

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2967
By: Hartnett (Watson)
Jurisprudence
5/3/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, there is no requirement that a county purchase a bond or insurance to cover losses due to a statutory probate court judge's gross negligence. Some counties--Harris and Travis--provide insurance, but it is done voluntarily and is not required by law. Two hundred and forty counties not covered by this bill belong to an insurance pool offered through the Texas Association of Counties (TAC) that offers \$2 million coverage. The counties subject to H.B. 2967 do not belong to this pool.

C.S.H.B. 2967 requires counties with statutory probate courts (Bexar, Collin, Dallas, Denton, El Paso, Galveston, Harris, Hidalgo, Tarrant, and Travis) to purchase a bond or insurance in the amount of \$500,000 to cover losses caused by a statutory probate court judge's gross negligence in performing the duties of office.

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 Subchapter B, Chapter 25, Government Code, by adding Section 25.00231, as follows:

Sec. 25.00231. BOND; INSURANCE. (a) Provides that this section controls over a specific provision for a particular court or county that attempts to create a requirement for a bond or insurance that conflicts with this section.

(b) Requires a judge of a statutory probate court, before beginning the duties of office, to execute a bond payable to the county treasurer or other person performing the duties of county treasurer, in the amount of \$500,000, that is conditioned on the faithful performance of the duties of office, and approved by the commissioners court.

(c) Authorizes a county, in lieu of the required bond, to elect to obtain insurance in the amount required by Subsection (b) against losses caused by the statutory probate court judge's gross negligence in performing the duties of office.

(d) Requires the commissioners court of a county to pay the premium for the bond or insurance required by this section out of the general funds of the county.

SECTION 2. Repealer: Sections 25.0173(e) (not requiring a bond for a statutory probate court judge) and 25.1034(f) (relating to the execution of a \$100,000 bond by a statutory probate court), Government Code.

SECTION 3. Requires a judge of a statutory probate court who is serving on the effective date of this Act to comply with the requirements of Section 25.00231, Government Code, as added by this Act, not later than November 1, 2007.

SECTION. 4. Effective date: October 1, 2007.