

2017 Senate Bill 122 (LRB -2545)

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

2017

03-23.	S.	Introduced by Senators Stroebel, Kapenga, Olsen and Nass ; cosponsored by Representatives R. Brooks, E. Brooks, Steffen, Kulp, Mursau, Horlacher, Tusler, Skowronski, Weatherston, Brandtjen, Duchow, Kremer, Gannon and Petryk.	147
03-23.	S.	Read first time and referred to Committee on Economic Development, Commerce and Local Government	147
05-03.	S.	Public hearing held	
05-30.	S.	Executive action taken	
05-30.	S.	Report passage recommended by Committee on Economic Development, Commerce and Local Government, Ayes 7, Noes 0	288
05-30.	S.	Available for scheduling	
05-30.	S.	Fiscal estimate received	
06-09.	S.	Placed on calendar 6-14-2017 pursuant to Senate Rule 18(1)	306
06-14.	S.	Read a second time	
06-14.	S.	Ordered to a third reading	
06-14.	S.	Rules suspended	
06-14.	S.	Read a third time and passed	
06-14.	S.	Ordered immediately messaged	
06-14.	A.	Received from Senate	
06-14.	A.	Read	
06-14.	A.	Rules suspended and taken up	
06-14.	A.	Read a second time	
06-14.	A.	Ordered to a third reading	
06-14.	A.	Rules suspended	
06-14.	A.	Read a third time and concurred in	
06-14.	A.	Ordered immediately messaged	
06-15.	S.	Received from Assembly concurred in	

9MB



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2017 ENROLLED BILL

Adopted Documents

Original

Engrossed

Substitute Amdt

17 2545 / 1

Amendments: None or Listed below.

Corrections: None or Listed by date below.

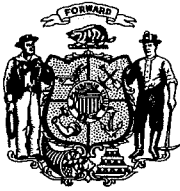
Topic: Same as relating clause or other, indicated below.

6/16/17

Carl A. [Signature]

Date

Enrolling Drafter



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-2545/1
MES:jld

2017 SENATE BILL 122

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

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

Analysis by the Legislative Reference Bureau

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

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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

SENATE BILL 122

SECTION 1

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

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

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

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

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

SENATE BILL 122**SECTION 4**

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

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

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

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

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

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

SENATE BILL 122**SECTION 7**

1 **SECTION 7.** 755.03 (1) of the statutes is amended to read:

2 755.03 (1) The judge shall, after election or appointment, take and file the
3 official oath as prescribed in s. 757.02 (1) and at the same time, if required to do so
4 by a city's or village's governing body, execute and file an official bond in an amount
5 to be fixed by the governing body. If the governing body does not require the judge
6 to execute and file an official bond, the governing body shall obtain a dishonesty
7 insurance policy or other appropriate insurance policy that covers the judge, in an
8 amount fixed by the governing body, in lieu of the bond requirement. The governing
9 body shall pay the costs of the bond or insurance policy. No judge may act as such
10 until he or she has complied with the requirements of sub. (2).

11 **SECTION 8.** 755.03 (2) of the statutes is amended to read:

12 755.03 (2) Within 10 days after a municipal judge takes the oath, the judge
13 shall file the oath and, if required to do so as described in sub. (1), the official bond
14 with the clerk of the city, town or village where the judge was elected or appointed.
15 If the municipal judge is elected under s. 755.01 (4), the judge shall file copies of the
16 oath and bond with each applicable municipal clerk. The judge shall file a certified
17 copy of the oath with the office of director of state courts within the 10-day time
18 period after the judge takes the oath.

19 **SECTION 9. Initial applicability.**

20 (1) This act first applies to an individual who is elected or appointed to an office
21 on the effective date of this subsection.

22

(END)