

H.B. 289

PROPERTY RIGHTS OMBUDSMAN AMENDMENTS

HOUSE COMMITTEE AMENDMENTS

AMENDMENT 1

JANUARY 30, 2024 5:31 PM

Representative **Karianne Lisonbee** proposes the following amendments:

1. *Page 1, Lines 11 through 16:*

11 This bill:

12 ▶ clarifies that a party who prevails in court on an issue that the Office of Property
13 Rights Ombudsman previously decided in the party's favor is entitled to an award of
14 attorney fees;

15 ▶ provides that the party described above ~~{is entitled to}~~ may be entitled to a civil penalty
and consequential damages; and

16 ▶ makes technical and conforming changes.

2. *Page 3, Lines 69 through 79:*

69 (12) Subject to Subsection (13), if the Office of the Property Rights Ombudsman issues
70 an advisory opinion described in this section, and if the same issue that is the subject of the
71 advisory opinion is subsequently litigated in court on a cause of action alleging the same facts
72 and circumstances that are at issue in the advisory opinion, and if the court resolves the issue
73 consistent with the advisory opinion, the court ~~{shall award the substantially prevailing party}~~ :

74 (a) shall award the substantially prevailing party:

(i) reasonable attorney fees and court costs pertaining to the development of the cause
75 of action from the date the Office of the Property Rights Ombudsman delivers the advisory
76 opinion to the date of the court's resolution; and

77 ~~{(b) consequential damages; and}~~

78 ~~{(c)}~~ (ii) if the court finds that the opposing party knowingly and intentionally violated the
79 law governing the cause of action, a civil penalty of \$250 per day ~~{-}~~ ; and

(b) may award the substantially prevailing party consequential damages.