

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 2, 2009

TO: Honorable Rene Oliveira, Chair, House Committee on Ways & Means

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

IN RE: HB4365 by Davis, Yvonne (Relating to an award of attorney's fees to a prevailing property owner in a property tax dispute resolved by binding arbitration.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would require that an award to a property owner who prevails in binding arbitration must include attorney's fees if the property owner was represented by an attorney. The fees would be calculated as provided in existing law governing attorney's fees in district court decisions regarding excessive appraisal or unequal appraisal.

The bill would affect only the award and calculation of attorney's fees and would not affect taxable values or tax rates. As a result, there would be no fiscal impact on the state. The proposed changes in awarding attorney's fees might have a fiscal impact on the taxing units that pay the appraisal districts' budgets. The information required to determine the extent of future attorney's fees is not available and the fiscal impact cannot be determined.

The bill would take effect immediately upon enactment, assuming that it received the requisite two-thirds majority votes in both houses of the Legislature. Otherwise, it would take effect September 1, 2009.

Local Government Impact

The proposed changes in awarding attorney's fees might have a fiscal impact on local taxing units that pay the appraisal districts' budgets. The information required to determine the extent of future attorney's fees is not available and the fiscal impact cannot be determined.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, MN, SD, SJS