

BILL ANALYSIS

Senate Research Center
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S.B. 713
By: Jackson
Jurisprudence
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DIGEST AND PURPOSE

Currently, a county judge, each county commissioner, and the county or district attorney are not necessarily informed of pending lawsuits that the county may or may not be liable to pay. As a result, opportunities to prove that the county is not responsible for particular attorney's fees may potentially not be pursued. As proposed, S.B. 713 requires written notification of a lawsuit to be delivered to a county judge, each county commissioner, and the county or district attorney within 24 hours of filing suit against a member of the county officer and authorizes the county, if the plaintiff fails to provide said notification, to petition the court of jurisdiction for a dismissal.

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 Chapter 89, Local Government Code, by adding Section 89.0041, as follows:

Sec. 89.0041. NOTICE OF SUIT AGAINST COUNTY. (a) Requires a person, not later than the end of the next business day after the date on which a person files suit against a county, to deliver, by personal delivery, written notice to certain people.

(b) Requires the written notice to contain certain information.

(c) Provides that a person is considered to have delivered notice to an officer under Subsection (a) if the person delivers the notice to an individual who is working at the place at which the officer ordinarily conducts the affairs of the office and whose duties include accepting delivery of items addressed to the officer.

(d) Provides that Subsection (a) does not require a person to deliver notice if the position is vacant.

(e) Requires the court in which the suit is filed to dismiss the suit on a motion for dismissal made by the county, if a person does not give notice as required by this section.

SECTION 2. Effective date: September 1, 2003. Makes application of this Act prospective.