By:  Guillen (Senate Sponsor - Zaffirini) H.B. No. 1494

(In the Senate - Received from the House April 26, 2019; April 29, 2019, read first time and referred to Committee on Administration; May 3, 2019, reported favorably by the following vote: Yeas 4, Nays 0; May 3, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Hughes          X

Fallon          X

Huffman                   X

Johnson         X

Menéndez                  X

Nichols                   X

Zaffirini       X

A BILL TO BE ENTITLED

AN ACT

relating to surety bonds for deputy clerks and other employees of county and district clerks.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  The heading to Section 51.309, Government Code, is amended to read as follows:

Sec. 51.309.  DEPUTY CLERKS AND OTHER EMPLOYEES [~~CLERK~~].

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

(b)  Except as provided by Subsection (c), the district clerk shall obtain one or more [~~a~~] surety bonds in accordance with this section [~~bond~~] to cover each [~~a~~] deputy clerk or other employee. The district clerk shall 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)  a schedule surety bond or a blanket surety bond to cover all deputy clerks [~~more than one deputy~~] and all other employees in a total amount that is equal to the district clerk's bond [~~of the office~~].

(b-1)  A deputy clerk and an employee must be covered by a surety bond on the same conditions [~~and in the same amount~~] as the district clerk. A [~~The~~] bond covering a deputy clerk or other employee [~~the deputies and employees~~] shall be made payable to the governor for the use and benefit of the district clerk.

SECTION 3.  Sections 82.002(a) and (c), Local Government Code, are amended to read as follows:

(a)  Except as provided by Subsection (b), [~~If~~] the county clerk [~~has only a single deputy clerk, the county clerk~~] shall execute one or more [~~a~~] surety bonds in accordance with this section [~~bond~~] to cover each [~~the~~] deputy clerk or other employee. The county clerk shall 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)  a schedule surety bond or a blanket surety bond to cover all [~~the~~] deputy clerks[~~, if there is more than one,~~] and all other employees in a total amount that is equal to the county clerk's bond [~~of the office~~].

(c)  A [~~The~~] bond covering a deputy clerk or other [~~an~~] employee must be conditioned in the same manner as the county clerk's bond [~~and must be for the same amount as the bond for the county clerk~~]. A [~~The~~] bond covering a deputy clerk or other employee must be made payable to the county for the use and benefit of the county clerk.

SECTION 4.  This Act takes effect September 1, 2019.

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