

## **BILL ANALYSIS**

Senate Research Center  
78R339 JD-D

S.B. 714  
By: Lindsay  
Jurisprudence  
3/10/2003  
As Filed

### **DIGEST AND PURPOSE**

Currently, taxing units are not liable for attorney ad litem fees. An attorney ad litem must always be appointed when the defendant in a delinquent tax unit is served by posting or publication. Certain questions have arisen concerning the constitutionality and conflicts of interest regarding a defendant's right to due process or equal protection. As proposed, S.B. 714 would enable an attorney ad litem to be paid regardless of whether the taxing unit got a recovery.

### **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 33.49, Tax Code, by amending Subsection (a) and adding Subsection (c), as follows:

- (a) Makes a conforming change related to the addition of Subsection (c).
- (c) Provides that a taxing unit is liable for reasonable attorney ad litem fees approved by the court if certain criteria are met.

SECTION 2. Effective date: September 1, 2003  
Makes application of this Act prospective.