

## **BILL ANALYSIS**

H.B. 3479  
By: Gallego  
County Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Over the past three years several rural, sparsely populated counties throughout Texas have been the victim of frivolous deed filings. Fraudulent Internet land sales have caused an overwhelming burden to taxpayers, the county clerk's office, and the county attorney. In the current system, the county clerk is statutorily required to file any deed brought to the county clerk's office by a seller or buyer. This system has created an environment in which some counties do not have the authority to regulate land filings in the territory.

H.B. 3479 allows the county clerk's office to refer a filing to the county attorney for review. The county attorney is required to assess the filing to determine whether it meets the requirements prescribed by law. Upon assessment, the county attorney is required to return the filing to the county clerk with a statement of determination on whether the filing meets the requirements to be processed further. If the filing is found to be unlawful or invalid, the county clerk is not required to file that instrument.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 3479 amends the Property Code to make its provisions applicable to a county clerk of a county some part of which is on the international border of Texas and has a population of less than 15,000, or in which a colonia self-help center established by the Texas Department of Housing and Community Affairs is located or which is served by a colonia self-help center in another county. The bill authorizes a county clerk of such a county, before filing an instrument conveying real property, to send the instrument to the county attorney for review. The bill 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. The bill specifies that the county clerk is not required to file an instrument that the county attorney has determined the clerk is not required to file.

### **EFFECTIVE DATE**

September 1, 2009.