which is required to furnish a bond.

6 History: 1979 c 110 s. 60 (13).

SECTION 8. 66.23 (8)¹ of the statutes is amended to read:

7 66.23 (8) The treasurer of the city, village or town having the largest equalized
8 valuation within the district shall act as treasurer of the district, shall receive such
9 additional compensation therefor as the commission may determine, and shall at the
10 expense of the district furnish such bond or additional bond as the commission may
11 require. Such treasurer shall keep all moneys of the district in a separate fund to be
12 disposed of only upon order of the commission signed by the president and secretary.

13 History: 1971 c 276; 1973 c. 289, 1979 c 221; 1987 a. 399; 1989 a. 359, 1993 a. 246.

(END)

D-NOTE

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

LRB-2359/1dn

MES.../.....

WJ

Rep. Stone:

As you may know, most provisions of ch. 62 of the statutes, the "~~Cities~~" chapter, do not apply to ~~1st~~^{first} class cities. See s. 62.03. Presently, Milwaukee is the only ~~1st~~^{first} class city in the state. Consequently, the elimination of bonding requirements in this bill do not apply to the ~~City~~^{City} of Milwaukee. Also see s. 66.145. Is this consistent with your intent?

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-2359/1dn
MES:wlj:km

March 2, 1999

Rep. Stone:

As you may know, most provisions of ch. 62 of the statutes, the "cities" chapter, do not apply to first class cities. See s. 62.03. Presently, Milwaukee is the only first class city in the state. Consequently, the elimination of bonding requirements in this bill do not apply to the city of Milwaukee. Also see s. 66.145. Is this consistent with your intent?

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



RMR

1999 BILL

D-note

open

1 AN ACT to amend 62.09 (4) (b), 62.09 (4) (c), 62.09 (9) (f), 62.09 (10) (h), 62.09 (11)
2 (i), 66.12 (1) (b), 66.14 and 66.23 (8) of the statutes; relating to: eliminating the
3 requirement that certain city, village, town and county officers be bonded.

Analysis by the Legislative Reference Bureau

Under current law, most officers of a city, village, town or county must obtain and file an official bond. Generally, in the case of second, third and fourth class cities, the treasurer, comptroller, chief of police and other officers, as the statutes or the common council direct, are required to execute and file an official bond, with sureties, in a sum determined by the common council. Such bonds may also be furnished by a surety company. All official bonds must be approved by the mayor of the city and when approved must be filed within ten days after the person who executes the bond is notified of election or appointment. Official bonds are also filed with the city clerk. Similar bonding requirements apply to officers and other employees of first class cities (presently only Milwaukee).

~~This bill removes the requirement that any elected or appointed officer of a second, third or fourth class city obtain such a bond.~~

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:

FIN'S
ANAL

BILL

INS, 2-1 →
1 SECTION 1. 62.09 (4) (b) of the statutes is amended to read:

2 62.09 (4) (b) ~~The treasurer, comptroller, chief of police and such others as the~~
3 ~~statutes or the council may direct, shall execute and file an official bond in such sum~~
4 ~~as the council may determine, with 2 or more sureties or such bond may be furnished~~
5 ~~by a surety company as provided by s. 632.17 (2). The council may at any time not~~
6 ~~require new and additional bonds of an any elected or appointed city officer to obtain~~
7 ~~or file an official bond. All official bonds must be approved by the mayor, and when~~
8 ~~so approved shall be filed within 10 days after the officer executing the same shall~~
9 ~~have been notified of election or appointment. Official bonds filed with the city clerk~~
10 ~~shall be recorded in a book kept for that purpose.~~

11 SECTION 2. 62.09 (4) (c) of the statutes is amended to read:

12 62.09 (4) (c) When an appointive officer has filed the oath, and bond if required,
13 the clerk shall issue to the officer a certificate of appointment. If the appointment
14 is to a board or commission the appointee shall file the certificate with the secretary
15 thereof.

16 SECTION 3. 62.09 (9) (f) of the statutes is amended to read:

17 62.09 (9) (f) The treasurer may in writing, filed in the office of the clerk, appoint
18 a deputy who shall act under the treasurer's direction and in the treasurer's absence
19 or disability, or in case of a vacancy shall perform the treasurer's duties. The deputy
20 shall receive such compensation as the council shall provide. ~~The acts of such deputy~~
21 ~~shall be covered by official bond as the council shall direct.~~

22 SECTION 4. 62.09 (10) (h) of the statutes is amended to read:

23 62.09 (10) (h) The comptroller may in writing, filed in the office of the clerk,
24 appoint a deputy who shall act under the comptroller's direction and in the
25 comptroller's absence or disability, or in case of a vacancy shall perform the

BILL

1 comptroller's duties. The deputy shall receive such compensation as the council
2 provides. ~~The acts of such deputy shall be covered by official bond as the council~~
3 ~~directs.~~

4 **SECTION 5.** 62.09 (11) (i) of the statutes is amended to read:

5 62.09 (11) (i) The clerk may in writing filed in the clerk's office appoint a deputy,
6 who shall act under the clerk's direction, and in the clerk's absence or disability or
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8 administer oaths and affirmations. The deputy shall receive such compensation as
9 the council shall provide. ~~The clerk and the clerk's sureties shall be liable on the~~
10 ~~clerk's official bond for the acts of such deputy.~~

11 **SECTION 6.** 66.12 (1) (b) of the statutes is amended to read:

12 66.12 (1) (b) Local ordinances, except as provided in this paragraph or ss.
13 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any
14 or all violations under those ordinances, and may designate the manner in which the
15 stipulation is to be made and fix the penalty to be paid. When a person charged with
16 a violation for which stipulation of guilt or no contest is authorized makes a timely
17 stipulation and pays the required penalty and pays the penalty assessment imposed
18 by s. 165.87, the jail assessment imposed by s. 302.46 (1), the crime laboratories and
19 drug law enforcement assessment imposed by s. 165.755 and any applicable
20 domestic abuse assessment imposed by s. 973.055 (1) to the designated official, the
21 person need not appear in court and no witness fees or other additional costs may be
22 taxed unless the local ordinance so provides. A court appearance is required for a
23 violation of a local ordinance in conformity with s. 346.63 (1). The official receiving
24 the penalties shall remit all moneys collected to the treasurer of the city, village, town
25 sanitary district or public inland lake protection and rehabilitation district in whose

INS
3-10-01

BILL

1 behalf the sum was paid, except that all jail assessments shall be remitted to the
2 county treasurer, within 20 days after its receipt by him or her; and in case of any
3 failure in the payment, the treasurer may collect the payment of the officer by action,
4 in the name of the office, and upon the official bond of the officer if such a bond exists,
5 with interest at the rate of 12% per year from the time when it should have been paid.

6 In the case of the penalty assessment imposed by s. 165.87, the crime laboratories
7 and drug law enforcement assessment imposed by s. 165.755, the driver
8 improvement surcharge imposed by s. 346.655 (1) and any applicable domestic abuse
9 assessment imposed by s. 973.055 (1), the treasurer of the city, village, town sanitary
10 district or public inland lake protection and rehabilitation district shall remit to the
11 state treasurer the sum required by law to be paid on the actions so entered during
12 the preceding month on or before the first day of the next succeeding month. The
13 governing body of the city, village, town sanitary district or public inland lake
14 protection and rehabilitation district shall by ordinance designate the official to
15 receive the penalties and the terms under which the official shall qualify.

16 **SECTION 7.** 66.14 of the statutes is amended to read:

17 **66.14 Official bonds, premium.** Any 1st class city, ~~however incorporated,~~
18 may pay the cost of any official bond furnished by an officer thereof, pursuant to law
19 or any rules or regulations requiring the same, if said officer shall furnish a bond with
20 a surety company or companies authorized to do business in this state, said cost not
21 to exceed the current rate of premium per year on the amount of said bond or
22 obligation by said surety executed. The cost of any such bond in such city shall be
23 charged to the fund appropriated and set up in the budget for the department, board,
24 commission or other body, the officer of which is required to furnish a bond.

25 **SECTION 8.** 66.23 (8) of the statutes is amended to read:

BILL

1 66.23 (8) The treasurer of the city, village or town having the largest equalized
2 valuation within the district shall act as treasurer of the district, shall receive such
3 additional compensation therefor as the commission may determine, and shall at the
4 expense of the district furnish such ~~bond or~~ additional bond as the commission may
5 require. Such treasurer shall keep all moneys of the district in a separate fund to be
6 disposed of only upon order of the commission signed by the president and secretary.

(END)

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Generally under current law, in the case of counties, officers ^{who} ~~that~~ are specified by statute are required to file an official bond with sureties in amounts that are specified by statute or fixed by the board within a range specified by statute. Such officers may also obtain bonds from a surety company and the county board may require an officer to provide an additional bond if it considers the statutorily specified amount or range to be insufficient. All bonds and sureties must be approved by a committee made up of the county board chairperson and at least two other board members.

Current law also requires every town clerk, deputy town clerk, town treasurer, deputy town treasurer, elected assessor and town constable to execute and file an official bond provided by the town or by sureties. The town may also provide a blanket bond or a surety company may furnish the required bonds. The bonds amounts are fixed by the town board and may be increased if the board determines that the existing bond amount is insufficient. The failure of an elected or appointed town officer to file the required bond within the time prescribed by law for such filing constitutes refusal to serve in office.

Generally under current law, elected and certain appointed village officers are required to obtain an official bond in an amount that is set by the village board or specified by statute, and such bonds must be approved by the village president. Bond amounts may be increased by the village board if the board determines that the existing bond amount is insufficient.

This bill removes the requirements that any elected or appointed officer of a second, third or fourth class city, or of a village, town or county, obtain an official bond.

SECTION 1. 59.21 (title) of the statutes is amended to read:

59.21 (title) Official oaths and bonds.

History: 1975 c. 152, 199; 1975 c. 375 s. 44; 1983 a. 192 s. 303 (1); 1989 a. 31; 1991 a. 316; 1995 a. 201 s. 250; Stats. 1995 s. 59.21; 1995 a. 225 ss. 137 to 144; 1997 a. 35.

SECTION 2. 59.21 (1) (intro.) of the statutes is renumbered 59.21 (1) and amended to read:

59.21 (1) Each county officer named in this chapter, except county supervisors, shall ~~execute and file an official bond and~~ take and file the official oath within 20 days after receiving official notice of election or appointment, or if not officially notified, within 20 days after the commencement of the term for which the officer is elected or appointed. Every county supervisor shall take and file the official oath within 20

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days after receiving official notice of election or appointment, or if not officially notified, within 20 days after the commencement of the term for which he or she is elected or appointed. Every deputy appointed by any such officer shall take and file the official oath and if the deputy neglects to do so, he or she shall forfeit \$100. Such ~~official bonds shall be in sums and with sureties, as follows:~~

History: 1975 c. 152, 199; 1975 c. 375 s. 44; 1983 a 192 s. 303 (1); 1989 a 31; 1991 a. 316; 1995 a. 201 s. 250; Stats. 1995 s. 59.21; 1995 a. 225 ss 137 to 144; 1997 a. 35.

SECTION 3. 59.21 (1) (a) of the statutes is repealed.

SECTION 4. 59.21 (1) (b) of the statutes is repealed.

SECTION 5. 59.21 (1) (c) of the statutes is repealed.

SECTION 6. 59.21 (1) (d) of the statutes is repealed.

SECTION 7. 59.21 (1) (e) of the statutes is repealed.

SECTION 8. 59.21 (1) (g) of the statutes is repealed.

SECTION 9. 59.21 (1) (h) of the statutes is repealed.

SECTION 10. 59.21 (1) (i) of the statutes is repealed.

SECTION 11. 59.21 (2) of the statutes is repealed.

SECTION 12. 59.21 (3) of the statutes is repealed.

SECTION 13. 59.21 (4) of the statutes is repealed.

SECTION 14. 59.23 (1) (c) of the statutes is amended to read:

59.23 (1) (c) If a clerk is incapable of discharging the duties of office the board may appoint an acting clerk, who shall serve until the disability is removed. If the board is not in session at the time of the incapacity, the chairperson of the board may appoint an acting clerk, whose term shall not extend beyond the next regular or special meeting of the board. A person appointed as acting clerk or appointed to fill a vacancy in the office of clerk, ~~upon giving an official bond with sureties as required~~

of a clerk, shall perform all of the duties of the office; and thereupon the powers and duties of the deputy of the last clerk shall cease.

History: 1995 a. 201 ss. 261, 263, 264, 275; 1995 a. 225 ss. 147 to 150; 1997 a. 27.

SECTION 15. 59.25 (2) (b) of the statutes is amended to read:

59.25 (2) (b) If any treasurer is incapable of discharging the duties of the office of treasurer, the board may, if it sees fit, appoint a person treasurer who shall serve until such disability is removed. A person so appointed or appointed to fill a vacancy in the office of treasurer, ~~upon giving an official bond with like sureties as are required of such treasurer,~~ shall perform all the duties of such office, and thereupon the powers and duties of any deputy performing the duties of the last treasurer shall cease.

History: 1995 a. 201 ss. 266, 267, 269, 270, 284; 1995 a. 225 ss. 151 to 153; 1995 a. 227 s. 202; 1995 a. 269 s. 2; 1995 a. 408 s. 1; 1995 a. 448 s. 60; 1997 a. 27, 35, 135, 211, 237, 248; s. 13.93 (2) (c).

SECTION 16. 59.35 (2) of the statutes is amended to read:

59.35 (2) The coroner shall be responsible for every default or misconduct in office of a deputy coroner during the coroner's term of office, and after the death, resignation or removal from office of the coroner as well as before; and an action for any such default or misconduct may be prosecuted against the coroner ~~and the sureties on the coroner's official bond~~ or against the executors and administrators of the coroner.

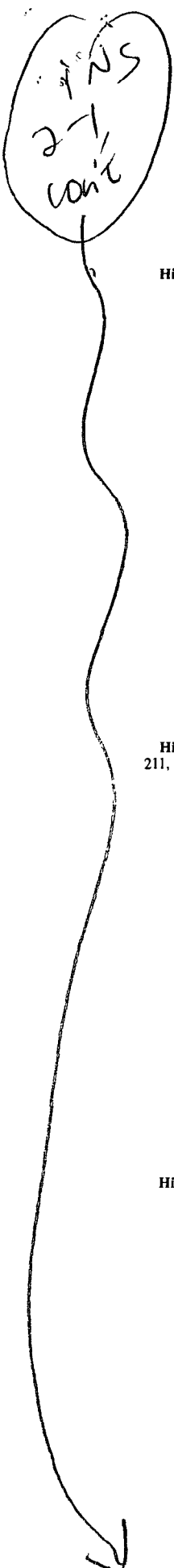
History: 1973 c. 272; 1975 c. 294, 421; 1985 a. 315; 1989 a. 31; 1991 a. 316; 1995 a. 201 s. 306; Stats. 1995 s. 59.35; 1997 a. 35.

SECTION 17. 59.35 (3) of the statutes is repealed.

SECTION 18. 59.38 (3) of the statutes is repealed.

SECTION 19. 59.47 (3) of the statutes is amended to read:

59.47 (3) If a county auditor's office is created under sub. (2), the chairperson of the board shall appoint a person known to be skilled in matters of public finance and accounting to act as county auditor. The appointment shall be made under ss.



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63.01 to 63.17 and shall be subject to confirmation by the board. The auditor shall direct the keeping of all of the accounts of the county, in all of its offices, departments and institutions, and shall keep books of account necessary to properly perform the duties of the office. The auditor's salary and the amount of the official bond shall be fixed by the board. The auditor shall perform all duties pertaining to the office, have all of the powers and perform the duties in sub. (1) and perform other duties imposed by the board.

History: 1977 c. 265, 305, 447; 1983 a. 192; 1995 a. 201 s. 420; Stats. 1995 s. 59.47.

SECTION 20. 59.47 (4) of the statutes is amended to read:

59.47 (4) The board by resolution may authorize a county auditor appointed under sub. (3) to appoint a deputy auditor under ss. 63.01 to 63.17 to aid him or her in the discharge of the duties of his or her office, and who, in the absence or disability of the county auditor, or in case of a vacancy in said office, shall perform all the duties of the office of county auditor until such vacancy is filled, or disability is removed. ~~Such deputy shall execute and file an official bond in the same amount as that given by the county auditor.~~

History: 1977 c. 265, 305, 447; 1983 a. 192; 1995 a. 201 s. 420; Stats. 1995 s. 59.47.

SECTION 21. 59.52 (11) (d) of the statutes is amended to read:

59.52 (11) (d) *Bonds of officers and employes.* Provide for the protection of the county and public against loss or damage resulting from the act, neglect or default of county officers, department heads and employes and may contract for and procure ~~bonds or contracts of insurance to accomplish that purpose either from commercial companies or by self-insurance created by setting up an annual fund for such purpose or by a combination thereof.~~ Any number of officers, department heads or employes ~~not otherwise required by statute to furnish an official bond~~ may be combined in a schedule or blanket ~~bond or contract of insurance.~~ So far as applicable



ss. 19.01 (2), (2m), (3), (4) (d) and (dd) and 19.07 shall apply to such ~~bonds or contracts~~ of insurance. ~~The bond shall be for a definite period, and each renewal thereof shall constitute a new bond for the principal amount covering the renewal period.~~

History: 1995 a. 201 ss. 104, 111 to 115, 117 to 122, 124, 127, 134, 139, 140, 157, 174, 181, 185, 186, 190, 238, 242, 252 to 256, 354, 356 to 360, 414 to 419, 432; 1995 a. 225 s. 135; 1997 a. 35, 237.

SECTION 22. 60.22 (5) of the statutes is amended to read:

60.22 (5) PURSUE CERTAIN CLAIMS OF TOWN. Shall demand payment of penalties and forfeitures recoverable by the town and damages incurred by the town due to ~~breach of official bond~~, injury to property or other injury. If, following demand, payment is not made, the board shall pursue appropriate legal action to recover the penalty, forfeiture or damages.

History: 1983 a. 532; 1987 a. 237.

SECTION 23. 60.24 (3) (m) of the statutes is repealed.

SECTION 24. 60.30 (5) (a) of the statutes is amended to read:

60.30 (5) (a) If any elected town officer, other than a town board supervisor, is absent or temporarily incapacitated from any cause, the town board may appoint, if there is no deputy officer for the office, a suitable person to discharge the duties of the office until the officer returns or the disability is removed, except that the appointment procedures of this paragraph apply to a town board supervisor if he or she is absent because of entry into the U.S. armed forces. Appointees shall file the official oath ~~and bond~~ required under s. 60.31.

History: 1983 a. 532, 538; 1991 a. 39; 1993 a. 246; 1995 a. 34; 1997 a. 27.

SECTION 25. 60.30 (5) (b) of the statutes is amended to read:

60.30 (5) (b) If any elected town officer, other than a town board supervisor, refuses to perform any official duty, the town board may appoint a suitable person to perform those duties which the officer refuses to perform. An appointee shall file the official oath ~~and bond~~ required of the office under s. 60.31. This paragraph does



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not preclude a finding that refusal to perform official duties constitutes cause under s. 17.13 (3).

History: 1983 a. 532, 538; 1991 a. 39; 1993 a. 246; 1995 a. 34; 1997 a. 27.

SECTION 26. 60.31 (2) of the statutes is amended to read:

60.31 (2) OFFICIAL BOND. ~~Every town clerk, deputy town clerk, town treasurer, deputy town treasurer, elected assessor and town constable shall execute and~~ The town board may not require any elected or appointed town officer to obtain or file an official bond provided by the town or by sufficient sureties, or the town may provide a schedule or blanket bond that includes any or all of these officials. The official bond or schedule or blanket bond provided by the town may be furnished by a surety company under s. 632.17 (2). The amount of the bond shall be fixed by the town board. If the amount of the bond is not fixed by the board, the amount shall be the same as that required of the last incumbent of the office. If the town board at any time determines that the bond is insufficient, it may require an additional bond to be filed within 10 days, in an amount fixed by the board.

History: 1983 a. 532; 1991 a. 39; 1993 a. 246

SECTION 27. 60.31 (3) (a) of the statutes is amended to read:

60.31 (3) (a) An elected assessor shall take and file the official oath and bond at any time between May 27 to May 31.

History: 1983 a. 532; 1991 a. 39; 1993 a. 246.

SECTION 28. 60.31 (3) (b) of the statutes is amended to read:

60.31 (3) (b) Municipal judges shall take and file the official oath and bond under s. 755.03.

History: 1983 a. 532, 1991 a. 39; 1993 a. 246.

SECTION 29. 60.31 (4) of the statutes is amended to read:



ins 2-1,
cont

60.31 (4) FAILURE TO FILE OATH OR BOND. If any person elected or appointed to a town office fails to file a required official oath or bond within the time prescribed by law, the failure to file constitutes refusal to serve in office.

History: 1983 a. 532; 1991 a. 39; 1993 a. 246.

SECTION 30. 60.331[✓] of the statutes is amended to read:

60.331 Deputy town clerk. Each town clerk may appoint one or more deputies for whom the town clerk is responsible. A deputy shall take and file the official oath and bond under s. 60.31. The town clerk may designate a deputy to perform the clerk's duties during the absence, sickness or other disability of the clerk.

History: 1983 a. 532.

SECTION 31. 60.341[✓] of the statutes is amended to read:

60.341 Deputy town treasurer. Each town treasurer may appoint a deputy for whom the treasurer is responsible. The deputy shall take and file the official oath and bond under s. 60.31. In case of the absence, sickness or other disability of the treasurer, the deputy shall perform the treasurer's duties.

History: 1983 a. 532.

SECTION 32. 61.22[✓] of the statutes is amended to read:

61.22 Official bonds; officers not to be sureties. ~~Every bond required of a village officer shall be executed with sufficient sureties in a sum fixed by the village board when not otherwise prescribed and be approved by the president. Whenever the village board deems any bond insufficient they may not require an additional an elected or appointed village officer to obtain or file an official bond to be executed and filed in a sum and within a time not less than 10 days, to be fixed by them~~

SECTION 33. 61.25 (intro.)[✓] of the statutes is amended to read:

61.25 Clerk. (intro.) ~~The village clerk shall execute and file an official bond.~~
It shall be the village clerk's duty:

History: 1977 c. 305 s. 64; 1983 a. 395; 1985 a. 39 s. 17; 1989 a. 113, 1991 a. 39, 316.

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SECTION 34. 61.26 (1) of the statutes is repealed.

SECTION 35. 61.26 (10) of the statutes is repealed.

SECTION 36. 61.261 of the statutes is amended to read:

61.261 Deputy village treasurer. The village treasurer, subject to approval by a majority of all the members of the village board, may in writing, filed in the office of the clerk, appoint a deputy who shall act under the treasurer's direction and who during the temporary absence or disability of the treasurer or during a vacancy in such office shall perform the duties of treasurer. The deputy shall receive such compensation as the village board shall determine. ~~The acts of such deputy shall be covered by official bond as the village board shall direct.~~

INS DN-1

History: 1991 a. 316.

~~NOTE~~ Do you want to specify a way for the acts of a deputy village treasurer to be covered? *under 61.261*

SECTION 37. 61.28 of the statutes is amended to read:

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61.28 Marshal. ~~The village marshal shall execute and file an official bond.~~

The village marshal shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon constables, and be taken as included in all writs and papers addressed to constables. The marshal shall obey all lawful written orders of the village board; and arrest with or without process every person found in the village engaged in any disturbance of the peace or violating any law of the state or ordinance of the village. The marshal may command all persons present in that case to assist, and if any person, being so commanded, refuses or neglects to render assistance the person shall forfeit not exceeding \$10. The marshal is entitled to the same fees prescribed for sheriffs in s. 814.70 for similar services,



unless a higher fee is applicable under s. 814.705 (1) (c); for other service rendered the village, compensation as the board fixes.

History: 1975 c. 41, 199; 1981 c. 317; 1987 a. 181; 1997 a. 27.

SECTION 38. 61.29 (1) (a) of the statutes is repealed.

SECTION 39. 66.044 (4) of the statutes is repealed.

NOTE: Please review s. 66.044 (4), which is repealed in the bill. Section 66.044 of the statutes sets up an alternative system for cities (other than 1st class cities) and villages to approve financial claims against the municipal treasury, except that currently, the system may not be "operative" unless the comptroller or clerk is covered by a fidelity bond. Is it OK to just repeal this subsection, or do you want to require some other form of surety or insurance for comptrollers or clerks to whom s. 66.044 applies?

NOTE: I did not amend the bonding requirements for court-appointed receivers under s. 66.05 (8) (bg) or (bm).2. because they aren't really municipal officers. Is this OK?

SECTION 40. 66.39 (5) (c) of the statutes is amended to read:

66.39 (5) (c) At the first meeting of the commissioners after their appointment, they shall select one of their members as chairperson and one as secretary. The county treasurer shall be the treasurer of the board. The official bond errors and omissions insurance policy of the county treasurer shall extend to cover funds of the authority that may be placed in the charge of the county treasurer. The county treasurer shall disburse money of the authority only upon direction of the commissioners. The county treasurer shall receive no compensation for services as treasurer of the board, but shall be entitled to necessary expenses, including traveling expenses incurred in the discharge of the duties of treasurer of the board. When the office of chairperson or secretary of the commissioners becomes vacant for any reason, the commissioners shall select a new chairperson or secretary as the case may be. The commissioners may employ technical experts, and such other officers, agents and employes, permanent or temporary, as it may require, and may call upon the district attorney of the county for such legal services as it may require.

History: 1971 c. 40 s. 93; 1975 c. 94; 1977 c. 418 s. 929 (55); 1979 c. 110 s. 60 (13); 1979 c. 221; 1981 c. 112; 1983 a. 444 s. 3; 1991 a. 39, 316.

NOTE: Is this change consistent with your intent?

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SECTION 41. 70.67 (1)[↓] of the statutes is amended to read:

70.67 (1) The treasurer of each town, city or village shall, ~~unless exempted under sub. (2), execute and deliver to the county treasurer a bond, with sureties, to be approved, in case of a town treasurer, by the chairperson of the town, and in case of a city or village treasurer by the county treasurer, conditioned for the faithful performance of~~ perform the duties of the office and ~~that the treasurer will~~ account for and pay over according to law all taxes of any kind which are received and which are required to be paid to the county treasurer. ~~If such bond is executed, or the condition thereof guaranteed by personal sureties, the amount of the bonds shall be double the amount of state and county taxes apportioned to the town, village or city, provided that the amount of such bond shall not exceed the sum of \$500,000. When such bond is executed, or the condition thereof guaranteed, solely by a surety company as provided in s. 632.17 (2), such bond shall be in a sum equal to the amount of such state and county taxes, provided that the amount of such bond shall not exceed the sum of \$250,000. The county treasurer shall give to said town, city or village treasurer a receipt for said bond, and file and safely keep said bond in the office.~~

History: 1975 c. 375 s. 44; 1975 c. 421; 1989 a. 56 s. 258; 1991 a. 316.

SECTION 42. 70.67 (2)[↓] of the statutes is amended to read:

70.67 (2) The treasurer of any municipality shall not be required to give such bond ~~if the governing body thereof of a city, village or town shall by ordinance obligate such~~ the municipality to pay, in case the treasurer ~~thereof of the municipality shall~~ fail so to do, all taxes of any kind required by law to be paid by ~~such~~ the municipal treasurer to the county treasurer. Such A governing body is authorized to so obligate ~~such~~ the municipality. If the governing body of the municipality has adopted an

ordinance as specified in this subsection, it may demand from its treasurer, ~~in addition to the official bond required of all municipal treasurers,~~ a fidelity or surety bond in an amount and upon ~~such~~ the terms as may be determined by the governing body. ~~Such~~ The bond shall run to the town or village board or the city council, as the case may be, and shall be delivered to the clerk of the municipality. A certified copy of ~~such~~ the ordinance ~~shall be~~ filed with the county treasurer shall be accepted by the ~~county treasurer in lieu of the bond required by sub. (1).~~ ~~Such ordinance shall remain in effect until a certified copy of its repeal shall be filed with the county clerk and the county treasurer.~~ ~~The official bond executed pursuant to s. 19.01, required of municipal treasurers, shall extend to and include the liability incurred by any town, city or village whose governing board shall adopt and certify to the county treasurer an ordinance in accordance with this subsection.~~

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DN-4

Plain period

History: 1975 c. 375 s. 44; 1975 c. 421; 1989 a. 56 s. 258; 1991 a. 316.

~~SECTION 43. 70.68 (2)~~ of the statutes is amended to read:

~~70.68 (2) BOND OF CHIEF OF POLICE. The chief of police shall give a bond to the city, in such sum and with such sureties as the council may prescribe, for the payment to the city treasurer of all taxes collected by the chief of police.~~

History: 1985 a. 135; 1987 a. 378; 1991 a. 316.

~~70.68 (2)~~ I did not amend s. 70.68 (2) because it seems to me that the kind of bond referred to in this subsection is different from the "official bond" that you want to prohibit. Is this OK?

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SECTION 44. 74.45 (2) of the statutes is amended to read:

74.45 (2) ENDORSEMENT OF TAXATION DISTRICT TREASURER'S BOND. After the taxation district treasurer has fulfilled the requirements for settlement with the county under s. 74.25 or 74.30, the county treasurer if requested to do so, shall endorse the bond of the taxation district treasurer executed under s. 70.67 (1) (2) as satisfied and paid. The endorsement fully discharges the taxation district treasurer

and his or her sureties from the obligations of the bond, unless the return of the taxation district treasurer under s. 74.43 is false. If the return is false, the bond continues in force and the taxation district treasurer and his or her sureties are subject to action upon the bond for all deficiencies and damages resulting from the false return.

History: 1987 a. 378; 1991 a. 39.

SECTION 45. 75.07 (2) (c) of the statutes is amended to read:

75.07 (2) (c) Any county treasurer who shall wilfully refuse or neglect to perform any duty required by this section or who shall keep back and not report any unredeemed lands for the purpose of evading its provisions shall forfeit the full amount of the penalty of the treasurer's official bond, one half of which, when collected, shall be paid to the person prosecuting therefor and the residue into the treasury of the state for the use of the school fund; provided further, that no county treasurer shall be liable to any penalty for causing such publication to be made in a weekly newspaper published in such county for the length of time hereinbefore named prior to the date of the treasurer's notice, when by reason of accident or other cause more than one week has intervened between the dates of the actual issue of such newspaper to subscribers, if such delay at any one time shall not have exceeded 3 days; but every such newspaper, for the purpose of this section shall be deemed to have been regularly published once in each week as hereinbefore provided.

History: 1987 a. 378.

5-6 cont

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

LRB-2359/2dn
MES:wlj: [initials]

Rep. Stone:

Please review this bill very carefully to ensure that it meets your intent. Your instructions for this ^{1/2} version were to extend the bill's applicability to village, town and county officers. In some cases, however, I was uncertain whether you would want to eliminate the bonding requirement. I have listed the statutes that I am unsure about. Please let me know if you'd like any changes made to the bill.

1. I did not amend the bonding requirements for court-appointed receivers in s. 66.05 (8) (bg) or (bm) ² because these receivers aren't really municipal officers.

2. I did not amend the bonding requirements for the treasurer of a town sanitary district commission under s. 60.76 (3). [✓]

3. Although a city, village or town treasurer may be required, under s. 66.23 (8) [✓], to act as the treasurer of a metropolitan sewerage district I did not change the bonding requirements for such a person because he or she would not be acting exclusively as a city, village or town treasurer and any additional bonding requirement that the commission determines is necessary is paid for by the commission.

4. I did not amend the bonding requirements for the treasurer of a county-city hospital under s. 66.47 (7) (b) [✓], a county-city auditorium board under s. 66.505 (6) (b) [✓], a county-city safety building board under 66.508 (6) (b) [✓], a metropolitan transit authority board under s. 66.94 (25) [✓] or a member of a recreation authority board under s. 66.527 (3) (d) [✓] because the treasurer or member is not a city, village or town officer.

5. I did not amend the bonding requirements for a surveyor whose services are contracted for by a town under s. 60.84 (2) [✓] because such a surveyor is not a town officer.

You may also want to check with the local officials with whom you are working to ensure that a municipality's or county's errors and omissions insurance or liability insurance covers intentional acts. Bonding may cover intentional acts, but insurance may not. See also s. 895.46. [✓]

- 7. INS. DN-1 (see p. 8 of ins 2-1)
- 8. INS. DN-2 (see ins 3-10)
- 9. INS. DN-3 (see ins 5-6)
- 6. INS DN-4 (see ins 5-6)

Marc E. Shovers
Senior Legislative Attorney
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E-mail: Marc.Shovers@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2359/2dn
MES:wlj:jf

March 30, 1999

Rep. Stone:

Please review this bill very carefully to ensure that it meets your intent. Your instructions for this "/2" version were to extend the bill's applicability to village, town and county officers. In some cases, however, I was uncertain whether you would want to eliminate the bonding requirement. I have listed the statutes that I am unsure about. Please let me know if you'd like any changes made to the bill.

1. I did not amend the bonding requirements for court-appointed receivers in s. 66.05 (8) (bg) or (bm) 2. because these receivers aren't really municipal officers.

2. I did not amend the bonding requirements for the treasurer of a town sanitary district commission under s. 60.76 (3).

3. Although a city, village or town treasurer may be required, under s. 66.23 (8), to act as the treasurer of a metropolitan sewerage district I did not change the bonding requirements for such a person because he or she would not be acting exclusively as a city, village or town treasurer and any additional bonding requirement that the commission determines is necessary is paid for by the commission.

4. I did not amend the bonding requirements for the treasurer of a county-city hospital under s. 66.47 (7) (b), a county-city auditorium board under s. 66.505 (6) (b), a county-city safety building board under 66.508 (6) (b), a metropolitan transit authority board under s. 66.94 (25) or a member of a recreation authority board under s. 66.527 (3) (d) because the treasurer or member is not a city, village or town officer.

5. I did not amend the bonding requirements for a surveyor whose services are contracted for by a town under s. 60.84 (2) because such a surveyor is not a town officer.

6. I did not amend s. 70.68 (2) because it seems to me that the kind of bond referred to in this subsection is different from the "official bond" that you want to prohibit. Is this OK?

7. Do you want to specify a way for the acts of a deputy village treasurer under s. 61.261 to be covered?

8. Please review s. 66.044 (4), which is repealed in the bill. Section 66.044 of the statutes sets up an alternative system for cities (other than first class cities) and villages to approve financial claims against the municipal treasury, except that currently, the system may not be "operative" unless the comptroller or clerk is covered

by a fidelity bond. Is it OK to just repeal this subsection, or do you want to require some other form of surety or insurance for comptrollers or clerks to whom s. 66.044 applies?

9. Is the change in s. 66.39 (5) (c) consistent with your intent?

You may also want to check with the local officials with whom you are working to ensure that a municipality's or county's errors and omissions insurance or liability insurance covers intentional acts. Bonding may cover intentional acts, but insurance may not. See also s. 895.46.

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



FMR

1999 BILL

Ed, WPO:
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me on p. 13

Reger

1 AN ACT *to repeal* 59.21 (1) (a), 59.21 (1) (b), 59.21 (1) (c), 59.21 (1) (d), 59.21 (1)

2 (e), 59.21 (1) (g), 59.21 (1) (h), 59.21 (1) (i), 59.21 (2), 59.21 (3), 59.21 (4), 59.35

3 (3), 59.38 (3), 60.24 (3) (m), 61.26 (1), 61.26 (10), 61.29 (1) (a) and 66.044 (4); *to*

4 *renumber and amend* 59.21 (1) (intro.); and *to amend* 59.21 (title), 59.23 (1)

5 (c), 59.25 (2) (b), 59.35 (2), 59.47 (3), 59.47 (4), 59.52 (11) (d), 60.22 (5), 60.30 (5)

6 (a), 60.30 (5) (b), 60.31 (2), 60.31 (3) (a), 60.31 (3) (b), 60.31 (4), 60.331, 60.341,

7 61.22, 61.25 (intro.), 61.261, 61.28, 62.09 (4) (b), 62.09 (4) (c), 62.09 (9) (f), 62.09

8 (10) (h), 62.09 (11) (i), 66.12 (1) (b), 66.14, 66.23 (8), 66.39 (5) (c), 70.67 (1), 70.67

9 (2), 74.45 (2) and 75.07 (2) (c) of the statutes; **relating to:** eliminating the

10 requirement that certain city, village, town and county officers be bonded.

Analysis by the Legislative Reference Bureau

Under current law, most officers of a city, village, town or county must obtain and file an official bond. Generally, in the case of second, third and fourth class cities, the treasurer, comptroller, chief of police and other officers, as the statutes or the common council direct, are required to execute and file an official bond, with sureties, in a sum determined by the common council. Such bonds may also be furnished by

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a surety company. All official bonds must be approved by the mayor of the city and when approved must be filed within ten days after the person who executes the bond is notified of election or appointment. Official bonds are also filed with the city clerk. Similar bonding requirements apply to officers and other employes of first class cities (presently only Milwaukee).

Generally under current law, in the case of counties, officers who are specified by statute are required to file an official bond with sureties in amounts that are specified by statute or fixed by the board within a range specified by statute. Such officers may also obtain bonds from a surety company and the county board may require an officer to provide an additional bond if it considers the statutorily specified amount or range to be insufficient. All bonds and sureties must be approved by a committee made up of the county board chairperson and at least two other board members.

Current law also requires every town clerk, deputy town clerk, town treasurer, deputy town treasurer, elected assessor and town constable to execute and file an official bond provided by the town or by sureties. The town may also provide a blanket bond or a surety company may furnish the required bonds. The bond amounts are fixed by the town board and may be increased if the board determines that the existing bond amount is insufficient. The failure of an elected or appointed town officer to file the required bond within the time prescribed by law for such filing constitutes refusal to serve in office.

Generally under current law, elected and certain appointed village officers are required to obtain an official bond in an amount that is set by the village board or specified by statute, and such bonds must be approved by the village president. Bond amounts may be increased by the village board if the board determines that the existing bond amount is insufficient.

This bill removes the requirements that any elected or appointed officer of a second, third or fourth class city, or of a village, town or county, obtain an official bond.

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.** 59.21 (title) of the statutes is amended to read:

2 **59.21 (title) Official oaths and bonds.**

3 **SECTION 2.** 59.21 (1) (intro.) of the statutes is renumbered 59.21 and amended

4 to read:

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1 59.21 (1) Each county officer named in this chapter, except county supervisors,
2 shall ~~execute and file an official bond and~~ take and file the official oath within 20 days
3 after receiving official notice of election or appointment, or if not officially notified,
4 within 20 days after the commencement of the term for which the officer is elected
5 or appointed. Every county supervisor shall take and file the official oath within 20
6 days after receiving official notice of election or appointment, or if not officially
7 notified, within 20 days after the commencement of the term for which he or she is
8 elected or appointed. Every deputy appointed by any such officer shall take and file
9 the official oath and if the deputy neglects to do so, he or she shall forfeit \$100. ~~Such~~
10 ~~official bonds shall be in sums and with sureties, as follows:~~

11 **SECTION 3.** 59.21 (1) (a) of the statutes is repealed.

12 **SECTION 4.** 59.21 (1) (b) of the statutes is repealed.

13 **SECTION 5.** 59.21 (1) (c) of the statutes is repealed.

14 **SECTION 6.** 59.21 (1) (d) of the statutes is repealed.

15 **SECTION 7.** 59.21 (1) (e) of the statutes is repealed.

16 **SECTION 8.** 59.21 (1) (g) of the statutes is repealed.

17 **SECTION 9.** 59.21 (1) (h) of the statutes is repealed.

18 **SECTION 10.** 59.21 (1) (i) of the statutes is repealed.

19 **SECTION 11.** 59.21 (2) of the statutes is repealed.

20 **SECTION 12.** 59.21 (3) of the statutes is repealed.

21 **SECTION 13.** 59.21 (4) of the statutes is repealed.

22 **SECTION 14.** 59.23 (1) (c) of the statutes is amended to read:

23 59.23 (1) (c) If a clerk is incapable of discharging the duties of office the board
24 may appoint an acting clerk, who shall serve until the disability is removed. If the
25 board is not in session at the time of the incapacity, the chairperson of the board may

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1 appoint an acting clerk, whose term shall not extend beyond the next regular or
2 special meeting of the board. A person appointed as acting clerk or appointed to fill
3 a vacancy in the office of clerk, ~~upon giving an official bond with sureties as required~~
4 ~~of a clerk,~~ shall perform all of the duties of the office; and thereupon the powers and
5 duties of the deputy of the last clerk shall cease.

6 **SECTION 15.** 59.25 (2) (b) of the statutes is amended to read:

7 59.25 (2) (b) If any treasurer is incapable of discharging the duties of the office
8 of treasurer, the board may, if it sees fit, appoint a person treasurer who shall serve
9 until such disability is removed. A person so appointed or appointed to fill a vacancy
10 in the office of treasurer, ~~upon giving an official bond with like sureties as are~~
11 ~~required of such treasurer,~~ shall perform all the duties of such office, and thereupon
12 the powers and duties of any deputy performing the duties of the last treasurer shall
13 cease.

14 **SECTION 16.** 59.35 (2) of the statutes is amended to read:

15 59.35 (2) The coroner shall be responsible for every default or misconduct in
16 office of a deputy coroner during the coroner's term of office, and after the death,
17 resignation or removal from office of the coroner as well as before; and an action for
18 any such default or misconduct may be prosecuted against the coroner ~~and the~~
19 ~~sureties on the coroner's official bond~~ or against the executors and administrators of
20 the coroner.

21 **SECTION 17.** 59.35 (3) of the statutes is repealed.

22 **SECTION 18.** 59.38 (3) of the statutes is repealed.

23 **SECTION 19.** 59.47 (3) of the statutes is amended to read:

24 59.47 (3) If a county auditor's office is created under sub. (2), the chairperson
25 of the board shall appoint a person known to be skilled in matters of public finance

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1 and accounting to act as county auditor. The appointment shall be made under ss.
2 63.01 to 63.17 and shall be subject to confirmation by the board. The auditor shall
3 direct the keeping of all of the accounts of the county, in all of its offices, departments
4 and institutions, and shall keep books of account necessary to properly perform the
5 duties of the office. The auditor's salary and the amount of the official bond shall be
6 fixed by the board. The auditor shall perform all duties pertaining to the office, have
7 all of the powers and perform the duties in sub. (1) and perform other duties imposed
8 by the board.

9 **SECTION 20.** 59.47 (4) of the statutes is amended to read:

10 59.47 (4) The board by resolution may authorize a county auditor appointed
11 under sub. (3) to appoint a deputy auditor under ss. 63.01 to 63.17 to aid him or her
12 in the discharge of the duties of his or her office, and who, in the absence or disability
13 of the county auditor, or in case of a vacancy in said office, shall perform all the duties
14 of the office of county auditor until such vacancy is filled, or disability is removed.
15 ~~Such deputy shall execute and file an official bond in the same amount as that given~~
16 ~~by the county auditor.~~

17 **SECTION 21.** 59.52 (11) (d) of the statutes is amended to read:

18 59.52 (11) (d) *Bonds of officers and employes.* Provide for the protection of the
19 county and public against loss or damage resulting from the act, neglect or default
20 of county officers, department heads and employes and may contract for and procure
21 ~~bonds or~~ contracts of insurance to accomplish that purpose either from commercial
22 companies or by self-insurance created by setting up an annual fund for such
23 purpose or by a combination thereof. Any number of officers, department heads or
24 employes ~~not otherwise required by statute to furnish an official bond~~ may be
25 combined in a schedule or blanket ~~bond or~~ contract of insurance. So far as applicable

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1 ss. 19.01 (2), (2m), (3), (4) (d) and (dd) and 19.07 shall apply to such ~~bonds or contracts~~
2 of insurance. ~~The bond shall be for a definite period, and each renewal thereof shall~~
3 ~~constitute a new bond for the principal amount covering the renewal period.~~

4 **SECTION 22.** 60.22 (5) of the statutes is amended to read:

5 60.22 (5) PURSUE CERTAIN CLAIMS OF TOWN. Shall demand payment of penalties
6 and forfeitures recoverable by the town and damages incurred by the town due to
7 ~~breach of official bond~~, injury to property or other injury. If, following demand,
8 payment is not made, the board shall pursue appropriate legal action to recover the
9 penalty, forfeiture or damages.

10 **SECTION 23.** 60.24 (3) (m) of the statutes is repealed.

11 **SECTION 24.** 60.30 (5) (a) of the statutes is amended to read:

12 60.30 (5) (a) If any elected town officer, other than a town board supervisor, is
13 absent or temporarily incapacitated from any cause, the town board may appoint, if
14 there is no deputy officer for the office, a suitable person to discharge the duties of
15 the office until the officer returns or the disability is removed, except that the
16 appointment procedures of this paragraph apply to a town board supervisor if he or
17 she is absent because of entry into the U.S. armed forces. Appointees shall file the
18 official oath ~~and bond~~ required under s. 60.31.

19 **SECTION 25.** 60.30 (5) (b) of the statutes is amended to read:

20 60.30 (5) (b) If any elected town officer, other than a town board supervisor,
21 refuses to perform any official duty, the town board may appoint a suitable person
22 to perform those duties which the officer refuses to perform. An appointee shall file
23 the official oath ~~and bond~~ required of the office under s. 60.31. This paragraph does
24 not preclude a finding that refusal to perform official duties constitutes cause under
25 s. 17.13 (3).

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1 **SECTION 26.** 60.31 (2) of the statutes is amended to read:

2 60.31 (2) OFFICIAL BOND. ~~Every town clerk, deputy town clerk, town treasurer,~~
3 ~~deputy town treasurer, elected assessor and town constable shall execute and~~ The
4 town board may not require any elected or appointed town officer to obtain or file an
5 official bond provided by the town or by sufficient sureties, or the town may provide
6 a schedule or blanket bond that includes any or all of these officials. The official bond
7 or schedule or blanket bond provided by the town may be furnished by a surety
8 company under s. 632.17 (2). The amount of the bond shall be fixed by the town
9 board. If the amount of the bond is not fixed by the board, the amount shall be the
10 same as that required of the last incumbent of the office. If the town board at any
11 time determines that the bond is insufficient, it may require an additional bond to
12 be filed within 10 days, in an amount fixed by the board.

13 **SECTION 27.** 60.31 (3) (a) of the statutes is amended to read:

14 60.31 (3) (a) An elected assessor shall take and file the official oath and bond
15 at any time between May 27 to May 31.

16 **SECTION 28.** 60.31 (3) (b) of the statutes is amended to read:

17 60.31 (3) (b) Municipal judges shall take and file the official oath and bond
18 under s. 755.03.

19 **SECTION 29.** 60.31 (4) of the statutes is amended to read:

20 60.31 (4) FAILURE TO FILE OATH OR BOND. If any person elected or appointed to
21 a town office fails to file a required official oath or bond within the time prescribed
22 by law, the failure to file constitutes refusal to serve in office.

23 **SECTION 30.** 60.331 of the statutes is amended to read:

24 **60.331 Deputy town clerk.** Each town clerk may appoint one or more
25 deputies for whom the town clerk is responsible. A deputy shall take and file the

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1 official oath ~~and bond~~ under s. 60.31. The town clerk may designate a deputy to
2 perform the clerk's duties during the absence, sickness or other disability of the clerk.

3 **SECTION 31.** 60.341 of the statutes is amended to read:

4 **60.341 Deputy town treasurer.** Each town treasurer may appoint a deputy
5 for whom the treasurer is responsible. The deputy shall take and file the official oath
6 ~~and bond~~ under s. 60.31. In case of the absence, sickness or other disability of the
7 treasurer, the deputy shall perform the treasurer's duties.

8 **SECTION 32.** 61.22 of the statutes is amended to read:

9 **61.22 Official bonds; officers not to be sureties.** ~~Every bond required of~~
10 ~~a village officer shall be executed with sufficient sureties in a sum fixed by the village~~
11 ~~board when not otherwise prescribed and be approved by the president. Whenever~~
12 ~~the. The village board deems any bond insufficient they may not require an~~
13 ~~additional~~ an elected or appointed village officer to obtain or file an official bond to
14 ~~be executed and filed in a sum and within a time not less than 10 days, to be fixed~~
15 ~~by them.~~

16 **SECTION 33.** 61.25 (intro.) of the statutes is amended to read:

17 **61.25 Clerk.** (intro.) ~~The village clerk shall execute and file an official bond.~~
18 It shall be the village clerk's duty:

19 **SECTION 34.** 61.26 (1) of the statutes is repealed.

20 **SECTION 35.** 61.26 (10) of the statutes is repealed.

21 **SECTION 36.** 61.261 of the statutes is amended to read:

22 **61.261 Deputy village treasurer.** The village treasurer, subject to approval
23 by a majority of all the members of the village board, may in writing, filed in the office
24 of the clerk, appoint a deputy who shall act under the treasurer's direction and who
25 during the temporary absence or disability of the treasurer or during a vacancy in

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1 such office shall perform the duties of treasurer. The deputy shall receive such
2 compensation as the village board shall determine. ~~The acts of such deputy shall be~~
3 ~~covered by official bond as the village board shall direct.~~

4 **SECTION 37.** 61.28 of the statutes is amended to read:

5 **61.28 Marshal.** ~~The village marshal shall execute and file an official bond.~~
6 The village marshal shall possess the powers, enjoy the privileges and be subject to
7 the liabilities conferred and imposed by law upon constables, and be taken as
8 included in all writs and papers addressed to constables. The marshal shall obey all
9 lawful written orders of the village board; and arrest with or without process every
10 person found in the village engaged in any disturbance of the peace or violating any
11 law of the state or ordinance of the village. The marshal may command all persons
12 present in that case to assist, and if any person, being so commanded, refuses or
13 neglects to render assistance the person shall forfeit not exceeding \$10. The marshal
14 is entitled to the same fees prescribed for sheriffs in s. 814.70 for similar services,
15 unless a higher fee is applicable under s. 814.705 (1) (c); for other service rendered
16 the village, compensation as the board fixes.

17 **SECTION 38.** 61.29 (1) (a) of the statutes is repealed.

18 **SECTION 39.** 62.09 (4) (b) of the statutes is amended to read:

19 62.09 (4) (b) ~~The treasurer, comptroller, chief of police and such others as the~~
20 ~~statutes or the council may direct, shall execute and file an official bond in such sum~~
21 ~~as the council may determine, with 2 or more sureties or such bond may be furnished~~
22 ~~by a surety company as provided by s. 632.17 (2). The council may at any time not~~
23 ~~require new and additional bonds of an any elected or appointed city officer to obtain~~
24 ~~or file an official bond. All official bonds must be approved by the mayor, and when~~
25 ~~so approved shall be filed within 10 days after the officer executing the same shall~~

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1 ~~have been notified of election or appointment. Official bonds filed with the city clerk~~
2 ~~shall be recorded in a book kept for that purpose.~~

3 **SECTION 40.** 62.09 (4) (c) of the statutes is amended to read:

4 62.09 (4) (c) When an appointive officer has filed the oath, and bond if required,
5 the clerk shall issue to the officer a certificate of appointment. If the appointment
6 is to a board or commission the appointee shall file the certificate with the secretary
7 thereof.

8 **SECTION 41.** 62.09 (9) (f) of the statutes is amended to read:

9 62.09 (9) (f) The treasurer may in writing, filed in the office of the clerk, appoint
10 a deputy who shall act under the treasurer's direction and in the treasurer's absence
11 or disability, or in case of a vacancy shall perform the treasurer's duties. The deputy
12 shall receive such compensation as the council shall provide. ~~The acts of such deputy~~
13 ~~shall be covered by official bond as the council shall direct.~~

14 **SECTION 42.** 62.09 (10) (h) of the statutes is amended to read:

15 62.09 (10) (h) The comptroller may in writing, filed in the office of the clerk,
16 appoint a deputy who shall act under the comptroller's direction and in the
17 comptroller's absence or disability, or in case of a vacancy shall perform the
18 comptroller's duties. The deputy shall receive such compensation as the council
19 provides. ~~The acts of such deputy shall be covered by official bond as the council~~
20 ~~directs.~~

21 **SECTION 43.** 62.09 (11) (i) of the statutes is amended to read:

22 62.09 (11) (i) The clerk may in writing filed in the clerk's office appoint a deputy,
23 who shall act under the clerk's direction, and in the clerk's absence or disability or
24 in case of a vacancy shall perform the clerk's duties, and shall have power to
25 administer oaths and affirmations. The deputy shall receive such compensation as

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1 the council shall provide. ~~The clerk and the clerk's sureties shall be liable on the~~
2 ~~clerk's official bond for the acts of such deputy.~~

3 **SECTION 44.** 66.044 (4) of the statutes is repealed.

4 **SECTION 45.** 66.12 (1) (b) of the statutes is amended to read:

5 66.12 (1) (b) Local ordinances, except as provided in this paragraph or ss.
6 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any
7 or all violations under those ordinances, and may designate the manner in which the
8 stipulation is to be made and fix the penalty to be paid. When a person charged with
9 a violation for which stipulation of guilt or no contest is authorized makes a timely
10 stipulation and pays the required penalty and pays the penalty assessment imposed
11 by s. 165.87, the jail assessment imposed by s. 302.46 (1), the crime laboratories and
12 drug law enforcement assessment imposed by s. 165.755 and any applicable
13 domestic abuse assessment imposed by s. 973.055 (1) to the designated official, the
14 person need not appear in court and no witness fees or other additional costs may be
15 taxed unless the local ordinance so provides. A court appearance is required for a
16 violation of a local ordinance in conformity with s. 346.63 (1). The official receiving
17 the penalties shall remit all moneys collected to the treasurer of the city, village, town
18 sanitary district or public inland lake protection and rehabilitation district in whose
19 behalf the sum was paid, except that all jail assessments shall be remitted to the
20 county treasurer, within 20 days after its receipt by him or her; and in case of any
21 failure in the payment, the treasurer may collect the payment of the officer by action,
22 in the name of the office, and upon the official bond of the officer if such a bond exists,
23 with interest at the rate of 12% per year from the time when it should have been paid.
24 In the case of the penalty assessment imposed by s. 165.87, the crime laboratories
25 and drug law enforcement assessment imposed by s. 165.755, the driver

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1 improvement surcharge imposed by s. 346.655 (1) and any applicable domestic abuse
2 assessment imposed by s. 973.055 (1), the treasurer of the city, village, town sanitary
3 district or public inland lake protection and rehabilitation district shall remit to the
4 state treasurer the sum required by law to be paid on the actions so entered during
5 the preceding month on or before the first day of the next succeeding month. The
6 governing body of the city, village, town sanitary district or public inland lake
7 protection and rehabilitation district shall by ordinance designate the official to
8 receive the penalties and the terms under which the official shall qualify.

9 **SECTION 46.** 66.14 of the statutes is amended to read:

10 **66.14 Official bonds, premium.** Any 1st class city, ~~however incorporated,~~
11 may pay the cost of any official bond furnished by an officer thereof, pursuant to law
12 or any rules or regulations requiring the same, if said officer shall furnish a bond with
13 a surety company or companies authorized to do business in this state, said cost not
14 to exceed the current rate of premium per year on the amount of said bond or
15 obligation by said surety executed. The cost of any such bond in such city shall be
16 charged to the fund appropriated and set up in the budget for the department, board,
17 commission or other body, the officer of which is required to furnish a bond.

18 **SECTION 47.** 66.23 (8) of the statutes is amended to read:

19 66.23 (8) The treasurer of the city, village or town having the largest equalized
20 valuation within the district shall act as treasurer of the district, shall receive such
21 additional compensation therefor as the commission may determine, and shall at the
22 expense of the district furnish such ~~additional~~ bond as the commission may require.
23 Such treasurer shall keep all moneys of the district in a separate fund to be disposed
24 of only upon order of the commission signed by the president and secretary.

25 **SECTION 48.** 66.39 (5) (c) of the statutes is amended to read:

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1 66.39 (5) (c) At the first meeting of the commissioners after their appointment,
2 they shall select one of their members as chairperson and one as secretary. The
3 county treasurer shall be the treasurer of the board. The official bond ~~of the~~ ^{obtain bonding}
4 ~~omissions insurance policy~~ of the county treasurer shall extend to cover funds of the
5 authority that may be placed in the charge of the county treasurer. The county
6 treasurer shall disburse money of the authority only upon direction of the
7 commissioners. The county treasurer shall receive no compensation for services as
8 treasurer of the board, but shall be entitled to necessary expenses, including
9 traveling expenses incurred in the discharge of the duties of treasurer of the board.
10 When the office of chairperson or secretary of the commissioners becomes vacant for
11 any reason, the commissioners shall select a new chairperson or secretary as the case
12 may be. The commissioners may employ technical experts, and such other officers,
13 agents and employes, permanent or temporary, as it may require, and may call upon
14 the district attorney of the county for such legal services as it may require.

SECTION 49. 70.67 (1) of the statutes is amended to read:

16 70.67 (1) The treasurer of each town, city or village shall, ~~unless exempted~~
17 ~~under sub. (2), execute and deliver to the county treasurer a bond, with sureties, to~~
18 ~~be approved, in case of a town treasurer, by the chairperson of the town, and in case~~
19 ~~of a city or village treasurer by the county treasurer, conditioned for the faithful~~
20 ~~performance of perform the duties of the office and that the treasurer will account~~
21 ~~for and pay over according to law all taxes of any kind which are received and which~~
22 ~~are required to be paid to the county treasurer. If such bond is executed, or the~~
23 ~~condition thereof guaranteed by personal sureties, the amount of the bonds shall be~~
24 ~~double the amount of state and county taxes apportioned to the town, village or city,~~
25 ~~provided that the amount of such bond shall not exceed the sum of \$500,000. When~~

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1 ~~such bond is executed, or the condition thereof guaranteed, solely by a surety~~
2 ~~company as provided in s. 632.17(2), such bond shall be in a sum equal to the amount~~
3 ~~of such state and county taxes, provided that the amount of such bond shall not~~
4 ~~exceed the sum of \$250,000. The county treasurer shall give to said town, city or~~
5 ~~village treasurer a receipt for said bond, and file and safely keep said bond in the~~
6 ~~office.~~

7 **SECTION 50.** 70.67 (2) of the statutes is amended to read:

8 70.67 (2) The treasurer of any ~~municipality shall not be required to give such~~
9 ~~bond if the governing body thereof of a city, village or town shall by ordinance obligate~~
10 ~~such the municipality to pay, in case the treasurer thereof of the municipality shall~~
11 ~~fail so to do, all taxes of any kind required by law to be paid by such the municipal~~
12 ~~treasurer to the county treasurer. Such A governing body is authorized to so obligate~~
13 ~~such the municipality. If the governing body of the municipality has adopted an~~
14 ~~ordinance as specified in this subsection, it may demand from its treasurer, in~~
15 ~~addition to the official bond required of all municipal treasurers, a fidelity or surety~~
16 ~~bond in an amount and upon such the terms as may be determined by the governing~~
17 ~~body. Such The bond shall run to the town or village board or the city council, as the~~
18 ~~case may be, and shall be delivered to the clerk of the municipality. A certified copy~~
19 ~~of such the ordinance shall be filed with the county treasurer ~~shall be accepted by the~~~~
20 ~~county treasurer in lieu of the bond required by sub. (1). Such ordinance shall remain~~
21 ~~in effect until a certified copy of its repeal shall be filed with the county clerk and the~~
22 ~~county treasurer. The official bond executed pursuant to s. 19.01, required of~~
23 ~~municipal treasurers, shall extend to and include the liability incurred by any town,~~
24 ~~city or village whose governing board shall adopt and certify to the county treasurer~~
25 ~~an ordinance in accordance with this subsection.~~

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1 **SECTION 51.** 74.45 (2) of the statutes is amended to read:

2 74.45 (2) ENDORSEMENT OF TAXATION DISTRICT TREASURER'S BOND. After the
3 taxation district treasurer has fulfilled the requirements for settlement with the
4 county under s. 74.25 or 74.30, the county treasurer if requested to do so, shall
5 endorse the bond of the taxation district treasurer executed under s. 70.67 ~~(1)~~ (2) as
6 satisfied and paid. The endorsement fully discharges the taxation district treasurer
7 and his or her sureties from the obligations of the bond, unless the return of the
8 taxation district treasurer under s. 74.43 is false. If the return is false, the bond
9 continues in force and the taxation district treasurer and his or her sureties are
10 subject to action upon the bond for all deficiencies and damages resulting from the
11 false return.

12 **SECTION 52.** 75.07 (2) (c) of the statutes is amended to read:

13 75.07 (2) (c) Any county treasurer who shall wilfully refuse or neglect to
14 perform any duty required by this section or who shall keep back and not report any
15 unredeemed lands for the purpose of evading its provisions shall forfeit the full
16 amount of the penalty of the treasurer's official bond, one half of which, when
17 collected, shall be paid to the person prosecuting therefor and the residue into the
18 treasury of the state for the use of the school fund; provided further, that no county
19 treasurer shall be liable to any penalty for causing such publication to be made in a
20 weekly newspaper published in such county for the length of time hereinbefore
21 named prior to the date of the treasurer's notice, when by reason of accident or other
22 cause more than one week has intervened between the dates of the actual issue of
23 such newspaper to subscribers, if such delay at any one time shall not have exceeded

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1 3 days; but every such newspaper, for the purpose of this section shall be deemed to
2 have been regularly published once in each week as hereinbefore provided.

3 (END)

**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: 4/9/99

To: Representative Stone

Relating to LRB drafting number: LRB-2359

Topic

Eliminate bonding requirements for city officials

Subject(s)

Munis - miscellaneous

1. **JACKET** the draft for introduction Jeff Stone

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 Jeff Stone

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

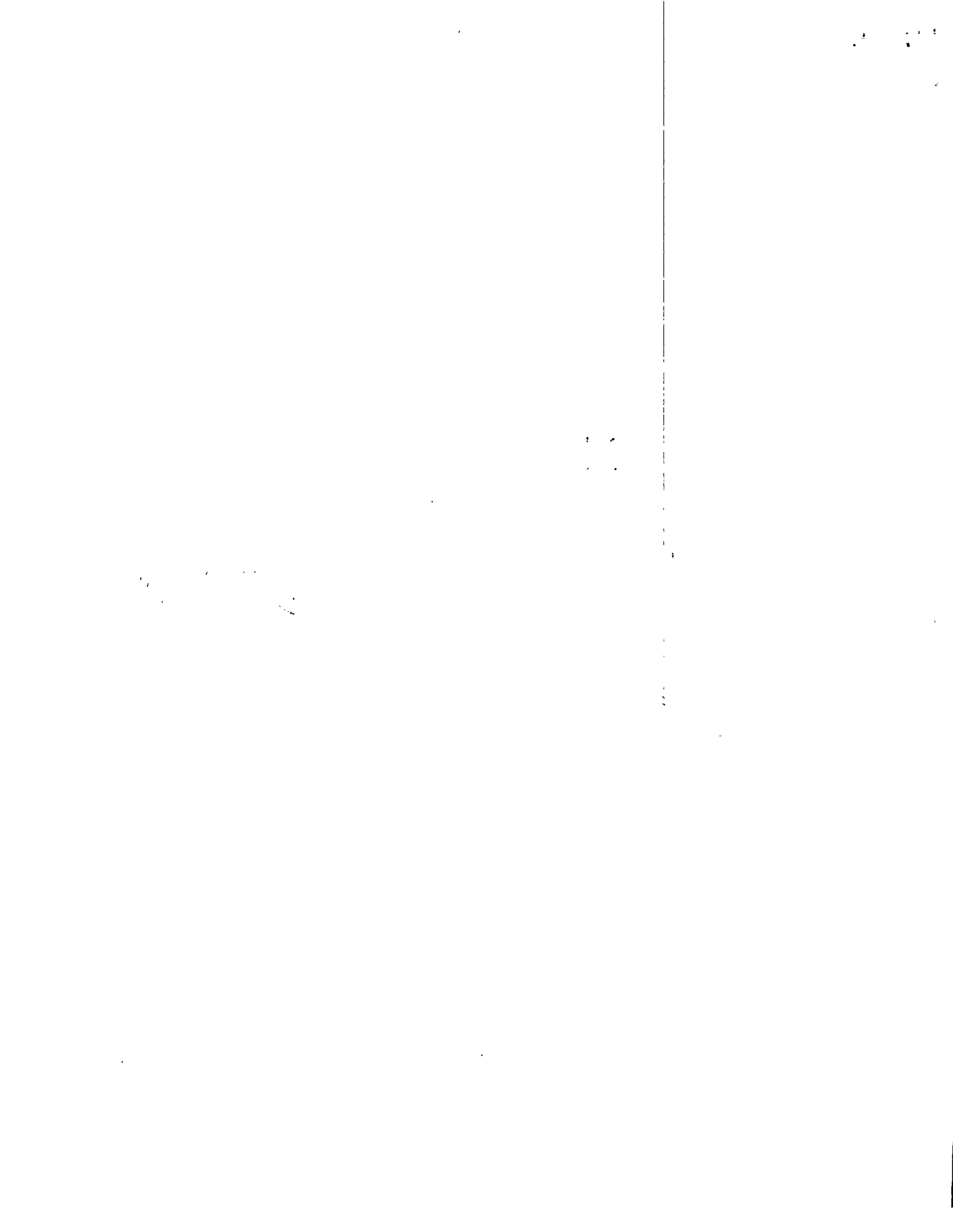
3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction Jeff Stone

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

Done
9MB



NOTE: PLEASE RETURN THIS BILL DRAFT AND THIS TRANSMITTAL SHEET WITH YOUR FISCAL ESTIMATE FORMS

IF THERE IS A FISCAL EFFECT TO THE BILL, PLEASE SUBMIT THE FISCAL ESTIMATE WORKSHEET.

TO: **Eileen Mallow**
Office of the Commission of Insurance

FROM: Deborah Uecker
Division of Executive Budget and Finance
101 East Wilson Street
Administration Building, 10th Floor
Madison, WI 53702

*Un-introduced
copy to
Rep. Stone
04-20-99*

SUBJECT: Fiscal Estimate - **LRB Number 2359/3**
1999 Bill Number *2*

Please provide the necessary information on fiscal estimate forms and return two (2) copies to Deborah Uecker, no later than: 21-Apr-99

If you cannot comply with the above deadline for any reason, please call Deborah at 267-0371.

Provide local government costs.

_____ is responsible for local government costs.

ALSO SENT TO:
Office of the Commission of Insurance
Department of Revenue

DATE DOA SENT TO AGENCY:

14-Apr-99

DATE DOA RECEIVED FROM AGENCY:

4/19/99

TO BE COMPLETED BY AGENCY:

Name and phone number of person who prepared the fiscal estimate.

Eileen Mallow
(Name)

6-7843
(Phone Number)

PLEASE SEND ORIGINAL COPIES OF THE FORMS THAT CAN BE REPRODUCED.

LRB or Bill No./Adm. Rule No.
LRB 2359/3

Amendment No. if Applicable

- ORIGINAL
- CORRECTED
- UPDATED
- SUPPLEMENTAL

FISCAL ESTIMATE
DOA-2048 N

Subject

This bill eliminates the requirement that certain city, village, town and county officers be bonded.

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

- Increase Existing Appropriation
- Decrease Existing Appropriation
- Create New Appropriation
- Increase Existing Revenues
- Decrease Existing Revenues

Decrease Costs

Local: No local government costs

- | | | |
|--|--|--|
| 1. <input type="checkbox"/> Increase Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
2. <input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Increase Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
4. <input type="checkbox"/> Decrease Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 5. Types of Local Governmental Units Affected:
<input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities
<input type="checkbox"/> Counties <input type="checkbox"/> Others _____
<input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts |
|--|--|--|

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

This bill will have no direct impact on OCI.

Long-Range Fiscal Implications

None.

Agency/Prepared by: (Name & Phone No.)

OCI/Eileen Mallow (608) 266-7843

Authorized Signature/Telephone No.

Connie O'Connell (608) 266-0102

Date

4/16/1999

NOTE: PLEASE RETURN THIS BILL DRAFT AND THIS TRANSMITTAL SHEET WITH YOUR FISCAL ESTIMATE FORMS

IF THERE IS A FISCAL EFFECT TO THE BILL, PLEASE SUBMIT THE FISCAL ESTIMATE WORKSHEET.

TO: **Eng Braun**
Department of Revenue

FROM: Deborah Uecker
Division of Executive Budget and Finance
101 East Wilson Street
Administration Building, 10th Floor
Madison, WI 53702

SUBJECT: Fiscal Estimate - **LRB Number 2359/3**
1999 Bill Number

*FYI only
- Bill is "14"
now a "14"*

*copy to
Rep. Stone
05-13-99*

Please provide the necessary information on fiscal estimate forms and return two (2) copies to Deborah Uecker, no later than: 21-Apr-99

If you cannot comply with the above deadline for any reason, please call Deborah at 267-0371.

Provide local government costs.
_____ is responsible for local government costs.

ALSO SENT TO:
Office of the Commission of Insurance
Department of Revenue

DATE DOA SENT TO AGENCY:

14-Apr-99

DATE DOA RECEIVED FROM AGENCY:

MAY 13 1999
DEPARTMENT OF REVENUE

TO BE COMPLETED BY AGENCY:

Name and phone number of person who prepared the fiscal estimate.

Blair Kruger
(Name)
266-1310
(Phone Number)

PLEASE SEND ORIGINAL COPIES OF THE FORMS THAT CAN BE REPRODUCED.



ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB # 2359/3
INTRODUCTION #
Admin. Rule #

Subject

Eliminate Requirements that Certain Local Officials Be Bonded

Fiscal Effect

State: No State Fiscal Effect
 Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

<input type="checkbox"/> Increase Existing Appropriation	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs - May be Possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Decrease Existing Appropriation	<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriation	<input type="checkbox"/> Decrease Costs	

Local: No Local Government Costs

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input checked="" type="checkbox"/> Towns <input checked="" type="checkbox"/> Villages <input checked="" type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input checked="" type="checkbox"/> Others <u>Special districts</u> <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
2. <input checked="" type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate:

Current law provides for 2 types of bonds for local officers -- tax collection bonds and official bonds. The bill affects both types of bonds.

Tax Collection Bonds. To ensure that taxes collected by the municipal treasurer are remitted to the county treasurer, current law requires the municipal treasurer to obtain a tax collection bond of up to \$250,000, unless the municipality enacts an ordinance under which it assumes liability for payment of taxes. Under the bill, a municipality would be required to enact such an ordinance.

Based on discussions with the Wisconsin Towns Association, the League of Wisconsin Municipalities and bonding companies, about half of municipalities buy tax collection bonds, and about half have enacted an ordinance under which they assume liability for remitting taxes to the county treasurer. According to bonding companies, a tax collection bond costs about \$150-200 per year. Assuming a tax collection bond costs \$175 on average and assuming 925 municipalities (50% x 1,850) would forgo purchase of such a bond, municipal costs would be reduced by about \$160,000 (\$175 x 925) per year under the bill.

Official Bonds. Under current law, municipal and county clerks, treasurers and other officers specified by statute are required to obtain an official bond to ensure the faithful performance of their duties. The minimum official bonds for county officers are specified in statute while official bonds for municipal officers are determined by the governing body of the municipality. The official bond of a town officer may be included in a blanket bond covering all employees of the local unit of government; in contrast, the official bond of a city, village or county officer may not be included under a blanket bond. Under the bill, official bond provisions relating to county officers would be repealed while municipalities would be prohibited from requiring an officer to obtain an official bond.

(continued on page two)

Long-Range Fiscal Implications:

Agency/Prepared by: (Name & Phone No.) Wisconsin Department of Revenue Blair P. Kruger, (608) 266-1310	Authorized Signature/Telephone No. Yeang-Eng Braun (608) 266-2700 <i>Yeang Eng Braun</i>	Date 5/12/99
---	--	------------------------

Based on the rates of a major provider of official bonds to Wisconsin municipal officers, a \$25,000 official bond for a treasurer costs about \$70 per year while a \$50,000 official bond costs about \$120 per year. A \$25,000 official bond for a clerk, deputy clerk, or elected assessor costs about \$40 per year per officer. Assuming the official bond of a city or village treasurer costs \$100 on average and the total cost of official bonds for other officers is \$160 per year, expenditures for official bonds for the 584 cities and villages would decrease by about \$152,000 ($\260×584) per year.

Assuming each county treasurer obtains a \$500,000 official bond costing \$1,100 on average and the total cost of official bonds for other county officers is \$160 per year, official bonds for the 72 counties would cost about \$91,000 ($\$1,260 \times 72$) per year. Thus, under the bill, costs to cities, villages and counties of official bonds would decrease by about \$243,000 ($\$152,000 + \$91,000$) per year.

Towns typically include official bonds under a blanket bond covering all officers and employees and, therefore, prohibiting towns from requiring official bonds is not expected to have a fiscal effect.

Summary of Fiscal Effect. Under the bill, statewide expenditures for tax collection bonds would decrease by an estimated \$160,000 per year and statewide expenditures for official bonds would decrease by an estimated \$243,000 per year for a total statewide decrease of about \$403,000 per year. The decrease would be offset to some extent if cities, villages and counties purchase insurance to replace the coverage currently provided by tax collection and official bonds.

FISCAL ESTIMATE WORKSHEET

Detailed Estimate of Annual Fiscal Effect

1999 Session

- ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB # 2359/3

Admin. Rule #

INTRODUCTION #

Subject

Eliminate Requirements that Certain Local Officials Be Bonded

I. One-Time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category		
State Operations - Salaries and Fringe (FTE Position Changes)	\$ -	\$ -
	(FTE)	(- FTE)
State Operations-Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs by Category	\$ -	\$ -
B. State Costs by Source of Funds		
GPR	\$ -	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Rev.	Decreased Rev.
GPR Taxes	\$ -	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
TOTAL State Revenues	\$ -	\$ -

NET ANNUALIZED FISCAL IMPACT

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ -	\$ - 403,000
NET CHANGE IN REVENUES	\$ -	\$ -

Agency/Prepared by: (Name & Phone No.)	Authorized Signature/Telephone No.	Date
Wisconsin Department of Revenue Blair P. Kruger, (608) 266-1310	Yeang-Eng Braun <i>Yeang Eng Braun</i> (608) 266-2700	5/12/99



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2359/3

MES wlj:ch

fmr

1999 BILL

neg

1 **AN ACT to repeal** 59.21 (1) (a), 59.21 (1) (b), 59.21 (1) (c), 59.21 (1) (d), 59.21 (1)
2 (e), 59.21 (1) (g), 59.21 (1) (h), 59.21 (1) (i), 59.21 (2), 59.21 (3), 59.21 (4), 59.35
3 (3), 59.38 (3), 60.24 (3) (m), 61.26 (1), 61.26 (10), 61.29 (1) (a) and 66.044 (4); **to**
4 **renumber and amend** 59.21 (1) (intro.); and **to amend** 59.21 (title), 59.23 (1)
5 (c), 59.25 (2) (b), 59.35 (2), 59.47 (3), 59.47 (4), 59.52 (11) (d), 60.22 (5), 60.30 (5)
6 (a), 60.30 (5) (b), 60.31 (2), 60.31 (3) (a), 60.31 (3) (b), 60.31 (4), 60.331, 60.341,
7 61.22, 61.25 (intro.), 61.261, 61.28, 62.09 (4) (b), 62.09 (4) (c), 62.09 (9) (f), 62.09
8 (10) (h), 62.09 (11) (i), 66.12 (1) (b), 66.14, 66.23 (8), 66.39 (5) (c), 70.67 (1), 70.67
9 (2), 74.45 (2) and 75.07 (2) (c) of the statutes; **relating to:** eliminating the
10 requirement ^{and making it a local option,} that certain city, village, town and county officers be bonded.

Analysis by the Legislative Reference Bureau

Under current law, most officers of a city, village, town or county must obtain and file an official bond. Generally, in the case of second, third and fourth class cities, the treasurer, comptroller, chief of police and other officers, as the statutes or the common council direct, are required to execute and file an official bond, with sureties, in a sum determined by the common council. Such bonds may also be furnished by

BILL

a surety company. All official bonds must be approved by the mayor of the city and when approved must be filed within ten days after the person who executes the bond is notified of election or appointment. Official bonds are also filed with the city clerk. Similar bonding requirements apply to officers and other employees of first class cities (presently only Milwaukee).

Generally under current law, in the case of counties, officers who are specified by statute are required to file an official bond with sureties in amounts that are specified by statute or fixed by the board within a range specified by statute. Such officers may also obtain bonds from a surety company and the county board may require an officer to provide an additional bond if it considers the statutorily specified amount or range to be insufficient. All bonds and sureties must be approved by a committee made up of the county board chairperson and at least two other board members.

Current law also requires every town clerk, deputy town clerk, town treasurer, deputy town treasurer, elected assessor and town constable to execute and file an official bond provided by the town or by sureties. The town may also provide a blanket bond or a surety company may furnish the required bonds. The bond amounts are fixed by the town board and may be increased if the board determines that the existing bond amount is insufficient. The failure of an elected or appointed town officer to file the required bond within the time prescribed by law for such filing constitutes refusal to serve in office.

Generally under current law, elected and certain appointed village officers are required to obtain an official bond in an amount that is set by the village board or specified by statute, and such bonds must be approved by the village president. Bond amounts may be increased by the village board if the board determines that the existing bond amount is insufficient. *and makes it a local option.*

This bill removes the requirements that any elected or appointed officer of a second, third or fourth class city, or of a village, town or county, obtain an official bond.

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. 59.21 (title) of the statutes is amended to read:~~

2 ~~59.21 (title) Official oaths and bonds.~~

3 SECTION 2. 59.21 (1) (intro.) of the statutes is renumbered 59.21 and amended

4 to read:

*enacts an ordinance or
if the board requires
the officers to do so,*

LRB-2359/3
MES:wlj:ch
SECTION 2

*adopts a
resolution that*

BILL

plain

(intro.)

1 59.21 (1) Each county officer named in this chapter, except county supervisors,
 2 shall ~~execute and file an official bond and~~ ^{shall} take and file the official oath within 20 days
 3 after receiving official notice of election or appointment, or if not officially notified,
 4 within 20 days after the commencement of the term for which the officer is elected
 5 or appointed. Every county supervisor shall take and file the official oath within 20
 6 days after receiving official notice of election or appointment, or if not officially
 7 notified, within 20 days after the commencement of the term for which he or she is
 8 elected or appointed. Every deputy appointed by any such officer shall take and file
 9 the official oath and if the deputy neglects to do so, he or she shall forfeit \$100. Such
 10 official bonds ~~shall be in sums and with sureties, as follows:~~

~~SECTION 3. 59.21 (1) (a) of the statutes is repealed.~~

~~SECTION 4. 59.21 (1) (b) of the statutes is repealed.~~

~~SECTION 5. 59.21 (1) (c) of the statutes is repealed.~~

~~SECTION 6. 59.21 (1) (d) of the statutes is repealed.~~

~~SECTION 7. 59.21 (1) (e) of the statutes is repealed.~~

~~SECTION 8. 59.21 (1) (g) of the statutes is repealed.~~

~~SECTION 9. 59.21 (1) (h) of the statutes is repealed.~~

~~SECTION 10. 59.21 (1) (i) of the statutes is repealed.~~

~~SECTION 11. 59.21 (2) of the statutes is repealed.~~

~~SECTION 12. 59.21 (3) of the statutes is repealed.~~

~~SECTION 13. 59.21 (4) of the statutes is repealed.~~

~~SECTION 14. 59.23 (1) (c) of the statutes is amended to read:~~

23 59.23 (1) (c) If a clerk is incapable of discharging the duties of office the board
 24 may appoint an acting clerk, who shall serve until the disability is removed. If the
 25 board is not in session at the time of the incapacity, the chairperson of the board may

BILL

1 appoint an acting clerk, whose term shall not extend beyond the next regular or
 2 special meeting of the board. A person appointed as acting clerk or appointed to fill
 3 a vacancy in the office of clerk, ~~upon giving an official bond with sureties as required~~
 4 *if a bond is required of a clerk,* shall perform all of the duties of the office; and thereupon the powers and
 5 duties of the deputy of the last clerk shall cease.

SECTION 15. 59.25 (2) (b) of the statutes is amended to read:

6
 7 59.25 (2) (b) If any treasurer is incapable of discharging the duties of the office
 8 of treasurer, the board may, if it sees fit, appoint a person treasurer who shall serve
 9 until such disability is removed. A person so appointed or appointed to fill a vacancy
 10 in the office of treasurer, ~~upon giving an official bond with like sureties as are~~
 11 ~~required of such treasurer,~~ shall perform all the duties of such office, and thereupon
 12 the powers and duties of any deputy performing the duties of the last treasurer shall
 13 cease.

SECTION 16. 59.35 (2) of the statutes is amended to read:

14
 15 59.35 (2) The coroner shall be responsible for every default or misconduct in
 16 office of a deputy coroner during the coroner's term of office, and after the death,
 17 resignation or removal from office of the coroner as well as before; and an action for
 18 any such default or misconduct may be prosecuted against the coroner ~~and the~~
 19 ~~sureties on the coroner's official bond~~ or against the executors and administrators of
 20 the coroner.

SECTION 17. 59.35 (3) of the statutes is repealed.

SECTION 18. 59.38 (3) of the statutes is repealed.

SECTION 19. 59.47 (3) of the statutes is amended to read:

21
 22
 23
 24 59.47 (3) If a county auditor's office is created under sub. (2), the chairperson
 25 of the board shall appoint a person known to be skilled in matters of public finance

plain

INS. 4-21

BILL

1 and accounting to act as county auditor. The appointment shall be made under ss.
 2 63.01 to 63.17 and shall be subject to confirmation by the board. The auditor shall
 3 direct the keeping of all of the accounts of the county, in all of its offices, departments
 4 and institutions, and shall keep books of account necessary to properly perform the
 5 duties of the office. The auditor's salary and the amount of the official bond shall be
 6 fixed by the board. The auditor shall perform all duties pertaining to the office, have
 7 all of the powers and perform the duties in sub. (1) and perform other duties imposed
 8 by the board.

SECTION 20. 59.47 (4) of the statutes is amended to read:

9
 10 59.47 (4) The board by resolution may authorize a county auditor appointed
 11 under sub. (3) to appoint a deputy auditor under ss. 63.01 to 63.17 to aid him or her
 12 in the discharge of the duties of his or her office, and who, in the absence or disability
 13 of the county auditor, or in case of a vacancy in said office, shall perform all the duties
 14 of the office of county auditor until such vacancy is filled, or disability is removed.
 15 ~~Such deputy shall execute and file an official bond in the same amount as that given~~
 16 ~~by the county auditor.~~

SECTION 21. 59.52 (11) (d) of the statutes is amended to read:

17
 18 59.52 (11) (d) *Bonds of officers and employes.* Provide for the protection of the
 19 county and public against loss or damage resulting from the act, neglect or default
 20 of county officers, department heads and employes and may contract for and procure
 21 bonds or contracts of insurance to accomplish that purpose either from commercial
 22 companies or by self-insurance created by setting up an annual fund for such
 23 purpose or by a combination thereof. Any number of officers, department heads or
 24 employes ~~not otherwise required by statute~~ ^{and county ordinance or resolution} ~~to furnish an official bond~~ may be
 25 combined in a schedule or blanket bond or contract of insurance. So far as applicable

plain

BILL

plain

1 ss. 19.01 (2), (2m), (3), (4) (d) and (dd) and 19.07 shall apply to such bonds or contracts
2 of insurance. The bond shall be for a definite period, and each renewal thereof shall
3 constitute a new bond for the principal amount covering the renewal period.

4 ~~SECTION 22. 60.22 (5) of the statutes is amended to read:~~
5 ~~60.22 (5) PURSUE CERTAIN CLAIMS OF TOWN. Shall demand payment of penalties~~
6 ~~and forfeitures recoverable by the town and damages incurred by the town due to~~
7 ~~breach of official bond, injury to property or other injury. If, following demand,~~
8 ~~payment is not made, the board shall pursue appropriate legal action to recover the~~
9 ~~penalty, forfeiture or damages.~~

10 SECTION 23. 60.24 (3) (m) of the statutes is repealed.

11 SECTION 24. 60.30 (5) (a) of the statutes is amended to read:

12 60.30 (5) (a) If any elected town officer, other than a town board supervisor, is
13 absent or temporarily incapacitated from any cause, the town board may appoint, if
14 there is no deputy officer for the office, a suitable person to discharge the duties of
15 the office until the officer returns or the disability is removed, except that the
16 appointment procedures of this paragraph apply to a town board supervisor if he or
17 she is absent because of entry into the U.S. armed forces. Appointees shall file the
18 ^{required,} official oath and bond ^{that may be} required under s. 60.31.

19 SECTION 25. 60.30 (5) (b) of the statutes is amended to read:

20 ^{plain} 60.30 (5) (b) If any elected town officer, other than a town board supervisor,
21 refuses to perform any official duty, the town board may appoint a suitable person
22 to perform those duties which the officer refuses to perform. An appointee shall file
23 the ^{required,} official oath and bond ^{that may be} required of the office under s. 60.31. This paragraph does
24 not preclude a finding that refusal to perform official duties constitutes cause under
25 s. 17.13 (3).

plain

BILL

INS,
7-1

1 **SECTION 26.** 60.31 (2) of the statutes is amended to read:
 2 60.31 (2) ~~OFFICIAL BOND. Every town clerk, deputy town clerk, town treasurer,~~
 3 ~~deputy town treasurer, elected assessor and town constable shall execute and~~ The
 4 town board may not require any elected or appointed town officer to obtain or file an
 5 ~~official bond provided by the town or by sufficient sureties, or the town may provide~~
 6 ~~a schedule or blanket bond that includes any or all of these officials. The official bond~~
 7 ~~or schedule or blanket bond provided by the town may be furnished by a surety~~
 8 ~~company under s. 632.17 (2). The amount of the bond shall be fixed by the town~~
 9 ~~board. If the amount of the bond is not fixed by the board, the amount shall be the~~
 10 ~~same as that required of the last incumbent of the office. If the town board at any~~
 11 ~~time determines that the bond is insufficient, it may require an additional bond to~~
 12 ~~be filed within 10 days, in an amount fixed by the board.~~

13 **SECTION 27.** 60.31 (3) (a) of the statutes is amended to read:
 14 60.31 (3) (a) An elected assessor shall take and file the official oath and bond
 15 if a bond is required under sub. (2),
 at any time between May 27 to May 31.

plain
and bond

16 **SECTION 28.** 60.31 (3) (b) of the statutes is amended to read:
 17 60.31 (3) (b) Municipal judges shall take and file the official oath and bond
 18 under s. 755.03.

19 **SECTION 29.** 60.31 (4) of the statutes is amended to read:
 20 60.31 (4) **FAILURE TO FILE OATH OR BOND.** If any person elected or appointed to
 21 a town office fails to file a required official oath ~~or bond~~ within the time prescribed
 22 by law, the failure to file constitutes refusal to serve in office.

23 **SECTION 30.** 60.331 of the statutes is amended to read:
 24 **60.331 Deputy town clerk.** Each town clerk may appoint one or more
 25 deputies for whom the town clerk is responsible. A deputy shall take and file the

BILL

plain if a bond is required,

1 official oath and bond under s. 60.31. The town clerk may designate a deputy to
2 perform the clerk's duties during the absence, sickness or other disability of the clerk.

3 **SECTION 31.** 60.341 of the statutes is amended to read:

4 **60.341 Deputy town treasurer.** Each town treasurer may appoint a deputy
5 for whom the treasurer is responsible. The deputy shall take and file the official oath,

6 and bond under s. 60.31. In case of the absence, sickness or other disability of the
7 treasurer, the deputy shall perform the treasurer's duties.

8 **SECTION 32.** 61.22 of the statutes is amended to read:

9 ~~**61.22 Official bonds; officers not to be sureties.** Every bond required of
10 a village officer shall be executed with sufficient sureties in a sum fixed by the village
11 board when not otherwise prescribed and be approved by the president. Whenever
12 the village board deems any bond insufficient they may not require an
13 additional an elected or appointed village officer to obtain or file an official bond to
14 be executed and filed in a sum and within a time not less than 10 days, to be fixed
15 by them.~~

16 **SECTION 33.** 61.25 (intro.) of the statutes is amended to read:

17 **61.25 Clerk.** (intro.) The village clerk shall execute and file an official bond.
If required to do so under A. 61.25, the

18 It shall be the village clerk's duty:

19 ~~**SECTION 34.** 61.26 (1) of the statutes is repealed.~~

20 ~~**SECTION 35.** 61.26 (10) of the statutes is repealed.~~

21 **SECTION 36.** 61.261 of the statutes is amended to read:

22 ~~**61.261 Deputy village treasurer.** The village treasurer, subject to approval,
23 by a majority of all the members of the village board, may in writing, filed in the office
24 of the clerk, appoint a deputy who shall act under the treasurer's direction and who
25 during the temporary absence or disability of the treasurer or during a vacancy in~~

Plain

*INS.
6-8*

*INS.
8-18*

Plain

BILL

1 such office shall perform the duties of treasurer. The deputy shall receive such
2 compensation as the village board shall determine. The acts of such deputy shall be
3 covered by official bond as the village board shall direct.

4 SECTION 37. 61.28 of the statutes is amended to read:

5 **61.28 Marshal.** The ~~village~~ marshal shall execute and file an official bond.

plain

If required to do so under P. 61.22, the

6 The ~~village~~ marshal shall possess the powers, enjoy the privileges and be subject to
7 the liabilities conferred and imposed by law upon constables, and be taken as
8 included in all writs and papers addressed to constables. The marshal shall obey all
9 lawful written orders of the village board; and arrest with or without process every
10 person found in the village engaged in any disturbance of the peace or violating any
11 law of the state or ordinance of the village. The marshal may command all persons
12 present in that case to assist, and if any person, being so commanded, refuses or
13 neglects to render assistance the person shall forfeit not exceeding \$10. The marshal
14 is entitled to the same fees prescribed for sheriffs in s. 814.70 for similar services,
15 unless a higher fee is applicable under s. 814.705 (1) (c); for other service rendered
16 the village, compensation as the board fixes.

*INS.
9-18*

17 ~~SECTION 38. 61.29 (1) (a) of the statutes is repealed.~~

18 SECTION 39. 62.09 (4) (b) of the statutes is amended to read:

19 ~~62.09 (4) (b) The treasurer, comptroller, chief of police and such others as the~~
20 ~~statutes or the council may direct, shall execute and file an official bond in such sum~~
21 ~~as the council may determine, with 2 or more sureties or such bond may be furnished~~
22 ~~by a surety company as provided by s. 632.17 (2). The council may at any time not~~
23 ~~require new and additional bonds of an any elected or appointed city officer to obtain~~
24 ~~or file an official bond. All official bonds must be approved by the mayor, and when~~
25 ~~so approved shall be filed within 10 days after the officer executing the same shall~~

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1 have been notified of election or appointment. Official bonds filed with the city clerk
2 shall be recorded in a book kept for that purpose.

3 **SECTION 40.** 62.09 (4) (c) of the statutes is amended to read:

4 62.09 (4) (c) When an appointive officer has filed the oath, and bond if required,
5 the clerk shall issue to the officer a certificate of appointment. If the appointment
6 is to a board or commission the appointee shall file the certificate with the secretary
7 thereof.

8 **SECTION 41.** 62.09 (9) (f) of the statutes is amended to read:

9 62.09 (9) (f) The treasurer may in writing, filed in the office of the clerk, appoint
10 a deputy who shall act under the treasurer's direction and in the treasurer's absence
11 or disability, or in case of a vacancy shall perform the treasurer's duties. The deputy
12 shall receive such compensation as the council shall provide. The acts of such deputy
13 shall be covered by official bond as the council shall direct.

14 **SECTION 42.** 62.09 (10) (h) of the statutes is amended to read:

15 62.09 (10) (h) The comptroller may in writing, filed in the office of the clerk,
16 appoint a deputy who shall act under the comptroller's direction and in the
17 comptroller's absence or disability, or in case of a vacancy shall perform the
18 comptroller's duties. The deputy shall receive such compensation as the council
19 provides. The acts of such deputy shall be covered by official bond as the council
20 directs.

21 **SECTION 43.** 62.09 (11) (i) of the statutes is amended to read:

22 62.09 (11) (i) The clerk may in writing filed in the clerk's office appoint a deputy,
23 who shall act under the clerk's direction, and in the clerk's absence or disability or
24 in case of a vacancy shall perform the clerk's duties, and shall have power to
25 administer oaths and affirmations. The deputy shall receive such compensation as

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1 ~~the council shall provide. The clerk and the clerk's sureties shall be liable on the~~
2 ~~clerk's official bond for the acts of such deputy.~~

3 ~~SECTION 44. 66.044 (4) of the statutes is repealed.~~

4 **SECTION 45.** 66.12 (1) (b) of the statutes is amended to read:

5 66.12 (1) (b) Local ordinances, except as provided in this paragraph or ss.
6 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any
7 or all violations under those ordinances, and may designate the manner in which the
8 stipulation is to be made and fix the penalty to be paid. When a person charged with
9 a violation for which stipulation of guilt or no contest is authorized makes a timely
10 stipulation and pays the required penalty and pays the penalty assessment imposed
11 by s. 165.87, the jail assessment imposed by s. 302.46 (1), the crime laboratories and
12 drug law enforcement assessment imposed by s. 165.755 and any applicable
13 domestic abuse assessment imposed by s. 973.055 (1) to the designated official, the
14 person need not appear in court and no witness fees or other additional costs may be
15 taxed unless the local ordinance so provides. A court appearance is required for a
16 violation of a local ordinance in conformity with s. 346.63 (1). The official receiving
17 the penalties shall remit all moneys collected to the treasurer of the city, village, town
18 sanitary district or public inland lake protection and rehabilitation district in whose
19 behalf the sum was paid, except that all jail assessments shall be remitted to the
20 county treasurer, within 20 days after its receipt by him or her; and in case of any
21 failure in the payment, the treasurer may collect the payment of the officer by action,
22 in the name of the office, and upon the official bond of the officer if such a bond exists,
23 with interest at the rate of 12% per year from the time when it should have been paid.
24 In the case of the penalty assessment imposed by s. 165.87, the crime laboratories
25 and drug law enforcement assessment imposed by s. 165.755, the driver

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1 improvement surcharge imposed by s. 346.655 (1) and any applicable domestic abuse
 2 assessment imposed by s. 973.055 (1), the treasurer of the city, village, town sanitary
 3 district or public inland lake protection and rehabilitation district shall remit to the
 4 state treasurer the sum required by law to be paid on the actions so entered during
 5 the preceding month on or before the first day of the next succeeding month. The
 6 governing body of the city, village, town sanitary district or public inland lake
 7 protection and rehabilitation district shall by ordinance designate the official to
 8 receive the penalties and the terms under which the official shall qualify.

9 **SECTION 46.** 66.14 of the statutes is amended to read:

10 **66.14 Official bonds, premium.** Any 1st class city, ~~however incorporated,~~
 11 may pay the cost of any official bond furnished by an officer thereof, pursuant to law
 12 or any rules or regulations requiring the same, if said officer shall furnish a bond with
 13 a surety company or companies authorized to do business in this state, said cost not
 14 to exceed the current rate of premium per year on the amount of said bond or
 15 obligation by said surety executed. The cost of any such bond in such city shall be
 16 charged to the fund appropriated and set up in the budget for the department, board,
 17 commission or other body, the officer of which is required to furnish a bond.

18 **SECTION 47.** 66.23 (8) of the statutes is amended to read:

19 66.23 (8) The treasurer of the city, village or town having the largest equalized
 20 valuation within the district shall act as treasurer of the district, shall receive such
 21 additional compensation therefor as the commission may determine, and shall at the
 22 expense of the district furnish such ^{bond, or} ~~additional~~ ^{plain} bond, as the commission may require.
 23 Such treasurer shall keep all moneys of the district in a separate fund to be disposed
 24 of only upon order of the commission signed by the president and secretary.

25 **SECTION 48.** 66.39 (5) (c) of the statutes is amended to read:

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1 66.39 (5) (c) At the first meeting of the commissioners after their appointment,
 2 they shall select one of their members as chairperson and one as secretary. The
 3 county treasurer shall be the treasurer of the board. ^{If bonded, the} The official bond of the county
 4 treasurer shall ~~extend~~ ^{obtain} ~~bonding~~ to cover funds of the authority that may be ^{Plain}
 5 placed in the charge of the county treasurer. ^{and if the treasurer is not bonded, he} The county treasurer shall disburse
 6 money of the authority only upon direction of the commissioners. ^{or she shall obtain bonding to cover} The county
 7 treasurer shall receive no compensation for services as treasurer of the board, but ^{such} funds
 8 shall be entitled to necessary expenses, including traveling expenses incurred in the
 9 discharge of the duties of treasurer of the board. When the office of chairperson or
 10 secretary of the commissioners becomes vacant for any reason, the commissioners
 11 shall select a new chairperson or secretary as the case may be. The commissioners
 12 may employ technical experts, and such other officers, agents and employes,
 13 permanent or temporary, as it may require, and may call upon the district attorney
 14 of the county for such legal services as it may require.

15 ~~SECTION 49. 70.67 (1) of the statutes is amended to read:~~

16 ~~70.67 (1) The treasurer of each town, city or village shall, unless exempted~~
 17 ~~under sub. (2), execute and deliver to the county treasurer a bond, with sureties, to~~
 18 ~~be approved, in case of a town treasurer, by the chairperson of the town, and in case~~
 19 ~~of a city or village treasurer by the county treasurer, conditioned for the faithful~~
 20 ~~performance of perform the duties of the office and that the treasurer will account~~
 21 ~~for and pay over according to law all taxes of any kind which are received and which~~
 22 ~~are required to be paid to the county treasurer. If such bond is executed, or the~~
 23 ~~condition thereof guaranteed by personal sureties, the amount of the bonds shall be~~
 24 ~~double the amount of state and county taxes apportioned to the town, village or city,~~
 25 ~~provided that the amount of such bond shall not exceed the sum of \$500,000. When~~

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1 ~~such bond is executed, or the condition thereof guaranteed, solely by a surety~~
2 ~~company as provided in s. 632.17 (2), such bond shall be in a sum equal to the amount~~
3 ~~of such state and county taxes, provided that the amount of such bond shall not~~
4 ~~exceed the sum of \$250,000. The county treasurer shall give to said town, city or~~
5 ~~village treasurer a receipt for said bond, and file and safely keep said bond in the~~
6 ~~office.~~

7 **SECTION 50.** 70.67 (2) of the statutes is amended to read:

8 ~~70.67 (2) The treasurer of any municipality shall not be required to give such~~
9 ~~bond if the governing body thereof of a city, village or town shall by ordinance obligate~~
10 ~~such the municipality to pay, in case the treasurer thereof of the municipality shall~~
11 ~~fail so to do, all taxes of any kind required by law to be paid by such the municipal~~
12 ~~treasurer to the county treasurer. Such A governing body is authorized to so obligate~~
13 ~~such the municipality. If the governing body of the municipality has adopted an~~
14 ~~ordinance as specified in this subsection, it may demand from its treasurer, in~~
15 ~~addition to the official bond required of all municipal treasurers, a fidelity or surety~~
16 ~~bond in an amount and upon such the terms as may be determined by the governing~~
17 ~~body. Such The bond shall run to the town or village board or the city council, as the~~
18 ~~case may be, and shall be delivered to the clerk of the municipality. A certified copy~~
19 ~~of such the ordinance shall be filed with the county treasurer shall be accepted by the~~
20 ~~county treasurer in lieu of the bond required by sub. (1). Such ordinance shall remain~~
21 ~~in effect until a certified copy of its repeal shall be filed with the county clerk and the~~
22 ~~county treasurer. The official bond executed pursuant to s. 19.01, required of~~
23 ~~municipal treasurers, shall extend to and include the liability incurred by any town,~~
24 ~~city or village whose governing board shall adopt and certify to the county treasurer~~
25 ~~an ordinance in accordance with this subsection.~~

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1 **SECTION 51.** 74.45 (2)[↓] of the statutes is amended to read:

2 74.45 (2) ENDORSEMENT OF TAXATION DISTRICT TREASURER'S BOND. After the
3 taxation district treasurer has fulfilled the requirements for settlement with the
4 county under s. 74.25 or 74.30, the county treasurer if requested to do so, shall
5 endorse the bond of the taxation district treasurer executed under s. 70.67 (1) ^{or} (2) as
6 satisfied and paid. The endorsement fully discharges the taxation ^{plain} district treasurer
7 and his or her sureties from the obligations of the bond, unless the return of the
8 taxation district treasurer under s. 74.43 is false. If the return is false, the bond
9 continues in force and the taxation district treasurer and his or her sureties are
10 subject to action upon the bond for all deficiencies and damages resulting from the
11 false return.

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← 12 **SECTION 52.** 75.07 (2) (c)[↓] of the statutes is amended to read:

13 75.07 (2) (c) Any county treasurer who shall wilfully refuse or neglect to
14 perform any duty required by this section or who shall keep back and not report any
15 unredeemed lands for the purpose of evading its provisions shall forfeit the full
16 amount of the penalty of the ^{bond or} treasurer's ^{plain} official bond, one half of which, when
17 collected, shall be paid to the person prosecuting therefor and the residue into the
18 treasury of the state for the use of the school fund; provided further, that no county
19 treasurer shall be liable to any penalty for causing such publication to be made in a
20 weekly newspaper published in such county for the length of time hereinbefore
21 named prior to the date of the treasurer's notice, when by reason of accident or other
22 cause more than one week has intervened between the dates of the actual issue of
23 such newspaper to subscribers, if such delay at any one time shall not have exceeded

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1 3 days; but every such newspaper, for the purpose of this section shall be deemed to
2 have been regularly published once in each week as hereinbefore provided.

3 (END)

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SECTION 1. 59.35 (3) of the statutes is amended to read:

59.35 (3) The If the board requires the coroner to be bonded, the coroner may require a deputy coroner, before entering upon the duties of the office, to execute and deliver to the coroner a bond in such sum and with such sureties as the coroner may require, conditioned for the faithful performance of the deputy's official duties; and every default or misconduct of the deputy coroner for which the coroner shall be liable shall be a breach of the bond.

History: 1973 c. 272; 1975 c. 294, 421; 1985 a. 315; 1989 a. 31; 1991 a. 316; 1995 a. 201 s. 306; Stats. 1995 s. 59.35; 1997 a. 35.

SECTION 2. 59.38 (3) of the statutes is amended to read:

59.38 (3) MEDICAL EXAMINER'S BOND. Before entering upon the duties of office, if required to do so by the board, the medical examiner of the county shall deliver to the clerk a bond, subscribed by 2 or more sufficient sureties, in such penal sum as the board determines, conditioned for the faithful performance of all official duties as set forth in this chapter and ch. 979 and that he or she will faithfully account for and pay to the treasurer of the county all moneys which may come to him or her belonging to the county, and which by virtue of this chapter and ch. 979 the medical examiner is required to account for and pay as aforesaid.

History: 1995 a. 201 ss. 300 to 304, 309, 310; 1997 a. 35.

INSERT 7-1

SECTION 3. 60.31 (2) of the statutes is amended to read:

60.31 (2) OFFICIAL BOND. ~~Every~~ If the town board enacts an ordinance or adopts a resolution ^{that} ~~which~~ requires the officers to do so, every town clerk, deputy town clerk, town treasurer, deputy town treasurer, elected assessor and town constable shall execute and file an official bond provided by the town or by sufficient sureties, or the

town may provide a schedule or blanket bond that includes any or all of these officials. The official bond or schedule or blanket bond provided by the town may be furnished by a surety company under s. 632.17 (2). The amount of the bond shall be fixed by the town board. If the amount of the bond is not fixed by the board, the amount shall be the same as that required of the last incumbent of the office. If the town board at any time determines that the bond is insufficient, it may require an additional bond to be filed within 10 days, in an amount fixed by the board.

History: 1983 a. 532; 1991 a. 39; 1993 a. 246.

INSERT 8-8

SECTION 4. 61.22[✓] of the statutes is amended to read:

61.22 Official bonds; officers not to be sureties. The village board may enact an ordinance or adopt a resolution ^{that} ~~which~~ requires a village officer to obtain a bond. Every bond required of a village officer shall be executed with sufficient sureties in a sum fixed by the village board when not otherwise prescribed and be approved by the president. Whenever the village board deems any bond insufficient they may require an additional bond to be executed and filed in a sum and within a time not less than 10 days, to be fixed by them.

INSERT 8-18

SECTION 5. 61.26 (1)[✓] of the statutes is amended to read:

61.26 (1) ~~Execute~~ If a bond is required under s. 61.22[✓], execute and file an official bond which may be furnished by a surety company as provided by s. 632.17 (2).

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.

INSERT 9-18

SECTION 6. 61.29 (1) (a)[✓] of the statutes is amended to read:

61.29 (1) (a) ~~Execute~~ If a bond is required under s. 61.22, execute and file an official bond.

History: 1983 a. 532.

SECTION 7. 62.09 (4) (b) [✓] of the statutes is amended to read:

62.09 (4) (b) ~~The~~ If the council enacts an ordinance or adopts a resolution ^{that} which requires the treasurer, comptroller, chief of police and such others as ~~the statutes or~~ the council may direct, to do so, or if the statutes direct a city officer to do so, such officer, shall execute and file an official bond in such sum as the council may determine, with 2 or more sureties or such bond may be furnished by a surety company as provided by s. 632.17 (2). The council may at any time require new and additional bonds of an officer. All official bonds must be approved by the mayor, and when so approved shall be filed within 10 days after the officer executing the same shall have been notified of election or appointment. Official bonds filed with the city clerk shall be recorded in a book kept for that purpose.

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 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. 27, 257.

SECTION 8. 62.09 (9) (f) of the statutes is amended to read:

62.09 (9) (f) The treasurer may in writing, filed in the office of the clerk, appoint a deputy who shall act under the treasurer's direction and in the treasurer's absence or disability, or in case of a vacancy shall perform the treasurer's duties. The deputy shall receive such compensation as the council shall provide. The acts of such deputy shall be covered by official bond, if one is required under sub^o(4) (b), as the council shall direct.

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 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. 27, 257.

SECTION 9. 62.09 (10) (h) of the statutes is amended to read:

62.09 (10) (h) The comptroller may in writing, filed in the office of the clerk, appoint a deputy who shall act under the comptroller's direction and in the

comptroller's absence or disability, or in case of a vacancy shall perform the comptroller's duties. The deputy shall receive such compensation as the council provides. The acts of such deputy shall be covered by official bond, if one is required under sub^o(4) (b)_k, as the council directs.

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 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. 27, 257.

SECTION 10. 62.09 (11) (i)^v of the statutes is amended to read:

62.09 (11) (i) The clerk may in writing filed in the clerk's office appoint a deputy, who shall act under the clerk's direction, and in the clerk's absence or disability or in case of a vacancy shall perform the clerk's duties, and shall have power to administer oaths and affirmations. The deputy shall receive such compensation as the council shall provide. The clerk and the clerk's sureties shall be liable on the clerk's official bond, if one is required under sub^o(4) (b)_k, for the acts of such deputy.

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 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. 27, 257.

INSERT 13-14

SECTION 11. 70.67 (1)^v of the statutes is amended to read:

70.67 (1) The treasurer of each town, city or village shall, unless exempted under sub. (2) or unless the treasurer is not required to execute a bond by the governing body for which he or she serves as treasurer, execute and deliver to the county treasurer a bond, with sureties, to be approved, in case of a town treasurer, by the chairperson of the town, and in case of a city or village treasurer by the county treasurer, conditioned for the faithful performance of the duties of the office and that the treasurer will account for and pay over according to law all taxes of any kind which are received and which are required to be paid to the county treasurer. If such bond is executed, or the condition thereof guaranteed by personal sureties, the amount of the bonds shall be double the amount of state and county taxes

apportioned to the town, village or city, provided that the amount of such bond shall not exceed the sum of \$500,000. When such bond is executed, or the condition thereof guaranteed, solely by a surety company as provided in s. 632.17 (2), such bond shall be in a sum equal to the amount of such state and county taxes, provided that the amount of such bond shall not exceed the sum of \$250,000. The county treasurer shall give to said town, city or village treasurer a receipt for said bond, and file and safely keep said bond in the office.

History: 1975 c. 375 s. 44; 1975 c. 421; 1989 a. 56 s. 258; 1991 a. 316.

SECTION 12. 70.67 (2) of the statutes is amended to read:

70.67 (2) The treasurer of any municipality shall not be required to give such bond if the governing body ~~thereof of a city, village or town~~ shall by ordinance obligate ~~such the~~ municipality to pay, in case the treasurer ~~thereof of the municipality~~ shall fail so to do, all taxes of any kind required by law to be paid by ~~such the municipal~~ treasurer to the county treasurer. ~~Such~~ If the governing body of a municipality does not require its treasurer to be bonded, the municipality shall by ordinance obligate the municipality to pay, in case the treasurer of the municipality shall fail so to do, all taxes of any kind required by law to be paid by the municipal treasurer to the county treasurer. A governing body is authorized to so obligate ~~such the~~ municipality. If the governing body of the municipality has adopted an ordinance as specified in this subsection, it may demand from its treasurer, in addition to the official bond that may be required of all municipal treasurers, a fidelity or surety bond in an amount and upon such terms as may be determined by the governing body. ~~Such~~ The bond shall run to the town or village board or the city council, as the case may be, and shall be delivered to the clerk of the municipality. A certified copy of ~~such the~~ ordinance filed with the county treasurer shall be accepted by the county

treasurer in lieu of the bond required by sub. (1). ~~Such~~ The ordinance shall remain in effect until a certified copy of its repeal ~~shall be~~ is filed with the county clerk and the county treasurer. The official bond executed pursuant to s. 19.01, required of municipal treasurers, shall extend to and include the liability incurred by any town, city or village whose governing board shall adopt and certify to the county treasurer an ordinance in accordance with this subsection.

History: 1975 c. 375 s. 44; 1975 c. 421; 1989 a. 56 s. 258; 1991 a. 316.