

SUBJECT: Changing the surety bond requirements for deputy clerks and employees

COMMITTEE: Judiciary and Civil Jurisprudence — committee substitute recommended

VOTE: 9 ayes — Leach, Farrar, Y. Davis, Julie Johnson, Krause, Meyer, Neave,
Smith, White

0 nays

WITNESSES: For — Jim Huff, Live Oak County

Against — (*Registered, but did not testify*: Aimee Bertrand, Harris County
Commissioners Court)

On — (*Registered, but did not testify*: Patti Henry, County and District
Clerks' Association of Texas; Russell Schaffner, Tarrant County)

BACKGROUND: Government Code sec. 51.309 requires a district clerk to obtain a surety
bond to cover each deputy clerk or a schedule or blanket surety bond to
cover more than one deputy clerk and all other employees of the office.
Such bonds are required to be on the same conditions and in the same
amount as the district clerk.

Local Government Code sec. 82.002 requires a county clerk that has only
a single deputy clerk to execute a surety bond to cover the deputy clerk. If
there is more than one deputy clerk, the county clerk is required to execute
a schedule or blanket surety bond to cover all the deputy clerks and all
other employees. Such bonds are required to be on the same conditions
and in the same amount as the county clerk.

It has been suggested that the surety bond requirements for district and
county deputy clerks are inconsistent and could be confusing.

DIGEST: CSHB 1494 would change the surety bond requirements for a district or
county clerk's deputy clerks and employees.

Under the bill, a district clerk or county clerk would have to obtain either:

- an individual surety bond for each deputy clerk or other employee in an amount equal to the district or county clerk's bond; or
- a schedule or blanket surety bond to cover all deputy clerks and all other employees in a total amount equal to the district's clerk's or county clerk's bond.

This bill would take effect September 1, 2019.