

BILL ANALYSIS

Senate Research Center
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S.B. 265
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Intergovernmental Relations
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As Filed

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.

As proposed, S.B. 265 amends current law relating to bond requirements for county officers and employees.

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

CHAPTER 88. OFFICIAL BONDS OF COUNTY OFFICERS AND EMPLOYEES

SECTION 3. Effective date: upon passage or September 1, 2013.