

SENATE AMENDMENTS

2nd Printing

By: Hartnett

H.B. No. 2967

A BILL TO BE ENTITLED

AN ACT

relating to a performance bond required of a statutory probate court judge.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 25, Government Code, is amended by adding Section 25.00231 to read as follows:

Sec. 25.00231. BOND; INSURANCE. (a) This section controls over a specific provision for a particular court or county that attempts to create a requirement for a bond or insurance that conflicts with this section.

(b) Before beginning the duties of office, a judge of a statutory probate court must execute a bond that is:

(1) payable to the county treasurer;

(2) in the amount of \$500,000;

(3) conditioned on the faithful performance of the duties of the office; and

(4) approved by the commissioners court.

(c) In lieu of the bond required by Subsection (b), a county may elect to obtain insurance in the amount required by Subsection (b) against losses caused by the statutory probate court judge's gross negligence in performing the duties of office.

(d) The commissioners court of a county shall pay the premium for the bond or insurance required by this section out of the general funds of the county.

1 SECTION 2. Sections 25.0173(e) and 25.1034(f), Government
2 Code, are repealed.

3 SECTION 3. A judge of a statutory probate court who is
4 serving on the effective date of this Act shall comply with the
5 requirements of Section 25.00231, Government Code, as added by this
6 Act, not later than November 1, 2007.

7 SECTION 4. This Act takes effect October 1, 2007.

ADOPTED

MAY 14 2007

Atty. Gen. Paul
Secretary of the Senate

By: *J. J. King*

Substitute the following for H.B. No. 2967:

By: *J. J. King*

H.B. No. 2967

C.S. H.B. No. 2967

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Sec. 25.00231. BOND; INSURANCE. (a) This section controls over a specific provision for a particular court or county that attempts to create a requirement for a bond or insurance that conflicts with this section.

(b) Before beginning the duties of office, a judge of a statutory probate court must execute a bond that is:

(1) payable to the county treasurer or other person performing the duties of county treasurer;

(2) in the amount of \$500,000;

(3) conditioned on the faithful performance of the duties of the office; and

(4) approved by the commissioners court.

(c) In lieu of the bond required by Subsection (b), a county may elect to obtain insurance in the amount required by Subsection (b) against losses caused by the statutory probate court judge's gross negligence in performing the duties of office.

(d) The commissioners court of a county shall pay the premium for the bond or insurance required by this section out of

1 the general funds of the county.

2 SECTION 2. Sections 25.0173(e) and 25.1034(f), Government
3 Code, are repealed.

4 SECTION 3. A judge of a statutory probate court who is
5 serving on the effective date of this Act shall comply with the
6 requirements of Section 25.00231, Government Code, as added by this
7 Act, not later than November 1, 2007.

8 SECTION 4. This Act takes effect October 1, 2007.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 3, 2007

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB2967** by Hartnett (Relating to a performance bond required of a statutory probate court judge.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would add Section 25.00231 to Chapter 25 of the Government Code to require a judge of a statutory probate court, before beginning duties of office, to execute a bond in the amount of \$500,000 payable to the county treasurer or person performing those duties, conditioned on the faithful performance of the duties of office and approved by the commissioners court. A county would be authorized to obtain insurance in lieu of the bond. The commissioners court would be required to pay the premium for the bond or insurance out of the county's general funds.

The bill would repeal Section 25.0173(e) of Chapter 25, Government Code, that currently exempts a judge of a statutory probate court in Bexar County from executing a bond. The bill would repeal Section 25.1034(f) that currently requires a judge of a statutory probate court in Harris County to execute a bond in the sum of \$100,000. As a result of these repeals, the requirements that would be added by Section 25.00231 would apply to the statutory probate court judges in Bexar and Harris counties, whereas they otherwise would not.

The bill would take effect October 1, 2007. A judge of a statutory probate court who is serving on the effective date of the bill would be required to comply with the requirements not later than November 1, 2007.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, MN, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 25, 2007

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2967 by Hartnett (Relating to a performance bond required of a statutory probate court judge.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would add Section 25.00231 to Chapter 25 of the Government Code to require a judge of a statutory probate court, before beginning duties of office, to execute a bond in the amount of \$500,000 payable to the county treasurer, conditioned on the faithful performance of the duties of office and approved by the commissioners court. A county would be authorized to obtain insurance in lieu of the bond. The commissioners court would be required to pay the premium for the bond or insurance out of the county's general funds.

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Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, MN, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 23, 2007

TO: Honorable Will Hartnett, Chair, House Committee on Judiciary

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB2967** by Hartnett (Relating to a performance bond required of a statutory probate court judge.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would add Section 25.00231 to Chapter 25 of the Government Code to require a judge of a statutory probate court, before beginning duties of office, to execute a bond in the amount of \$500,000 payable to the county treasurer, conditioned on the faithful performance of the duties of office and approved by the commissioners court. A county would be authorized to obtain insurance in lieu of the bond. The commissioners court would be required to pay the premium for the bond or insurance out of the county's general funds.

The bill would repeal Section 25.0173(e) of Chapter 25, Government Code, that currently exempts a judge of a statutory probate court in Bexar County from executing a bond. The bill would repeal Section 25.1034(f) that currently requires a judge of a statutory probate court in Harris County to execute a bond in the sum of \$100,000. As a result of these repeals, the requirements that would be added by Section 25.00231 would apply to the statutory probate court judges in Bexar and Harris counties, whereas they otherwise would not.

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