

1-1 By: West S.B. No. 1243
1-2 (In the Senate - Filed March 7, 2011; March 16, 2011, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 11, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 April 11, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1243 By: West

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the use of a county risk management pool by certain
1-11 county and district officers instead of the execution of bonds and
1-12 to the authority of certain counties and intergovernmental pools to
1-13 require reimbursement for punitive damage coverage.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Subchapter B, Chapter 81, Local Government Code,
1-16 is amended by adding Section 81.025 to read as follows:

1-17 Sec. 81.025. COUNTY RISK MANAGEMENT POOL COVERAGE INSTEAD
1-18 OF BONDS. (a) Instead of a bond required by law to be executed by a
1-19 county officer before taking office, the commissioners court may
1-20 authorize the officer to obtain coverage from a county government
1-21 risk management pool created under Chapter 119.

1-22 (b) Coverage obtained under this section must:

1-23 (1) be in an amount that is at least equal to the
1-24 amount of the bond that would otherwise be required by law;

1-25 (2) satisfy all other conditions applicable to the
1-26 bond; and

1-27 (3) be approved, recorded, and filed in the manner
1-28 required by law for the bond.

1-29 (c) An officer who obtains coverage instead of a bond under
1-30 this section satisfies the bond requirements that are imposed on
1-31 the individual by other law.

1-32 (d) To the extent of a conflict between this section and
1-33 other law, this section controls.

1-34 (e) This section does not apply to coverage obtained under
1-35 Section 43.002 or 44.002, Government Code.

1-36 SECTION 2. Subchapter Z, Chapter 157, Local Government
1-37 Code, is amended by adding Section 157.9031 to read as follows:

1-38 Sec. 157.9031. AUTHORITY TO REQUIRE REIMBURSEMENT FOR
1-39 CERTAIN COVERAGE. A self-insuring county or the intergovernmental
1-40 pool operating under Chapter 119, under policies concerning the
1-41 provision of coverages adopted by the county's commissioners court
1-42 or the pool's governing body, may require reimbursement for the
1-43 provision of punitive damage coverage from a person to whom the
1-44 county or intergovernmental pool provides coverage.

1-45 SECTION 3. Section 43.002, Government Code, is amended to
1-46 read as follows:

1-47 Sec. 43.002. BOND; COUNTY RISK MANAGEMENT POOL.

1-48 (a) Before assuming the duties of the office and except as
1-49 provided by Subsection (c), a district attorney must give a bond
1-50 that:

1-51 (1) is payable to the governor;

1-52 (2) is in the sum of \$5,000;

1-53 (3) has two or more good and sufficient sureties;

1-54 (4) is approved by the district judge; and

1-55 (5) is conditioned that the district attorney will, in
1-56 the manner prescribed by law, faithfully pay over all money that he
1-57 collects or that comes into his hands for the state or a county.

1-58 (b) Except as provided by Subsection (c), each [Each]
1-59 district attorney's bond shall be deposited in the office of the
1-60 comptroller of public accounts.

1-61 (c) Instead of the bond required under Subsection (a), a
1-62 district attorney may obtain coverage from a county government risk
1-63 management pool created under Chapter 119, Local Government Code.

Coverage obtained under the pool must be in the same amount and satisfy the same bond conditions otherwise required by this section.

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

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

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

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

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