

BILL ANALYSIS

H.B. 3588
By: Coleman
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Before assuming their duties of office, certain county auditors, purchasing agents, district attorneys, and criminal district attorneys must execute a surety bond. Following recent general elections, some of these county officers and officers-elect have had difficulty in obtaining the requisite bond. It has been reported that private surety companies have refused to issue or extend the necessary bond, either without explanation or for reasons unrelated to an officer's ability to perform the duties of the office. An officer's difficulty in obtaining a surety bond or equivalent coverage in a timely manner threatens the uninterrupted performance of the duties of office to which the individual was elected.

H.B. 3588 seeks to remedy this problem by establishing provisions relating to the use of a county risk management pool by certain county and district officers.

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

H.B. 3588 amends the Local Government Code to authorize the commissioners court of a county, instead of a bond required by law to be executed by a county officer before taking office, to authorize the officer to obtain coverage from a county government risk management pool created under statutory provisions relating to a county government liability insurance pool. The bill requires such coverage to be in an amount that is at least equal to the amount of the bond that would otherwise be required by law; satisfy all other conditions applicable to the bond; and be approved, recorded, and filed in the manner required by law for the bond. The bill establishes that an officer who obtains coverage instead of a bond satisfies the bond requirements that are imposed on the individual by other law. The bill establishes that to the extent of a conflict between the bill's provisions relating to county risk management pool coverage instead of a bond and other law, the bill's provisions control. The bill makes such provisions inapplicable to coverage obtained by a district attorney or criminal district attorney.

H.B. 3588 amends the Government Code to authorize a district attorney and criminal district attorney, instead of a required bond, to obtain coverage from a county government risk management pool. The bill requires the coverage to be in the same amount and satisfy the same bond conditions otherwise required for the bond.

H.B. 3588 makes conforming changes.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.