

2017 DRAFTING REQUEST

Bill

For: Duey Stroebel (608) 266-7513 Drafter: mshovers  
 By: Brian Secondary Drafters:  
 Date: 3/15/2017 May Contact:

Same as LRB:

Submit via email: YES  
 Requester's email: Sen.Stroebel@legis.wisconsin.gov  
 Carbon copy (CC) to: eric.mueller@legis.wisconsin.gov  
 melinda.johns@legis.wisconsin.gov  
 tamara.dodge@legis.wisconsin.gov  
 konrad.paczuski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Change fidelity bonding requirements for local government officials

Instructions:

See attached. Senate companion for LRB -0602/1

Drafting History:

| <u>Vers.</u> | <u>Drafted</u>        | <u>Reviewed</u>    | <u>Submitted</u>      | <u>Jacketed</u>      | <u>Required</u> |
|--------------|-----------------------|--------------------|-----------------------|----------------------|-----------------|
| /?           | mshovers<br>3/15/2017 | jdyer<br>3/15/2017 |                       |                      |                 |
| /1           |                       |                    | rmilford<br>3/15/2017 | lparisi<br>3/15/2017 | State<br>S&L    |

FE Sent For: *2*  
*at*  
*intro*

<END>

## Shovers, Marc

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**From:** Sikma, Brian  
**Sent:** Monday, March 13, 2017 12:29 PM  
**To:** Schaefer, Christopher; Shovers, Marc  
**Subject:** RE: LRB 0602 and LRB 0195

Thanks, Christopher!

Marc, we'd like to run the Senate companion bills so hence the request.

Regards,  
Brian

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**From:** Schaefer, Christopher  
**Sent:** Monday, March 13, 2017 11:59 AM  
**To:** Shovers, Marc <Marc.Shovers@legis.wisconsin.gov>  
**Cc:** Sikma, Brian <Brian.Sikma@legis.wisconsin.gov>  
**Subject:** LRB 0602 and LRB 0195

Hello, Marc:

Could we have companion versions of these two bills released to Senator Stroebel's office, as they are the senate lead?

Mr. Christopher Schaefer, M.A.  
Legislative Assistant,  
Office of Representative Rob Brooks  
60<sup>th</sup> Assembly District  
(608) 267-2369  
[Christopher.Schaefer@legis.wisconsin.gov](mailto:Christopher.Schaefer@legis.wisconsin.gov)



State of Wisconsin  
2017 - 2018 LEGISLATURE

-2545/1  
LRB-0602/1  
MES:jld - keep  
RMNA

2017 BILL

today

gen

X

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:

**BILL****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.

**BILL**

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).

**BILL****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)

**Parisi, Lori**

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**From:** Sikma, Brian  
**Sent:** Wednesday, March 15, 2017 3:18 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -2545/1

Please Jacket LRB -2545/1 for the SENATE.