

By: Eiland

H.B. No. 1904

A BILL TO BE ENTITLED

AN ACT

relating to the payment of an attorney ad litem appointed to represent a defendant in a delinquent tax suit.

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

SECTION 1. Section 33.49, Tax Code, is amended to read as follows:

Sec. 33.49. LIABILITY OF TAXING UNIT FOR COSTS. (a) Except as provided by Subsection (b), a taxing unit is not liable in a suit to collect taxes for court costs, including any fees for service of process, ~~[an attorney ad litem,~~ arbitration, or mediation, and may not be required to post security for costs.

(b) A taxing unit shall pay attorney ad litem fees and the cost of publishing citations, notices of sale, or other notices from the unit's general fund as soon as practicable after receipt of the attorney ad litem's or the publisher's claim for payment. The taxing unit is entitled to reimbursement from other taxing units that are parties to the suit for their proportionate share of the attorney ad litem fees and publication costs on satisfaction of any portion of the tax indebtedness before further distribution of the proceeds. A taxing unit may not pay a word or line rate for publication of citation or other required notice that exceeds the rate the newspaper publishing the notice charges private entities for similar classes of advertising.

SECTION 2. The change in law made by this Act applies only

1 to the payment of an attorney ad litem appointed to represent a  
2 defendant in a delinquent tax suit on or after the effective date of  
3 this Act. The payment of an attorney ad litem appointed to  
4 represent a defendant in a delinquent tax suit before the effective  
5 date of this Act is governed by the law in effect when the attorney  
6 ad litem was appointed, and the former law is continued in effect  
7 for that purpose.

8 SECTION 3. This Act takes effect September 1, 2013.