

By: Flores

H.B. No. 2009

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the recording of certain instruments with the Rio  
3 Grande Watermaster.

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

5 SECTION 1. Section 11.3271(j), Water Code, as added by  
6 Chapter 385, Acts of the 78th Legislature, Regular Session, 2003,  
7 is redesignated as Section 11.3272, Water Code, and amended to read  
8 as follows:

9 Sec. 11.3272. OFFICIAL RECORDING OF INSTRUMENTS WITH RIO  
10 GRANDE WATERMASTER. (a) [~~(j)~~] Notwithstanding any other law, the  
11 watermaster with jurisdiction over the Rio Grande is the official  
12 recorder and central repository for all instruments, including  
13 deeds, deeds of trust, financing statements, security agreements,  
14 and liens, that are authorized or required under any law or rule  
15 [~~the commission authorizes or requires~~] to be filed in connection  
16 with water rights relating to water in the lower, middle, or upper  
17 basin of the Rio Grande that are subject to a permit, certified  
18 filing, or certificate of adjudication.

19 (b) An instrument described by Subsection (a) shall be filed  
20 with the watermaster [~~under this subsection~~] in the same manner as  
21 required by other law for the same type of instrument. The filing  
22 of an instrument under this section [~~subsection~~] results in the  
23 same legal and administrative status and consequences as a filing  
24 under other law for the same type of instrument. An instrument

1 filed under this section [~~subsection~~] shall be construed by a  
2 court, financial institution, or other affected person in the same  
3 manner as an instrument of the same type that is filed under other  
4 law.

5 (c) The watermaster may charge and collect a fee for the  
6 recordation of instruments under this section [~~subsection~~] in the  
7 same amount as the fee collected by the county clerk of Cameron  
8 County for the recordation of similar instruments.

9 (d) The commission by rule shall prescribe the procedures  
10 necessary for the proper implementation of this section  
11 [~~subsection~~], including reasonable transition provisions, if  
12 appropriate. This section is not limited to instruments that the  
13 commission authorizes or requires to be filed with the watermaster.  
14 The commission may not adopt a rule that limits or otherwise  
15 compromises the function of the watermaster as the official  
16 recorder and central repository for all instruments described by  
17 this section.

18 SECTION 2. A rule adopted by the Texas Commission on  
19 Environmental Quality before, on, or after the effective date of  
20 this Act that excludes from being recorded with the Rio Grande  
21 Watermaster an instrument described by Section 11.3272, Water Code,  
22 as redesignated from Section 11.3271(j), Water Code, and amended by  
23 this Act, or that makes the Rio Grande Watermaster the filing  
24 authority for only certified copies of those instruments instead of  
25 the official recorder of those instruments, is void.

26 SECTION 3. Section 11.3271(j), Water Code, as added by  
27 Chapter 281, Acts of the 78th Legislature, Regular Session, 2003,

1 is repealed.

2           SECTION 4. The change in law made by this Act does not  
3 affect the validity of an instrument or lien described by Section  
4 11.3272, Water Code, as redesignated from Section 11.3271(j), Water  
5 Code, and amended by this Act, that was recorded or perfected before  
6 the effective date of this Act.

7           SECTION 5. This Act takes effect September 1, 2005.