By: Representative Snowden

To: Judiciary A

HOUSE BILL NO. 489
(As Sent to Governor)

AN ACT TO AMEND SECTION 1, CHAPTER 445, GENERAL LAWS OF 2008, TO REVISE CERTAIN PROVISIONS RELATING TO THE TASK FORCE TO STUDY UNIFORMITY IN REAL PROPERTY RECORDINGS; TO ADD THE SECRETARY OF STATE AS A MEMBER OF THE TASK FORCE AND DESIGNATE HIM AS THE CHAIRMAN; TO REVISE THE MEMBERSHIP OF THE TASK FORCE; TO DELAY DATES SET FOR APPOINTMENTS TO THE TASK FORCE, ITS FIRST MEETING, AND ITS REPORT TO THE MISSISSIPPI STATE LEGISLATURE, AND ITS DISSOLUTION; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 1, Chapter 445, General Laws of 2008, is amended as follows:

Section 1. (1) The Task Force to Study Uniformity in Real Property Recordings is created to study and make recommendations to the Mississippi Legislature regarding the merits of creating a statewide uniform system of filing and recording documents and instruments associated with real property and related legal transactions. Members of the task force shall be composed of the following:

(a) One (1) person who represents the State Tax Commission, to be appointed by the executive director of the commission;

(b) One (1) person who is a member of The Mississippi Bar serving in the Mississippi House of Representatives, appointed by the Speaker of the House;

(c) One (1) person who is a member of The Mississippi Bar serving in the Mississippi State Senate, appointed by the Lieutenant Governor;

(d) One (1) person who is a member of the Real Property Section of The Mississippi Bar, appointed by the president of The Mississippi Bar;

(e) One (1) person who is a member of the Magnolia Bar, appointed by the president of the Magnolia Bar;

(f) Three (3) persons who are members of the Mississippi Chancery Clerks' Association, appointed by the president of the association;

(g) One (1) person who is an expert in computer technology, appointed by the Executive Director of the State Department of Information Services;

(h) One (1) person who is employed by a financial institution in the business of making home mortgage loans, appointed by the president of the Mississippi Bankers Association;

(i) One (1) person who is employed by a company licensed to sell and selling title insurance in the State of Mississippi, appointed by the State Commissioner of Insurance;

(j) The Secretary of State and one (1) person who is employed in the Public Lands Division of the Secretary of State's office, appointed by the Secretary;

(k) One (1) person appointed by the Governor;

(l) One (1) person who is a licensed realtor appointed by the president of the Mississippi Association of Realtors;

(m) The Executive Director of the Mississippi Association of Supervisors, or his designee; and

(n) One (1) person who is a tax assessor and one (1) person who is a tax collector, both appointed by the president of the Mississippi Assessors and Collectors Association.

(2) The task force shall:

(a) Study the merits of imposing a statewide uniform system of recording documents pertaining to real property and transactions related thereto, including:

(i) Uniform formatting standards for documents related to real property that are filed with the clerks of the chancery courts of the state;

(ii) Uniform methods of indexing and retrieving those documents, both in the conventional paper medium and in the electronic medium, along with any identifying ownership information, parcel numbers, tax records, liens or any other relevant information ascribed to the real property;

(iii) The feasibility and scope of authorizing the filing, signing and verification of those documents by electronic means; and

(iv) Access to all forms of recording and indexing those documents by means of the Internet.

(b) Review the best practices of other states with regard to the implementation of a statewide uniform system of recording documents pertaining to real property and transactions related thereto.

(c) Review the practices of any federal district or bankruptcy courts that employ uniform or electronic systems of filing and recording documents or pleadings with the court.

(d) File a report with the Mississippi State Legislature, not later than October 1, 2010, recommending whether or not a statewide uniform system of filing and recording documents and instruments associated with real property and related legal transactions should be implemented in the chancery courts of the state. The report shall include specific recommendations in the form of a draft of legislation to be introduced during the 2011 Regular Session of the Legislature.

(3) Appointments to the task force shall be made before May 1, 2009. The Secretary of State shall serve as the chairman of the task force. The task force shall hold its first meeting before June 1, 2009, with the date, time and location of the meeting to be designated by the Secretary of State. At that first

meeting, the task force shall elect from among its membership a *** * *** vice chairman and any other officers determined to be necessary, and shall set the date, time and locations of its subsequent meetings.

(4) Members of the task force shall serve without compensation for their services, and the task force shall perform its duties without the legislative appropriation or use of any state funds for that purpose; however, the task force, by approval of a majority of the appointed members of the task force, is authorized to accept funds that may be donated or provided in the form of financial grants from public or private sources. Further, any department, agency or court of the state, at the request of the chairman, shall provide to the task force the staff and other support necessary for the task force to perform its duties.

(5) *** * *** The task force will be dissolved on May 1, 2011.

SECTION 2. This act shall take effect and be in force from and after its passage.