

## **BILL ANALYSIS**

Senate Research Center  
81R23700 PMO-F

C.S.H.B. 3479  
By: Gallego (Uresti)  
Intergovernmental Relations  
5/22/2009  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

C.S.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 that is located on the international border and has a population of less than 15,000, in which a colonia self-help center established under Section 2306.582 (Colonia Self-Help Centers: Establishment), Government Code, is located, or that is served by a colonia self-help center in another county.

(b) Authorizes a county clerk, before accepting an instrument conveying real property, to send the instrument to the county attorney for review under this section. Requires the county attorney, not later than one business day after the date the county attorney receives an instrument under this subsection, to:

(1) review the instrument to determine whether the platting requirements prescribed by Sections 232.023 (Plat Required), 232.025 (Subdivision Requirements), and 232.031 (Requirements Prior to Sale or Lease), Local Government Code, have been satisfied; and

(2) return the instrument to the county clerk with a statement of the county attorney's determination under Subdivision (1).

(c) Requires the county clerk, notwithstanding Section 11.004(a) (relating to requirements of a county clerk), to immediately notify the party that presented the instrument for recording that the clerk is referring the instrument to the county attorney for review, the instrument will not be immediately recorded, and the clerk is not required to file an instrument the county attorney determines the clerk is not required to file.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.