

BILL ANALYSIS

Senate Research Center
81R11155 DAK-F

H.B. 3002
By: Homer (Wentworth)
Jurisprudence
5/23/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This bill makes amendments to multiple codes relating to various duties, functions, and procedures of county clerks, district clerks, and local registrars. The proposed changes will aid clerks by expediting and clarifying many of their responsibilities.

Current law allows or requires clerks to perform various duties or functions in these instances that are not necessary or sensible.

H.B. 3002 amends current law relating to certain duties, functions, and procedures of county clerks, district clerks, and local registrars.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 64.091(d), Civil Practice and Remedies Code, to provide that in an action under Subsection (b)(1) (relating to an action that is brought by a person claiming or owning an undivided mineral interest in land in this state) the court may appoint as receiver or any other resident of the county in which the land is located, rather than the county judge and his successors, the county clerk and his successors, or any other resident of the county in which the land is located.

SECTION 2. Amends Section 64.093(d), Civil Practice and Remedies Code, to provide that in an action under Subsection (a) (relating to a district court appointing a receiver for the royalty interest owned by a resident or absent defendant in an action) the court may appoint as receiver the county judge, or any other resident of the county in which the land is located, rather than the county judge, the county clerk, or any other resident of the county in which the land is located.

SECTION 3. Amends Chapter 136, Civil Practice and Remedies Code, by adding Section 136.002, as follows:

Sec. 136.002. ELECTRONIC CONFIRMATION OF DELIVERY OF CERTIFIED MAIL. (a) Authorizes a district or county clerk who has implemented a system for the electronic filing of documents to provide for the electronic filing of confirmation of receipt of any document otherwise required by statute or rule to be sent by certified mail, return receipt requested.

(b) Requires a clerk to obtain services for the electronic filing of confirmation of receipt of a document from a provider the clerk determines is reliable and capable of providing the services. Provides that a confirmation filed under authority of this section is not subject to acknowledgment by the receiving station.

(c) Provides that a confirmation filed electronically in accordance with this section is an original record for filing and evidentiary purposes.

SECTION 4. Amends Subchapter I, Chapter 51, Government Code, by adding Section 51.808, as follows:

Sec. 51.808. ELECTRONIC CONFIRMATION OF DELIVERY OF CERTIFIED MAIL. (a) Authorizes a district or county clerk who has implemented a system for the electronic filing of documents after approval by the supreme court under Section 51.803 (Supreme Court Regulation and Approval) to, without further approval but subject to the supreme court's authority to withdraw approval of the system, provide for the electronic filing of confirmation of receipt of any document otherwise required by statute or rule to be sent by certified mail, return receipt requested.

(b) Requires a clerk to obtain services for the electronic filing of confirmation of receipt of a document from a provider the clerk determines is reliable and capable of providing the services. Provides that a confirmation filed under authority of this section is not subject to acknowledgment by the receiving station under Section 51.804 (Completion of Electronic Filing).

(c) Provides that a confirmation filed electronically in accordance with this section is an original record for filing and evidentiary purposes.

SECTION 5. Amends Section 102.010(c), Family Code, as follows:

(c) Requires that citation by publication be sufficient if given in a certain form. Sets forth the language for the form.

SECTION 6. Amends Section 159.005(b), Local Government Code, to require the county clerk to make copies, rather than mail two copies, of the form available to each person required to file under this subchapter within the time prescribed by Section 572.030(c) (relating to requiring the notice to be mailed by a certain time), Government Code.

SECTION 7. Repealer: Section 191.030 (Records Filed with County), Health and Safety Code.

SECTION 8. Requires the applicable court, as soon as practicable after the effective date of this Act, to appoint a replacement receiver for each county clerk serving on the effective date of this Act as a receiver under Section 64.091 or 64.093, Civil Practice and Remedies Code, as those sections existed immediately before the effective date of this Act. Requires the court to provide for the transfer of all records, documents, and materials pertaining to the receivership from the county clerk to the replacement receiver appointed by the court.

SECTION 9. Effective date: upon passage or September 1, 2009.