

By: Bettencourt

S.B. No. 1848

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 property owner who prevails in an appeal to the court under Section 42.25 or 42.26, in an appeal to the court of a determination of an appraisal review board on a motion filed under Section 25.25, or 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. The amount of the award may not exceed the greater of:

(1) \$27,000 or, if applicable, the adjusted amount determined under Section 42.291 ~~[\$15,000]~~; or

(2) an amount equal to 20 percent of the total amount by which the property owner's tax liability is reduced as a result of the appeal, but ~~[-~~

~~[(b) Notwithstanding Subsection (a), the amount of an award of attorney's fees may]~~ not to exceed \$153,000 or, if applicable, the adjusted amount determined under Section 42.291 ~~[the lesser of:~~

~~[(1) \$100,000, or~~

1 ~~[(2) the total amount by which the property owner's tax~~
2 ~~liability is reduced as a result of the appeal].~~

3 SECTION 2. Subchapter B, Chapter 42, Tax Code, is amended by
4 adding Section 42.291 to read as follows:

5 Sec. 42.291. COST OF LIVING ADJUSTMENT OF ATTORNEY'S FEES
6 LIMITS. (a) In this section, "consumer price index" means the
7 Consumer Price Index for All Urban Consumers (CPI-U), U.S. City
8 Average, published monthly by the United States Bureau of Labor
9 Statistics, or its successor in function.

10 (b) On January 1 of each odd-numbered year the dollar
11 amounts specified by Sections 42.29(1) and (2) are increased or
12 decreased by an amount equal to the amount specified by those
13 sections multiplied by the percentage increase or decrease in the
14 consumer price index for the period beginning September 1, 2017,
15 and ending on the September 1 preceding the date of the
16 determination, rounded to the nearest \$1,000.

17 (c) The amounts determined under Subsection (b) apply to an
18 award of attorney's fees in an appeal under this chapter that is
19 filed on or after the date the determination is made until the next
20 January 1 on which a determination is made under Subsection (b).

21 (d) The comptroller shall make the determination required
22 by this section and publish the amounts determined in the Texas
23 Register. The comptroller may adopt rules related to making that
24 determination.

25 (e) A determination by the comptroller under this section is
26 final and may not be appealed.

27 SECTION 3. The change in law made by this Act applies only

1 to an appeal under Chapter 42, Tax Code, that is filed on or after
2 the effective date of this Act. An appeal under Chapter 42, Tax
3 Code, that is filed before the effective date of this Act is
4 governed by the law in effect on the date the appeal is filed, and
5 the former law is continued in effect for that purpose.

6 SECTION 4. This Act takes effect September 1, 2017.