

## **BILL ANALYSIS**

Senate Research Center  
86R16773 MP-D

H.B. 1494  
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Administration  
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Engrossed

### **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, Local Government Code, outlines how county clerks must bond their deputies and employees, and Section 51.309, 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, H.B. 1494 simply would clarify the requirements for executing bonds that cover deputy clerks and other employees in county and district clerks' offices.

H.B. 1494 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 requiring the deputy clerk to obtain certain bonds), to obtain one or more surety bonds in accordance with this section to cover each deputy clerk or other employee, rather than obtain a surety bond to cover a deputy clerk. 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 paragraph from existing text. 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 requiring the district clerk to obtain a schedule surety bond or a blanket surety bond to cover more than one deputy and all employees of the office.

(b-1) Creates this subsection from existing text. Requires a deputy clerk and an employee to be covered by a surety bond on the same conditions as the district clerk, rather than requiring a deputy clerk and an employee to be covered on the same conditions and in the same amount as the district clerk. Requires a bond covering a deputy clerk or other

employee to be made payable to the governor for the use and benefit of the district clerk, rather than requiring the 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 a county 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) 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. 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 requiring the county clerk to execute 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 of 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 a 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.