

1-1 By: Gallego (Senate Sponsor - Uresti) H.B. No. 3479  
1-2 (In the Senate - Received from the House April 29, 2009;  
1-3 May 6, 2009, read first time and referred to Committee on  
1-4 Intergovernmental Relations; May 23, 2009, reported adversely,  
1-5 with favorable Committee Substitute by the following vote: Yeas 5,  
1-6 Nays 0; May 23, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3479 By: Nichols

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to filing of instruments conveying real property in  
1-11 certain counties.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 11, Property Code, is amended by adding  
1-14 Section 11.0041 to read as follows:

1-15 Sec. 11.0041. REVIEW OF CERTAIN INSTRUMENTS IN CERTAIN  
1-16 COUNTIES. (a) This section applies only to the county clerk of a  
1-17 county:

1-18 (1) that:

1-19 (A) is located on the international border; and

1-20 (B) has a population of less than 15,000;

1-21 (2) in which a colonia self-help center established  
1-22 under Section 2306.582, Government Code, is located; or

1-23 (3) that is served by a colonia self-help center  
1-24 described by Subdivision (2) in another county.

1-25 (b) Before accepting an instrument conveying real property  
1-26 for filing, the county clerk may send the instrument to the county  
1-27 attorney for review under this section. Not later than one business  
1-28 day after the date the county attorney receives an instrument under  
1-29 this subsection, the county attorney shall:

1-30 (1) review the instrument to determine whether the  
1-31 platting requirements prescribed by Sections 232.023, 232.025, and  
1-32 232.031, Local Government Code, have been satisfied; and

1-33 (2) return the instrument to the county clerk with a  
1-34 statement of the county attorney's determination under Subdivision  
1-35 (1).

1-36 (c) Notwithstanding Section 11.004(a), the county clerk  
1-37 shall immediately notify the party that presented the instrument  
1-38 for recording that:

1-39 (1) the clerk is referring the instrument to the  
1-40 county attorney for review;

1-41 (2) the instrument will not be immediately recorded;  
1-42 and

1-43 (3) the clerk is not required to file an instrument the  
1-44 county attorney determines the clerk is not required to file.

1-45 SECTION 2. The change in law made by this Act applies only  
1-46 to an instrument delivered to a county clerk on or after the  
1-47 effective date of this Act. An instrument delivered to a county  
1-48 clerk before the effective date of this Act is governed by the law  
1-49 in effect immediately before the effective date of this Act, and  
1-50 that law is continued in effect for that purpose.

1-51 SECTION 3. This Act takes effect September 1, 2009.

1-52 \* \* \* \* \*