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**SPRINGFIELD**



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FILE NO. S-1131

**OFFICERS:**  
**Bonding Requirement**  
**of State Treasurer**

Honorable Alan J. Dixon  
Treasurer of the State of Illinois  
Springfield, Illinois

Dear Mr. Dixon:

This responds to your letter requesting my opinion as to the proper construction of Public Act 79-292 which added sections 14.1 through 14.5 to "AN ACT to revise the law in relation to official bonds". (Ill. Rev. Stat. 1975, ch. 103, pars. 14.1 through 14.5.) You first ask if the office of state treasurer comes within the purview of the new provisions, and in my opinion, it does.

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Section 14.1 of "AN ACT to revise the law in relation to official bonds" (Ill. Rev. Stat. 1975, ch. 103, par. 14.1) provides that:

"Wherever State officers, State employees or officers, trustees, members or employees of any department, board, bureau, commission, university, authority, or other unit of State government are required by law, now or hereinafter enacted, to obtain a fidelity or surety bond or bonds to qualify for office, the bonding requirement shall be satisfied by a blanket bond or bonds contracted for as provided in the Illinois Purchasing Act, by the Department of Finance through its Division of Risk Management."

Thus, any "state officer" required to obtain a bond or bonds to qualify for office is covered by the new provision.

Absent a specific definition of the phrase "state officer" it is to be presumed that the legislature intended that these words be given their ordinary or commonly accepted meanings.

(Bowman v. Armour & Co., 17 Ill. 2d 43.) It has been held in Illinois that, generally speaking, an officer whose powers and duties are co-extensive with the state is a state officer (Ramsay v. VanMeter, 300 Ill. 193) and there can be no doubt that the state treasurer qualifies in this regard. As to the bonding requirement specified in section 14.1, section 1

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of "AN ACT to revise the law in relation to the state treasurer" (Ill. Rev. Stat. 1975, ch. 130, par. 1) requires the treasurer to give bond before entering office.

It is therefore my opinion that the state treasurer comes within the purview of section 14.1 of "AN ACT to revise the law in relation to official bonds".

You next ask whether by adherence to these new provisions the state treasurer would satisfy all constitutional and statutory bonding requirements.

With regard to the Illinois Constitution of 1970, section 20 of article V provides only that:

"Civil officers of the Executive Branch may be required by law to give reasonable bond or other security for the faithful performance of their duties. If any officer is in default of such a requirement, his office shall be deemed vacant."

It is evident from this that the matter of official bonds has been left to the discretion of the legislature.

As already noted, the legislature has recently provided in section 14.1 of "AN ACT to revise the law in relation to official bonds" that any bonding requirement

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provided by law for state officers "shall be satisfied" by a blanket bond or bonds contracted for pursuant to that act. Section 14.2 of the Act (Ill. Rev. Stat. 1975, ch. 103, par. 14.2) further provides that:

"The penal sum of the blanket bond or bonds shall be fixed by the Director of Finance with the approval of the Governor and shall satisfy the bonding requirements of other laws, heretofore or hereinafter enacted, if the blanket bond amount or amounts per loss are equal to or greater than the bond amount required per person in said other laws."

It is therefore my opinion that if, as required by section 14.2, the amount per loss of the blanket bond or bonds contracted for is equal to or greater than the bond amount required by law for the office of treasurer, then the blanket bond or bonds will satisfy all bonding requirements for that office.

Very truly yours,

A T T O R N E Y   G E N E R A L