

**OPINION**  
**49-17**

April 19, 1949 (OPINION)

BONDS

RE: Village Trustees

You have asked whether or not the State Bonding Fund is legally obligated to bond village trustees.

Section 26-2302 provides:

The fund shall be under the management of the commissioner, and shall be maintained as a fund for the bonding of public employees."

Section 26-2301, subsection 2 defines: " 'Public employee' shall mean and include any officer, deputy, or employee of the state or any of its subdivisions who is required to be bonded by any law of this state."

"Subdivision" is defined in Words and Phrases, Volume 32, Page 817 as follows: "A political subdivision of a state is a subdivision thereof to which has been delegated certain functions of local government."

Using this definition, it is clearly evident that a village would be a subdivision of the state and the village trustees are officials of a subdivision of this state and may or may not be required to be bonded as provided in section 40-1302 of the 1947 Supplement. This section provides:

The treasurer, auditor, clerk, police magistrate, justice of the peace, and assessor of each municipality, the city manager of any city, the marshal of any village and such other officers as the governing body may direct, before entering upon the discharge of the duties of their respective offices, shall execute and deliver to the municipality their separate bonds payable to the municipality, conditioned for the honest and faithful performance of their official duties. Such bond shall be in an amount fixed by the governing body of the municipality."

Therefore, it is the opinion of this office that if the governing body of the village directs that its village trustees be bonded, then the State Bonding Fund is legally obligated to bond said officers for an amount fixed by the governing body of the municipality.

WALLACE E. WARNER

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