

SENATE AMENDMENTS

2nd Printing

By: Holland

H.B. No. 1195

A BILL TO BE ENTITLED

AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

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

SECTION 2. Section 191.011(b), Local Government Code, is amended to read as follows:

(b) A county clerk or district clerk in a county that allows for electronic filing or recording of documents or other instruments [~~with a population of 3.3 million or more~~] may copy or record identifying information, including a document on which the information is viewable, regarding an individual who:

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

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

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

ADOPTED

MAY 17 2023

Latey Law
Secretary of the Senate

By: Bob Hall

H.B. No. 1195

Substitute the following for __.B. No. ____:

By: Bob Hall

C.S. H.B. No. 1195

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of certain county and district clerks to
3 obtain and retain information that identifies a person filing a
4 document or requesting services.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 191.010(b), Local Government Code, is
7 amended to read as follows:

8 (b) A county clerk in a county that allows for electronic
9 filing of documents in the real property records of the county [~~with~~
10 ~~a population of 800,000 or more~~] may require a person presenting a
11 document in person for filing in the real property records [~~of the~~
12 ~~county~~] to present a photo identification to the clerk. The clerk
13 may copy the photo identification or record information from the
14 photo identification. The clerk may not charge a person a fee to
15 copy or record the information from a photo identification.

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

19 (b) A county clerk or district clerk in a county that allows
20 for electronic filing or recording of documents or other
21 instruments [~~with a population of 3.3 million or more~~] may require
22 an individual to present photo identification and copy or record
23 identifying information, including a document on which the
24 information is viewable, if the [~~regarding an~~] individual [~~who~~]:

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

3 (2) requests or obtains an ex officio service or other
4 public service provided by the county clerk or district clerk.

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

10 (d) Except as otherwise required or authorized by law, a
11 county clerk or district clerk may not[+]

12 ~~[(1) refuse to file or record a document or other~~
13 ~~instrument or refuse to provide a public service on the ground that~~
14 ~~an individual described by Subsection (b) does not have or refuses~~
15 ~~to provide identifying information; or~~

16 ~~[(2)]~~ charge a fee to copy or record identifying
17 information.

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 17, 2023

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1195 by Holland (Relating to the authority of certain county and district clerks to obtain and retain information that identifies a person filing a document or requesting services.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JMc, SD, AF, CMA, NTh

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 10, 2023

TO: Honorable Paul Bettencourt, Chair, Senate Committee on Local Government

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1195 by Holland (relating to the authority of certain county and district clerks to obtain and retain information that identifies a person filing a document or requesting services.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JMc, AF, CMA, NTh

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 11, 2023

TO: Honorable Paul Bettencourt, Chair, Senate Committee on Local Government

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1195 by Holland (Relating to the authority of certain county and district clerks to obtain and retain information that identifies a person filing a document or requesting services.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JMc, AF, CMA, NTh

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 30, 2023

TO: Honorable Victoria Neave Criado, Chair, House Committee on County Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1195 by Holland (relating to the authority of certain county and district clerks to obtain and retain information that identifies a person filing a document or requesting services.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JMc, AF, CMA, NTh

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 14, 2023

TO: Honorable Victoria Neave Criado, Chair, House Committee on County Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1195 by Holland (Relating to the authority of a county to require photo identification to file certain documents with the county clerk.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JMc, AF, CMA, NTh