

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 to read as follows:

Sec. 42.29. ATTORNEY'S FEES. (a) A court may, in its discretion, award a property owner reasonable attorney's fees in an amount authorized by this section if the property owner ~~[who]~~ prevails in a suit:

(1) filed with ~~[an appeal to]~~ the court under Section 42.25 or 42.26; or

(2) filed with ~~[, in an appeal to]~~ the court appealing one or more determinations of ~~[a determination of]~~ an appraisal review board of:

(A) one or more motions ~~[on a motion]~~ filed under Section 25.25; ~~[,]~~ or

(B) one or more protests ~~[in an appeal to the court of a determination of an appraisal review board of a protest]~~ of the denial in whole or in part of an exemption under Section 11.17, 11.22, 11.23, 11.231, or 11.24 ~~[may be awarded reasonable attorney's fees]~~.

(b) The amount of an ~~[the]~~ award of attorney's fees may not exceed the greater of:

1 (1) \$15,000; or
2 (2) 20 percent of the total amount by which the
3 property owner's tax liability is reduced as a result of the suit
4 ~~[appeal]~~.

5 (c) ~~[(b)]~~ Notwithstanding Subsection (b) ~~[(a)]~~, the amount
6 of an award of attorney's fees may not exceed the lesser of:

7 (1) \$100,000; or
8 (2) the total amount by which the property owner's tax
9 liability is reduced as a result of the suit ~~[appeal]~~.

10 (d) This subsection applies only if the appraisal district
11 or the chief appraiser made a written settlement offer to the
12 property owner on or before the 45th day before the date the trial
13 began and a record of the offer was submitted to the court. For the
14 purposes of Subsections (b)(2) and (c)(2), the amount by which the
15 property owner's tax liability is reduced as a result of the suit is
16 computed by subtracting the property owner's tax liability
17 resulting from the court's final determination of the suit from the
18 property owner's tax liability that would have resulted had the
19 property owner accepted the most recent settlement offer meeting
20 the requirements of this subsection.

21 SECTION 2. The change in law made by this Act to Section
22 [42.29](#), Tax Code, applies only to an appeal filed under Chapter 42,
23 Tax Code, on or after the effective date of this Act. An appeal
24 filed under Chapter 42, Tax Code, before the effective date of this
25 Act is governed by the law in effect when the appeal was filed, and
26 the former law is continued in effect for that purpose.

27 SECTION 3. This Act takes effect immediately if it receives

S.B. No. 593

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2015.