

BILL ANALYSIS

Senate Research Center

S.B. 1203
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Intergovernmental Relations
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As Filed

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 Task Force to establish standards and specifications for a pilot program for the electronic filing and recording of instruments in the public records. The task force would expire after three and a half years.

PURPOSE

As proposed, S.B. 1203 creates a temporary Electronic Recording Task Force and authorizes the task force 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

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 194, Local Government Code, by adding Section 194.003, as follows:

Sec. 194.003. ELECTRONIC RECORDING. Requires an Electronic Recording Task Force (task force) to consist of 13 members according to certain provisions. Requires notice of the selection of members of the task force to be provided to the Texas State Library and Archives Commission (commission) on or before September 1, 1997. Sets forth provisions in effect if any member of the task force resigns, fail or refuses to serve, or is unable to serve for any reason. Sets forth provisions regarding written recommendations by the task force to the commission. Defines "electronic recording rules" and "public records." Authorizes the task force to make written recommendations by a certain deadline for adoption of certain laws. Requires the written recommendations of the task force to be approved by 10 or more of its members. Sets forth provisions in effect if the commission adopts electronic recording rules. Requires the county clerk or district clerk who accepts electronic filing of instruments pursuant to the electronic recording rules adopted by the commission to require that original or duplicate paper instruments also be filed in order for the electronic filing to be effective and to maintain a paper, optical image or microfilm copy of the instruments pursuant to applicable law other than this section as public records. Sets forth provisions regarding applicable filing fees. Sets forth requirements for the county clerk and district clerk who accepts electronic filing of instruments pursuant to electronic recording rules adopted by the commission. Sets forth provisions regarding the application of this chapter. Requires any instrument pursuant to the electronic recording rules adopted by the commission to be considered recorded and a public record. Prohibits this section from applying to instruments or documents filed with the county clerk or district clerk after December 31, 1999, and requires this section to expire on January 1, 2000.

SECTION 2. Effective date: upon passage.

SECTION 3. Emergency clause.