

BILL ANALYSIS

Senate Research Center
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S.B. 1763
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas law requires certain county and district officers and their employees to be covered by an official bond before beginning their duties. Specifically, Section 82.002, Texas Local Government Code, outlines how county clerks must bond their deputies and employees, and Section 51.309, Texas Government Code, outlines how district clerks are required to bond their deputies and employees.

Some local officials, however, have expressed concerns regarding ambiguity in the interpretation of these statutes. There is confusion, for example, regarding the amount of and qualifications for the bonds of the deputy clerks and employees. Accordingly, S.B. 1763 simply would clarify the requirements for executing bonds that cover deputy clerks and other employees in county and district clerks' offices.

As proposed, S.B. 1763 amends current law relating to surety bonds for deputy clerks and other employees of county and district clerks.

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 the heading to Section 51.309, Government Code, to read as follows:

Sec. 51.309. DEPUTY CLERKS AND OTHER EMPLOYEES.

SECTION 2. Amends Section 51.309, Government Code, by amending Subsection (b) and adding Subsection (b-1), as follows:

(b) Requires the district clerk, except as provided by Subsection (c) (relating to authorizing the county, in lieu of the bond required by Subsection (b), to self-insure against losses that would have been covered by the bond), to obtain one or more surety bonds in accordance with this section (Deputy Clerk) to cover each deputy clerk or other employee, rather than obtain a surety bond to cover a deputy clerk or a schedule surety bond or a blanket surety bond to cover more than one deputy and all employees of the office. Requires the district clerk to obtain:

(1) an individual bond for each deputy clerk and other employee in an amount for each bond that is equal to the district clerk's bond; or

(2) creates this subdivision from existing text and requires the district clerk to obtain a schedule surety bond or a blanket surety bond to cover all deputy clerks and all other employees in a total amount that is equal to the district clerk's bond, rather than to cover more than one deputy and all employees of the office.

(b-1) Requires a deputy clerk and an employee to be covered by a surety bond on the same conditions as the district clerk, rather than covered on the same conditions and in

the same amount as the district clerk. Requires a bond covering a deputy clerk or other employee, rather than a bond covering the deputies and employees, to be made payable to the governor for the use and benefit of the district clerk.

SECTION 3. Amends Sections 82.002(a) and (c), Local Government Code, as follows:

(a) Requires the county clerk, except as provided by Subsection (b) (relating to authorizing the county, in lieu of a clerk obtaining a bond as required by Subsection (a), to self-insure against losses that would have been covered by the bond), to execute one or more surety bonds in accordance with this section (Surety Bond on Deputy Clerks and Employees; Self-Insurance) to cover each deputy clerk or other employee, rather than requiring the county clerk, if the county clerk has only a single deputy clerk, to execute a surety bond to cover the deputy. Requires the county clerk to execute:

(1) an individual bond for each deputy clerk and other employee in an amount for each bond that is equal to the county clerk's bond; or

(2) creates this subdivision from existing text and requires the county clerk to execute a schedule surety bond or a blanket surety bond to cover all deputy clerks and all other employees in a total amount that is equal to the county clerk's bond, rather than to cover all deputy clerks, if there is more than one, and all other employees in the office.

(c) Requires a bond covering a deputy clerk or other employee to be conditioned in the same manner as the county clerk's bond, rather than requiring the bond covering a deputy clerk or an employee to be conditioned in the same manner and to be for the same amount as the bond for the county clerk. Requires the bond covering a deputy clerk or other employee, rather than the bond, to be made payable to the county for the use and benefit of the county clerk.

SECTION 4. Effective date September 1, 2019.