

By: Ellis

S.B. No. 604

A BILL TO BE ENTITLED

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AN ACT

relating to the recovery of attorney's fees and certain costs in proceedings to recover delinquent debts owed to a county.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 113.902, Local Government Code, is amended to read as follows:

Sec. 113.902. PROSECUTION TO COLLECT DEBT OWED TO COUNTY; RECOVERY OF ATTORNEY'S FEES AND COSTS. (a) The county treasurer shall direct prosecution for the recovery of any debt owed to the county, as provided by law, and shall supervise the collection of the debt.

(b) In a proceeding to recover a delinquent debt owed to the county, including a delinquent account, loan, interest payment, tax, charge, fee, fine, penalty, or claim on a judgment, the county attorney may recover reasonable attorney's fees and investigative and court costs incurred on behalf of the county. The county attorney may recover the fees and costs in the same manner as provided by law for a private litigant.

(c) This section does not apply to the recovery of a delinquent ad valorem tax owed to the county.

SECTION 2. (a) The change in law made by this Act applies to a proceeding to recover a delinquent debt owed to a county that is brought on or after the effective date of this Act. A proceeding to recover a delinquent debt owed to a county that is brought before

1 the effective date of this Act is governed by the law in effect  
2 before the effective date, and that law is continued in effect for  
3 that purpose.

4 (b) This Act takes effect September 1, 2003.