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OPINION COMMITTEE

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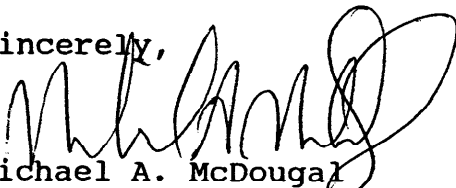
Re: Chapter 1704 of the Occupations Code

Montgomery County being a county with a population exceeding 110,000 has a Bail Bond Board. Pursuant to 1704.053, of the Occupations Code, entitled "Board Composition," a licensed bail bond surety in Montgomery County, elected by other licensed sureties sits on the Board. The licensed sureties of Montgomery County want to elect an "alternate" surety representative to sit on the Board in the event their representative is unable to attend a Board meeting.

The question that arises is, is it permissible pursuant to Section 1704.053 or Section 1704.101 to permit an elected alternate to serve as surety representative to a bail bond board, which would include the right to vote on issues before the bail bond board, in the event that the elected surety representative is unable to attend a meeting?

Prior to requesting this opinion, I contacted several counties regarding the issue of alternate surety representation. I learned that Dallas County, relying on Section 1704.101, "Administrative Authority", provides for election of an alternate via their adopted local rules. Fort Bend County and Harris County do not believe that alternate surety representation is statutorily permissible. They rely on a strict interpretation of Section 1704.053(6), stating, "a board consists of a licensed bail bond surety in the county elected by other licensed bail bond sureties in the county." Your opinion on this matter would be greatly appreciated.

Sincerely,


Michael A. McDougal
District Attorney