

1-1 By: Holland (Senate Sponsor - Hall) H.B. No. 1195
 1-2 (In the Senate - Received from the House April 24, 2023;
 1-3 April 24, 2023, read first time and referred to Committee on Local
 1-4 Government; May 11, 2023, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
 1-6 May 11, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 1195 By: Hall

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the authority of certain county and district clerks to
 1-22 obtain and retain information that identifies a person filing a
 1-23 document or requesting services.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 191.010(b), Local Government Code, is
 1-26 amended to read as follows:

1-27 (b) A county clerk in a county that allows for electronic
 1-28 filing of documents in the real property records of the county [~~with~~
 1-29 ~~a population of 800,000 or more~~] may require a person presenting a
 1-30 document in person for filing in the real property records [~~of the~~
 1-31 ~~county~~] to present a photo identification to the clerk. The clerk
 1-32 may copy the photo identification or record information from the
 1-33 photo identification. The clerk may not charge a person a fee to
 1-34 copy or record the information from a photo identification.

1-35 SECTION 2. Section 191.011, Local Government Code, is
 1-36 amended by amending Subsections (b) and (d) and adding Subsection
 1-37 (b-1) to read as follows:

1-38 (b) A county clerk or district clerk in a county that allows
 1-39 for electronic filing or recording of documents or other
 1-40 instruments [~~with a population of 3.3 million or more~~] may require
 1-41 an individual to present photo identification and copy or record
 1-42 identifying information, including a document on which the
 1-43 information is viewable, if the [~~regarding an~~] individual [~~who~~]:

1-44 (1) presents a document or other instrument for filing
 1-45 or recording to the county clerk or district clerk; or

1-46 (2) requests or obtains an ex officio service or other
 1-47 public service provided by the county clerk or district clerk.

1-48 (b-1) A county clerk or district clerk who requires an
 1-49 individual to present photo identification under Subsection (b) may
 1-50 not accept a document or other instrument for filing or recording if
 1-51 the individual presents the document or other instrument in person
 1-52 and does not have or refuses to provide a photo identification.

1-53 (d) Except as otherwise required or authorized by law, a
 1-54 county clerk or district clerk may not [+

1-55 [~~(1) refuse to file or record a document or other~~
 1-56 ~~instrument or refuse to provide a public service on the ground that~~
 1-57 ~~an individual described by Subsection (b) does not have or refuses~~
 1-58 ~~to provide identifying information, or~~

1-59 [~~(2)~~] charge a fee to copy or record identifying
 1-60 information.

2-1 SECTION 3. This Act takes effect immediately if it receives
2-2 a vote of two-thirds of all the members elected to each house, as
2-3 provided by Section 39, Article III, Texas Constitution. If this
2-4 Act does not receive the vote necessary for immediate effect, this
2-5 Act takes effect September 1, 2023.

2-6

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