

AN ACT

relating to the irrigation powers and functions of certain water districts; providing authority for a district by rule to change fees; clarifying a district's authority to impose certain assessments.

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

SECTION 1. Subchapter C, Chapter 51, Water Code, is amended by adding Section 51.091 to read as follows:

Sec. 51.091. PROJECTS OF CERTAIN DISTRICTS. (a) In this section, "preservation district" means a district defined by Chapter 54 and created by special law with the power to promote the preservation of fish and other wildlife within its boundaries.

(b) A water supply project financed, in whole or in part, with water development bonds, as defined under Section 16.001, that is undertaken by a district having operations or facilities located in not less than four counties, and that is included in a regional water plan under Section 16.053, is of fundamental and paramount importance and is to be given priority over the activities, rules, regulations, ordinances, or any requirement for a permit, bond, or fee of a preservation district, which shall be inapplicable to the construction of the project.

(c) Governmental immunity of a preservation district is waived in an action brought by a district described in Subsection (b) for the acquisition of land, easements, or other property for a

1 project described in Subsection (b), if the preservation district
2 is the owner of the land or property.

3 (d) Notwithstanding any other law, venue shall lie in Travis
4 County for an action described in Subsection (c) and brought by a
5 district described in Subsection (b).

6 (e) This section expires September 1, 2039.

7 SECTION 2. Subsection (a), Section 51.301, Water Code, is
8 amended to 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 3. 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
18 irrigation water during the year to enter into a contract with the
19 district which states the acreage to be irrigated ~~watered~~, the
20 crops to be planted, the amount to be paid for the water, and the
21 terms of 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.

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

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

5 SECTION 4. Section 51.303, Water Code, is amended to read as
6 follows:

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

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

22 SECTION 5. Section 51.304, Water Code, is amended to read as
23 follows:

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

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

7 SECTION 6. Section 51.305, Water Code, is amended to read as
8 follows:

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

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

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

1 consider:

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

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

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

14 SECTION 7. Section 51.306, Water Code, is amended to read as
15 follows:

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

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

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

1 SECTION 8. Subsection (a), Section 51.307, Water Code, is
2 amended to read as follows:

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

5 SECTION 9. Subsections (a), (b), and (c), Section 51.308,
6 Water Code, are amended to read as follows:

7 (a) Under the direction of the board, the assessor and
8 collector, or other person designated by the board, shall collect
9 all assessments imposed under Section 51.305(a) for maintenance and
10 operating expenses.

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

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

20 SECTION 10. Section 51.309, Water Code, is amended to read
21 as follows:

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

27 (b) If the crops against which the district has a lien under

1 this section are cultivated on a basis other than annual
2 replanting, the owner of the crops shall record with the county
3 clerk of the county where the land on which the crops are cultivated
4 is located a legally sufficient description of the land, including
5 a metes and bounds description or a plat reference.

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

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

19 SECTION 12. Section 51.311, Water Code, is amended to read
20 as follows:

21 Sec. 51.311. WATER SERVICE DISCONTINUED. (a) If a
22 landowner fails or refuses to pay a water assessment or a person
23 fails to pay a charge, fee, rental, or deposit imposed under this
24 chapter or Chapter 49 when due, the landowner's or person's [~~his~~]
25 water supply shall be cut off, and no water may be furnished to the
26 land until all back assessments or other amounts owed to the
27 district are fully paid. The discontinuance of water service is

1 binding on all persons who own or acquire an interest in land for
2 which assessments or other 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 13. Section 51.312, Water Code, is amended to read
13 as follows:

14 Sec. 51.312. SUITS FOR DELINQUENT ASSESSMENTS. Suits for
15 delinquent water assessments or other amounts owed to the district
16 under this subchapter [~~assessment~~] may be brought either in the
17 county in which the district is located or in the county in which
18 the defendant resides. All landowners are personally liable for
19 assessments imposed under Section 51.305(a) [~~provided in this~~
20 ~~subchapter~~].

21 SECTION 14. Subsection (a), Section 51.313, Water Code, is
22 amended to read as follows:

23 (a) All assessments imposed under Section 51.305(a) shall
24 bear interest from the date payment is due at the rate of 15 percent
25 a year. Assessments not paid by the first day of the month
26 following the date payment is due are [~~shall become~~] delinquent,
27 and a penalty of up to 15 percent of the amount of the past-due

1 assessment shall be added to the amount due.

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

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

11 (b) At the time the acreage estimate is furnished to the
12 secretary, each person applying for water shall pay the portion of
13 the water charge or assessment set by the board for immediate
14 payment.

15 (c) If a ~~[any]~~ person applying for water from the district
16 does not furnish the statement of estimated acreage or does not pay
17 the part of the water charge or assessment set by the board before
18 the date for fixing the assessment, the district is not obligated to
19 furnish water to that person during that year.

20 SECTION 16. Section 55.352, Water Code, is amended to read
21 as follows:

22 Sec. 55.352. BOARD'S ESTIMATE OF MAINTENANCE AND OPERATING
23 EXPENSES. The board, on or as soon as practicable after a date
24 fixed by standing order of the board, shall estimate the expenses of
25 maintaining and operating the district's water delivery
26 ~~[irrigation]~~ system for the next 12 months. The board may change
27 the 12-month period for which it estimates the expenses of

1 maintaining and operating the water delivery [~~irrigation~~] system by
2 estimating such expenses for a shorter period so as to adjust to a
3 new fixed date and thereafter estimating the expenses for 12-month
4 periods following the adjusted fixed date.

5 SECTION 17. Section 55.354, Water Code, is amended to read
6 as follows:

7 Sec. 55.354. DISTRIBUTION OF ASSESSMENT. (a) The board by
8 order shall allocate a portion [~~Not less than one-third nor more~~
9 ~~than two-thirds~~] of the estimated maintenance and operating
10 expenses that shall be paid by assessment against all land in the
11 district to which the district can furnish irrigation water through
12 its water delivery [~~irrigation~~] system or through an extension of
13 its water delivery [~~irrigation~~] system. This assessment [~~The~~
14 ~~assessments~~] shall be levied against all irrigable land in the
15 district on a per acre basis, whether or not the land is actually
16 irrigated.

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

21 (c) [~~(b)~~] The remainder of the estimated expenses shall be
22 paid by assessments, charges, fees, rentals, or deposits required
23 of [~~against~~] persons in the district who use or who make application
24 to use water and other charges approved by the board. The board
25 shall prorate the remainder [~~as equitably as possible~~] among the
26 applicants for irrigation water 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) All persons using irrigation water to plant the same
6 crop will pay the same price per acre for the water.

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

14 SECTION 18. Section 55.355, Water Code, is amended to read
15 as follows:

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

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

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

1 SECTION 19. Section 55.356, Water Code, is amended to read
2 as follows:

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

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

11 SECTION 20. Section 55.357, Water Code, is amended to read
12 as follows:

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

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

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

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

5 SECTION 21. Section 55.358, Water Code, is amended to read
6 as follows:

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

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

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

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

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

23 SECTION 22. Section 55.359, Water Code, is amended by
24 amending Subsection (a) and adding Subsection (c) to read as
25 follows:

26 (a) The district shall have a first lien, superior to all
27 other liens, against all crops grown on a ~~[each]~~ tract of land in

1 the district to secure the payment of an assessment imposed against
2 the tract under Section 55.354(a) [~~the assessments~~], interest, and
3 collection or attorney's fees.

4 (c) 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 23. Section 55.360, Water Code, is amended to read
11 as follows:

12 Sec. 55.360. LIST OF DELINQUENT ASSESSMENTS. Assessments
13 imposed under Section 55.354(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 delinquent assessments. If a person who owes an
19 assessment has [~~persons who owe assessments have~~] executed a note
20 and contract [~~notes and contracts~~] as provided in Section 55.358,
21 the person may [~~of this code, they shall~~] not be placed on the
22 delinquent list until after the maturity of the note and contract
23 [~~notes and contracts~~].

24 SECTION 24. Section 55.361, Water Code, is amended to read
25 as follows:

26 Sec. 55.361. WATER SERVICE DISCONTINUED. (a) If a
27 landowner fails or refuses [~~shall fail or refuse~~] to pay any water

1 assessment or a person fails to pay a charge, fee, rental, or
2 deposit imposed under this chapter or Chapter 49 when due, the
3 landowner's or person's [his] water supply shall be cut off, and no
4 water shall be furnished to the land until all back assessments or
5 other amounts owed to the district are fully paid. The
6 discontinuance of water service is binding on all persons who own or
7 acquire any interest in land for which assessments or other amounts
8 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 25. Section 55.362, Water Code, is amended to read
19 as follows:

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

27 SECTION 26. Subsection (a), Section 55.363, Water Code, is

1 amended to read as follows:

2 (a) All assessments imposed under Section 55.354(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 27. Subsection (a), Section 58.301, Water Code, is
9 amended to read as follows:

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

15 SECTION 28. Section 58.302, Water Code, is amended to read
16 as follows:

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

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

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

26 (c) The directors also may require a person using irrigation
27 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 58.309 [~~of this code~~] against the crops of a
4 person using irrigation water for the service furnished to the
5 person [~~him~~].

6 SECTION 29. Section 58.303, Water Code, is amended to read
7 as follows:

8 Sec. 58.303. AUTHORITY TO DETERMINE RULES AND REGULATIONS.
9 The board may adopt, alter, and rescind rules, and standing and
10 temporary orders which do not conflict with the provisions of this
11 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 30. Section 58.304, Water Code, is amended to read
24 as follows:

25 Sec. 58.304. 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 31. Section 58.305, Water Code, is amended to read
9 as follows:

10 Sec. 58.305. DISTRIBUTION OF ASSESSMENT. (a) The board by
11 order shall allocate a portion [~~Not less than one-third nor more~~
12 ~~than two-thirds~~] of the estimated maintenance and operating
13 expenses that shall be paid by assessment against all land in the
14 district to which the district can furnish irrigation water through
15 its water delivery [~~irrigation~~] system or through an extension of
16 its water delivery [~~irrigation~~] system. This assessment shall be
17 levied against all irrigable land in the district on a per acre
18 basis, 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 charges, fees, rentals, or deposits required of [~~assessments~~
26 ~~against~~] persons in the district who use or who make application to
27 use water and other charges approved by the board. The board shall

1 prorate the remainder [~~as equitably as possible~~] among the
2 applicants for irrigation water and may 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 (d) A landowner of irrigable land in the district or a user
9 of water delivered by the district for any purpose other than
10 irrigation who disputes all or a part of a board order that
11 determines the amount of an assessment, charge, fee, rental, or
12 deposit may file a petition under Section 11.041. That petition
13 filed with the commission is the sole remedy available to a
14 landowner or user of water described by this subsection.

15 SECTION 32. Section 58.306, Water Code, is amended to read
16 as follows:

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

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

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

1 the assessment is levied.

2 SECTION 33. Subsection (a), Section 58.307, Water Code, is
3 amended to read as follows:

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

6 SECTION 34. Subsections (a), (b), and (c), Section 58.308,
7 Water Code, are amended to read as follows:

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

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

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

21 SECTION 35. Section 58.309, Water Code, is amended to read
22 as follows:

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

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

7 SECTION 36. Section 58.310, Water Code, is amended to read
8 as follows:

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

20 SECTION 37. Section 58.311, Water Code, is amended to read
21 as follows:

22 Sec. 58.311. WATER SERVICE DISCONTINUED. (a) If a
23 landowner fails or refuses to pay a water assessment or a person
24 fails to pay a charge, fee, rental, or deposit imposed under this
25 chapter or Chapter 49 when due, the landowner's or person's [~~his~~]
26 water supply shall be cut off, and no water may be furnished to the
27 land until all back assessments or other amounts owed to the

1 district are fully paid. The discontinuance of water service is
2 binding on all persons who own or acquire an interest in land for
3 which assessments or other amounts owed to the district are due.

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

13 SECTION 38. Section 58.312, Water Code, is amended to read
14 as follows:

15 Sec. 58.312. 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 district is located or in the county in which the defendant
19 resides. All landowners are personally liable for assessments
20 imposed under Section 58.305(a) [~~provided in this subchapter~~].

21 SECTION 39. Subsection (a), Section 58.313, Water Code, is
22 amended to read as follows:

23 (a) All assessments imposed under Section 58.305(a) shall
24 bear interest from the date payment is due at the rate of 15 percent
25 a year. Assessments not paid by the first day of the month
26 following the date payment is due are [~~shall become~~] delinquent,
27 and a penalty of up to 15 percent of the amount of the past-due

1 assessment shall be added to the amount due.

2 SECTION 40. Section 58.137, Water Code, is repealed.

3 SECTION 41. A district whose fiscal year begins on a date
4 other than September 1 is not required to comply with the changes in
5 law made by this Act that apply to the district until the beginning
6 of the district's next fiscal year following the effective date of
7 this Act.

8 SECTION 42. This Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 611 passed the Senate on April 8, 2013, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 8, 2013, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 611 passed the House, with amendments, on May 2, 2013, by the following vote: Yeas 147, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor