

2001 DRAFTING REQUEST

Bill

Received: 11/29/2000

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Jeff Stone (608) 266-8590**

By/Representing: **Tami**

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

Drafter: **shoveme**

May Contact:

Alt. Drafters:

Subject: **Munis - miscellaneous
Counties - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Bonding requirements for city, village, town, county officers

Instructions:

See attached. Redraft 1999 ASA 1 (s0184) to AB 383 (-2359); changes bonding requirements for certain local 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>
/?	shoveme 12/05/2000	jdye 12/12/2000		_____			Local
/1			rschluet 12/13/2000	_____	gretskl 12/13/2000	lrb_docadmin 01/17/2001	

FE Sent For:

<END>

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1?	shoveme	1 12/12 jld	12.12.00	12.13.00			

11 MES 12/5/00

FE Sent For:

<END>

MES?

Bill Request Form

Legislative Reference Bureau
100 N. Hamilton Street
Legal Section 266-3561

Use of this form is optional. It is often better to talk directly with the LRB attorney who will draft the bill. Use this form only for bill draft requests. Attach more pages if necessary.

Date 11-21-00

Legislator, agency, or other person requesting this draft Rep. Jeff Stone

Person submitting request (name and phone number) Tami Rongstad 6-8591

Persons to contact for questions about this draft (names and phone numbers) _____

Tami Rongstad 6-8591 Rep Stone (414.) 321-6100

Describe the problem, including any helpful examples. How do you want to solve the problem?

*Desire to change bonding requirements
for city, village + county officers.*

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 1999 LRB-2345/1 or 1997 AB-67). Draft as 1999's ASA1 to AB 383

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

If yes: Anyone who asks? YES NO
 Any legislator? YES NO

Only the following persons _____

Do you consider this request urgent? YES NO If yes, please indicate why _____

Should we give this request priority over any pending request of this legislator, agency, or person?

YES NO

~~ASSEMBLY SUBSTITUTE AMENDMENT 1,~~

2001 ~~TO 1999 ASSEMBLY BILL 383~~

D-note ↑

November 5, 1999 - Offered by Representative STONE.

repen

1 AN ACT to amend 59.21 (1) (intro.), 61.22 and 62.09 (4) (b) of the statutes;
2 relating to: changing the bonding requirements for city, village and county
3 officers.

INS
ANE

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

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

59.21 (1) (intro.) 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, or the board may provide an official schedule or blanket bond that includes any or all of these officials, except county supervisors.

Every county supervisor shall take and file the official oath within 20 days after receiving official notice of election or appointment, or if not officially notified, within

1 20 days after the commencement of the term for which he or she is elected or
 2 appointed. Every deputy appointed by any such officer shall take and file the official
 3 oath and if the deputy neglects to do so, he or she shall forfeit \$100. ~~Such~~ [✓] If the board
 4 does not provide an ~~official~~ schedule or blanket bond, the official bonds shall be in
 5 sums and with sureties, as follows:

6 SECTION 2. 61.22 [✓] of the statutes is amended to read:

7 **61.22 Official bonds; officers not to be sureties.** Every bond required of
 8 a village officer shall be executed with sufficient sureties in a sum fixed by the village
 9 board when not otherwise prescribed and be approved by the president. Whenever
 10 the village board deems any bond insufficient they may require an additional bond
 11 to be executed and filed in a sum and within a time not less than 10 days, to be fixed
 12 by them. The village board may provide an ~~official~~ schedule or blanket bond that
 13 includes any or all village officers or officials.

14 SECTION 3. 62.09 (4) [✓] (b) of the statutes is amended to read:

15 62.09 (4) (b) The treasurer, comptroller, chief of police and such others as the
 16 statutes or the council may direct, shall execute and file an official bond in such sum
 17 as the council may determine, with 2 or more sureties or such bond may be furnished
 18 by a surety company as provided by s. 632.17 (2), or the council may provide an
 19 ~~official~~ schedule or blanket bond that includes any or all these officials. The council
 20 may at any time require new and additional bonds of an officer. All official bonds
 21 must be approved by the mayor, and when so approved shall be filed within 10 days
 22 after the officer executing the same shall have been notified of election or
 23 appointment. Official bonds filed with the city clerk shall be recorded in a book kept
 24 for that purpose.

(END)

D-note

RWF

FNS
ANL
P. 1060
LHB
12/13/11

1999 ASSEMBLY BILL 383

June 10, 1999 — Introduced by Representatives ~~STONE, HUNDERTMARK, LADWIG, PLOUFF, GOETSCH, F. LASEE, OLSEN, MUSSER, GUNDERSON, TURNER, GROTHMAN~~ and POWERS, cosponsored by Senators ~~ROESSLER~~ and FARROW. Referred to Committee on Urban and Local Affairs.

1 ~~AN ACT to amend 59.21 (1) (intro.), 59.35 (3), 59.38 (3), 59.52 (11) (d), 60.30 (5)~~
2 ~~(a), 60.30 (5) (b), 60.31 (2), 60.31 (3) (a), 60.31 (3) (b), 60.331, 60.341, 61.22, 61.25~~
3 ~~(intro.), 61.26 (1), 61.28, 61.29 (1) (a), 62.09 (4) (b), 62.09 (9) (f), 62.09 (10) (h),~~
4 ~~62.09 (11) (i), 66.12 (1) (b), 66.23 (8), 66.39 (5) (c), 70.67 (1), 70.67 (2), 74.45 (2)~~
5 ~~and 75.07 (2) (c) of the statutes; relating to: eliminating the requirement, and~~
6 ~~making it a local option, that certain city, village, town and county officers be~~
7 ~~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).

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



*AMS ANL,
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LPB-1243

county

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, and makes it a local option, 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:

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

59.21 (1) (intro.) Each county officer named in this chapter, except county supervisors, shall execute and file an official bond, if the board enacts an ordinance or adopts a resolution that requires the officers to do so, and shall 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 days after receiving official notice of election or appointment, or if not officially notified, within 20 days after the commencement of

as an alternative to the current bonding requirements, under this bill, a common council of a second, third, or fourth class city, a village board, or a county board may provide a schedule or blanket bond for its officers or officials who must be bonded.

(end ins analysis)

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schedule or

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D/NOTE

I removed the word "official"
before "schedule" in ss. 59.21 (1) (intro),
61.22, and 62.09 (4) (b) to be
consistent with the terms used
in s. 60.31 (2).

AMZJ

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1243/1dn
MES:jld:rs

December 12, 2000

I removed the word "official" before "schedule" in ss. 59.21 (1) (intro.), 61.22, and 62.09 (4) (b) to be consistent with the terms used in s. 60.31 (2).

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



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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

STEPHEN R. MILLER
CHIEF

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

December 13, 2000

MEMORANDUM

To: Representative Stone

From: Marc E. Shovers, Senior Legislative Attorney

Re: LRB-1243 Bonding requirements for city, village, town, county officers

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

JACKET FOR ASSEMBLY JACKET FOR SENATE

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

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

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