

1-1 By: Lucio S.B. No. 611  
 1-2 (In the Senate - Filed February 18, 2013; February 25, 2013,  
 1-3 read first time and referred to Committee on Natural Resources;  
 1-4 March 27, 2013, reported favorably by the following vote: Yeas 10,  
 1-5 Nays 0; March 27, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18			X	

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the irrigation powers and functions of certain water  
 1-22 districts.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subsection (a), Section 51.301, Water Code, is  
 1-25 amended to read as follows:

1-26 (a) If required by the board, each ~~Each~~ person who desires  
 1-27 to receive irrigation water at any time during the year shall  
 1-28 furnish the secretary of the board a written statement of the  
 1-29 acreage the person ~~he~~ intends to irrigate and the different crops  
 1-30 the person ~~he~~ intends to plant with the acreage of each crop.

1-31 SECTION 2. Section 51.302, Water Code, is amended to read as  
 1-32 follows:

1-33 Sec. 51.302. CONTRACTS WITH PERSON USING IRRIGATION WATER.

1-34 (a) The board may require each person who desires to use  
 1-35 irrigation water during the year to enter into a contract with the  
 1-36 district which states the acreage to be irrigated ~~watered~~, the  
 1-37 crops to be planted, the amount to be paid for the water, and the  
 1-38 terms of payment.

1-39 (b) If a person irrigates more acreage ~~land~~ than the  
 1-40 person's ~~his~~ contract specifies, the person ~~he~~ shall pay for  
 1-41 the additional service.

1-42 (c) The directors also may require a person using irrigation  
 1-43 water to execute a negotiable note or notes for all or part of the  
 1-44 amount owed under the contract.

1-45 (d) The contract is not a waiver of the lien given to the  
 1-46 district under Section 51.309 ~~[of this code]~~ against the crops of a  
 1-47 person using irrigation water for the service furnished to the  
 1-48 person ~~him~~.

1-49 SECTION 3. Section 51.303, Water Code, is amended to read as  
 1-50 follows:

1-51 Sec. 51.303. AUTHORITY TO DETERMINE RULES AND REGULATIONS.  
 1-52 The board may adopt, alter, and rescind rules, regulations, and  
 1-53 standing and temporary orders which do not conflict with the  
 1-54 provisions of this subchapter and which govern:

1-55 (1) methods, terms, and conditions of water service;

1-56 (2) applications for water;

1-57 (3) assessments, charges, fees, rentals, or deposits  
 1-58 for maintenance and operation;

1-59 (4) payment and the enforcement of payment of the  
 1-60 assessments, charges, fees, rentals, or deposits;

1-61 (5) furnishing irrigation water to persons who did not

2-1 apply for it before the date of assessment if required; and  
 2-2 (6) furnishing water to persons who wish to take water  
 2-3 for irrigation in excess of their original applications or for use  
 2-4 on land not covered by their original applications if required.

2-5 SECTION 4. Section 51.304, Water Code, is amended to read as  
 2-6 follows:

2-7 Sec. 51.304. BOARD'S ESTIMATE OF MAINTENANCE AND OPERATING  
 2-8 EXPENSES. The board, on or as soon as practicable after a date  
 2-9 fixed by standing order of the board, shall estimate the expenses of  
 2-10 maintaining and operating the district's water delivery  
 2-11 ~~[irrigation]~~ system for the next 12 months. The board may change  
 2-12 the 12-month period for which it estimates the expenses of  
 2-13 maintaining and operating the water delivery ~~[irrigation]~~ system by  
 2-14 estimating such expenses for a shorter period so as to adjust to a  
 2-15 new fixed date and thereafter estimating the expenses for 12-month  
 2-16 periods following the adjusted fixed date.

2-17 SECTION 5. Section 51.305, Water Code, is amended to read as  
 2-18 follows:

2-19 Sec. 51.305. DISTRIBUTION OF ASSESSMENT. (a) The board by  
 2-20 rule shall allocate a portion [Not less than one-third nor more than  
 2-21 ~~two-thirds]~~ of the estimated maintenance and operating expenses  
 2-22 that shall be paid by assessment against all land in the district to  
 2-23 which the district can furnish irrigation water through its water  
 2-24 delivery [irrigation] system or through an extension of its water  
 2-25 delivery [irrigation] system. This assessment shall be levied  
 2-26 against all irrigable land in the district on a per acre basis,  
 2-27 whether or not the land is actually irrigated.

2-28 (b) ~~[The assessments shall be levied against all irrigable~~  
 2-29 ~~land in the district on a per acre basis, whether or not the land is~~  
 2-30 ~~actually irrigated.]~~ The board shall determine from year to year  
 2-31 the proportionate amount of the expenses which will be borne by all  
 2-32 water users receiving water delivery from the district.

2-33 (c) The remainder of the estimated expenses shall be paid by  
 2-34 assessments, charges, fees, rentals, or deposits required of  
 2-35 ~~[against]~~ persons in the district who use or who make application to  
 2-36 use water and other charges approved by the board. The board shall  
 2-37 prorate the remainder [as equitably as possible] among the  
 2-38 applicants for irrigation water and may consider:

2-39 (1) the acreage each applicant will plant, the crop  
 2-40 the applicant [he] will grow, and the amount of water per acre used  
 2-41 for irrigation purposes; and

2-42 (2) other factors deemed appropriate by the board with  
 2-43 respect to water used for other nonirrigation uses [he will use].

2-44 SECTION 6. Section 51.306, Water Code, is amended to read as  
 2-45 follows:

2-46 Sec. 51.306. NOTICE OF ASSESSMENTS. (a) Public notice of  
 2-47 all assessments imposed under Section 51.305(a) shall be given by  
 2-48 posting printed notice [notices] of the assessment in at least one  
 2-49 ~~[three]~~ public place [places] in the district.

2-50 (b) Not later than the fifth day before the date on which the  
 2-51 assessment is due, notice [Notice] shall be mailed to each  
 2-52 landowner at the address which the landowner shall furnish to the  
 2-53 board.

2-54 (c) Notice [The notice shall be posted in a public place and  
 2-55 ~~mailed to each landowner five days before the assessment is due, and~~  
 2-56 ~~notice]~~ of special assessments shall be given within 10 days after  
 2-57 the assessment is levied.

2-58 SECTION 7. Subsection (a), Section 51.307, Water Code, is  
 2-59 amended to read as follows:

2-60 (a) All assessments imposed under Section 51.305(a) shall  
 2-61 be paid in installments at the times fixed by the board.

2-62 SECTION 8. Subsections (a), (b), and (c), Section 51.308,  
 2-63 Water Code, are amended to read as follows:

2-64 (a) Under the direction of the board, the assessor and  
 2-65 collector, or other person designated by the board, shall collect  
 2-66 all assessments imposed under Section 51.305(a) for maintenance and  
 2-67 operating expenses.

2-68 (b) The assessor and collector shall execute a bond in an  
 2-69 amount determined by the board, conditioned on the faithful

3-1 performance of the [his] duties of the assessor and collector and  
 3-2 accounting for all money collected.

3-3 (c) The assessor and collector shall keep an account of all  
 3-4 money collected and shall deposit the money as collected in the  
 3-5 district depository. The assessor and collector [He] shall file  
 3-6 with the secretary of the board a statement of all money collected  
 3-7 once each month [week].

3-8 SECTION 9. Section 51.309, Water Code, is amended to read as  
 3-9 follows:

3-10 Sec. 51.309. LIEN AGAINST CROPS. The district shall have a  
 3-11 first lien, superior to all other liens, against all crops grown on  
 3-12 a [each] tract of land in the district to secure the payment of an  
 3-13 [the] assessment imposed against the tract under Section 51.305(a),  
 3-14 interest, and collection or attorney's fees.

3-15 SECTION 10. Section 51.310, Water Code, is amended to read  
 3-16 as follows:

3-17 Sec. 51.310. LIST OF DELINQUENT ASSESSMENTS. Assessments  
 3-18 imposed under Section 51.305(a) not paid when due shall become  
 3-19 delinquent on the first day of the month following the date payment  
 3-20 is due, and the board shall [post in a public place in the district a  
 3-21 list of all persons who are delinquent in paying their assessments  
 3-22 and shall] keep posted in a public place in the district a correct  
 3-23 list of all persons who are delinquent in paying assessments. If a  
 3-24 person who owes an assessment has executed a note and contract as  
 3-25 provided in Section 51.302, the person may [of this code, he shall]  
 3-26 not be placed on the delinquent list until after the maturity of the  
 3-27 note and contract.

3-28 SECTION 11. Section 51.311, Water Code, is amended to read  
 3-29 as follows:

3-30 Sec. 51.311. WATER SERVICE DISCONTINUED. If a landowner  
 3-31 fails or refuses to pay a water assessment or a person fails to pay a  
 3-32 charge, fee, rental, or deposit imposed under this subchapter or  
 3-33 Chapter 49 when due, the landowner's or person's [his] water supply  
 3-34 shall be cut off, and no water may be furnished to the land until all  
 3-35 back assessments or other amounts owed to the district are fully  
 3-36 paid. The discontinuance of water service is binding on all persons  
 3-37 who own or acquire an interest in land for which assessments or  
 3-38 other amounts owed to the district are due.

3-39 SECTION 12. Section 51.312, Water Code, is amended to read  
 3-40 as follows:

3-41 Sec. 51.312. SUITS FOR DELINQUENT ASSESSMENTS. Suits for  
 3-42 delinquent water assessments or other amounts owed to the district  
 3-43 under this subchapter [assessment] may be brought either in the  
 3-44 county in which the district is located or in the county in which  
 3-45 the defendant resides. All landowners are personally liable for  
 3-46 assessments imposed under Section 51.305(a) [provided in this  
 3-47 subchapter].

3-48 SECTION 13. Subsection (a), Section 51.313, Water Code, is  
 3-49 amended to read as follows:

3-50 (a) All assessments imposed under Section 51.305(a) shall  
 3-51 bear interest from the date payment is due at the rate of 15 percent  
 3-52 a year. Assessments not paid by the first day of the month  
 3-53 following the date payment is due are [shall become] delinquent,  
 3-54 and a penalty of up to 15 percent of the amount of the past-due  
 3-55 assessment shall be added to the amount due.

3-56 SECTION 14. Section 55.351, Water Code, is amended to read  
 3-57 as follows:

3-58 Sec. 55.351. STATEMENT ESTIMATING WATER REQUIREMENTS AND  
 3-59 PAYMENT OF CHARGE. (a) If required by the board, each [Each]  
 3-60 person desiring to receive irrigation water at any time during the  
 3-61 year shall furnish the secretary of the board a written statement of  
 3-62 the acreage the person [he] intends to irrigate and the different  
 3-63 crops the person [he] intends to plant with the acreage of each  
 3-64 crop.

3-65 (b) At the time the acreage estimate is furnished to the  
 3-66 secretary, each person applying for water shall pay the portion of  
 3-67 the water charge or assessment set by the board for immediate  
 3-68 payment.

3-69 (c) If a [any] person applying for water from the district

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

4-5 SECTION 15. Section 55.352, Water Code, is amended to read  
 4-6 as follows:

4-7 Sec. 55.352. BOARD'S ESTIMATE OF MAINTENANCE AND OPERATING  
 4-8 EXPENSES. The board, on or as soon as practicable after a date  
 4-9 fixed by standing order of the board, shall estimate the expenses of  
 4-10 maintaining and operating the district's water delivery  
 4-11 ~~[irrigation]~~ system for the next 12 months. The board may change  
 4-12 the 12-month period for which it estimates the expenses of  
 4-13 maintaining and operating the water delivery ~~[irrigation]~~ system by  
 4-14 estimating such expenses for a shorter period so as to adjust to a  
 4-15 new fixed date and thereafter estimating the expenses for 12-month  
 4-16 periods following the adjusted fixed date.

4-17 SECTION 16. Section 55.354, Water Code, is amended to read  
 4-18 as follows:

4-19 Sec. 55.354. DISTRIBUTION OF ASSESSMENT. (a) The board by  
 4-20 rule shall allocate a portion ~~[Not less than one-third nor more than~~  
 4-21 ~~two-thirds]~~ of the estimated maintenance and operating expenses  
 4-22 that shall be paid by assessment against all land in the district to  
 4-23 which the district can furnish irrigation water through its water  
 4-24 delivery ~~[irrigation]~~ system or through an extension of its water  
 4-25 delivery ~~[irrigation]~~ system. This assessment ~~[The assessments]~~  
 4-26 shall be levied against all irrigable land in the district on a per  
 4-27 acre basis, whether or not the land is actually irrigated.

4-28 (b) The board shall determine from year to year the  
 4-29 proportionate amount of the expenses which will be borne by all  
 4-30 water users receiving water delivery from the district ~~[under this~~  
 4-31 ~~subsection].~~

4-32 (c) ~~[(b)]~~ The remainder of the estimated expenses shall be  
 4-33 paid by assessments, charges, fees, rentals, and deposits required  
 4-34 of ~~[against]~~ persons in the district who use or who make application  
 4-35 to use water and other charges approved by the board. The board  
 4-36 shall prorate the remainder ~~[as equitably as possible]~~ among the  
 4-37 applicants for irrigation water and may consider:

4-38 (1) the acreage each applicant will plant, the crop  
 4-39 the applicant ~~[he]~~ will grow, and the amount of water per acre used  
 4-40 for irrigation purposes; and

4-41 (2) other factors deemed appropriate by the board with  
 4-42 respect to water used for other nonirrigation uses ~~[he will use].~~

4-43 (d) All persons using irrigation water to plant the same  
 4-44 crop will pay the same price per acre for the water.

4-45 SECTION 17. Section 55.355, Water Code, is amended to read  
 4-46 as follows:

4-47 Sec. 55.355. NOTICE OF ASSESSMENTS. (a) Public notice of  
 4-48 all assessments imposed under Section 55.354(a) shall be given by  
 4-49 posting printed notice ~~[notices]~~ of the assessment in at least one  
 4-50 ~~[three]~~ public place ~~[places]~~ in the district.

4-51 (b) Not later than the fifth day before the date on which the  
 4-52 assessment is due, notice ~~[Printed notices]~~ shall be mailed to each  
 4-53 landowner at the address which the landowner shall furnish to the  
 4-54 board.

4-55 (c) Notice ~~[The notice shall be posted in a public place and~~  
 4-56 ~~mailed to the landowner five days before the assessment is due, and~~  
 4-57 ~~notice]~~ of special assessments shall be given within 10 days after  
 4-58 the assessment is levied.

4-59 SECTION 18. Section 55.356, Water Code, is amended to read  
 4-60 as follows:

4-61 Sec. 55.356. PAYMENT OF ASSESSMENTS. (a) All assessments  
 4-62 imposed under Section 55.354(a) shall be paid in installments at  
 4-63 the times fixed by the board.

4-64 (b) If a crop for which water was furnished by the district  
 4-65 is harvested before the due date of any installment payment, the  
 4-66 entire unpaid assessment becomes due at once and shall be paid  
 4-67 within 10 days after the crop is harvested and before the crop is  
 4-68 removed from the county or counties in which it was grown.

4-69 SECTION 19. Section 55.357, Water Code, is amended to read

5-1 as follows:

5-2 Sec. 55.357. COLLECTION OF ASSESSMENTS BY TAX ASSESSOR AND  
5-3 COLLECTOR. (a) Under the direction of the board, the assessor and  
5-4 collector of taxes, or other person designated by the board, shall  
5-5 collect all assessments imposed under Section 55.354(a) for  
5-6 maintenance and operating expenses made under the provisions of  
5-7 this subchapter.

5-8 (b) The assessor and collector of taxes shall give bond in  
5-9 an amount determined by the board, conditioned upon the faithful  
5-10 performance of the [his] duties of the assessor and collector and  
5-11 accounting for all money collected.

5-12 (c) The assessor and collector of taxes shall keep an  
5-13 account of all money collected and shall deposit the money as  
5-14 collected in the district depository. The assessor and collector  
5-15 [He] shall file with the secretary of the board a statement of all  
5-16 money collected once each month [~~week~~].

5-17 (d) The assessor and collector [He] shall use duplicate  
5-18 receipt books, give a receipt for each collection made, and retain  
5-19 in the book a copy of each receipt, which shall be kept as a record  
5-20 of the district.

5-21 SECTION 20. Section 55.358, Water Code, is amended to read  
5-22 as follows:

5-23 Sec. 55.358. CONTRACTS WITH PERSON USING IRRIGATION WATER.

5-24 (a) The board may require each person who desires to use  
5-25 irrigation water during the year to enter into a contract with the  
5-26 district which states the acreage to be irrigated [~~watered~~], the  
5-27 crops to be planted, the amount to be paid for the water, and the  
5-28 terms of payment.

5-29 (b) The contract is not a waiver of the lien given to the  
5-30 district under Section 55.359 [~~of this code~~] against the crops of a  
5-31 person using irrigation water for the service furnished to the  
5-32 person [~~him~~].

5-33 (c) If a person irrigates more acreage [~~land~~] than the  
5-34 person's [~~his~~] contract specifies, the person [~~he~~] shall pay for  
5-35 the additional service [~~under the provisions of this subchapter~~].

5-36 (d) The directors also may require a person using irrigation  
5-37 water to execute a negotiable note or notes for all or part of the  
5-38 amount owed under the contract.

5-39 SECTION 21. Subsection (a), Section 55.359, Water Code, is  
5-40 amended to read as follows:

5-41 (a) The district shall have a first lien, superior to all  
5-42 other liens, against all crops grown on a [~~each~~] tract of land in  
5-43 the district to secure the payment of an assessment imposed against  
5-44 the tract under Section 55.354(a) [~~the assessments~~], interest, and  
5-45 collection or attorney's fees.

5-46 SECTION 22. Section 55.360, Water Code, is amended to read  
5-47 as follows:

5-48 Sec. 55.360. LIST OF DELINQUENT ASSESSMENTS. Assessments  
5-49 imposed under Section 55.354(a) not paid when due shall become  
5-50 delinquent on the first day of the month following the date payment  
5-51 is due, and the board shall [~~post in a public place in the district a~~  
5-52 ~~list of all persons who are delinquent in paying their assessments~~  
5-53 ~~and shall~~] keep posted in a public place in the district a correct  
5-54 list of all delinquent assessments. If a person who owes an  
5-55 assessment has [~~persons who owe assessments have~~] executed a note  
5-56 and contract [~~notes and contracts~~] as provided in Section 55.358,  
5-57 the person may [~~of this code, they shall~~] not be placed on the  
5-58 delinquent list until after the maturity of the note and contract  
5-59 [~~notes and contracts~~].

5-60 SECTION 23. Section 55.361, Water Code, is amended to read  
5-61 as follows:

5-62 Sec. 55.361. WATER SERVICE DISCONTINUED. If a landowner  
5-63 fails or refuses [~~shall fail or refuse~~] to pay any water assessment  
5-64 or a person fails to pay a charge, fee, rental, or deposit imposed  
5-65 under this subchapter or Chapter 49 when due, the landowner's or  
5-66 person's [~~his~~] water supply shall be cut off, and no water shall be  
5-67 furnished to the land until all back assessments or other amounts  
5-68 owed to the district are fully paid. The discontinuance of water  
5-69 service is binding on all persons who own or acquire any interest in

6-1 land for which assessments or other amounts owed to the district are  
6-2 due.

6-3 SECTION 24. Section 55.362, Water Code, is amended to read  
6-4 as follows:

6-5 Sec. 55.362. SUITS FOR DELINQUENT ASSESSMENTS. Suits for  
6-6 delinquent water assessments or other amounts owed to the district  
6-7 under this subchapter may be brought either in the county in which  
6-8 the irrigation district is located or in the county in which the  
6-9 defendant resides. All landowners are personally liable for all  
6-10 assessments imposed under Section 55.354(a) [~~provided in this~~  
6-11 ~~subchapter~~].

6-12 SECTION 25. Subsection (a), Section 55.363, Water Code, is  
6-13 amended to read as follows:

6-14 (a) All assessments imposed under Section 55.354(a) shall  
6-15 bear interest from the date payment is due at the rate of 15 percent  
6-16 a year. Assessments not paid by the first day of the month  
6-17 following the date payment is due are [~~shall become~~] delinquent,  
6-18 and a penalty of up to 15 percent of the amount of the past-due  
6-19 assessment shall be added to the amount due.

6-20 SECTION 26. Subsection (a), Section 58.301, Water Code, is  
6-21 amended to read as follows:

6-22 (a) If required by the board, each [~~Each~~] person who desires  
6-23 to receive irrigation water at any time during the year shall  
6-24 furnish the secretary of the board a written statement of the  
6-25 acreage the person [~~he~~] intends to irrigate and the different crops  
6-26 the person [~~he~~] intends to plant with the acreage of each crop.

6-27 SECTION 27. Section 58.302, Water Code, is amended to read  
6-28 as follows:

6-29 Sec. 58.302. CONTRACTS WITH PERSON USING IRRIGATION WATER.

6-30 (a) The board may require each person who desires to use  
6-31 irrigation water during the year to enter into a contract with the  
6-32 district which states the acreage to be irrigated [~~watered~~], the  
6-33 crops to be planted, the amount to be paid for the water, and the  
6-34 terms of payment.

6-35 (b) If a person irrigates more acreage [~~land~~] than the  
6-36 person's [~~his~~] contract specifies, the person [~~he~~] shall pay for  
6-37 the additional service.

6-38 (c) The directors also may require a person using irrigation  
6-39 water to execute a negotiable note or notes for all or part of the  
6-40 amount owed under the contract.

6-41 (d) The contract is not a waiver of the lien given to the  
6-42 district under Section 58.309 [~~of this code~~] against the crops of a  
6-43 person using irrigation water for the service furnished to the  
6-44 person [~~him~~].

6-45 SECTION 28. Section 58.303, Water Code, is amended to read  
6-46 as follows:

6-47 Sec. 58.303. AUTHORITY TO DETERMINE RULES AND REGULATIONS.  
6-48 The board may adopt, alter, and rescind rules, and standing and  
6-49 temporary orders which do not conflict with the provisions of this  
6-50 subchapter and which govern:

6-51 (1) methods, terms, and conditions of water service;  
6-52 (2) applications for water;  
6-53 (3) assessments, charges, fees, rentals, or deposits  
6-54 for maintenance and operation;

6-55 (4) payment and the enforcement of payment of the  
6-56 assessments, charges, fees, rentals, or deposits;

6-57 (5) furnishing irrigation water to persons who did not  
6-58 apply for it before the date of assessment if required; and

6-59 (6) furnishing water to persons who wish to take water  
6-60 for irrigation in excess of their original applications or for use  
6-61 on land not covered by their original applications if required.

6-62 SECTION 29. Section 58.304, Water Code, is amended to read  
6-63 as follows:

6-64 Sec. 58.304. BOARD'S ESTIMATE OF MAINTENANCE AND OPERATING  
6-65 EXPENSES. The board, on or as soon as practicable after a date  
6-66 fixed by standing order of the board, shall estimate the expenses of  
6-67 maintaining and operating the district's water delivery  
6-68 [~~irrigation~~] system for the next 12 months. The board may change  
6-69 the 12-month period for which it estimates the expenses of

7-1 maintaining and operating the water delivery [~~irrigation~~] system by  
 7-2 estimating such expenses for a shorter period so as to adjust to a  
 7-3 new fixed date and thereafter estimating the expenses for 12-month  
 7-4 periods following the adjusted fixed date.

7-5 SECTION 30. Section 58.305, Water Code, is amended to read  
 7-6 as follows:

7-7 Sec. 58.305. DISTRIBUTION OF ASSESSMENT. (a) The board by  
 7-8 rule shall allocate a portion [~~Not less than one-third nor more than~~  
 7-9 ~~two-thirds~~] of the estimated maintenance and operating expenses  
 7-10 that shall be paid by assessment against all land in the district to  
 7-11 which the district can furnish irrigation water through its water  
 7-12 delivery [~~irrigation~~] system or through an extension of its water  
 7-13 delivery [~~irrigation~~] system. This assessment shall be levied  
 7-14 against all irrigable land in the district on a per acre basis,  
 7-15 whether or not the land is actually irrigated.

7-16 (b) [~~The assessments shall be levied against all irrigable~~  
 7-17 ~~land in the district on a per acre basis, whether or not the land is~~  
 7-18 ~~actually irrigated.~~] The board shall determine from year to year  
 7-19 the proportionate amount of the expenses which will be borne by all  
 7-20 water users receiving water delivery from the district.

7-21 (c) The remainder of the estimated expenses shall be paid by  
 7-22 charges, fees, rentals, or deposits required of [~~assessments~~  
 7-23 ~~against~~] persons in the district who use or who make application to  
 7-24 use water and other charges approved by the board. The board shall  
 7-25 prorate the remainder [~~as equitably as possible~~] among the  
 7-26 applicants for irrigation water and may consider:

7-27 (1) the acreage each applicant will plant, the crop  
 7-28 the applicant [~~he~~] will grow, and the amount of water per acre used  
 7-29 for irrigation purposes; and

7-30 (2) other factors deemed appropriate by the board with  
 7-31 respect to water used for other nonirrigation uses [~~he will use~~].

7-32 SECTION 31. Section 58.306, Water Code, is amended to read  
 7-33 as follows:

7-34 Sec. 58.306. NOTICE OF ASSESSMENTS. (a) Public notice of  
 7-35 all assessments imposed under Section 58.305(a) shall be given by  
 7-36 posting printed notice [~~notices~~] of the assessment in at least one  
 7-37 [~~three~~] public place [~~places~~] in the district.

7-38 (b) Not later than the fifth day before the date on which the  
 7-39 assessment is due, notice [~~Notice~~] shall be mailed to each  
 7-40 landowner at the address which the landowner shall furnish to the  
 7-41 board.

7-42 (c) Notice [~~The notice shall be posted in a public place and~~  
 7-43 ~~mailed to each landowner five days before the assessment is due, and~~  
 7-44 ~~notice~~] of special assessments shall be given within 10 days after  
 7-45 the assessment is levied.

7-46 SECTION 32. Subsection (a), Section 58.307, Water Code, is  
 7-47 amended to read as follows:

7-48 (a) All assessments imposed under Section 58.305(a) shall  
 7-49 be paid in installments at the times fixed by the board.

7-50 SECTION 33. Subsections (a), (b), and (c), Section 58.308,  
 7-51 Water Code, are amended to read as follows:

7-52 (a) Under the direction of the board, the assessor and  
 7-53 collector, or other person designated by the board, shall collect  
 7-54 all assessments imposed under Section 58.305(a) for maintenance and  
 7-55 operating expenses.

7-56 (b) The assessor and collector shall execute a bond in an  
 7-57 amount determined by the board, conditioned on the faithful  
 7-58 performance of the [~~his~~] duties of the assessor and collector and  
 7-59 accounting for all money collected.

7-60 (c) The assessor and collector shall keep an account of all  
 7-61 money collected and shall deposit the money as collected in the  
 7-62 district depository. The assessor and collector [~~He~~] shall file  
 7-63 with the secretary of the board a statement of all money collected  
 7-64 once each month [~~week~~].

7-65 SECTION 34. Section 58.309, Water Code, is amended to read  
 7-66 as follows:

7-67 Sec. 58.309. LIEN AGAINST CROPS. The district shall have a  
 7-68 first lien, superior to all other liens, against all crops grown on  
 7-69 a [~~each~~] tract of land in the district to secure the payment of an

8-1 ~~[the]~~ assessment imposed against the tract under Section 58.305(a),  
8-2 interest, and collection or attorney's fees.

8-3 SECTION 35. Section 58.310, Water Code, is amended to read  
8-4 as follows:

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

8-16 SECTION 36. Section 58.311, Water Code, is amended to read  
8-17 as follows:

8-18 Sec. 58.311. WATER SERVICE DISCONTINUED. If a landowner  
8-19 fails or refuses to pay a water assessment or a person fails to pay a  
8-20 charge, fee, rental, or deposit imposed under this subchapter or  
8-21 Chapter 49 when due, the landowner's or person's ~~[his]~~ water supply  
8-22 shall be cut off, and no water may be furnished to the land until all  
8-23 back assessments or other amounts owed to the district are fully  
8-24 paid. The discontinuance of water service is binding on all persons  
8-25 who own or acquire an interest in land for which assessments or  
8-26 other amounts owed to the district are due.

8-27 SECTION 37. Section 58.312, Water Code, is amended to read  
8-28 as follows:

8-29 Sec. 58.312. SUITS FOR DELINQUENT ASSESSMENTS. Suits for  
8-30 delinquent water assessments or other amounts owed to the district  
8-31 under this subchapter may be brought either in the county in which  
8-32 the district is located or in the county in which the defendant  
8-33 resides. All landowners are personally liable for assessments  
8-34 imposed under Section 58.305(a) ~~[provided in this subchapter].~~

8-35 SECTION 38. Subsection (a), Section 58.313, Water Code, is  
8-36 amended to read as follows:

8-37 (a) All assessments imposed under Section 58.305(a) shall  
8-38 bear interest from the date payment is due at the rate of 15 percent  
8-39 a year. Assessments not paid by the first day of the month  
8-40 following the date payment is due are ~~[shall become]~~ delinquent,  
8-41 and a penalty of up to 15 percent of the amount of the past-due  
8-42 assessment shall be added to the amount due.

8-43 SECTION 39. Section 58.137, Water Code, is repealed.

8-44 SECTION 40. This Act takes effect September 1, 2013.

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