

## **BILL ANALYSIS**

Senate Research Center

H.B. 2201  
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### **DIGEST**

Currently, the Tax Code requires a taxpayer to pay taxes on property that is subject to an appeal before the delinquency date in order to proceed to a final determination of the appeal. The amount of taxes that must be paid can either be the amount of taxes due on the portion of the taxable value of the property that is not in dispute or the amount of taxes imposed on the property in the preceding year, whichever is greater; or the amount of taxes due on the property under the order from which the appeal is taken. This bill conforms property taxes as decided in the case of Rockwall County CAD v. Lall by deleting the requirement that taxpayers pay the taxes imposed on the property in the preceding year in order to proceed to a final determination.

### **PURPOSE**

As proposed, H.B. 2201 conforms property taxes as decided in the case of Rockwall County CAD v. Lall by deleting the requirement that taxpayers pay the taxes imposed on the property in the preceding year in order to proceed to a final determination.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 42.08(b) and (c), Tax Code, to require a property owner to pay the lesser of a certain amount of taxes due on property, rather than the amount of taxes imposed on the property in the preceding year, whichever is greater.

SECTION 2. Amends Section 42.29, Tax Code, as follows:

Sec. 42.29. ATTORNEY'S FEES. Authorizes a property owner who prevails in an appeal to the court under Section 42.25 or 42.26, to be awarded reasonable attorney's fees not to exceed \$100,000, rather than certain other amounts. Deletes a provision prohibiting the award of attorney's fees from exceeding a certain amount. Authorizes an appraisal district that prevails in an appeal to the court to be awarded reasonable attorney's fees not to exceed \$100,000 under certain conditions. Makes nonsubstantive changes.

SECTION 3. Amends Section 42.42, Tax Code, by amending Subsections (b) and (c), and adding Subsection (d), to provide that the owner is liable for penalties and interest calculated as provided by Section 33.01, as if the tax included in the supplemental bill became delinquent on the original delinquency date prescribed by Chapter 31. Sets forth provisions regarding taxes the owner did not pay because the court found that payment would constitute an unreasonable restraint on the owner's right of access to the courts.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Emergency clause.  
Effective date: upon passage.