

BILL ANALYSIS

C.S.H.B. 663
By: Van Arsdale
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, the taxpayers must bear the expense of collecting delinquent obligations owed a county. This is in contrast to the authority granted the Attorney General to collect costs and attorney fees when collecting delinquent obligations owed the State.

CSHB 663 mirrors, for counties, the authority granted to the Attorney General on behalf of the State. It allows counties to collect from a debtor reasonable attorney fees, investigative costs, and court costs incurred to recover the debt. It also allows a county attorney, like the Attorney General for the State, to retain for the county any attorney fees collected. The committee substitute adds the term “fine” to the list of items considered a delinquent debt and provides an exemption of ad valorem taxes from collection by a county attorney.

RULEMAKING AUTHORITY

It is the committee’s opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. CSHB 663 amends Section 113.902 of the Local Government Code, to allow for recovery of delinquent debts, attorney’s fees and investigative costs and court costs by a county attorney. The bill provides that a county attorney may recover such attorney’s fees and costs for a delinquent debt owed to a county in the same manner provided by law for a private litigant. Under this bill, a delinquent debt includes a delinquent account, loan, interest payment, tax (other than ad valorem), charge, fee, fine, penalty, or claim on a judgment.

SECTION 2. Effective date: September 1, 2003. The provisions of the bill apply to proceedings to recover a delinquent debt brought on or after the effective date. Proceedings brought before September 1, 2003 are governed by the law in effect prior to that time.

EFFECTIVE DATE

The Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

SECTION 1. The committee substitute for House Bill 663 provides language to exempt ad valorem taxes from the debts for which a county treasurer may direct prosecution to recover. In addition, the term “fine” is added to the list of items that may be considered a delinquent debt to a county. The term “tax” applies to any tax other than a delinquent ad valorem tax.

SECTION 2. No changes.