

By: Phillips

H.B. No. 3085

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of certain persons to bring suit to
3 require an appraisal district or appraisal review board to comply
4 with applicable law.

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

6 SECTION 1. Section 43.01, Tax Code, is amended to read as
7 follows:

8 Sec. 43.01. AUTHORITY TO BRING SUIT. (a) A taxing unit may
9 sue the appraisal district that appraises property for the unit to
10 compel the appraisal district to comply with the provisions of this
11 title, rules of the comptroller, or other applicable law.

12 (b) A person may sue an appraisal district or appraisal
13 review board to compel the appraisal district or appraisal review
14 board to comply with the provisions of this title, rules of the
15 comptroller, or other applicable law if the failure to comply
16 causes or will cause substantial economic harm to or denial of a
17 statutory or constitutional right of that person. A person
18 bringing an action under this subsection must pay \$250 into the
19 registry of the court. The court shall distribute that amount to
20 the prevailing party on entry of final judgment in the action.

21 (c) If the party bringing an action under this section
22 prevails on the merits, the court shall enter an order compelling
23 the appraisal district or appraisal review board to comply with the
24 applicable law and ordering that the prevailing party recover its

1 court costs and reasonable attorney's fees.

2 (d) This section applies only to a matter that may not be the
3 subject of a motion under Section 25.25(c) or (d) or a protest or
4 challenge under Chapter 41.

5 SECTION 2. This Act takes effect September 1, 2007.

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