

SB294 INTRODUCED



1 SB294
2 PSHJDEG-1
3 By Senator Roberts
4 RFD: Banking and Insurance
5 First Read: 12-Feb-26



4 SYNOPSIS:

5 Under existing law, certain public officers and
6 employees are required to file a bond with an
7 appropriate office, and the failure to do so results in
8 the officer or employee vacating his or her position.

9 This bill would provide that county official
10 bonds are not governed by the requirements of state
11 official bonds.

12 This bill would require the office that receives
13 the filed bond to notify an officer required to file a
14 bond when the bond has become deficient.

15 This bill would authorize an officer to remedy
16 deficiencies within 15 days before his or her office is
17 vacated.

18 This bill would authorize the Division of Risk
19 Management to offer a program where employees and
20 officers required to file a bond may request the
21 division to forward the official bond to the
22 appropriate authority on behalf of the employee or
23 officer.

24
25
26 A BILL
27 TO BE ENTITLED
28 AN ACT



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Relating to bonding of public officers and employees; to amend Sections 11-2-2, 36-5-2, 36-5-15, and 41-4-302, Code of Alabama 1975, to require officials receiving filed bonds to notify an officer when his or her bond is delinquent; to authorize an officer to remedy a delinquent bond; to authorize the Division of Risk Management to forward the official bond of a public officer or employee to the appropriate authority on his or her behalf; and to repeal Section 36-5-41, Code of Alabama 1975, governing procedures and forms for additional bonds of certain state officers.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 11-2-2, 36-5-2, 36-5-15, and 41-4-302, Code of Alabama 1975, are amended to read as follows:

"§11-2-2

The bonds required to be made of county officials by the provisions of this Code shall be ~~conditioned as now provided by law and shall in all respects be subject to and governed~~ exclusively by ~~the provisions of law governing, regulating, concerning, and pertaining to official bonds, except as may be in conflict with provisions of this article~~ this chapter. Chapter 5 of Title 36 shall not apply to the bonding of county officials."

"§36-5-2

(a) In all cases, official bonds must be filed in the proper office within 40 days after the declaration of election or after the appointment to office, ~~except bonds of tax~~



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~~assessors and tax collectors which shall be filed on or before September 1 next after their election or appointment.~~

(b) If, at the expiration of the 40 days, the bond has not been filed, it is the duty of the officer in whose office the bond is required to be filed to notify the officer required to file the bond of the deficiency. If the deficiency is not remedied within 15 days after notification of the deficiency, Section 36-5-15 shall apply."

"§36-5-15

If any officer required by law to give bond fails to file the ~~same~~bond within the time fixed by law and after first being notified of a deficiency in the filing, he~~the~~ officer shall vacatesvacate his or her office. ~~In such case, it is the duty of the~~The officer in whose office ~~such~~the bond is required to be filed ~~at once to,~~ after a failure to remedy a deficiency under Section 36-5-2, shall certify such failure to the appointing power, and the vacancy ~~must~~shall be filled as in other cases."

"§41-4-302

(a) The Division of Risk Management shall have the authority to institute, manage, and administer programs of insurance, not specifically enumerated herein and which do not conflict with existing laws, upon a determination by the Director of Finance and the Governor that such insurance program or programs serve the best interests of the state.

(b) The Division of Risk Management may offer a program to provide a scheduled position public official bond that satisfies the requirement for the state blanket bond for state



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officers and employees required to be bonded. A state officer or employee must request in writing to participate in the program and must specify if he or she is requesting the Division of Risk Management to forward the public official bond on his or her behalf to the appropriate authority. The Division of Risk Management, with the approval of the Finance Director, may adopt rules to implement and administer the program.

~~(b)~~ (c) Notwithstanding the provisions of Article 1, ~~commencing with Section 11-2-1,~~ Chapter 2, Title 11, the state blanket bond ~~which~~ that covers state officers and employees required to be bonded ~~shall~~ may be made available, if approved by the county commission, to also cover sheriffs, judges of probate, county commissioners, chairs of county commissions, tax assessors, tax collectors, license commissioners, revenue commissioners, and other county employees and ~~county~~ elected ~~county-elected~~ officials who are required to be bonded if the Governor and the Director of Finance determine that extending the bond coverage to such local officials and employees is in the best interest of the state. The Division of Risk Management may assist in the procurement of a scheduled position public official bond for local officials and employees. Notice that coverage is provided under this state blanket bond shall be evidenced by resolution of the county commission, and the coverage shall satisfy all provisions and requirements found in Article 1, ~~commencing with Section 11-2-1,~~ Chapter 2, Title 11."

Section 2. Section 36-5-41, Code of Alabama 1975,



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113 governing the form and procedures of any additional bond
114 required of the Director of Finance, State Treasurer, or other
115 officers, is repealed.

116 Section 3. This act shall become effective on October
117 1, 2026.