

CHAPTER 519

S.B. No. 1378

An Act relating to the classification and indexing of records in the custody of a county clerk, county recorder, or clerk of a county court; amending the Revised Statutes by adding Article 1941b and Subsection (d) to Section 2, Article 1941(a); and by amending Subsections (a), (b), and (c), Section 4, Article 1941(a).

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Title 41, Revised Statutes, is amended by adding Article 1941b to read as follows:

Article 1941b. CLASSIFICATION OF RECORDS NOT ON MICROFILM

“Section 1. If a county clerk, county recorder, or clerk of a county court has not adopted under Article 1941(a), Revised Statutes, a microphotograph or microfilm process for keeping records, that official may divide the records in the official’s custody and control into the same classes of records that are prescribed by Section 2, Article 1941(a), for records maintained under that article. Also, the official may consolidate records in the same manner that is allowed under Section 2, Article 1941(a), for certain records maintained under that article.

“Section 2. The classes of records shall be indexed and cross-indexed, to the extent practicable, as required by Section 4, Article 1941(a), Revised Statutes, for records maintained under that article.”

SECTION 2. Section 2, Article 1941(a), Revised Statutes, is amended by adding Subsection (d) to read as follows:

“(d) The county clerk, county recorder, or clerks of county courts may consolidate the records described in Subdivisions (1) and (7) of Subsection (b) of Section 2 into a single class to be known as ‘Official Public Records.’”

SECTION 3. Subsections (a), (b), and (c), Section 4, Article 1941(a), Revised Statutes, are amended to read as follows:

“(a) Each such instrument of writing, legal document, paper or record which is recorded in an Official Public Record, as provided in Subdivisions (1) through (7) of Subsection (b) of Section 2 or Subsection (d) of Section 2 [Sections 2(a)(1) thru 2(a)(7) hereinabove], shall be indexed and cross-indexed in the indices to the Public Record in which it is recorded in the full and perfect alphabetical order of the names of the parties as definitely identified therein in each such instrument of writing, legal document, paper or record.

“(b) In addition to the names of the parties, each entry in an index for the appropriate Official Public Record described in *Subdivisions (1), (2), and (7) of Subsection (b) of Section 2 or Subsection (d) of Section 2* [~~Sections 2(a)(1), 2(a)(2) and 2(a)(7)~~] shall include: an abbreviated description of the nature of such instrument of writing, legal document, paper or record as shown therein [~~; including the name of the record in which it would have been recorded under existing laws pertaining to bound volume records and to other records in the Recorder's office~~]; the [~~time and~~] date of filing; the location of the recorded image or images on microfilm by roll number, or by group number, and image number or numbers, or by other suitable data; ~~and~~ an abbreviated description of the property, if any [~~; or an abbreviated description of a lien or mortgage, if any; or of other reference, if any; to former recorded data; or such additional information as will properly identify each index entry as pertaining to the particular type of record to which the index applies~~].

“(c) In addition to the names of the parties in actions in county courts, each entry in an index for the appropriate Official Public Record described in *Subdivisions (3) through (6) of Subsection (b) of Section 2* [~~Sections 2(a)(3) thru 2(a)(6)~~] shall include the nature of the cause or action, the date the cause or action was opened or taken, the court in which the cause or action lies, the docket number, such other data which would assist in further identifying the cause or action being indexed, and the location of the recorded image or images on the microfilm by roll number, or by group number, and image number or numbers, or by other suitable data.”

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on May 9, 1985, by the following vote: Yeas 31, Nays 0; passed the House on May 24, 1985, by the following vote: Yeas 147, Nays 1, one present not voting.

Approved: June 12, 1985

Effective: Immediately