

1-1 By: Lindsay S.B. No. 714  
1-2 (In the Senate - Filed February 26, 2003; March 3, 2003,  
1-3 read first time and referred to Committee on Jurisprudence;  
1-4 March 17, 2003, reported favorably by the following vote: Yeas 6,  
1-5 Nays 0; March 17, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the liability of a taxing unit for the fee of an  
1-9 attorney ad litem in a suit to collect delinquent ad valorem taxes.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 33.49, Tax Code, is amended by amending  
1-12 Subsection (a) and adding Subsection (c) to read as follows:

1-13 (a) Except as provided by Subsections [~~Subsection~~] (b) and  
1-14 (c), a taxing unit is not liable in a suit to collect taxes for court  
1-15 costs, including any fees for service of process, an attorney ad  
1-16 litem, arbitration, or mediation, and may not be required to post  
1-17 security for costs.

1-18 (c) A taxing unit is liable for reasonable attorney ad litem  
1-19 fees approved by the court if:

1-20 (1) the suit is dismissed before a judgment is  
1-21 rendered; or

1-22 (2) a judgment is rendered in the suit under which the  
1-23 taxing unit is not entitled to recover any amount.

1-24 SECTION 2. This Act takes effect September 1, 2003. The  
1-25 changes in law made by this Act apply to a suit to collect  
1-26 delinquent ad valorem taxes that is pending on September 1, 2003, or  
1-27 that is filed on or after September 1, 2003, in which the court  
1-28 orders the appointment of an attorney ad litem to represent the  
1-29 interests of a defendant.

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