

## **BILL ANALYSIS**

C.S.S.B. 2128  
By: Creighton  
County Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been noted that, in recent legislative sessions, state lawmakers have begun to enact legislation aimed at creating the legal infrastructure necessary to support the execution, acknowledgement, and recording of electronic documents related to real property. Despite these efforts, only a fraction of Texas' counties currently have the capacity to record electronic documents. C.S.S.B. 2128 seeks to provide a process for the recording of a tangible copy of an electronic document so that citizens transacting business in all 254 counties may take advantage of the convenience and security of electronic property transactions.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.S.B. 2128 amends the Property Code to require a county clerk to record a paper or a tangible copy of an electronic record that is otherwise eligible under state law to be recorded in the real property records if the copy contains an image of an electronic signature or signatures that are acknowledged, sworn to with a jurat, or proved according to law and the copy has been declared by a notary public or other officer authorized to take an acknowledgment or proof to be a true and correct copy of the electronic record. The bill authorizes a notary public or other such officer to declare that a copy of an electronic record is a true and correct copy of that record by executing and attaching an official seal to a tangible paper declaration under penalty of perjury and affixing or attaching the declaration to the printed paper or tangible copy. The bill requires the form of declaration to be substantially in the form prescribed by the bill and establishes that a document that is a copy of an electronic record and that is printed and appropriately declared satisfies any requirement of law that prescribes certain conditions for recording.

C.S.S.B. 2128 amends the Local Government Code to require the entry in the index to real property records maintained by a county clerk for a paper document that is a printed and certified paper or tangible copy of an electronic record to contain the names of the grantors and grantees.

### **EFFECTIVE DATE**

September 1, 2019.

## **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 2128 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute provides for the declaration that a paper or tangible copy of an electronic record is a true and correct copy of that record rather than for the certification of such as in the original.