

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. Section 51.301(a), 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 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           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. Section 51.307(a), Water Code, is amended to  
23 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. Sections 51.308(a), (b), and (c), Water Code,  
27 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. The district shall have a  
17 first lien, superior to all other liens, against all crops grown on  
18 a [each] tract of land in the district to secure the payment of an  
19 [the] assessment imposed against the tract under Section 51.305(a),  
20 interest, and collection or attorney's fees.

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

23 Sec. 51.310. LIST OF DELINQUENT ASSESSMENTS. Assessments  
24 imposed under Section 51.305(a) not paid when due shall become  
25 delinquent on the first day of the month following the date payment  
26 is due, and the board shall [~~post in a public place in the district a~~  
27 ~~list of all persons who are delinquent in paying their assessments~~

1 ~~and shall~~] keep posted in a public place in the district a correct  
2 list of all persons who are delinquent in paying assessments. If a  
3 person who owes an assessment has executed a note and contract as  
4 provided in Section 51.302, the person may [~~of this code, he shall~~]  
5 not be placed on the delinquent list until after the maturity of the  
6 note and contract.

7 SECTION 11. Section 51.311, Water Code, is amended to read  
8 as follows:

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

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

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

27 SECTION 13. Section 51.313(a), Water Code, is amended to

1 read as follows:

2 (a) All assessments imposed under Section 51.305(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 14. Section 55.351, Water Code, is amended to read  
9 as follows:

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

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

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

25 SECTION 15. Section 55.352, Water Code, is amended to read  
26 as follows:

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

12 Sec. 55.354. DISTRIBUTION OF ASSESSMENT. (a) The board by  
13 rule 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 ~~[The~~  
19 ~~assessments]~~ shall be levied against all irrigable land in the  
20 district on a per acre basis, whether or not the land is actually  
21 irrigated.

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

26 (c) ~~[(b)]~~ The remainder of the estimated expenses shall be  
27 paid by assessments, charges, fees, rentals, and deposits required



1 of ~~[against]~~ persons in the district who use or who make application  
2 to use water and other charges approved by the board. The board  
3 shall 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) All persons using irrigation water to plant the same  
11 crop will pay the same price per acre for the water.

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

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

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

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

26 SECTION 18. Section 55.356, Water Code, is amended to read  
27 as follows:

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

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

9           SECTION 19. Section 55.357, Water Code, is amended to read  
10 as follows:

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

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

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

26           (d) The assessor and collector [He] shall use duplicate  
27 receipt books, give a receipt for each collection made, and retain

1 in the book a copy of each receipt, which shall be kept as a record  
2 of the district.

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

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

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

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

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

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

21 SECTION 21. Section 55.359(a), Water Code, is amended to  
22 read as follows:

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

1 SECTION 22. Section 55.360, Water Code, is amended to read  
2 as follows:

3 Sec. 55.360. LIST OF DELINQUENT ASSESSMENTS. Assessments  
4 imposed under Section 55.354(a) not paid when due shall become  
5 delinquent on the first day of the month following the date payment  
6 is due, and the board shall ~~[post in a public place in the district a~~  
7 ~~list of all persons who are delinquent in paying their assessments~~  
8 ~~and shall]~~ keep posted in a public place in the district a correct  
9 list of all delinquent assessments. If a person who owes an  
10 assessment has ~~[persons who owe assessments have]~~ executed a note  
11 and contract ~~[notes and contracts]~~ as provided in Section 55.358,  
12 the person may ~~[of this code, they shall]~~ not be placed on the  
13 delinquent list until after the maturity of the note and contract  
14 ~~[notes and contracts]~~.

15 SECTION 23. Section 55.361, Water Code, is amended to read  
16 as follows:

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

27 SECTION 24. Section 55.362, Water Code, is amended to read

1 as follows:

2           Sec. 55.362. SUITS FOR DELINQUENT ASSESSMENTS. Suits for  
3 delinquent water assessments or other amounts owed to the district  
4 under this subchapter may be brought either in the county in which  
5 the irrigation district is located or in the county in which the  
6 defendant resides. All landowners are personally liable for all  
7 assessments imposed under Section 55.354(a) [~~provided in this~~  
8 ~~subchapter~~].

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

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

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

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

24           SECTION 27. Section 58.302, Water Code, is amended to read  
25 as follows:

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

27 (a) The board may require each person who desires to use irrigation

1 water during the year to enter into a contract with the district  
2 which states the acreage to be irrigated [~~watered~~], the crops to be  
3 planted, the amount to be paid for the water, and the terms of  
4 payment.

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

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

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

15 SECTION 28. Section 58.303, Water Code, is amended to read  
16 as follows:

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

21 (1) methods, terms, and conditions of water service;  
22 (2) applications for water;  
23 (3) assessments, charges, fees, rentals, or deposits  
24 for maintenance and operation;

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

27 (5) furnishing irrigation water to persons who did not

1 apply for it before the date of assessment if required; and

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

5 SECTION 29. Section 58.304, Water Code, is amended to read  
6 as follows:

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

19 Sec. 58.305. 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 shall be levied  
26 against all irrigable land in the district on a per acre basis,  
27 whether or not the land is actually irrigated.

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

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

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

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

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. The district shall have a  
26 first lien, superior to all other liens, against all crops grown on  
27 a ~~each~~ tract of land in the district to secure the payment of an

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

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

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

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

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

27 SECTION 37. Section 58.312, Water Code, is amended to read

1 as follows:

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

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

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

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

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