

State of Wisconsin



2017 Senate Bill 122

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2017 WISCONSIN ACT 51

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.

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

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

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

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

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

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

61.28 (1) ~~The~~ If required to do so by the village board, the village marshal shall execute and file an official bond.

If the village board does not require the marshal to execute and file an official bond, the board shall obtain a dishonesty insurance policy or other appropriate insurance policy that covers the marshal, in an amount determined by the board, in lieu of the bond requirement. The 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. 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.

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

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

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

62.09 (4) (b) ~~The~~ If the council requires them to do so, the treasurer, comptroller, chief of police and such

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

others as the statutes or the council may direct, 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), or the council may provide a schedule or blanket bond that includes any or all of these officials. 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. If the council does not require any or all of these officials to execute and file an official bond, the council shall obtain a dishonesty insurance policy or other appropriate insurance policy that covers such officials, in an amount determined by the council, in lieu of the bond requirement.

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

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

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

755.03 (1) The judge shall, after election or appointment, take and file the official oath as prescribed in s.

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

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

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

SECTION 9. Initial applicability.

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