

BILL ANALYSIS

Senate Research Center

C.S.S.B. 853

By: Harris

State Affairs

5/1/2001

Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, legal notices are required to be placed in newspapers. Texas is continuing to implement the use of the Internet in the everyday workings of state and local governments. C.S.S.B. 853 sets forth provisions for the establishment of an Internet site by the secretary of state for the purpose of posting legal notices.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the secretary of state in SECTION 1 (Section 405.020, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 405B, Government Code, by adding Section 405.020, as follows:

Sec. 405.020. INTERNET PUBLICATION OF CERTAIN LEGALLY REQUIRED NOTICES. (a) Requires the secretary of state to establish an Internet site on which a person may publish a notice or serve a citation that a state statute or rule requires the person to publish or serve on the Internet. Requires the Internet site established under this section to have a separate section for each county of the state where notices or citations involving the county are published or served and a section where notices involving the state as a whole are published.

(b) Authorizes a person required to provide proof of publication of a notice to provide a copy of the notice printed directly from the Internet site established under this section.

(c) Requires the secretary of state to adopt rules governing the method by which a person may submit a notice or citation to be published on the Internet site established under this section and any other rules necessary to implement this section.

(d) Requires the secretary of state by rule to establish reasonable and necessary fees that produce sufficient revenue to administer this section.

SECTION 2. Amends Section 51.002(b), Property Code, to require notice of the sale, which is required to include a statement of the earliest time at which the sale will begin, to be given at least 21 days before the date of the sale by certain posting methods, including by posting on the Internet site maintained by the Secretary of State under 405.020, Government Code, notice designating the county in which the property will be sold.

SECTION . (a) Effective date: January 1, 2002.

(b) Requires the secretary of state to establish the Internet site not later than January 1, 2002.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. Differs from the original by amending previously proposed provisions regarding Internet publication.

Deletes previously proposed SECTIONS 2 - 17.

Adds a new SECTION 2 which amends Section 51.002, Property Code.

Renumbers previously proposed SECTION 18 as SECTION 3 with the following changes:

SECTION 3. Differs from the original by amending the previously proposed effective date of this Act from September 1, 2001, to January 1, 2002. Deletes previously proposed provisions regarding the adoption of certain rules by the supreme court.