

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 23, 2021

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2591 by Leach (Relating to the removal of certain unconstitutional provisions from real property records.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Property Code to provide that an owner of real property may petition to remove from a recorded instrument affecting or conveying an interest in the property a provision that violates the US Constitution, is unenforceable under law, and is unambiguously discriminatory. The bill would require the petition to be filed in a district court in the county in which the instrument is recorded and would prevent a court from charging a fee for filing the petition. The bill would require the court, on finding that a provision satisfies the removal requirements, to enter a judgment ordering the county clerk to remove the provision from the recorded instrument.

Based on information provided by the Office of Court Administration, no significant fiscal impact to the state court system is anticipated as a result from implementing the provisions of the bill.

Local Government Impact

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

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, SLE, MW, BH