

BILL ANALYSIS

S.B. 1108
By: Madla
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The office of county treasurer is required to obtain a surety bond in an amount prescribed by the county commissioners court. However, under current law there are no guidelines that must be followed in setting the amount.

S.B. 1108 provides that the amount of the bond may not exceed one-half of one percent of the largest amount budgeted for general county maintenance and operations for any fiscal year of the county beginning during the term of office preceding the term for which the bond is to be given. The bond may be in a lesser amount than the one-half of one percent, but cannot be less than \$5,000 or more than \$500,000.

This bill also cleans up language that is redundant to other parts of the statute.

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 Section 83.002, Local Government Code, as follows:

Sec. 83.002. BOND. (a) Specifies that the bond, required to be executed by the county treasurer before beginning to perform the duties of office, must be executed with a surety company authorized to do business in this state as a surety. Sets forth certain requirements that the bond must meet, including the maximum amount of the bond. Deletes existing text relating to certain other requirements.

(b) Requires the county treasurer to take and subscribe the official oath, which must be endorsed on the bond. Requires the bond and the oath to be recorded in the county clerk's office. Prohibits the bond from exceeding the maximum amount provided by Subsection (a). Provides that the failure of a treasurer to obtain a bond required by this Subsection subjects the treasurer to removal under Section 83.004 (Removal From Office; Filling of Vacancy).

SECTION 2. Provides that the change in law made by this Act applies only to a county treasurer whose term begins on or after the effective date of this Act.

SECTION 3. Effective date

EFFECTIVE DATE

September 1, 2005