

BILL ANALYSIS

Senate Research Center
78R2035 SMJ-F

S.B. 604
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Jurisprudence
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DIGEST AND PURPOSE

Currently, taxpayers must bear the expense of collecting delinquent obligations owed to a county. However, the attorney general is granted the authority to collect costs and attorney fees when collecting delinquent obligations owed to the state. Some believe that taxpayers should not have to bear the expense of collecting debts owed to the county. As proposed, S.B. 604 allows counties to collect from a debtor reasonable attorney fees, investigative costs, and court costs incurred to recover debts.

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 Section 113.902, Local Government Code, as follows:

Sec. 113.902. New heading: PROSECUTION TO COLLECT DEBT OWED TO COUNTY; RECOVERY OF ATTORNEY'S FEES AND COSTS. (a) Creates this Subsection from existing text.

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

SECTION 2. (a) Makes application of this Act prospective.

(b) Effective date: September 1, 2003.