

BILL ANALYSIS

Senate Research Center
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H.B. 2710
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Attorney ad litem in property tax suits are appointed to represent the interests of property owners who cannot be located, often because they have died. Although paid for their work, attorney ad litem representing property owners in property tax cases are not required to file anything with the court explaining what they did to attempt to locate the property owners and defend the government's action.

Some attorney ad litem simply file an answer to get notice of trial settings, seldom attempting to identify the property owner or the heirs of the property owner or informing anyone about any rights that they may have. If the property owner or heirs are located by the attorney ad litem, these families will have options and make sure the government does not overreach. H.B. 2710 would require ad litem to submit a report to the court specifying his or her activities to locate and represent the interests of the missing property owner before they get fully paid. This would ensure that attorneys fulfill their responsibilities of attempting to locate and advise missing property owners, so the owners can defend their property against claims of the government.

H.B. 2710 amends current law relating to the duty of an attorney ad litem to locate and represent a defendant in a suit to collect a delinquent ad valorem tax.

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 Subchapter C, Chapter 33, Tax Code, by adding Section 33.475, as follows:

Sec. 33.475. ATTORNEY AD LITEM REPORT; APPROVAL OF FEES. (a) Requires an attorney ad litem appointed by a court to represent the interests of a defendant served with process by means of citation by publication or posting, in a suit to collect a delinquent tax, to submit to the court a report describing the actions taken by the attorney ad litem to locate and represent the interests of the defendant.

(b) Prohibits the court from approving the fees of the attorney ad litem until the attorney ad litem submits the report required by this section and the court determines that the actions taken by the attorney ad litem as described in the report were sufficient to discharge the attorney's duties to the defendant.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2015.