

BILL ANALYSIS

Senate Research Center

H.B. 833
By: Junell (Brown)
State Affairs
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Engrossed

DIGEST

Currently, the filing of "nuisance" liens against state-owned real property has become a popular tactic for individuals or groups, such as the Republic of Texas, which seek redress from the state for alleged grievances. While these liens are invalid because of principle in common law, they can create a potentially serious problem for Veterans Land Board loan applicants whose transactions would be delayed until the board is able to satisfy title insurers that the abstracts have no merit. This bill prohibits certain liens from attaching to state-owned property.

PURPOSE

As proposed, H.B. 833 provides exemptions of state-owned real property from forced sale.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 43, Property Code, by adding Section 43.002, as follows:

Sec. 43.002. EXEMPT PROPERTY. Provides that the real property of the state, including real property held in the name of state agencies and funds, and the real property of a political subdivision of the state are exempt from attachment, execution, and forced sale. Prohibits a judgment lien or abstract of judgment from being filed or perfected against certain state entities, and provides that any such judgment lien or abstract of judgment is void and enforceable.

SECTION 2. Emergency clause.

Effective date: upon passage.