

BILL ANALYSIS

S.B. 580
By: Hegar
Judiciary
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, a county clerk who is recording instruments filed is required to note at the foot of the record the date and time that the instrument is filed for recording. However, digital recording technology for electronic filings of court records allows such recording information to be placed on the first page of the instrument. Since documents filed for recording can vary in the number of pages, it is easier for recording software to place all or a portion of the recording information on the first, rather than the last, page. This electronic recording process is being followed in about a dozen counties with no complaints.

As proposed, S.B. 580 authorizes the county clerk to note the recording information, including the date and time, on the first page of an instrument filed with a county clerk that is recorded electronically.

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

The bill would amend Section 193.001(b), Local Government Code, to authorize the county clerk to note the recording information, including the date and time, on the first page of an instrument filed with a county clerk that is recorded electronically as an exception to the requirement for the county clerk to note at the foot of the record the date and time that an instrument was filed for recording with a county clerk.

EFFECTIVE DATE

Immediately on receipt of required vote; otherwise September 1, 2007.