

By: Gallego

H.B. No. 3479

A BILL TO BE ENTITLED

AN ACT

relating to filing of instruments conveying real property in certain counties.

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

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

Sec. 11.0041. REVIEW OF CERTAIN INSTRUMENTS IN CERTAIN COUNTIES. (a) This section applies only to a county clerk of a county:

(1) some part of which is on the international border of this state and which has a population of less than 15,000; or

(2) in which a colonia self-help center established under Section 2306.582, Government Code, is located or which is served by a colonia self-help center in another county.

(b) A county clerk, before filing an instrument conveying real property, may send the instrument to the county attorney for review under this section. The county attorney shall promptly:

(1) review the instrument to determine whether it meets the requirements prescribed by law for an instrument that is required to be recorded; and

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

(c) Notwithstanding Section 11.004(a), a county clerk is

1 not required to file an instrument that the county attorney has  
2 determined the clerk is not required to file.

3         SECTION 2. The change in law made by this Act applies only  
4 to an instrument delivered to a county clerk on or after the  
5 effective date of this Act. An instrument delivered to a county  
6 clerk before the effective date of this Act is governed by the law  
7 in effect immediately before the effective date of this Act, and  
8 that law is continued in effect for that purpose.

9         SECTION 3. This Act takes effect September 1, 2009.