

By: Gattis

H.B. No. 3310

Substitute the following for H.B. No. 3310:

By: Oliveira

C.S.H.B. No. 3310

A BILL TO BE ENTITLED

AN ACT

relating to the award of attorney's fees in a judicial appeal of certain ad valorem tax determinations.

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

SECTION 1. Section 42.29, Tax Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) A property owner who prevails in an appeal to a ~~the~~ court under Section 42.01, 42.02, 42.031, 42.25, or 42.26 may be awarded reasonable attorney's fees. The amount of the award may not exceed the greater of:

(1) \$15,000; or

(2) 20 percent of the total amount by which the property owner's tax liability is reduced as a result of the appeal.

(c) The limits on the amount of an award of attorney's fees in Subsection (b) do not apply if the property that is the subject of the appeal is a residence homestead that qualifies for an exemption under Section 11.13.

SECTION 2. The changes in law to Section 42.29, Tax Code, made by this Act apply only to an appeal under Chapter 42, Tax Code, that is filed on or after the effective date of this Act. An appeal under Chapter 42, Tax Code, that was filed before the effective date of this Act is governed by the law in effect on the date the appeal was filed, and the former law is continued in effect for that purpose.

1           SECTION 3. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2009.