

BILL ANALYSIS

Senate Research Center

S.B. 265
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Intergovernmental Relations
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law requires that the holders of numerous county offices execute a public official bond, which is subsequently approved by the commissioners court prior to the official entering the duties of the office to which the official was elected or appointed (e.g. county clerk, county judge, district clerk, probate court judge, sheriff, tax assessor, treasurer). The process of securing a bond is burdensome for counties due to the administrative process and time constraints. This bill grants a county the option of self-insuring the aforementioned bonds should it desire to do so.

S.B. 265 amends current law relating to bond requirements for county officers and employees, district attorneys, and criminal district attorneys.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

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

(a) Requires a district attorney, before assuming the duties of the office and except as provided by Subsection (c) (relating to authorizing a district attorney to obtain coverage from a county government risk management pool) or (d), to give a bond that fulfills certain criteria.

(d) Provides that a district attorney is not required to execute the bond required under Subsection (a) and is authorized to 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. Requires that an order adopted by a commissioners court under this subsection be kept and recorded by the county clerk.

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

(a) Requires a criminal district attorney, except as provided by Subsection (b) (relating to authorizing a district attorney to obtain coverage from a county government risk management pool) or (c), to meet the qualifications and give the bond required of a district attorney by the constitution and general law.

(c) Provides that a criminal district attorney is not required to execute the bond required under Subsection (a) and is authorized to 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. Requires that an order adopted by a commissioners court under this subsection be kept and recorded by the county clerk.

SECTION 3. Amends Chapter 88, Local Government Code, by adding Section 88.008, as follows:

Sec. 88.008. SELF-INSURANCE INSTEAD OF BOND. (a) Provides that a county officer or employee, notwithstanding any other law requiring a county officer or employee to execute a bond as a condition of office or employment, is not required to execute the bond and is authorized to perform the duties of office or employment if:

(1) the commissioners court by order authorizes the county to self-insure against losses that would have been covered by the bond; and

(2) the county judge approves the order adopted under Subdivision (1), if the county judge was required to approve the bond under the other law.

(b) Requires that an order adopted by the commissioners court under Subsection (a) be kept and recorded by the county clerk.

SECTION 4. Amends the heading to Chapter 88, Local Government Code, to read as follows:

CHAPTER 88. OFFICIAL BONDS OF COUNTY OFFICERS AND EMPLOYEES

SECTION 5. Effective date: upon passage or September 1, 2013.