

BILL ANALYSIS

Senate Research Center
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S.B. 1107
By: Madla
Intergovernmental Relations
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, the removal of a county officer from office is covered under Chapter 87 (Removal of County Officers From Office; Filling of Vacancies), Local Government Code. Chapter 87 is redundant of Section 83.004 (Removal From Office; Filling of Vacancy), Local Government Code. Chapter 87 provides for the removal of a county official for many reasons, including failure to obtain a bond. Chapter 87 does not require that the oath of office be taken within twenty days of receipt of the certificate of election. This part of Section 83.004 is only found in Chapter 83 dealing with the office of county treasurer.

While the current law is not a problem for incumbent treasurers, it is problematic for those who have been elected for the first time, since they must take the oath of office prior to the end of the current treasurer's term of office. This may result in two persons holding the office simultaneously and thus a nullification of one of the person's bonds.

As proposed, S.B. 1107 amends the Local Government Code provisions dealing with the oath of office for a county treasurer and for the removal from office of a county treasurer by repealing Section 83.004 of the Local Government Code to bring county treasurers in line with all other county officials.

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. Repealer: Section 83.004 (Removal From Office; Filling of Vacancy), Local Government Code.

SECTION 2. Effective date: upon passage or September 1, 2005.