

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 753
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Jurisprudence
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 51.303(c) of the Government Code requires a district clerk to "keep an index of the parties to all suits filed in the court." While there is currently no law (a district clerk's records are exempt from the Texas Public Information Act), rule (a district clerk, as an elected official, is exempt from Rule 12 of the Rules of Judicial Administration), or attorney general's opinion, that requires a clerk to provide a member of the public with a copy of the index the clerk is required to keep under Section 51.303(c), in the interest of good government, most district clerks will provide the public with a copy of the index upon request.

C.S.S.B. 753 requires a district clerk to provide the public with the index of the parties to all suits, or a portion of the index, not otherwise confidential by law, for inspection or copying, if requested. The bill requires the clerk to provide the index or the portion of the index in an electronic copy if the index is in an electronic form, for a fee. The fee must be in accordance with the rules prescribed by the attorney general.

This bill will allow title companies to purchase a copy of the index or a portion of the index in order to identify divorce actions and other matters that may affect title to real property, such as ad valorem tax suits, partition suits, and trespass to try title suits.

C.S.S.B. 753 amends current law relating to the production of the index of the parties to all suits by the clerk of a district court.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the attorney general is modified in SECTION 1, (Section 51.303, Government Code) and SECTION 2 (Section 101.06111, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 51.303, Government Code, by adding Subsection (d), as follows:

(d) Requires the clerk of a district court, on application by any person, to promptly produce the index of the parties to all suits, or a portion of the index, not otherwise confidential by law for inspection or copying. Requires the clerk, if the index is in an electronic form, to provide an electronic copy of the index or the portion of the index for a fee set in accordance with the rules prescribed by the attorney general that are applicable to the provision of electronic copies of public information.

SECTION 2. Amends Subchapter D, Chapter 101, Government Code, by adding Section 101.06111, as follows:

Sec. 101.06111. ADDITIONAL DISTRICT COURT FEES: GOVERNMENT CODE. Requires the clerk of a district court to collect a fee for providing an electronic copy of the index of the parties to all suits, or a portion of the index, not otherwise confidential by law under Section 51.303, Government Code, in an amount set in accordance with the rules prescribed by the attorney general that are applicable to the provision of electronic copies of public information.

SECTION 3. Effective date: upon passage or September 1, 2013.