

BILL ANALYSIS

H.B. 3002
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The clerks of county and district courts in Texas are responsible for performing a myriad of statutory and constitutional duties. Without their energy, direction, and assistance many of the functions of government would grind to a halt. The proposed legislation is a cleanup bill that attempts to aid the clerks and expedite certain duties they perform.

H.B. 3002 makes amendments to multiple codes relating to certain duties, functions, and procedures of county clerks, district clerks, and local registrars.

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

H.B. 3002 amends the Civil Practice and Remedies Code to remove a provision authorizing a district court to appoint in certain actions a county clerk and the clerk's successors as a receiver for the mineral interest or leasehold interest under a mineral lease owned by a nonresident or absent defendant. The bill removes a provision authorizing a district court to appoint a county clerk as a receiver for the royalty interest owned by a nonresident or absent defendant in a certain action on an undivided mineral interest in land in Texas or an undivided leasehold interest under a mineral lease of land in Texas in which an undivided royalty interest in that property is claimed. The bill requires the applicable court, as soon as practicable after the effective date of this bill, to appoint a replacement receiver for each county clerk serving on the effective date of this bill as a receiver under the above provisions, as those provisions existed immediately before the effective date of this bill. The bill 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.

H.B. 3002 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. The bill 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. The bill establishes that confirmation filed under authority of provisions relating to electronic confirmation of delivery of certified mail is not subject to acknowledgment by the receiving station. The bill establishes that a confirmation filed electronically in accordance with these provisions relating to electronic confirmation of delivery of certified mail is an original record for filing and evidentiary purposes.

H.B. 3002 amends the Government Code to make conforming changes and provide that a district or county clerk who has implemented such a system for the electronic filing of documents does not require further approval by the Supreme Court of Texas 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. The bill provides that the supreme court is authorized to withdraw approval of the system.

H.B. 3002 amends the Family Code to change the citation by publication standard language which, if used in a substantially similar form, is considered sufficient to effect service to persons entitled to service of citation by publication in a suit affecting the parent-child relationship. The bill amends the standard language to increase from 20 to 42 the number of days the respondent or the respondent's attorney has to file an answer with the district clerk before a default judgment may be taken out against the respondent.

H.B. 3002 amends the Local Government Code to require a county clerk to make copies of the financial statement required by provisions relating to financial disclosure by certain county officers available to each person required to file under those provisions, rather than requiring the clerk to mail two copies of the statement to such persons.

H.B. 3002 repeals Section 191.030, Health and Safety Code, requiring the local registrar to file a copy of each birth, death, and fetal death certificate with a county commissioners court or a county auditor.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.