

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 12, 2007

TO: Honorable Fred Hill, Chair, House Committee on Local Government Ways & Means

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3085 by Phillips (Relating to the authority of certain persons to bring suit to require an appraisal district or appraisal review board to comply with applicable law.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend Section 43.01 of the Tax Code to allow a person to sue an appraisal district or appraisal review board to compel compliance with state law and Comptroller rules if the failure to comply caused substantial economic harm or denial of statutory or constitutional rights.

Under the bill, the plaintiff would have to pay \$250 to the court registry for distribution to the prevailing party. If the plaintiff prevailed, the court would enter an order compelling compliance with applicable law and award court costs and attorney's fees.

Because the state is constitutionally prohibited from imposing a state property tax, there would be no direct fiscal impact on the state.

The bill would take effect September 1, 2007.

Local Government Impact

Provisions in the bill that would allow taxpayer lawsuits to compel appraisal district and appraisal review board compliance with state law and administrative rules could result in an undetermined cost to taxing units for defending lawsuits and potential payment of court costs and attorney's fees.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, CT, SD, SJS