

BILL ANALYSIS

Senate Research Center

H.B. 3479
By: Gallego (Uresti)
Intergovernmental Relations
5/22/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 3479 amends current law relating to filing of instruments conveying real property in certain counties.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 11, Property Code, by adding Section 11.0041, as follows:

Sec. 11.0041. REVIEW OF CERTAIN INSTRUMENTS IN CERTAIN COUNTIES.

(a) Provides that this section applies only to a county clerk of a county some part of which is on the international border of this state and which has a population of less than 15,000 or in which a colonia self-help center established under Section 2306.582 (Colonia Self-Help Centers: Establishment), Government Code, is located or which is served by a colonia self-help center in another county.

(b) Authorizes a county clerk, before filing an instrument conveying real property, to send the instrument to the county attorney for review under this section. Requires the county attorney to promptly review the instrument to determine whether it meets the requirements prescribed by law for an instrument that is required to be recorded and return the instrument to the county clerk with a statement of the county attorney's determination under Subdivision (1).

(c) Provides that notwithstanding Section 11.004(a) (relating to requirements of a county clerk), a county clerk is not required to file an instrument that the county attorney has determined the clerk is not required to file.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.