

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred House  
3 Bill No. 517 entitled “An act relating to approval of the dissolution of  
4 Duxbury-Moretown Fire District No. 1” respectfully reports that it has  
5 considered the same and recommends that the Senate propose to the House that  
6 the bill be amended by adding a new section to be Sec. 1a to read as follows:

7 Sec. 1a. 24 V.S.A. § 363 is amended to read:

8 § 363. DEPUTY STATE’S ATTORNEYS

9 (a) A State’s Attorney may appoint as many deputy State’s Attorneys as  
10 necessary for the proper and efficient performance of ~~his or her~~ the State’s  
11 Attorney’s office and may remove them at pleasure. The Executive  
12 Committee of the Department of State’s Attorneys and Sheriffs may authorize  
13 or direct the Department’s Executive Director to appoint deputy State’s  
14 Attorneys who shall have all of the same powers and duties of any other  
15 deputy State’s Attorney except that such deputies may prosecute cases in any  
16 county of the State. The Executive Committee shall have the authority to limit  
17 the term and scope of any such appointments and may remove such deputies at  
18 the Committee’s pleasure.

19 (b) The pay for deputy State’s Attorneys shall be fixed by the Executive  
20 Director of the Department of State’s Attorneys and Sheriffs or through  
21 collective bargaining pursuant to 3 V.S.A. chapter 27, but it shall not exceed

1 the pay of the State’s Attorney making the appointment or other appointing  
2 authority. Deputy State’s Attorneys shall be compensated only for periods of  
3 actual performance of the duties of the office. Deputy State’s Attorneys shall  
4 be reimbursed for their necessary expenses incurred in connection with their  
5 official duties when approved by the State’s Attorneys and the Commissioner  
6 of Finance and Management.

7 (c) Deputy State’s Attorneys shall exercise all the powers and duties of the  
8 State’s Attorneys except the power to designate someone to act in the event of  
9 their own disqualification.

10 (d) Deputy State’s Attorneys may not enter upon the duties of the office  
11 until they have taken the oath or affirmation of allegiance to the State and the  
12 oath of office required by the Constitution, and until the oath together with  
13 their appointment is filed for record with the county clerk. If appointed and  
14 under oath, a deputy State’s Attorney appointed by a State’s attorney may  
15 prosecute cases in another county if the State’s Attorney in the other county  
16 files the deputy’s appointment in the other county clerk’s office. In case of a  
17 vacancy in the office of State’s Attorney, the appointment of the deputy,  
18 except for a deputy appointed by the Executive Committee or Executive  
19 Director, shall expire upon the appointment of a new State’s Attorney.

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(Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

FOR THE COMMITTEE