

## Committee on Judiciary

### **CS/CS/HB 797 — Clerks of Court**

by Finance and Tax Subcommittee; Civil Justice Subcommittee; and Rep. Pilon (CS/SB 788 by Judiciary Committee; and Senator Ring)

The bill makes various changes to processes administered by clerks of court.

#### *Sale of Tax Certificates*

When a property owner fails to pay property taxes, the county tax collector sells a tax certificate for the unpaid taxes. When a tax certificate on homestead property represents less than \$250 in delinquent taxes, the tax collector cannot sell the certificate, but instead must issue the certificate to the county. Certificates accrue interest at the rate of 18 percent per year.

The bill clarifies that counties may make available for public sale county-held tax certificates on a homestead property after the sum of all taxes and interest on the certificates on the property exceed \$250.

#### *Tax Deeds*

Two years after a tax certificate is issued, the holder of the tax certificate may apply for a tax deed. Once the certificateholder applies for a tax deed, the process begins for putting the property up for public auction.

Under the bill, the clerk of court must enter property on the list of “lands available for taxes” if after a tax deed sale the certificateholder fails to timely pay:

- Costs necessary to conduct a resale of the tax deed; or
- Additional amounts, such as one-half the value of homestead property, which are due if there are no bidders on a tax deed on a homestead property during the tax deed sale.

#### *Compensation for Service*

Jurors and witnesses may be compensated for their court service in certain instances. The clerk of court is responsible for disbursing payment to jurors and witnesses and may do so by cash or warrant. The bill additionally authorizes clerks of court to pay jurors and witnesses by check.

#### *Writs of Garnishment*

Persons who have sued to recover a debt and received a judgment have the right to a writ of garnishment to enforce the judgment against the judgment debtor. The applicant for the writ must place a \$100 deposit in the court registry. The bill requires a person who applies for a writ of garnishment to pay the deposit directly to the garnishee, rather than to the court.

If approved by the Governor, these provisions take effect July 1, 2014.

*Vote: Senate 40-0; House 117-0*

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