

2003 ASSEMBLY BILL 263

April 15, 2003 – Introduced by Representatives STONE, MUSSER, AINSWORTH, LADWIG, GROTHMAN, HINES, BIES, GUNDERSON, OLSEN, HAHN and HUNDERTMARK, cosponsored by Senator BROWN. Referred to Committee on Urban and Local Affairs.

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.

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 specified by statute or fixed by the county 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.

ASSEMBLY BILL 263

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.

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 schedule or 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.

Under this bill, as an alternative to the current bonding requirements, 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.

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

2 59.21 **(1)** (intro.) Each county officer named in this chapter, except county
3 supervisors, shall execute and file an official bond and take and file the official oath
4 within 20 days after receiving official notice of election or appointment, or if not
5 officially notified, within 20 days after the commencement of the term for which the
6 officer is elected or appointed, or the board may provide a schedule or blanket bond
7 that includes any or all of these officials, except county supervisors. Every county
8 supervisor shall take and file the official oath within 20 days after receiving official
9 notice of election or appointment, or if not officially notified, within 20 days after the
10 commencement of the term for which he or she is elected or appointed. Every deputy
11 appointed by any such officer shall take and file the official oath and if the deputy
12 neglects to do so, he or she shall forfeit \$100. ~~Such~~ If the board does not provide a

ASSEMBLY BILL 263

1 schedule or blanket bond, the official bonds shall be in sums and with sureties, as
2 follows:

3 **SECTION 2.** 61.22 of the statutes is amended to read:

4 **61.22 Official bonds; officers not to be sureties.** Every bond required of
5 a village officer shall be executed with sufficient sureties in a sum fixed by the village
6 board when not otherwise prescribed and be approved by the president. Whenever
7 the village board deems any bond insufficient they may require an additional bond
8 to be executed and filed in a sum and within a time not less than 10 days, to be fixed
9 by them. The village board may provide a schedule or blanket bond that includes any
10 or all village officers or officials.

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

12 62.09 (4) (b) The treasurer, comptroller, chief of police and such others as the
13 statutes or the council may direct, shall execute and file an official bond in such sum
14 as the council may determine, with 2 or more sureties or such bond may be furnished
15 by a surety company as provided by s. 632.17 (2), or the council may provide a
16 schedule or blanket bond that includes any or all these officials. The council may at
17 any time require new and additional bonds of an officer. All official bonds must be
18 approved by the mayor, and when so approved shall be filed within 10 days after the
19 officer executing the same shall have been notified of election or appointment.
20 Official bonds filed with the city clerk shall be recorded in a book kept for that
21 purpose.

22 (END)