

HOUSE No. 2528

By Mr. Schlosstein of Warren, petition of Frederic W. Schlosstein, Jr., for legislation to establish a municipal officers surety fund to guarantee the faithful performance of certain municipal officials. Local Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Nine.

AN ACT TO ESTABLISH A MUNICIPAL OFFICERS SURETY FUND TO GUARANTEE THE FAITHFUL PERFORMANCE OF CERTAIN MUNICIPAL OFFICIALS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 35 of chapter 41 of the General Laws,
2 as most recently amended by chapter 66 of the acts of 1966,
3 is hereby further amended by striking out the first sentence
4 and inserting in place thereof the following sentence:—Every
5 town treasurer shall give bond annually for the faithful
6 performance of his duties in a form approved by the commis-
7 sioner of corporations and taxation and guaranteed by the
8 municipal officers surety fund as provided in sections twenty-
9 two and twenty-three of chapter ten and in such sum, not less
10 than the amount established by said commissioner, as shall be
11 fixed by the selectmen or the mayor and aldermen, and if he
12 fails to give such bond within ten days after his election or
13 appointment, or if within ten days after the expiration of said
14 bond or any renewal of said bond he fails to file a renewal
15 thereof; the selectmen or the mayor and aldermen shall
16 declare the office vacant and the vacancy shall be filled in the
17 manner prescribed by section forty or sixty-one A, as the case
18 may be.

1 SECTION 2. Section 13 of chapter 60 of the General Laws, as
2 most recently amended by chapter 308 of the acts of 1941, is
3 hereby further amended by inserting after the second sen-
4 tence the following sentence:—Each such bond shall be
5 guaranteed by the municipal officers surety fund as provided
6 in sections twenty-two and twenty-three of chapter ten.

1 SECTION 3. Chapter 10 of the General Laws is hereby
2 amended by adding after section 21 the following two sec-
3 tions:—

4 *Section 22.* There shall be a municipal officers surety fund
5 to be administered by a board, serving the department, and
6 consisting of the state treasurer or his designee, the commis-
7 sioner of insurance or his designee, and the commissioner of
8 taxation and corporations or his designee. Said board shall
9 determine the amount of money necessary to operate and
10 maintain the fund for the purposes described in the following
11 section, and it shall establish a formula by which each city
12 and town in the commonwealth shall be assessed to maintain
13 such fund. All funds collected shall be paid over to and held
14 by the state treasurer.

15 *Section 23.* Each bond required by a collector or treasurer
16 of a municipality under the provisions of section thirty-five
17 of chapter forty-one or section thirteen of chapter sixty shall
18 be guaranteed by the municipal officers surety fund. In the
19 event of the default or violation of duty by such officials
20 resulting in financial loss to the municipality by which said
21 official is employed, the board, acting on behalf of said fund,
22 shall pay to such municipality the amount of such loss after
23 making such investigation as it shall deem proper. In the
24 event of such payment it shall be subrogated to the rights of
25 such municipality against such official.