

By: Lucio

S.B. No. 611

A BILL TO BE ENTITLED

AN ACT

relating to the irrigation powers and functions of certain water districts.

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

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

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

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

Sec. 51.302. CONTRACTS WITH PERSON USING IRRIGATION WATER.

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

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

(c) The directors also may require a person using irrigation water to execute a negotiable note or notes for all or part of the

1 amount owed under the contract.

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

6 SECTION 3. Section 51.303, Water Code, is amended to read as  
7 follows:

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

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

23 SECTION 4. Section 51.304, Water Code, is amended to read as  
24 follows:

25 Sec. 51.304. BOARD'S ESTIMATE OF MAINTENANCE AND OPERATING  
26 EXPENSES. The board, on or as soon as practicable after a date  
27 fixed by standing order of the board, shall estimate the expenses of

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

8 SECTION 5. Section 51.305, Water Code, is amended to read as  
9 follows:

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

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

24 (c) The remainder of the estimated expenses shall be paid by  
25 assessments, charges, fees, rentals, or deposits required of  
26 ~~[against]~~ persons in the district who use or who make application to  
27 use water. The board shall prorate the remainder ~~[as equitably as~~

1 ~~possible~~] among the applicants for irrigation water and may  
2 consider:

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

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

8           SECTION 6. Section 51.306, Water Code, is amended to read as  
9 follows:

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

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

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

22           SECTION 7. Subsection (a), Section 51.307, Water Code, is  
23 amended to read as follows:

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

26           SECTION 8. Subsections (a), (b), and (c), Section 51.308,  
27 Water Code, are amended to read as follows:

1 (a) Under the direction of the board, the assessor and  
2 collector, or other person designated by the board, shall collect  
3 all assessments imposed under Section 51.305(a) for maintenance and  
4 operating expenses.

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

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

14 SECTION 9. Section 51.309, Water Code, is amended to read as  
15 follows:

16 Sec. 51.309. LIEN AGAINST CROPS. (a) The district shall  
17 have a first lien, superior to all other liens, against all crops  
18 grown on a [each] tract of land in the district to secure the  
19 payment of an [the] assessment imposed against the tract under  
20 Section 51.305(a), interest, and collection or attorney's fees.

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

27 SECTION 10. Section 51.310, Water Code, is amended to read

1 as follows:

2           Sec. 51.310. LIST OF DELINQUENT ASSESSMENTS. Assessments  
3 imposed under Section 51.305(a) not paid when due shall become  
4 delinquent on the first day of the month following the date payment  
5 is due, and the board shall [~~post in a public place in the district a~~  
6 ~~list of all persons who are delinquent in paying their assessments~~  
7 ~~and shall~~] keep posted in a public place in the district a correct  
8 list of all persons who are delinquent in paying assessments. If a  
9 person who owes an assessment has executed a note and contract as  
10 provided in Section 51.302, the person may [~~of this code, he shall~~]  
11 not be placed on the delinquent list until after the maturity of the  
12 note and contract.

13           SECTION 11. Section 51.311, Water Code, is amended to read  
14 as follows:

15           Sec. 51.311. WATER SERVICE DISCONTINUED. If a landowner  
16 fails or refuses to pay a water assessment or a person fails to pay a  
17 charge, fee, rental, or deposit imposed under this subchapter or  
18 Chapter 49 when due, the landowner's or person's [~~his~~] water supply  
19 shall be cut off, and no water may be furnished to the land until all  
20 back assessments or other amounts owed to the district are fully  
21 paid. The discontinuance of water service is binding on all persons  
22 who own or acquire an interest in land for which assessments or  
23 other amounts owed to the district are due.

24           SECTION 12. Section 51.312, Water Code, is amended to read  
25 as follows:

26           Sec. 51.312. SUITS FOR DELINQUENT ASSESSMENTS. Suits for  
27 delinquent water assessments or other amounts owed to the district

1 under this subchapter [~~assessment~~] may be brought either in the  
2 county in which the district is located or in the county in which  
3 the defendant resides. All landowners are personally liable for  
4 assessments imposed under Section 51.305(a) [~~provided in this~~  
5 ~~subchapter~~].

6 SECTION 13. Subsection (a), Section 51.313, Water Code, is  
7 amended to read as follows:

8 (a) All assessments imposed under Section 51.305(a) shall  
9 bear interest from the date payment is due at the rate of 15 percent  
10 a year. Assessments not paid by the first day of the month  
11 following the date payment is due are [~~shall become~~] delinquent,  
12 and a penalty of up to 15 percent of the amount of the past-due  
13 assessment shall be added to the amount due.

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

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

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

27 (c) If a [~~any~~] person applying for water from the district

1 does not furnish the statement of estimated acreage or does not pay  
2 the part of the water charge or assessment set by the board before  
3 the date for fixing the assessment, the district is not obligated to  
4 furnish water to that person during that year.

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

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

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

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

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

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

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

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

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

18        SECTION 17. Section 55.355, Water Code, is amended to read  
19 as follows:

20        Sec. 55.355. NOTICE OF ASSESSMENTS. (a) Public notice of  
21 all assessments imposed under Section 55.354(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 [~~Printed notices~~] 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 the 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 18. Section 55.356, Water Code, is amended to read  
6 as follows:

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

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

15          SECTION 19. Section 55.357, Water Code, is amended to read  
16 as follows:

17          Sec. 55.357. COLLECTION OF ASSESSMENTS BY TAX ASSESSOR AND  
18 COLLECTOR. (a) Under the direction of the board, the assessor and  
19 collector of taxes, or other person designated by the board, shall  
20 collect all assessments imposed under Section 55.354(a) for  
21 maintenance and operating expenses made under the provisions of  
22 this subchapter.

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

27          (c) The assessor and collector of taxes shall keep an

1 account of all money collected and shall deposit the money as  
2 collected in the district depository. The assessor and collector  
3 ~~[He]~~ shall file with the secretary of the board a statement of all  
4 money collected once each month ~~[week]~~.

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

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

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

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

17 (b) The contract is not a waiver of the lien given to the  
18 district under Section 55.359 ~~[of this code]~~ against the crops of a  
19 person using irrigation water for the service furnished to the  
20 person ~~[him]~~.

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

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

27 SECTION 21. Section 55.359, Water Code, is amended by

1 amending Subsection (a) and adding Subsection (c) to read as  
2 follows:

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

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

14 SECTION 22. Section 55.360, Water Code, is amended to read  
15 as follows:

16 Sec. 55.360. LIST OF DELINQUENT ASSESSMENTS. Assessments  
17 imposed under Section 55.354(a) not paid when due shall become  
18 delinquent on the first day of the month following the date payment  
19 is due, and the board shall [post in a public place in the district a  
20 list of all persons who are delinquent in paying their assessments  
21 and shall] keep posted in a public place in the district a correct  
22 list of all delinquent assessments. If a person who owes an  
23 assessment has [persons who owe assessments have] executed a note  
24 and contract [notes and contracts] as provided in Section 55.358,  
25 the person may [of this code, they shall] not be placed on the  
26 delinquent list until after the maturity of the note and contract  
27 [notes and contracts].

1 SECTION 23. Section 55.361, Water Code, is amended to read  
2 as follows:

3 Sec. 55.361. WATER SERVICE DISCONTINUED. If a landowner  
4 fails or refuses [~~shall fail or refuse~~] to pay any water assessment  
5 or a person fails to pay a charge, fee, rental, or deposit imposed  
6 under this subchapter or Chapter 49 when due, the landowner's or  
7 person's [~~his~~] water supply shall be cut off, and no water shall be  
8 furnished to the land until all back assessments or other amounts  
9 owed to the district are fully paid. The discontinuance of water  
10 service is binding on all persons who own or acquire any interest in  
11 land for which assessments or other amounts owed to the district are  
12 due.

13 SECTION 24. Section 55.362, Water Code, is amended to read  
14 as follows:

15 Sec. 55.362. SUITS FOR DELINQUENT ASSESSMENTS. Suits for  
16 delinquent water assessments or other amounts owed to the district  
17 under this subchapter may be brought either in the county in which  
18 the irrigation district is located or in the county in which the  
19 defendant resides. All landowners are personally liable for all  
20 assessments imposed under Section 55.354(a) [~~provided in this~~  
21 ~~subchapter~~].

22 SECTION 25. Subsection (a), Section 55.363, Water Code, is  
23 amended to read as follows:

24 (a) All assessments imposed under Section 55.354(a) shall  
25 bear interest from the date payment is due at the rate of 15 percent  
26 a year. Assessments not paid by the first day of the month  
27 following the date payment is due are [~~shall become~~] delinquent,

1 and a penalty of up to 15 percent of the amount of the past-due  
2 assessment shall be added to the amount due.

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

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

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

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

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

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

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

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

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

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

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

8 (2) applications for water;

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

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

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

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

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

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

1 new fixed date and thereafter estimating the expenses for 12-month  
2 periods following the adjusted fixed date.

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

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

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

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

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

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

3           SECTION 31. Section 58.306, Water Code, is amended to read  
4 as follows:

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

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

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

17           SECTION 32. Subsection (a), Section 58.307, Water Code, is  
18 amended to read as follows:

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

21           SECTION 33. Subsections (a), (b), and (c), Section 58.308,  
22 Water Code, are amended to read as follows:

23           (a) Under the direction of the board, the assessor and  
24 collector, or other person designated by the board, shall collect  
25 all assessments imposed under Section 58.305(a) for maintenance and  
26 operating expenses.

27           (b) The assessor and collector shall execute a bond in an

1 amount determined by the board, conditioned on the faithful  
2 performance of the [~~his~~] duties of the assessor and collector and  
3 accounting for all money collected.

4 (c) The assessor and collector shall keep an account of all  
5 money collected and shall deposit the money as collected in the  
6 district depository. The assessor and collector [~~He~~] shall file  
7 with the secretary of the board a statement of all money collected  
8 once each month [~~week~~].

9 SECTION 34. Section 58.309, Water Code, is amended to read  
10 as follows:

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

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

22 SECTION 35. Section 58.310, Water Code, is amended to read  
23 as follows:

24 Sec. 58.310. LIST OF DELINQUENT ASSESSMENTS. Assessments  
25 imposed under Section 58.305(a) not paid when due shall become  
26 delinquent on the first day of the month following the date payment  
27 is due, and the board shall [~~post in a public place in the district a~~

1 ~~list of all persons who are delinquent in paying their assessments~~  
2 ~~and shall]~~ keep posted in a public place in the district a correct  
3 list of all persons who are delinquent in paying assessments. If a  
4 person who owes an assessment has executed a note and contract as  
5 provided in Section 58.302, the person may [~~of this code, he shall~~]  
6 not be placed on the delinquent list until after the maturity of the  
7 note and contract.

8 SECTION 36. Section 58.311, Water Code, is amended to read  
9 as follows:

10 Sec. 58.311. WATER SERVICE DISCONTINUED. If a landowner  
11 fails or refuses to pay a water assessment or a person fails to pay a  
12 charge, fee, rental, or deposit imposed under this subchapter or  
13 Chapter 49 when due, the landowner's or person's [~~his~~] water supply  
14 shall be cut off, and no water may be furnished to the land until all  
15 back assessments or other amounts owed to the district are fully  
16 paid. The discontinuance of water service is binding on all persons  
17 who own or acquire an interest in land for which assessments or  
18 other amounts owed to the district are due.

19 SECTION 37. Section 58.312, Water Code, is amended to read  
20 as follows:

21 Sec. 58.312. SUITS FOR DELINQUENT ASSESSMENTS. Suits for  
22 delinquent water assessments or other amounts owed to the district  
23 under this subchapter may be brought either in the county in which  
24 the district is located or in the county in which the defendant  
25 resides. All landowners are personally liable for assessments  
26 imposed under Section 58.305(a) [~~provided in this subchapter~~].

27 SECTION 38. Subsection (a), Section 58.313, Water Code, is

1 amended to read as follows:

2 (a) All assessments imposed under Section 58.305(a) shall  
3 bear interest from the date payment is due at the rate of 15 percent  
4 a year. Assessments not paid by the first day of the month  
5 following the date payment is due are [~~shall become~~] delinquent,  
6 and a penalty of up to 15 percent of the amount of the past-due  
7 assessment shall be added to the amount due.

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

9 SECTION 40. This Act takes effect September 1, 2013.