

BILL ANALYSIS

S.B. 604
By: Ellis, Rodney
County Affairs
Committee Report (Unamended)

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.

SB 604 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 bill 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. Senate Bill 604 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 heading of the Section is also changed to PROSECUTION TO COLLECT DEBT OWED TO COUNTY; RECOVERY OF ATTORNEY’S FEES AND COSTS from existing text. 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.