

Overview of S.186 As Introduced
An act relating to bonded officials

I. Summary

S.186 As Introduced would make what appears to be technical corrections, by repealing [3 V.S.A. § 252](#), regarding cost of bonds and blanket bonds for officers of the State, and by deleting language in [3 V.S.A. § 258](#) that refers to bonds required by law of officers appointed by the Governor.

These appear to be technical corrections because what appears to be the enabling law requiring these bonds – [3 V.S.A. § 251](#) (bonded officials) – was repealed via the 2006 Budget Act, [2006, Act No. 215](#), Sec. 55. This bill would therefore delete reference to these bonds that are no longer required.

For reference, *see*:

- **ATTACHMENT A**, which shows 3 V.S.A. § 251 (bonded officials) as it existed prior to its repeal; and
- **ATTACHMENT B**, which provides the text of the 2006, Act. No. 215, Sec. 55 repealer.

II. Officers Still Required to Provide Bonds

These officers are still required to give bonds pursuant to other provisions of law:

- Treasurer, Vt. Const. Ch. II, § 25.
- Sheriffs, Vt. Const. Ch. II, § 25 and 24 V.S.A. § 291.
- County clerks, 24 V.S.A. § 175.
- County treasurer, 24 V.S.A. § 212.
- Deputy sheriffs, if required by sheriff, 24 V.S.A. § 309.
- High bailiff, 24 V.S.A. § 331.
- Misc. town officials who receive or disburse town funds, 24 V.S.A. §§ 832, 833, and 835.

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Chapter 11. State Officers and Employees Generally

SECTION

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CROSS REFERENCES

Claims against state employees, see § 1101 et seq. of this title.
Classification of state personnel, see § 301 et seq. of this title.
Deferred compensation programs for public employees, see § 650 et seq. of this title.
Executive code of ethics, see Executive Order No. 04-00, chapter 3, Title 3 Appendix.
Insurance benefits for state employees, see § 631 et seq. of this title.
Social security for state and municipal employees, see § 571 et seq. of this title.
State employees labor relations act, see § 901 et seq. of this title.
Vermont employees retirement system, see § 455 et seq. of this title.

~~§ 251. Bonded officials~~ - **FORMER LAW** - Repealed by 2106, No. 215, Sec. 55

The following designated officials shall give a bond to the state for the faithful performance of their duties in such penal sums as the governor shall require: State treasurer, secretary of state, auditor of accounts, commissioner of finance and management, sergeant at arms, adjutant and inspector general; unless it be a board, the head of each administrative department, subdepartment or bureau and each state institution and such of their respective deputies, officials or employees as by law or custom are entrusted with the custody of state property or funds; probate judges, district judges, county clerks, supervisors of unorganized towns and gores and such other state officials or employees as the governor may require.— Amended 1959, No. 328 (Adj. Sess.), § 8(d); 1965, No. 194, § 10, operative Feb. 1, 1967; 1983, No. 195 (Adj. Sess.), § 5(b).

HISTORY

Source. VS. 1947, § 479. PL. § 442. 1933, No. 157, § 383. 1931, No. 46, § 1. 1927, No. 69, § 1. 1925, No. 70, § 4. 1923, No. 7, §§ 6, 10, 37. 1919, No. 13, § 1. G.L. §§ 412, 541, 542, 571, 589, 604, 952, 1639, 3183, 3867, 4330, 5030, 6038, 6073, 7148, 7484. 1917, No. 31. 1917, No. 115, § 2. 1917, No. 168, §§ 24, 59. 1917, No. 254, §§ 404, 4909. 1915, No. 1, §§ 46, 208. 1915, No. 14, § 1. 1915, No. 125. 1915, No. 170, § 3. 1912, No. 16, § 3. 1912, No. 20, § 1. 1912, No. 42, § 21. 1912, No. 253, § 7. 1910, No. 23, § 1. 1908, No. 18, § 1. PL. §§ 313, 326, 373, 374, 404, 421, 678, 2715, 3367, 3775, 4595, 5044, 5086, 6002. R. 1906, § 283. 1906, No. 20, § 3. 1906, No. 126, § 6. 1906, No. 208, § 1. 1902, No. 157, § 1. 1900, No. 69, § 4. V.S. §§ 232, 241, 267, 268, 298, 312, 539, 2330, 2921, 3256, 3978, 4393, 4428, 5192. 1890, No. 73, § 1. 1888, No. 72. 1888, No. 94, § 11. 1888, No. 157, § 1. R.L. §§ 169, 185, 186, 213, 442, 2023, 2599, 3756, 3781, 4353. 1876, No. 3, § 6. 1876, No. 5, § 2. 1876, No. 32. 1872, No. 1, §§ 10, 28. 1872, No. 64. 1870, No. 1, §§ 4, 11. 1867, No. 32, § 2. 1866, No. 10, § 7. G.S. 8, §§ 2, 3, 42, 77. G.S. 12, § 67. G.S. 48, § 3. G.S. 123, § 3. 1862, No. 18, § 4. 1847, No. 31. 1842, No. 2, § 15. R.S. 8, §§ 1, 2, 54. R.S. 11, § 60. R.S. 104, § 3. 1838, No. 24, §§ 1, 7. 1836, No. 37, §§ 1, 5. 1825, No. 1, § 7. 1819, No. 25. 1816, p. 142. 1809, p. 87. 1808, p. 110. R. 1797, p. 485, § 15.

Revision note—Reference to “finance director” changed to “commissioner of finance” to conform reference to new title and reorganization of state government pursuant to 1971, No. 92. See § 2201 et seq. of this title.

Substituted “commissioner of finance and management” for “commissioner of finance and information support” in light of Executive Order No. 35-87, which provided for the abolition of the department of finance and information support and the transfer of the duties, responsibilities and authority of the commissioner of that entity to the commissioner of the department of finance and management as established by the order. By its own terms, Executive Order No. 35-87 took effect on July 1, 1987, pursuant to section 2002 of Title 3. For the text of Executive Order No. 35-87, see chapter 3 of Title 3 Appendix.

Amendments—1983 (Adj. Sess.). Inserted “and information support” following “commissioner of finance”.

—1965. Substituted “district” for “municipal” preceding “judges”.

—1959 (Adj. Sess.). Inserted “finance director” preceding “sergeant at arms”.

Applicability of enactment. Pursuant to 1967, No. 331 (Adj. Sess.), § 5, eff. Jan. 1, 1969, this section no longer applies to the unorganized towns and gores in Essex county, or to the supervisor or appraisers for those unorganized towns and gores.

ANNOTATIONS

1. State employees. The treasurer and employees of unemployment compensation commission are employees of state within meaning of this section. 1954-56 Op. Atty. Gen. 60.

§ 252. —Cost of bonds; blanket bond

The cost of such bonds shall be paid from the appropriations of the departments in which such officer or employee serves. In procuring such bonds the governor is authorized to purchase blanket or schedule surety contracts with such company as he shall determine.

HISTORY

Source. VS. 1947, § 480. PL. § 443. 1933, No. 157, § 384. 1931, No. 46, § 1. 1919, No. 229.

(a) Notwithstanding any other provisions of law, the office of the attorney general, Medicaid fraud control unit is authorized to retain one-half of any civil monetary penalty proceeds from global Medicaid fraud settlements. All penalty funds retained shall be used to finance Medicaid fraud and residential abuse unit activities.

Sec. 55. REPEAL

(a) 3 V.S.A. § 251 (bonded officials) is repealed.

Sec. 56. Vermont court diversion

Grants	1,604,534
Source of funds	
General fund	1,204,534
Special funds	<u>400,000</u>
Total	1,604,534

Sec. 57. Defender general - public defense

Personal services	6,089,740
Operating expenses	<u>671,119</u>
Total	6,760,859
Source of funds	
General fund	6,143,551
Special funds	502,502
Interdepartmental transfer	<u>114,806</u>
Total	6,760,859

(a) Of the above general fund appropriation, \$60,000 shall be used for purposes of funding psycho-sexual evaluations necessitated by section 204a of Title 28.

(b) The establishment of one (1) new exempt position—either one (1) level III step 1 attorney or one (1) level II step 2 attorney—is authorized in fiscal year 2007. This position shall be transferred and converted from existing vacant positions in the executive branch of state government.

Sec. 58. Defender general - assigned counsel

Personal services	2,862,918
Operating expenses	<u>62,552</u>
Total	2,925,470
Source of funds	
General fund	2,825,470
Special funds	<u>100,000</u>
Total	2,925,470

Sec. 59. Judiciary

Personal services	25,836,112
Operating expenses	7,150,842
Grants	<u>70,000</u>
Total	33,056,954
Source of funds	
General fund	29,691,689