

BILL ANALYSIS

H.B. 1104
By: Paxton
Government Reform
Committee Report (Unamended)

BACKGROUND AND PURPOSE

House Bill 2600, of the 75th Legislative Session, directed a study group to identify the best procedures for collecting delinquent obligations (debt owed to the State of Texas) examine procedural changes that would reduce the time and cost of collection, and determine the benefits and drawbacks of centralizing the collection of delinquent obligations. One of the task force recommendations was to extend the life of judgments in favor of the state or a state agency. This would improve administrative efficiency in processing judgment renewals and prevent those judgments from becoming dormant.

The purpose of this bill is to improve the administrative efficiency and reduce costs in processing judgment renewals and to prevent those judgments from becoming dormant. This bill would extend the life of judgments to 20 years in favor of the state or a state agency.

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

Notwithstanding Section 34.001 of the Civil Practice and Remedies Code, the bill amends and makes conforming changes to the Property Code to allow a new exception to the expiration for liens in judgments that are in favor of the state, or a state agency. The lien period may continue for twenty (20) years with the ability to renew for one additional twenty year period, before the expiration of the initial twenty year lien.

The bill defines state agency as a board, commission, council, committee, department, office, agency, or other governmental entity in the executive, legislative, or judicial branch of state government. The term includes an institution of higher education as defined by Section 61.003 of the Education Code, other than a public junior or community college.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.