

BILL ANALYSIS

Senate Research Center

S.B. 1812
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Jurisprudence
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As proposed, S.B. 1812 authorizes the Office of Court Administration to develop a centralized, state-recognized website to provide an inexpensive, easy, and contemporary option for posting legally sufficient notices. This central repository would have archive-searching capability and offer the option of posting notice away from the courthouse. Under this bill, public dissemination of notices would increase even from outside the jurisdiction where notice is posted.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 10, General Government Code [sic], by adding Chapter 2311, as follows:

CHAPTER 2311. ELECTRONIC PUBLICATION OF LEGAL NOTICE

Sec. 2311.001. DEFINITIONS. Defines "legal notice" or "notice" and "public notice website."

Sec. 2311.002. OFFICE OF COURT ADMINISTRATION AUTHORITY TO CREATE AND ELECTRONIC PUBLIC NOTICE WEBSITE. (a) Requires the Office of Court Administration (office) to enter into an agreement with a website service provider to maintain a public notice website.

(b) Authorizes any legal notice that is required to be published to be published on the public notice website.

Sec. 2311.003. PERMISSIVE ELECTRONIC PUBLICATION OF LEGAL NOTICE. (a) Authorizes the notice, when a public or legal notice is required by law to be posted in a newspaper publication or at a courthouse, to also be made in the same form on the Internet through a public notice website meeting the requirements of this Act.

(b) Authorizes the submission of the public or legal notice to be made from a courthouse, if possible, or from a private or public access computer terminal. Authorizes a reasonable fee, not to exceed \$10, to be charged for the provision of this service and the maintenance of the public notice website to compensate the provider of the public notice website. Provides that the state is not responsible for funding the operation or maintenance of a public notice website.

(c) Requires a public notice website provider to submit a status report twice yearly to the director of the office indicating compliance with statutory requirements governing the posting of public or legal notices to an Internet-based website. Requires the public notice website to submit to a quality review by the director of the office if, in his or her discretion, he or she finds a quality review necessary. Requires full access to the technical and informational operations of the public notice website provider to be provided, if a quality review is requested.

Sec. 2311.004. DUTIES OF AN ELECTRONIC PUBLIC NOTICE WEBSITE PROVIDER. Sets forth the duties and requirements for an electronic public notice provider.

SECTION 2. Effective date: September 1, 2007.