

By: Lucio  
(Lucio III)

S.B. No. 611

Substitute the following for S.B. No. 611:

By: Miller of Comal

C.S.S.B. No. 611

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 who use or who make application to  
2 use water. The board shall prorate the remainder ~~[as equitably as~~  
3 ~~possible]~~ among the applicants for irrigation water and may  
4 consider:

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

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

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

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

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

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

27 (c) Notice ~~[The notice shall be posted in a public place and~~

1 ~~mailed to each landowner five days before the assessment is due, and~~  
2 ~~notice]~~ of special assessments shall be given within 10 days after  
3 the assessment is levied.

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

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

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

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

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

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

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

25 Sec. 51.309. LIEN AGAINST CROPS. (a) The district shall  
26 have a first lien, superior to all other liens, against all crops  
27 grown on a ~~each~~ tract of land in the district to secure the

1 payment of an [the] assessment imposed against the tract under  
2 Section 51.305(a), interest, and collection or attorney's fees.

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

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

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

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

24 Sec. 51.311. WATER SERVICE DISCONTINUED. (a) If a  
25 landowner fails or refuses to pay a water assessment or a person  
26 fails to pay a charge, fee, rental, or deposit imposed under this  
27 chapter or Chapter 49 when due, the landowner's or person's ~~[his]~~

1 water supply shall be cut off, and no water may be furnished to the  
2 land until all back assessments or other amounts owed to the  
3 district are fully paid. The discontinuance of water service is  
4 binding on all persons who own or acquire an interest in land for  
5 which assessments or other amounts owed to the district are due.

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

15 SECTION 12. Section 51.312, Water Code, is amended to read  
16 as follows:

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

24 SECTION 13. Section 51.313(a), Water Code, is amended to  
25 read as follows:

26 (a) All assessments imposed under Section 51.305(a) shall  
27 bear interest from the date payment is due at the rate of 15 percent

1 a year. Assessments not paid by the first day of the month  
2 following the date payment is due are [~~shall become~~] delinquent,  
3 and a penalty of up to 15 percent of the amount of the past-due  
4 assessment shall be added to the amount due.

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

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

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

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

22 SECTION 15. Section 55.352, Water Code, is amended to read  
23 as follows:

24 Sec. 55.352. 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 16. Section 55.354, Water Code, is amended to read  
8 as follows:

9 Sec. 55.354. 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 ~~[The~~  
16 ~~assessments]~~ shall be levied against all irrigable land in the  
17 district on a per acre basis, whether or not the land is actually  
18 irrigated.

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

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

1 applicants for irrigation water and may 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) All persons using irrigation water to plant the same  
8 crop will pay the same price per acre for the water.

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

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

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

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

26 (c) Notice [~~The notice shall be posted in a public place and~~  
27 ~~mailed to the landowner five days before the assessment is due, and~~

1 ~~notice~~] of special assessments shall be given within 10 days after  
2 the assessment is levied.

3 SECTION 18. Section 55.356, Water Code, is amended to read  
4 as follows:

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

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

13 SECTION 19. Section 55.357, Water Code, is amended to read  
14 as follows:

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

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

25 (c) The assessor and collector of taxes shall keep an  
26 account of all money collected and shall deposit the money as  
27 collected in the district depository. The assessor and collector

1 ~~[He]~~ shall file with the secretary of the board a statement of all  
2 money collected once each month ~~[week]~~.

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

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

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

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

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

19 (c) 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 ~~[under the provisions of this subchapter]~~.

22 (d) 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 SECTION 21. Section 55.359, Water Code, is amended by  
26 amending Subsection (a) and adding Subsection (c) to read as  
27 follows:

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

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

12 SECTION 22. Section 55.360, Water Code, is amended to read  
13 as follows:

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

26 SECTION 23. Section 55.361, Water Code, is amended to read  
27 as follows:

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

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

20           SECTION 24. Section 55.362, Water Code, is amended to read  
21 as follows:

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

1 ~~subchapter~~].

2 SECTION 25. Section 55.363(a), Water Code, is amended to  
3 read as follows:

4 (a) All assessments imposed under Section 55.354(a) shall  
5 bear interest from the date payment is due at the rate of 15 percent  
6 a year. Assessments not paid by the first day of the month  
7 following the date payment is due are [~~shall become~~] delinquent,  
8 and a penalty of up to 15 percent of the amount of the past-due  
9 assessment shall be added to the amount due.

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

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

17 SECTION 27. Section 58.302, Water Code, is amended to read  
18 as follows:

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

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

25 (b) If a person irrigates more acreage [~~land~~] than the  
26 person's [~~his~~] contract specifies, the person [~~he~~] shall pay for  
27 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 58.309 [~~of this code~~] against the crops of a  
6 person using irrigation water for the service furnished to the  
7 person [~~him~~].

8 SECTION 28. Section 58.303, Water Code, is amended to read  
9 as follows:

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

27 Sec. 58.304. 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 30. Section 58.305, Water Code, is amended to read  
11 as follows:

12 Sec. 58.305. 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 charges, fees, rentals, or deposits required of ~~[assessments~~

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

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

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

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

17 SECTION 31. Section 58.306, Water Code, is amended to read  
18 as follows:

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

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

27 (c) Notice [~~The notice shall be posted in a public place and~~

1 ~~mailed to each landowner five days before the assessment is due, and~~  
2 ~~notice]~~ of special assessments shall be given within 10 days after  
3 the assessment is levied.

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

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

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

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

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

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

23 SECTION 34. Section 58.309, Water Code, is amended to read  
24 as follows:

25 Sec. 58.309. LIEN AGAINST CROPS. (a) The district shall  
26 have a first lien, superior to all other liens, against all crops  
27 grown on a ~~each~~ tract of land in the district to secure the

1 payment of an ~~[the]~~ assessment imposed against the tract under  
2 Section 58.305(a), interest, and collection or attorney's fees.

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

9 SECTION 35. Section 58.310, Water Code, is amended to read  
10 as follows:

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

22 SECTION 36. Section 58.311, Water Code, is amended to read  
23 as follows:

24 Sec. 58.311. WATER SERVICE DISCONTINUED. (a) If a  
25 landowner fails or refuses to pay a water assessment or a person  
26 fails to pay a charge, fee, rental, or deposit imposed under this  
27 chapter or Chapter 49 when due, the landowner's or person's ~~[his]~~

1 water supply shall be cut off, and no water may be furnished to the  
2 land until all back assessments or other amounts owed to the  
3 district are fully paid. The discontinuance of water service is  
4 binding on all persons who own or acquire an interest in land for  
5 which assessments or other amounts owed to the district are due.

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

15 SECTION 37. Section 58.312, Water Code, is amended to read  
16 as follows:

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

23 SECTION 38. Section 58.313(a), Water Code, is amended to  
24 read as follows:

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

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

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

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

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