

By: West  
(Coleman)

S.B. No. 1243

A BILL TO BE ENTITLED

AN ACT

relating to the use of a county risk management pool by certain county and district officers instead of the execution of bonds and to the authority of certain counties and intergovernmental pools to require reimbursement for punitive damage coverage.

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

SECTION 1. Subchapter B, Chapter 81, Local Government Code, is amended by adding Section 81.025 to read as follows:

Sec. 81.025. COUNTY RISK MANAGEMENT POOL COVERAGE INSTEAD OF BONDS. (a) Instead of a bond required by law to be executed by a county officer before taking office, the commissioners court may authorize the officer to obtain coverage from a county government risk management pool created under Chapter 119.

(b) Coverage obtained under this section must:

(1) be in an amount that is at least equal to the amount of the bond that would otherwise be required by law;

(2) satisfy all other conditions applicable to the bond; and

(3) be approved, recorded, and filed in the manner required by law for the bond.

(c) An officer who obtains coverage instead of a bond under this section satisfies the bond requirements that are imposed on the individual by other law.

(d) To the extent of a conflict between this section and

1 other law, this section controls.

2 (e) This section does not apply to coverage obtained under  
3 Section 43.002 or 44.002, Government Code.

4 SECTION 2. Subchapter Z, Chapter 157, Local Government  
5 Code, is amended by adding Section 157.9031 to read as follows:

6 Sec. 157.9031. AUTHORITY TO REQUIRE REIMBURSEMENT FOR  
7 CERTAIN COVERAGE. A self-insuring county or the intergovernmental  
8 pool operating under Chapter 119, under policies concerning the  
9 provision of coverages adopted by the county's commissioners court  
10 or the pool's governing body, may require reimbursement for the  
11 provision of punitive damage coverage from a person to whom the  
12 county or intergovernmental pool provides coverage.

13 SECTION 3. Section 43.002, Government Code, is amended to  
14 read as follows:

15 Sec. 43.002. BOND; COUNTY RISK MANAGEMENT POOL.

16 (a) Before assuming the duties of the office and except as  
17 provided by Subsection (c), a district attorney must give a bond  
18 that:

- 19 (1) is payable to the governor;  
20 (2) is in the sum of \$5,000;  
21 (3) has two or more good and sufficient sureties;  
22 (4) is approved by the district judge; and  
23 (5) is conditioned that the district attorney will, in  
24 the manner prescribed by law, faithfully pay over all money that he  
25 collects or that comes into his hands for the state or a county.

26 (b) Except as provided by Subsection (c), each ~~Each~~  
27 district attorney's bond shall be deposited in the office of the

1 comptroller of public accounts.

2 (c) Instead of the bond required under Subsection (a), a  
3 district attorney may obtain coverage from a county government risk  
4 management pool created under Chapter 119, Local Government Code.  
5 Coverage obtained under the pool must be in the same amount and  
6 satisfy the same bond conditions otherwise required by this  
7 section.

8 SECTION 4. Section 44.002, Government Code, is amended to  
9 read as follows:

10 Sec. 44.002. QUALIFICATIONS; BOND; COUNTY RISK MANAGEMENT  
11 POOL. (a) Except as provided by Subsection (b), a [A] criminal  
12 district attorney must meet the qualifications and give the bond  
13 required of a district attorney by the constitution and general  
14 law.

15 (b) Instead of the bond required under Subsection (a), a  
16 criminal district attorney may obtain coverage from a county  
17 government risk management pool created under Chapter 119, Local  
18 Government Code. Coverage obtained under the pool must be in the  
19 same amount and satisfy the same bond conditions otherwise required  
20 by this section.

21 SECTION 5. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2011.