

BILL ANALYSIS

S.B. 1107
By: Madla
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the removal of a county officer from office is covered under Chapter 87 (Removal of County Officers From Office; Filling of Vacancies), Local Government Code. Chapter 87 is redundant of Section 83.004 (Removal From Office; Filling of Vacancy), Local Government Code. Chapter 87 provides for the removal of a county official for many reasons, including failure to obtain a bond. Chapter 87 does not require that the oath of office be taken within twenty days of receipt of the certificate of election. This part of Section 83.004 is only found in Chapter 83 dealing with the office of county treasurer.

While the current law is not a problem for incumbent treasurers, it is problematic for those who have been elected for the first time, since they must take the oath of office prior to the end of the current treasurer's term of office. This may result in two persons holding the office simultaneously and thus a nullification of one person's bond.

S.B. 1107 amends the Local Government Code provisions dealing with the oath of office for a county treasurer and for the removal from office of a county treasurer by repealing Section 83.004(b) of the Local Government Code to bring county treasurers in line with all other county officials.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Sections 83.004(a) and (c), Local Government Code, as follows:

(a) Authorizes, rather than requires, a county judge to declare the office of county treasurer vacant if a person elected to the office fails to provide an adequate bond as required by Section 83.002(a) (requiring a county treasurer to execute a certain bond) and to take the official oath on or before assuming the office, rather than within 20 days after the date the certificate of election is received.

(c) Requires the person appointed to fill the vacancy to take the official oath and obtain the same surety bond as required by Section 83.002(a) for an elected county treasurer on or before entering upon the discharge of the duties of office, rather than within 20 days after the date of the notice of the appointment is received.

SECTION 2. Repealer: Section 83.004(b) (relating to the removal from office and the filling of vacancy for the office of county treasurer), Local Government Code.

SECTION 3. (1) Makes application of the changes made to Section 83.004(a), Local Government Code, as amended by this Act, prospective.

(2) Makes application of the changes made to Section 83.004(c) (relating to filling the vacancy of county treasurer), Local Government Code, as amended by this Act, prospective.

SECTION 4. Effective date

S.B. 1107 79(R)

EFFECTIVE DATE

September 1, 2005