

- SUBJECT:** Enabling facsimile signature use on certain municipal liens and contracts
- COMMITTEE:** Urban Affairs — favorable, without amendment
- VOTE:** 9 ayes — Dutton, Alvarado, Callegari, Gutierrez, P. King, Mallory Caraway, Parker, Paxton, Simpson
- 0 nays
- WITNESSES:** For — John Grace, City of Lubbock; (*Registered, but did not testify*: Laura Mueller, Texas Municipal League)
- Against — None
- BACKGROUND:** Health and Safety Code, ch. 342, subch. A addresses municipal regulation of sanitation. Sec. 342.006 authorizes a municipality to perform needed sanitation work on a property lot if the owner has not complied with a municipal ordinance within seven days of notice of a violation. The municipality also may charge the owner for expenses for the work performed. Sec. 342.007 authorizes the municipality to file a lien against the owner’s property for the expenses incurred under sec. 342.006.
- Government Code, ch. 618 is the Uniform Facsimile Signature of Public Officials Act. Sec. 681.002(4) defines a “facsimile signature” as a reproduction of a manual signature of an authorized officer made by any method. Sec. 681.002(3) defines an “eligible contract” as written evidence of an agreement, other than a public security or instrument of payment, that is executed, authenticated, certified, or endorsed on behalf of a home-rule municipality with a population of 1.9 million or more (Houston).
- DIGEST:** HB 1250 would amend Health and Safety Code, sec. 342.007(b) to allow a municipality to use a facsimile signature, as defined in Government Code, sec. 681.002, on property lien statements related to assessed sanitation expenses.
- The bill also would amend Government Code, sec. 618.002(3) to change the definition of an “eligible contract” by lowering the minimum population of a municipality that could use a facsimile signature on a contract from 1.9 million to 200,000.

The bill would take immediate effect if it received a two-thirds vote of the elected membership of each house. Otherwise, it would take effect September 1, 2011.

**SUPPORTERS
SAY:**

HB 1250 would improve municipal government efficiency by allowing cities to use facsimile signatures on sanitation liens. The mayor of Lubbock, for example, currently has to hand-sign 1,500 to 2,000 environmental liens every year, which occupies a considerable amount of his time. The bill simply would allow municipalities to take advantage of a common technology to execute their lien-signing duties more quickly and easily. The bill would have no significant fiscal implication for the state.

**OPPONENTS
SAY:**

HB 1250 would unnecessarily lower the minimum population needed by a municipality to be able to use a facsimile signature on a contract because the definition of "eligible contract" specifically excludes public securities, such as the liens in question. As a result, the bill unintentionally would make a change to statute that was disconnected from the intent of the legislation, which was to enable the use of facsimile signatures on certain liens.

NOTES:

The companion bill, SB 577 by Duncan, passed the Senate by 31-0 on the Local and Uncontested Calendar and was received by the House on April 14.