

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 9, 2005

TO: Honorable David Swinford, Chair, House Committee on State Affairs

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

IN RE: SB1589 by Carona (Relating to fraudulent documents offered to the county clerk or the secretary of state for filing.), **As Engrossed**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend Section 51.901, Government Code, to require a county clerk who believes in good faith that a document filed with the clerk to create a lien is fraudulent to request assistance from the county or district attorney to determine whether the document is fraudulent before filing or recording it. The county clerk would also be required to request additional documentation from the filer and to forward that documentation to the county or district attorney.

The bill would amend Section 405.021, Government Code, to require the secretary of state when that office believes in good faith that a document filed with the office to create a lien is fraudulent to request assistance from the attorney general to determine whether the document is fraudulent before filing or recording it. The secretary of state would also be required to request additional documentation from the filer and to forward that documentation to the attorney general.

It is anticipated that any costs to implement the provisions of the bill could be absorbed by existing resources.

The bill would take effect September 1, 2005.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 307 Secretary of State

LBB Staff: JOB, SR, NR, DLBa