

## **BILL ANALYSIS**

C.S.H.B. 385  
By: Thompson, Senfronia  
County Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, an official bond is required of certain county officials before they assume the duties of the office to which they were elected or appointed, and the county commissioners court is required to approve those bonds. A bond is also required of a district attorney and a criminal district attorney. Interested parties contend that it would be more efficient if a county could choose to self-insure against losses normally covered by a bond, and they further maintain that this could cause counties to realize savings in the administrative time needed to secure the bond. C.S.H.B. 385 seeks to address this issue in an effort to provide a county with the option to self-insure and to more efficiently ease the transition into office for elected or appointed officials.

### **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**

C.S.H.B. 385 amends the Government Code to establish that a district attorney or a criminal district attorney is not required to execute the required bond of office and may perform the duties of office if the commissioners court of each county in the district or the county served by the attorney, as applicable, by order authorizes the county to self-insure against losses that would have been covered by the bond. The bill requires such an order adopted by a commissioners court to be kept and recorded by the county clerk.

C.S.H.B. 385 amends the Local Government Code to establish that, notwithstanding any other law requiring a county officer or employee to execute a bond as a condition of office or employment, a county officer or employee is not required to execute the bond and may perform the duties of office or employment if the commissioners court by order authorizes the county to self-insure against losses that would have been covered by the bond and the county judge approves the adopted order if the county judge was required to approve the bond under the other law. The bill requires such an order adopted by the commissioners court to be kept and recorded by the county clerk.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 385 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

No equivalent provision.

No equivalent provision.

SECTION 1. Chapter 88, Local Government Code, is amended.

83R 19799

Substitute Document Number: 83R 12580

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 43.002, Government Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

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

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

(d) A district attorney is not required to execute the bond required under Subsection (a) and may perform the duties of office if the commissioners court of each county in the district by order authorizes the county to self-insure against losses that would have been covered by the bond. An order adopted by a commissioners court under this subsection shall be kept and recorded by the county clerk.

SECTION 2. Section 44.002, Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsection (b) or (c), a criminal district attorney must meet the qualifications and give the bond required of a district attorney by the constitution and general law.

(c) A criminal district attorney is not required to execute the bond required under Subsection (a) and may perform the duties of office if the commissioners court of the county the attorney serves by order authorizes the county to self-insure against losses that would have been covered by the bond. An order adopted by a commissioners court under this subsection shall be kept and recorded by the county clerk.

SECTION 3. Same as introduced version.

13.92.290

SECTION 2. The heading to Chapter 88, Local Government Code, is amended.

SECTION 4. Same as introduced version.

SECTION 3. 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, 2013.

SECTION 5. Same as introduced version.