

By: Lucio III

H.B. No. 1214

Substitute the following for H.B. No. 1214:

By: Miller of Comal

C.S.H.B. No. 1214

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the irrigation powers and functions of certain water
3 districts; providing authority for a district by rule to change
4 fees; clarifying a district's authority to impose certain
5 assessments.

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

7 SECTION 1. Section 51.301(a), Water Code, is amended to
8 read as follows:

9 (a) If required by the board, each [~~Each~~] person who desires
10 to receive irrigation water at any time during the year shall
11 furnish the secretary of the board a written statement of the
12 acreage the person [~~he~~] intends to irrigate and the different crops
13 the person [~~he~~] intends to plant with the acreage of each crop.

14 SECTION 2. Section 51.302, Water Code, is amended to read as
15 follows:

16 Sec. 51.302. CONTRACTS WITH PERSON USING IRRIGATION WATER.

17 (a) The board may require each person who desires to use irrigation
18 water during the year to enter into a contract with the district
19 which states the acreage to be irrigated [~~watered~~], the crops to be
20 planted, the amount to be paid for the water, and the terms of
21 payment.

22 (b) If a person irrigates more acreage [~~land~~] than the
23 person's [~~his~~] contract specifies, the person [~~he~~] shall pay for
24 the additional service.

1 (c) The directors also may require a person using irrigation
2 water to execute a negotiable note or notes for all or part of the
3 amount owed under the contract.

4 (d) The contract is not a waiver of the lien given to the
5 district under Section 51.309 [~~of this code~~] against the crops of a
6 person using irrigation water for the service furnished to the
7 person [~~him~~].

8 SECTION 3. Section 51.303, Water Code, is amended to read as
9 follows:

10 Sec. 51.303. AUTHORITY TO DETERMINE RULES AND REGULATIONS.
11 The board may adopt, alter, and rescind rules, regulations, and
12 standing and temporary orders which do not conflict with the
13 provisions of this subchapter and which govern:

- 14 (1) methods, terms, and conditions of water service;
- 15 (2) applications for water;
- 16 (3) assessments, charges, fees, rentals, or deposits
17 for maintenance and operation;
- 18 (4) payment and the enforcement of payment of the
19 assessments, charges, fees, rentals, or deposits;
- 20 (5) furnishing irrigation water to persons who did not
21 apply for it before the date of assessment if required; and
- 22 (6) furnishing water to persons who wish to take water
23 for irrigation in excess of their original applications or for use
24 on land not covered by their original applications if required.

25 SECTION 4. Section 51.304, Water Code, is amended to read as
26 follows:

27 Sec. 51.304. BOARD'S ESTIMATE OF MAINTENANCE AND OPERATING

1 EXPENSES. The board, on or as soon as practicable after a date
2 fixed by standing order of the board, shall estimate the expenses of
3 maintaining and operating the district's water delivery
4 ~~[irrigation]~~ system for the next 12 months. The board may change
5 the 12-month period for which it estimates the expenses of
6 maintaining and operating the water delivery ~~[irrigation]~~ system by
7 estimating such expenses for a shorter period so as to adjust to a
8 new fixed date and thereafter estimating the expenses for 12-month
9 periods following the adjusted fixed date.

10 SECTION 5. Section 51.305, Water Code, is amended to read as
11 follows:

12 Sec. 51.305. DISTRIBUTION OF ASSESSMENT. (a) The board by
13 order shall allocate a portion ~~[Not less than one-third nor more~~
14 ~~than two-thirds]~~ of the estimated maintenance and operating
15 expenses that shall be paid by assessment against all land in the
16 district to which the district can furnish irrigation water through
17 its water delivery ~~[irrigation]~~ system or through an extension of
18 its water delivery ~~[irrigation]~~ system. This assessment shall be
19 levied against all irrigable land in the district on a per acre
20 basis, whether or not the land is actually irrigated.

21 (b) ~~[The assessments shall be levied against all irrigable~~
22 ~~land in the district on a per acre basis, whether or not the land is~~
23 ~~actually irrigated.]~~ The board shall determine from year to year
24 the proportionate amount of the expenses which will be borne by all
25 water users receiving water delivery from the district.

26 (c) The remainder of the estimated expenses shall be paid by
27 assessments, charges, fees, rentals, or deposits required of

1 ~~[against]~~ persons in the district or under contracts with persons
2 who use or who make application to use water and other charges
3 approved by the board. The board shall prorate the remainder ~~[as~~
4 ~~equitably as possible]~~ among the applicants for irrigation water
5 and may consider:

6 (1) the acreage each applicant will plant, the crop
7 the applicant [he] will grow, and the amount of water per acre used
8 for irrigation purposes; and

9 (2) other factors deemed appropriate by the board with
10 respect to water used for other nonirrigation uses [he will use].

11 (d) A landowner of irrigable land in the district or a user
12 of water delivered by the district for any purpose other than
13 irrigation who disputes all or a part of a board order that
14 determines the amount of an assessment, charge, fee, rental, or
15 deposit may file a petition under Section 11.041. That petition
16 filed with the commission is the sole remedy available to a
17 landowner or user of water described by this subsection.

18 SECTION 6. Section 51.306, Water Code, is amended to read as
19 follows:

20 Sec. 51.306. NOTICE OF ASSESSMENTS. (a) Public notice of
21 all assessments imposed under Section 51.305(a) shall be given by
22 posting printed notice ~~[notices]~~ of the assessment in at least one
23 ~~[three]~~ public place ~~[places]~~ in the district.

24 (b) Not later than the fifth day before the date on which the
25 assessment is due, notice ~~[Notice]~~ shall be mailed to each
26 landowner at the address which the landowner shall furnish to the
27 board.

1 (c) Notice [~~The notice shall be posted in a public place and~~
2 ~~mailed to each landowner five days before the assessment is due, and~~
3 ~~notice~~] of special assessments shall be given within 10 days after
4 the assessment is levied.

5 SECTION 7. Section 51.307(a), Water Code, is amended to
6 read as follows:

7 (a) All assessments imposed under Section 51.305(a) shall
8 be paid in installments at the times fixed by the board.

9 SECTION 8. Sections 51.308(a), (b), and (c), Water Code,
10 are amended to read as follows:

11 (a) Under the direction of the board, the assessor and
12 collector, or other person designated by the board, shall collect
13 all assessments imposed under Section 51.305(a) for maintenance and
14 operating expenses.

15 (b) The assessor and collector shall execute a bond in an
16 amount determined by the board, conditioned on the faithful
17 performance of the [his] duties of the assessor and collector and
18 accounting for all money collected.

19 (c) The assessor and collector shall keep an account of all
20 money collected and shall deposit the money as collected in the
21 district depository. The assessor and collector [~~He~~] shall file
22 with the secretary of the board a statement of all money collected
23 once each month [~~week~~].

24 SECTION 9. Section 51.309, Water Code, is amended to read as
25 follows:

26 Sec. 51.309. LIEN AGAINST CROPS. (a) The district shall
27 have a first lien, superior to all other liens, against all crops

1 grown on a [~~each~~] tract of land in the district to secure the
2 payment of an [~~the~~] assessment imposed against the tract under
3 Section 51.305(a), interest, and collection or attorney's fees.

4 (b) If the crops against which the district has a lien under
5 this section are cultivated on a basis other than annual
6 replanting, the owner of the crops shall record with the county
7 clerk of the county where the land on which the crops are cultivated
8 is located a legally sufficient description of the land, including
9 a metes and bounds description or a plat reference.

10 SECTION 10. Section 51.310, Water Code, is amended to read
11 as follows:

12 Sec. 51.310. LIST OF DELINQUENT ASSESSMENTS. Assessments
13 imposed under Section 51.305(a) not paid when due shall become
14 delinquent on the first day of the month following the date payment
15 is due, and the board shall [~~post in a public place in the district a~~
16 ~~list of all persons who are delinquent in paying their assessments~~
17 ~~and shall~~] keep posted in a public place in the district a correct
18 list of all persons who are delinquent in paying assessments. If a
19 person who owes an assessment has executed a note and contract as
20 provided in Section 51.302, the person may [~~of this code, he shall~~]
21 not be placed on the delinquent list until after the maturity of the
22 note and contract.

23 SECTION 11. Section 51.311, Water Code, is amended to read
24 as follows:

25 Sec. 51.311. WATER SERVICE DISCONTINUED. (a) If a
26 landowner fails or refuses to pay a water assessment or a person
27 fails to pay a charge, fee, rental, deposit, or penalty imposed

1 under this chapter or Chapter 49 when due, the landowner's or
2 person's [~~his~~] water supply shall be cut off, and no water may be
3 furnished to the land owned by the landowner or rented by the person
4 in the district until all back assessments or other amounts owed to
5 the district are fully paid. The discontinuance of water service is
6 binding on all persons who own or acquire an interest in land,
7 including a leasehold interest, for which assessments or other
8 amounts owed to the district are due.

9 (b) A landowner or person whose water service has been
10 discontinued under Subsection (a) may request that the board
11 reconsider the discontinuance related to a charge, fee, rental,
12 deposit, or penalty, and may not request that the board reconsider a
13 discontinuance related to an assessment. If the board declines to
14 reconsider the discontinuance, the landowner or person may file a
15 petition under Section 11.041. That petition filed with the
16 commission is the sole remedy available to a landowner or person
17 described by this subsection.

18 SECTION 12. Section 51.312, Water Code, is amended to read
19 as follows:

20 Sec. 51.312. SUITS FOR DELINQUENT ASSESSMENTS. Suits for
21 delinquent water assessments or other amounts owed to the district
22 under this subchapter [~~assessment~~] may be brought either in the
23 county in which the district is located or in the county in which
24 the defendant resides. All persons who own or acquire an interest
25 in land for which an assessment is due [~~landowners~~] are personally
26 liable for assessments imposed under Section 51.305(a) [~~provided in~~
27 ~~this subchapter~~].

1 SECTION 13. Section 51.313, Water Code, is amended to read
2 as follows:

3 Sec. 51.313. INTEREST AND COLLECTION FEES. (a) All
4 assessments imposed under Section 51.305(a) shall bear interest
5 from the date payment is due at the rate of 15 percent a year.
6 Assessments not paid by the first day of the month following the
7 date payment is due are [~~shall become~~] delinquent, and a penalty of
8 up to 15 percent of the amount of the past-due assessment shall be
9 added to the amount due.

10 (b) If suit is filed to foreclose a lien on crops or if a
11 delinquent assessment or other amount owed to the district is
12 collected by an attorney before or after suit, an additional amount
13 of 15 percent on the unpaid assessment, penalty, and interest or
14 other amount owed to the district shall be added as collection or
15 attorney's fees.

16 SECTION 14. Section 55.351, Water Code, is amended to read
17 as follows:

18 Sec. 55.351. STATEMENT ESTIMATING WATER REQUIREMENTS AND
19 PAYMENT OF CHARGE. (a) If required by the board, each [~~Each~~] person
20 desiring to receive irrigation water at any time during the year
21 shall furnish the secretary of the board a written statement of the
22 acreage the person [~~he~~] intends to irrigate and the different crops
23 the person [~~he~~] intends to plant with the acreage of each crop.

24 (b) At the time the acreage estimate is furnished to the
25 secretary, each person applying for water shall pay the portion of
26 the water charge or assessment set by the board for immediate
27 payment.

1 (c) If a [any] person applying for water from the district
2 does not furnish the statement of estimated acreage or does not pay
3 the part of the water charge or assessment set by the board before
4 the date for fixing the assessment, the district is not obligated to
5 furnish water to that person during that year.

6 SECTION 15. Section 55.352, Water Code, is amended to read
7 as follows:

8 Sec. 55.352. BOARD'S ESTIMATE OF MAINTENANCE AND OPERATING
9 EXPENSES. The board, on or as soon as practicable after a date
10 fixed by standing order of the board, shall estimate the expenses of
11 maintaining and operating the district's water delivery
12 ~~[irrigation]~~ system for the next 12 months. The board may change
13 the 12-month period for which it estimates the expenses of
14 maintaining and operating the water delivery ~~[irrigation]~~ system by
15 estimating such expenses for a shorter period so as to adjust to a
16 new fixed date and thereafter estimating the expenses for 12-month
17 periods following the adjusted fixed date.

18 SECTION 16. Section 55.354, Water Code, is amended to read
19 as follows:

20 Sec. 55.354. DISTRIBUTION OF ASSESSMENT. (a) The board by
21 order shall allocate a portion ~~[Not less than one-third nor more~~
22 ~~than two-thirds]~~ of the estimated maintenance and operating
23 expenses that shall be paid by assessment against all land in the
24 district to which the district can furnish irrigation water through
25 its water delivery ~~[irrigation]~~ system or through an extension of
26 its water delivery ~~[irrigation]~~ system. This assessment ~~[The~~
27 ~~assessments]~~ shall be levied against all irrigable land in the

1 district on a per acre basis, whether or not the land is actually
2 irrigated.

3 (b) The board shall determine from year to year the
4 proportionate amount of the expenses which will be borne by all
5 water users receiving water delivery from the district [~~under this~~
6 ~~subsection~~].

7 (c) [~~(b)~~] The remainder of the estimated expenses shall be
8 paid by assessments, charges, fees, rentals, or deposits required
9 of [~~against~~] persons in the district or under contracts with
10 persons who use or who make application to use water and other
11 charges approved by the board. The board shall prorate the
12 remainder [~~as equitably as possible~~] among the applicants for
13 irrigation water and may consider:

14 (1) the acreage each applicant will plant, the crop
15 the applicant [~~he~~] will grow, and the amount of water per acre used
16 for irrigation purposes; and

17 (2) other factors deemed appropriate by the board with
18 respect to water used for other nonirrigation uses [~~he will use~~].

19 (d) All persons using irrigation water to plant the same
20 crop will pay the same price per acre for the water.

21 (e) A landowner of irrigable land in the district or a user
22 of water delivered by the district for any purpose other than
23 irrigation who disputes all or a part of a board order that
24 determines the amount of an assessment, charge, fee, rental, or
25 deposit may file a petition under Section 11.041. That petition
26 filed with the commission is the sole remedy available to a
27 landowner or user of water described by this subsection.

1 SECTION 17. Section 55.355, Water Code, is amended to read
2 as follows:

3 Sec. 55.355. NOTICE OF ASSESSMENTS. (a) Public notice of
4 all assessments imposed under Section 55.354(a) shall be given by
5 posting printed notice [~~notices~~] of the assessment in at least one
6 [~~three~~] public place [~~places~~] in the district.

7 (b) Not later than the fifth day before the date on which the
8 assessment is due, notice [~~Printed notices~~] shall be mailed to each
9 landowner at the address which the landowner shall furnish to the
10 board.

11 (c) Notice [~~The notice shall be posted in a public place and~~
12 ~~mailed to the landowner five days before the assessment is due, and~~
13 ~~notice~~] of special assessments shall be given within 10 days after
14 the assessment is levied.

15 SECTION 18. Section 55.356, Water Code, is amended to read
16 as follows:

17 Sec. 55.356. PAYMENT OF ASSESSMENTS. (a) All assessments
18 imposed under Section 55.354(a) shall be paid in installments at
19 the times fixed by the board.

20 (b) If a crop for which water was furnished by the district
21 is harvested before the due date of any installment payment, the
22 entire unpaid assessment becomes due at once and shall be paid
23 within 10 days after the crop is harvested and before the crop is
24 removed from the county or counties in which it was grown.

25 SECTION 19. Section 55.357, Water Code, is amended to read
26 as follows:

27 Sec. 55.357. COLLECTION OF ASSESSMENTS BY TAX ASSESSOR AND

1 COLLECTOR. (a) Under the direction of the board, the assessor and
2 collector of taxes, or other person designated by the board, shall
3 collect all assessments imposed under Section 55.354(a) for
4 maintenance and operating expenses made under the provisions of
5 this subchapter.

6 (b) The assessor and collector of taxes shall give bond in
7 an amount determined by the board, conditioned upon the faithful
8 performance of the [his] duties of the assessor and collector and
9 accounting for all money collected.

10 (c) The assessor and collector of taxes shall keep an
11 account of all money collected and shall deposit the money as
12 collected in the district depository. The assessor and collector
13 ~~[He]~~ shall file with the secretary of the board a statement of all
14 money collected once each month ~~[week]~~.

15 (d) The assessor and collector ~~[He]~~ shall use duplicate
16 receipt books, give a receipt for each collection made, and retain
17 in the book a copy of each receipt, which shall be kept as a record
18 of the district.

19 SECTION 20. Section 55.358, Water Code, is amended to read
20 as follows:

21 Sec. 55.358. CONTRACTS WITH PERSON USING IRRIGATION WATER.

22 (a) The board may require each person who desires to use irrigation
23 water during the year to enter into a contract with the district
24 which states the acreage to be irrigated ~~[watered]~~, the crops to be
25 planted, the amount to be paid for the water, and the terms of
26 payment.

27 (b) The contract is not a waiver of the lien given to the

1 district under Section 55.359 [~~of this code~~] against the crops of a
2 person using irrigation water for the service furnished to the
3 person [~~him~~].

4 (c) If a person irrigates more acreage [~~land~~] than the
5 person's [~~his~~] contract specifies, the person [~~he~~] shall pay for
6 the additional service [~~under the provisions of this subchapter~~].

7 (d) The directors also may require a person using irrigation
8 water to execute a negotiable note or notes for all or part of the
9 amount owed under the contract.

10 SECTION 21. Section 55.359, Water Code, is amended by
11 amending Subsection (a) and adding Subsection (c) to read as
12 follows:

13 (a) The district shall have a first lien, superior to all
14 other liens, against all crops grown on a [~~each~~] tract of land in
15 the district to secure the payment of an assessment imposed against
16 the tract under Section 55.354(a) [~~the assessments~~], interest, and
17 collection or attorney's fees.

18 (c) If the crops against which the district has a lien under
19 this section are cultivated on a basis other than annual
20 replanting, the owner of the crops shall record with the county
21 clerk of the county where the land on which the crops are cultivated
22 is located a legally sufficient description of the land, including
23 a metes and bounds description or a plat reference.

24 SECTION 22. Section 55.360, Water Code, is amended to read
25 as follows:

26 Sec. 55.360. LIST OF DELINQUENT ASSESSMENTS. Assessments
27 imposed under Section 55.354(a) not paid when due shall become

1 delinquent on the first day of the month following the date payment
2 is due, and the board shall [~~post in a public place in the district a~~
3 ~~list of all persons who are delinquent in paying their assessments~~
4 ~~and shall~~] keep posted in a public place in the district a correct
5 list of all delinquent assessments. If a person who owes an
6 assessment has [~~persons who owe assessments have~~] executed a note
7 and contract [~~notes and contracts~~] as provided in Section 55.358,
8 the person may [~~of this code, they shall~~] not be placed on the
9 delinquent list until after the maturity of the note and contract
10 [~~notes and contracts~~].

11 SECTION 23. Section 55.361, Water Code, is amended to read
12 as follows:

13 Sec. 55.361. WATER SERVICE DISCONTINUED. (a) If a
14 landowner fails or refuses [~~shall fail or refuse~~] to pay any water
15 assessment or a person fails to pay a charge, fee, rental, deposit,
16 or penalty imposed under this chapter or Chapter 49 when due, the
17 landowner's or person's [~~his~~] water supply shall be cut off, and no
18 water shall be furnished to the land owned by the landowner or
19 rented by the person in the district until all back assessments or
20 other amounts owed to the district are fully paid. The
21 discontinuance of water service is binding on all persons who own or
22 acquire any interest in land, including a leasehold interest, for
23 which assessments or other amounts owed to the district are due.

24 (b) A landowner or person whose water service has been
25 discontinued under Subsection (a) may request that the board
26 reconsider the discontinuance related to a charge, fee, rental,
27 deposit, or penalty, and may not request that the board reconsider a

1 discontinuance related to an assessment. If the board declines to
2 reconsider the discontinuance, the landowner or person may file a
3 petition under Section 11.041. That petition filed with the
4 commission is the sole remedy available to a landowner or person
5 described by this subsection.

6 SECTION 24. Section 55.362, Water Code, is amended to read
7 as follows:

8 Sec. 55.362. SUITS FOR DELINQUENT ASSESSMENTS. Suits for
9 delinquent water assessments or other amounts owed to the district
10 under this subchapter may be brought either in the county in which
11 the irrigation district is located or in the county in which the
12 defendant resides. All persons who own or acquire an interest in
13 land for which an assessment is due [~~landowners~~] are personally
14 liable for all assessments imposed under Section 55.354(a)
15 [~~provided in this subchapter~~].

16 SECTION 25. Section 55.363, Water Code, is amended to read
17 as follows:

18 Sec. 55.363. INTEREST AND COLLECTION FEES. (a) All
19 assessments imposed under Section 55.354(a) shall bear interest
20 from the date payment is due at the rate of 15 percent a year.
21 Assessments not paid by the first day of the month following the
22 date payment is due are [~~shall become~~] delinquent, and a penalty of
23 up to 15 percent of the amount of the past-due assessment shall be
24 added to the amount due.

25 (b) If suit is filed to foreclose a lien on crops or if a
26 delinquent assessment or other amount owed to the district is
27 collected by an attorney before or after suit, an additional amount

1 of 15 percent on the unpaid assessment, penalty, and interest or
2 other amount owed to the district shall be added as collection or
3 attorney's fees.

4 SECTION 26. Section 58.301(a), Water Code, is amended to
5 read as follows:

6 (a) If required by the board, each ~~Each~~ person who desires
7 to receive irrigation water at any time during the year shall
8 furnish the secretary of the board a written statement of the
9 acreage the person ~~he~~ intends to irrigate and the different crops
10 the person ~~he~~ intends to plant with the acreage of each crop.

11 SECTION 27. Section 58.302, Water Code, is amended to read
12 as follows:

13 Sec. 58.302. CONTRACTS WITH PERSON USING IRRIGATION WATER.

14 (a) The board may require each person who desires to use irrigation
15 water during the year to enter into a contract with the district
16 which states the acreage to be irrigated ~~watered~~, the crops to be
17 planted, the amount to be paid for the water, and the terms of
18 payment.

19 (b) If a person irrigates more acreage ~~land~~ than the
20 person's ~~his~~ contract specifies, the person ~~he~~ shall pay for
21 the additional service.

22 (c) The directors also may require a person using irrigation
23 water to execute a negotiable note or notes for all or part of the
24 amount owed under the contract.

25 (d) The contract is not a waiver of the lien given to the
26 district under Section 58.309 ~~[of this code]~~ against the crops of a
27 person using irrigation water for the service furnished to the

1 person [~~him~~].

2 SECTION 28. Section 58.303, Water Code, is amended to read
3 as follows:

4 Sec. 58.303. AUTHORITY TO DETERMINE RULES AND REGULATIONS.
5 The board may adopt, alter, and rescind rules, and standing and
6 temporary orders which do not conflict with the provisions of this
7 subchapter and which govern:

8 (1) methods, terms, and conditions of water service;

9 (2) applications for water;

10 (3) assessments, charges, fees, rentals, or deposits
11 for maintenance and operation;

12 (4) payment and the enforcement of payment of the
13 assessments, charges, fees, rentals, or deposits;

14 (5) furnishing irrigation water to persons who did not
15 apply for it before the date of assessment if required; and

16 (6) furnishing water to persons who wish to take water
17 for irrigation in excess of their original applications or for use
18 on land not covered by their original applications if required.

19 SECTION 29. Section 58.304, Water Code, is amended to read
20 as follows:

21 Sec. 58.304. BOARD'S ESTIMATE OF MAINTENANCE AND OPERATING
22 EXPENSES. The board, on or as soon as practicable after a date
23 fixed by standing order of the board, shall estimate the expenses of
24 maintaining and operating the district's water delivery
25 [~~irrigation~~] system for the next 12 months. The board may change
26 the 12-month period for which it estimates the expenses of
27 maintaining and operating the water delivery [~~irrigation~~] system by

1 estimating such expenses for a shorter period so as to adjust to a
2 new fixed date and thereafter estimating the expenses for 12-month
3 periods following the adjusted fixed date.

4 SECTION 30. Section 58.305, Water Code, is amended to read
5 as follows:

6 Sec. 58.305. DISTRIBUTION OF ASSESSMENT. (a) The board by
7 order shall allocate a portion [~~Not less than one-third nor more~~
8 ~~than two-thirds~~] of the estimated maintenance and operating
9 expenses that shall be paid by assessment against all land in the
10 district to which the district can furnish irrigation water through
11 its water delivery [~~irrigation~~] system or through an extension of
12 its water delivery [~~irrigation~~] system. This assessment shall be
13 levied against all irrigable land in the district on a per acre
14 basis, whether or not the land is actually irrigated.

15 (b) [~~The assessments shall be levied against all irrigable~~
16 ~~land in the district on a per acre basis, whether or not the land is~~
17 ~~actually irrigated.~~] The board shall determine from year to year
18 the proportionate amount of the expenses which will be borne by all
19 water users receiving water delivery from the district.

20 (c) The remainder of the estimated expenses shall be paid by
21 charges, fees, rentals, or deposits required of [~~assessments~~
22 ~~against~~] persons in the district or under contracts with persons
23 who use or who make application to use water and other charges
24 approved by the board. The board shall prorate the remainder [~~as~~
25 ~~equitably as possible~~] among the applicants for irrigation water
26 and may consider:

27 (1) the acreage each applicant will plant, the crop

1 the applicant ~~[he]~~ will grow, and the amount of water per acre used
2 for irrigation purposes; and

3 (2) other factors deemed appropriate by the board with
4 respect to water used for other nonirrigation uses ~~[he will use]~~.

5 (d) A landowner of irrigable land in the district or a user
6 of water delivered by the district for any purpose other than
7 irrigation who disputes all or a part of a board order that
8 determines the amount of an assessment, charge, fee, rental, or
9 deposit may file a petition under Section 11.041. That petition
10 filed with the commission is the sole remedy available to a
11 landowner or user of water described by this subsection.

12 SECTION 31. Section 58.306, Water Code, is amended to read
13 as follows:

14 Sec. 58.306. NOTICE OF ASSESSMENTS. (a) Public notice of
15 all assessments imposed under Section 58.305(a) shall be given by
16 posting printed notice ~~[notices]~~ of the assessment in at least one
17 ~~[three]~~ public place ~~[places]~~ in the district.

18 (b) Not later than the fifth day before the date on which the
19 assessment is due, notice ~~[Notice]~~ shall be mailed to each
20 landowner at the address which the landowner shall furnish to the
21 board.

22 (c) Notice ~~[The notice shall be posted in a public place and~~
23 ~~mailed to each landowner five days before the assessment is due, and~~
24 ~~notice]~~ of special assessments shall be given within 10 days after
25 the assessment is levied.

26 SECTION 32. Section 58.307(a), Water Code, is amended to
27 read as follows:

1 (a) All assessments imposed under Section 58.305(a) shall
2 be paid in installments at the times fixed by the board.

3 SECTION 33. Sections 58.308(a), (b), and (c), Water Code,
4 are amended to read as follows:

5 (a) Under the direction of the board, the assessor and
6 collector, or other person designated by the board, shall collect
7 all assessments imposed under Section 58.305(a) for maintenance and
8 operating expenses.

9 (b) The assessor and collector shall execute a bond in an
10 amount determined by the board, conditioned on the faithful
11 performance of the [his] duties of the assessor and collector and
12 accounting for all money collected.

13 (c) The assessor and collector shall keep an account of all
14 money collected and shall deposit the money as collected in the
15 district depository. The assessor and collector [He] shall file
16 with the secretary of the board a statement of all money collected
17 once each month [week].

18 SECTION 34. Section 58.309, Water Code, is amended to read
19 as follows:

20 Sec. 58.309. LIEN AGAINST CROPS. (a) The district shall
21 have a first lien, superior to all other liens, against all crops
22 grown on a [each] tract of land in the district to secure the
23 payment of an [the] assessment imposed against the tract under
24 Section 58.305(a), interest, and collection or attorney's fees.

25 (b) If the crops against which the district has a lien under
26 this section are cultivated on a basis other than annual
27 replanting, the owner of the crops shall record with the county

1 clerk of the county where the land on which the crops are cultivated
2 is located a legally sufficient description of the land, including
3 a metes and bounds description or a plat reference.

4 SECTION 35. Section 58.310, Water Code, is amended to read
5 as follows:

6 Sec. 58.310. LIST OF DELINQUENT ASSESSMENTS. Assessments
7 imposed under Section 58.305(a) not paid when due shall become
8 delinquent on the first day of the month following the date payment
9 is due, and the board shall [~~post in a public place in the district a~~
10 ~~list of all persons who are delinquent in paying their assessments~~
11 ~~and shall~~] keep posted in a public place in the district a correct
12 list of all persons who are delinquent in paying assessments. If a
13 person who owes an assessment has executed a note and contract as
14 provided in Section 58.302, the person may [~~of this code, he shall~~]
15 not be placed on the delinquent list until after the maturity of the
16 note and contract.

17 SECTION 36. Section 58.311, Water Code, is amended to read
18 as follows:

19 Sec. 58.311. WATER SERVICE DISCONTINUED. (a) If a
20 landowner fails or refuses to pay a water assessment or a person
21 fails to pay a charge, fee, rental, deposit, or penalty imposed
22 under this chapter or Chapter 49 when due, the landowner's or
23 person's [~~his~~] water supply shall be cut off, and no water may be
24 furnished to the land owned by the landowner or rented by the person
25 in the district until all back assessments or other amounts owed to
26 the district are fully paid. The discontinuance of water service is
27 binding on all persons who own or acquire an interest in land,

1 including a leasehold interest, for which assessments or other
2 amounts owed to the district are due.

3 (b) A landowner or person whose water service has been
4 discontinued under Subsection (a) may request that the board
5 reconsider the discontinuance related to a charge, fee, rental,
6 deposit, or penalty, and may not request that the board reconsider a
7 discontinuance related to an assessment. If the board declines to
8 reconsider the discontinuance, the landowner or person may file a
9 petition under Section 11.041. That petition filed with the
10 commission is the sole remedy available to a landowner or person
11 described by this subsection.

12 SECTION 37. Section 58.312, Water Code, is amended to read
13 as follows:

14 Sec. 58.312. SUITS FOR DELINQUENT ASSESSMENTS. Suits for
15 delinquent water assessments or other amounts owed to the district
16 under this subchapter may be brought either in the county in which
17 the district is located or in the county in which the defendant
18 resides. All persons who own or acquire an interest in land for
19 which an assessment is due [~~landowners~~] are personally liable for
20 assessments imposed under Section 58.305(a) [~~provided in this~~
21 ~~subchapter~~].

22 SECTION 38. Section 58.313, Water Code, is amended to read
23 as follows:

24 Sec. 58.313. INTEREST AND COLLECTION FEES. (a) All
25 assessments imposed under Section 58.305(a) shall bear interest
26 from the date payment is due at the rate of 15 percent a year.
27 Assessments not paid by the first day of the month following the

1 date payment is due are [~~shall become~~] delinquent, and a penalty of
2 up to 15 percent of the amount of the past-due assessment shall be
3 added to the amount due.

4 (b) If suit is filed to foreclose a lien on crops or if a
5 delinquent assessment or other amount owed to the district is
6 collected by an attorney before or after suit, an additional amount
7 of 15 percent on the unpaid assessment, penalty, and interest or
8 other amount owed to the district shall be added as collection or
9 attorney's fees.

10 SECTION 39. Section 58.137, Water Code, is repealed.

11 SECTION 40. A district whose fiscal year begins on a date
12 other than September 1 is not required to comply with the changes in
13 law made by this Act that apply to the district until the beginning
14 of the district's next fiscal year following the effective date of
15 this Act.

16 SECTION 41. This Act takes effect September 1, 2013.