

By: Lindsay

S.B. No. 714

A BILL TO BE ENTITLED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

AN ACT

relating to the liability of a taxing unit for the fee of an attorney ad litem in a suit to collect delinquent ad valorem taxes.

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

SECTION 1. Section 33.49, Tax Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsections [~~Subsection~~] (b) and (c), 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.

(c) A taxing unit is liable for reasonable attorney ad litem fees approved by the court if:

(1) the suit is dismissed before a judgment is rendered; or

(2) a judgment is rendered in the suit under which the taxing unit is not entitled to recover any amount.

SECTION 2. This Act takes effect September 1, 2003. The changes in law made by this Act apply to a suit to collect delinquent ad valorem taxes that is pending on September 1, 2003, or that is filed on or after September 1, 2003, in which the court orders the appointment of an attorney ad litem to represent the interests of a defendant.