

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1203
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Intergovernmental Relations
4-24-97
Committee Report (Substituted)

DIGEST

With the rapid development of electronic technology in the transfer of information by an electronic medium, states are beginning to adopt electronic recording statutes for the recording and filing of documents and instruments in the public record. This bill would create an Electronic Recording Advisory Committee to make recommendations to the Texas State Library and Archives Commission regarding the electronic filing and recording of instruments in the public records.

PURPOSE

As proposed, C.S.S.B. 1203 creates the Electronic Recording Advisory Committee and authorizes the committee to make written recommendations to the Texas State Library and Archives Commission regarding the filing and recording of instruments in the public courts of the county and district clerk.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas State Library and Archives Commission under SECTION 1 (Section 205.010(h), Local Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 205, Local Government Code, by adding Section 205.010, as follows:

Sec. 205.010. ELECTRONIC RECORDING ADVISORY COMMITTEE. Defines "real property records." Creates the electronic recording advisory committee (committee). Provides that the committee consists of 16 members appointed or selected according to certain provisions. Provides that the director and librarian of the Texas State Library and Archives Commission is the presiding officer of the advisory committee. Sets forth provisions regarding notice of the selection of the members of the committee. Sets forth provisions regarding a meeting of the committee. Authorizes the committee to make recommendations under this section only under certain conditions. Sets forth additional provisions regarding committee recommendations to the Texas State Library and Archives Commission. Sets forth provisions applicable if the committee makes written recommendations under this section. Sets forth provisions applicable if the Texas State Library and Archives Commission adopts rules under Subsection (h). Sets forth provisions applicable if an instrument or document is recorded under Subsection (i). Sets forth provisions regarding the filing fees. Sets forth provisions regarding rules adopted by the Texas State Library and Archives Commission. Provides that an electronically recorded instrument or document or an original or paper copy of the instrument or document is a local government record under Section 201.003(8)(A). Authorizes the committee to make certain written recommendations to certain persons and the Texas State Library and Archives Commission on or before December 31, 1998. Provides that this section and any rules adopted under this section expire January 1, 2000. Prohibits an instrument or document, on or after that date, from being recorded by electronic means unless allowed by another law.

SECTION 2. Amends Section 441.165, Government Code, to set forth provisions regarding rules and any revisions to the rules developed under Sections 203.048, 204.004, 205.003, and 205.010, Local Government Code.

SECTION 3. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Replaces proposed SECTION 1 with new SECTION 1.

SECTION 2.

Replaces proposed SECTION 2 with new SECTION 2.

SECTION 3.

Amends emergency clause to include effective date.