

By: Davis of Dallas

H.B. No. 4365

A BILL TO BE ENTITLED

1 AN ACT

2 relating to an award of attorney's fees to a prevailing property  
3 owner in a property tax dispute resolved by binding arbitration.

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

5 SECTION 1. Subsection (b) Section 41A.09, Tax Code, is  
6 amended by adding new subsection (6) to read as follows:

7 (b) An award under this section:

8 (1) must include a determination of the appraised  
9 market value, as applicable, of the property that is the subject of  
10 the appeal;

11 (2) may include any remedy or relief a court may order  
12 under Chapter 42 in an appeal relating to the appraised or market  
13 value of property;

14 (3) shall specify the arbitrator's fee, which may not  
15 exceed the amount provided by Section 41A.06(b)(3);

16 (4) is final and may not be appealed except as  
17 permitted under Section 171.088, Civil Practice and Remedies Code,  
18 for an award subject to that section; ~~and~~

19 (5) may be enforced in the manner provided by  
20 Subchapter D, Chapter 171, Civil Practice and Remedies Code; and

21 (6) must include an award of attorney's fees if the  
22 property owner prevails in an arbitration under this chapter.  
23 Attorney's fees may only be awarded to a property owner represented  
24 by an attorney in an arbitration under this chapter. The attorney's

1 fees award shall be calculated as provided in Section 42.29, Tax  
2 Code.

3           SECTION 2. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2009.