

By: Zaffirini

S.B. No. 1911

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Webb County Municipal Management District; providing authority to impose a tax, levy an assessment, and issue bonds.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3909 to read as follows:

CHAPTER 3909. WEBB COUNTY MUNICIPAL MANAGEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3909.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "City" means the most populous city in the county.

(3) "County" means Webb County, Texas.

(4) "Director" means a board member.

(5) "District" means the Webb County Municipal Management District.

Sec. 3909.002. NATURE OF DISTRICT. The district is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3909.003. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing the city, the

1 county, and other political subdivisions to contract with the
2 district, the legislature has established a program to accomplish
3 the public purposes set out in Section 52-a, Article III, Texas
4 Constitution.

5 (b) The creation of the district is necessary to promote,
6 develop, encourage, and maintain employment, commerce,
7 transportation, housing, tourism, recreation, the arts,
8 entertainment, economic development, safety, and the public
9 welfare in the district.

10 (c) This chapter and the creation of the district may not be
11 interpreted to relieve the city or the county from providing the
12 level of services provided as of the effective date of the Act
13 enacting this chapter to the area in the district. The district is
14 created to supplement and not to supplant city and county services
15 provided in the area in the district.

16 Sec. 3909.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

17 (a) The district is created to serve a public use and benefit.

18 (b) All land and other property included in the district
19 will benefit from the improvements and services to be provided by
20 the district under powers conferred by Sections 52 and 52-a,
21 Article III, and Section 59, Article XVI, Texas Constitution, and
22 other powers granted under this chapter.

23 (c) The creation of the district is in the public interest
24 and is essential to:

25 (1) further the public purposes of developing and
26 diversifying the economy of the state;

27 (2) eliminate unemployment and underemployment; and

1 (3) develop or expand transportation and commerce.

2 (d) The district will:

3 (1) promote the health, safety, and general welfare of
4 residents, employers, potential employees, employees, visitors,
5 and consumers in the district, and of the public;

6 (2) provide needed funding for the district to
7 preserve, maintain, and enhance the economic health and vitality of
8 the district territory as a community and business center; and

9 (3) promote the health, safety, welfare, and enjoyment
10 of the public by providing pedestrian ways and by landscaping and
11 developing certain areas in the district, which are necessary for
12 the restoration, preservation, and enhancement of scenic beauty.

13 (e) Pedestrian ways along or across a street, whether at
14 grade or above or below the surface, and street lighting, street
15 landscaping, parking, and street art objects are parts of and
16 necessary components of a street and are considered to be a street
17 or road improvement.

18 (f) The district will not act as the agent or
19 instrumentality of any private interest even though the district
20 will benefit many private interests as well as the public.

21 Sec. 3909.005. DISTRICT TERRITORY. Except as provided by
22 Subchapter E, the district boundaries are coextensive with the
23 boundaries of Webb County.

24 Sec. 3909.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.
25 All or any part of the area of the district is eligible to be
26 included in:

27 (1) a tax increment reinvestment zone created under

1 Chapter 311, Tax Code;

2 (2) a tax abatement reinvestment zone created under
3 Chapter 312, Tax Code; or

4 (3) an enterprise zone created under Chapter 2303,
5 Government Code.

6 Sec. 3909.007. APPLICABILITY OF MUNICIPAL MANAGEMENT
7 DISTRICTS LAW. Except as otherwise provided by this chapter,
8 Chapter 375, Local Government Code, applies to the district.

9 Sec. 3909.008. LIBERAL CONSTRUCTION OF CHAPTER. This
10 chapter shall be liberally construed in conformity with the
11 findings and purposes stated in this chapter.

12 [Sections 3909.009-3909.050 reserved for expansion]

13 SUBCHAPTER B. BOARD OF DIRECTORS

14 Sec. 3909.051. GOVERNING BODY; TERMS. The district is
15 governed by a board of six directors who serve staggered terms of
16 four years, with three directors' terms expiring June 1 of each
17 even-numbered year.

18 Sec. 3909.052. APPOINTMENT OF DIRECTORS. The governing
19 body of the city shall appoint three directors. The commissioners
20 court of the county shall appoint three directors.

21 Sec. 3909.053. QUALIFICATIONS OF DIRECTORS. (a) A
22 director must meet the qualifications prescribed by Section 54.102,
23 Water Code.

24 (b) Section 375.063, Local Government Code, does not apply
25 to the district.

26 Sec. 3909.054. COMPENSATION. A director is entitled to
27 receive fees of office and reimbursement for actual expenses as

1 provided by Section 49.060, Water Code. Sections 375.069 and
2 375.070, Local Government Code, do not apply to the board.

3 [Sections 3909.055-3909.100 reserved for expansion]

4 SUBCHAPTER C. POWERS AND DUTIES

5 Sec. 3909.101. WATER FACILITY. The district may provide a
6 water, wastewater, or drainage facility for the district.

7 Sec. 3909.102. ROAD FACILITY. The district may provide a
8 road facility for the district.

9 Sec. 3909.103. RECREATIONAL FACILITY. The district may
10 provide a recreational facility for the district.

11 Sec. 3909.104. DEVELOPMENT CORPORATION POWERS. The
12 district, using money available to the district, may exercise the
13 powers given to a development corporation under Chapter 505, Local
14 Government Code, including the power to own, operate, acquire,
15 construct, lease, improve, or maintain a project under that
16 chapter.

17 Sec. 3909.105. NONPROFIT CORPORATION. (a) The board by
18 resolution may authorize the creation of a nonprofit corporation to
19 assist and act for the district in implementing a project or
20 providing a service authorized by this chapter.

21 (b) The nonprofit corporation:

22 (1) has each power of and is considered to be a local
23 government corporation created under Subchapter D, Chapter 431,
24 Transportation Code; and

25 (2) may implement any project and provide any service
26 authorized by this chapter.

27 (c) The board shall appoint the board of directors of the

1 nonprofit corporation. The board of directors of the nonprofit
2 corporation shall serve in the same manner as the board of directors
3 of a local government corporation created under Subchapter D,
4 Chapter 431, Transportation Code, except that a board member is not
5 required to reside in the district.

6 Sec. 3909.106. AGREEMENTS; GRANTS. (a) As provided by
7 Chapter 375, Local Government Code, the district may make an
8 agreement with or accept a gift, grant, or loan from any person.

9 (b) The implementation of a project is a governmental
10 function or service for the purposes of Chapter 791, Government
11 Code.

12 Sec. 3909.107. LAW ENFORCEMENT SERVICES. To protect the
13 public interest, the district may contract with a qualified party,
14 including the county or the city, to provide law enforcement
15 services in the district for a fee.

16 Sec. 3909.108. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
17 district may join and pay dues to a charitable or nonprofit
18 organization that performs a service or provides an activity
19 consistent with the furtherance of a district purpose.

20 Sec. 3909.109. ECONOMIC DEVELOPMENT. (a) The district may
21 establish and provide for the administration of one or more
22 programs to promote state or local economic development and to
23 stimulate business and commercial activity in the district,
24 including programs to:

- 25 (1) make loans and grants of public money; and
26 (2) provide district personnel and services.

27 (b) The district may create economic development programs

1 and exercise the economic development powers that Chapter 380,
2 Local Government Code, provides to a municipality.

3 Sec. 3909.110. STRATEGIC PARTNERSHIP AGREEMENT. The
4 district may negotiate and enter into a written strategic
5 partnership agreement with the city under Section 43.0751, Local
6 Government Code.

7 Sec. 3909.111. NO ANNEXATION POWER. The district may not
8 annex land.

9 Sec. 3909.112. NO EMINENT DOMAIN POWER. The district may
10 not exercise the power of eminent domain.

11 [Sections 3909.113-3909.150 reserved for expansion]

12 SUBCHAPTER D. PUBLIC PARKING FACILITIES

13 Sec. 3909.151. PARKING FACILITIES AUTHORIZED; OPERATION BY
14 PRIVATE ENTITY. (a) The district may acquire, lease as lessor or
15 lessee, construct, develop, own, operate, and maintain parking
16 facilities or a system of parking facilities, including:

17 (1) lots, garages, parking terminals, or other
18 structures or accommodations for parking motor vehicles off the
19 streets; and

20 (2) equipment, entrances, exits, fencing, and other
21 accessories necessary for safety and convenience in parking
22 vehicles.

23 (b) A parking facility of the district may be leased to, or
24 operated for the district by, an entity other than the district.

25 (c) The district's parking facilities are a program
26 authorized by the legislature under Section 52-a, Article III,
27 Texas Constitution.

1 (d) The district's parking facilities serve the public
2 purposes of the district and are owned, used, and held for a public
3 purpose even if leased or operated by a private entity for a term of
4 years.

5 Sec. 3909.152. RULES. The district may adopt rules
6 covering its public parking system.

7 Sec. 3909.153. FINANCING OF PARKING FACILITIES. (a) The
8 district may use any of its resources, including revenue,
9 assessments, taxes, or grant or contract proceeds, to pay the cost
10 of acquiring or operating public parking facilities.

11 (b) The district may:

12 (1) set, charge, impose, and collect fees, charges, or
13 tolls for the use of the public parking facilities; and

14 (2) issue bonds or notes to finance the cost of these
15 facilities.

16 [Sections 3909.154-3909.200 reserved for expansion]

17 SUBCHAPTER E. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

18 Sec. 3909.201. DIVISION OF DISTRICT; PREREQUISITES. The
19 district may be divided into two or more new districts only if the
20 district has no outstanding debt secured by ad valorem taxes.

21 Sec. 3909.202. LAW APPLICABLE TO NEW DISTRICT. This
22 chapter applies to any new district created by division of the
23 district, and a new district has all the powers and duties of the
24 district.

25 Sec. 3909.203. LIMITATION ON AREA OF NEW DISTRICT. (a) A
26 new district created by the division of the district may not contain
27 any land outside Webb County.

1 (b) Each new district must be 100 or more acres.

2 Sec. 3909.204. DIVISION PROCEDURES. (a) The board, on its
3 own motion or on receipt of a petition signed by an owner of real
4 property in the district, may adopt an order proposing to divide the
5 district.

6 (b) The board may not divide the district unless the
7 division is approved by the governing body of the city by
8 resolution. The resolution may set terms for the division under
9 Subsection (c).

10 (c) If the board decides to divide the district, the board
11 shall, subject to the city's resolution:

12 (1) set the terms of the division, including names for
13 the new districts and a plan for the payment or performance of any
14 outstanding district obligations; and

15 (2) prepare a metes and bounds description for each
16 proposed district.

17 Sec. 3909.205. ELECTION FOR DIVISION OF DISTRICT. (a)
18 After the board has complied with Section 3909.204, the board shall
19 hold an election in the district to determine whether the district
20 should be divided as proposed.

21 (b) The board shall give notice of the election not later
22 than the 35th day before the date of the election. The notice must
23 state:

24 (1) the date and location of the election; and

25 (2) the proposition to be voted on.

26 (c) If a majority of the votes cast favor division:

27 (1) the district is divided; and

1 (2) not later than the 30th day after the date of the
2 election, the district shall provide written notice of the division
3 to:

4 (A) the Texas Commission on Environmental
5 Quality; and

6 (B) the city.

7 (d) If a majority of the votes cast do not favor division,
8 the district is not divided.

9 Sec. 3909.206. ELECTION OF DIRECTORS OF NEW DISTRICTS. (a)
10 Not later than the 90th day after the date of an election in favor of
11 the division of the district, the board shall:

12 (1) appoint itself as the board of one of the new
13 districts; and

14 (2) appoint five directors for each of the other new
15 districts.

16 (b) A director appointed under Subsection (a)(1) serves the
17 staggered term to which the director was appointed in the original
18 district. A director appointed under Subsection (a)(2) serves
19 until the election for directors under Subsection (c).

20 (c) On the uniform election date in May of the first
21 even-numbered year after the year in which the directors are
22 appointed, the appointed board shall hold an election to elect five
23 directors in each district for which directors were appointed under
24 Subsection (a)(2). The directors shall agree on, or draw lots to
25 determine, which two shall serve until the next regularly scheduled
26 election of directors and which three shall serve until the second
27 regularly scheduled election of directors.

1 Sec. 3909.207. CONTRACT AUTHORITY OF NEW DISTRICTS. (a)

2 Except as provided by Subsection (b), the new districts may
3 contract with each other for any matter the boards of the new
4 districts consider appropriate.

5 (b) The new districts may not contract with each other for
6 water and wastewater services.

7 [Sections 3909.208-3909.250 reserved for expansion]

8 SUBCHAPTER F. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

9 Sec. 3909.251. DISBURSEMENTS AND TRANSFERS OF MONEY. The
10 board by resolution shall establish the number of signatures and
11 the procedure required for a disbursement or transfer of the
12 district's money.

13 Sec. 3909.252. MONEY USED FOR IMPROVEMENTS OR SERVICES.
14 The district may acquire, construct, finance, operate, or maintain
15 an improvement or service authorized under this chapter or Chapter
16 375, Local Government Code, using any money available to the
17 district.

18 Sec. 3909.253. PETITION REQUIRED FOR FINANCING SERVICES AND
19 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
20 service or improvement project with assessments under this chapter
21 unless a written petition requesting that service or improvement
22 has been filed with the board.

23 (b) The petition must be signed by the owners of a majority
24 of the assessed value of real property in the district subject to
25 assessment according to the most recent certified tax appraisal
26 roll for the county.

27 Sec. 3909.254. METHOD OF NOTICE FOR HEARING. The district

1 may mail the notice required by Section 375.115(c), Local
2 Government Code, by certified or first class United States mail.
3 The board shall determine the method of notice.

4 Sec. 3909.255. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)
5 The board by resolution may impose and collect an assessment for any
6 purpose authorized by this chapter in all or any part of the
7 district.

8 (b) An assessment, a reassessment, or an assessment
9 resulting from an addition to or correction of the assessment roll
10 by the district, penalties and interest on an assessment or
11 reassessment, an expense of collection, and reasonable attorney's
12 fees incurred by the district:

13 (1) are a first and prior lien against the property
14 assessed;

15 (2) are superior to any other lien or claim other than
16 a lien or claim for county, school district, or municipal ad valorem
17 taxes; and

18 (3) are the personal liability of and a charge against
19 the owners of the property even if the owners are not named in the
20 assessment proceedings.

21 (c) The lien is effective from the date of the board's
22 resolution imposing the assessment until the date the assessment is
23 paid. The board may enforce the lien in the same manner that the
24 board may enforce an ad valorem tax lien against real property.

25 (d) The board may make a correction to or deletion from the
26 assessment roll that does not increase the amount of assessment of
27 any parcel of land without providing notice and holding a hearing in

1 the manner required for additional assessments.

2 Sec. 3909.256. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
3 ASSESSMENTS. The district may not impose an impact fee or
4 assessment on the property, including the equipment,
5 rights-of-way, facilities, or improvements, of:

6 (1) an electric utility or a power generation company
7 as defined by Section 31.002, Utilities Code;

8 (2) a gas utility as defined by Section 101.003 or
9 121.001, Utilities Code;

10 (3) a telecommunications provider as defined by
11 Section 51.002, Utilities Code; or

12 (4) a person who provides to the public cable
13 television or advanced telecommunications services.

14 Sec. 3909.257. RESIDENTIAL PROPERTY NOT EXEMPT. Section
15 375.161, Local Government Code, does not apply to:

16 (1) a tax imposed by the district; or

17 (2) a required payment for a service provided by the
18 district, including water and sewer service.

19 Sec. 3909.258. OPERATION AND MAINTENANCE TAX. (a) If
20 authorized by a majority of the district voters voting at an
21 election held under Section 3909.262, the district may impose an
22 operation and maintenance tax on taxable property in the district
23 in accordance with Section 49.107, Water Code, for any district
24 purpose, including to:

25 (1) operate and maintain the district;

26 (2) construct or acquire improvements; or

27 (3) provide a service.

1 (b) The board shall determine the tax rate. The rate may not
2 exceed the rate approved at the election.

3 (c) Section 49.107(h), Water Code, does not apply to the
4 district.

5 Sec. 3909.259. CONTRACT TAXES. (a) In accordance with
6 Section 49.108, Water Code, the district may impose a tax other than
7 an operation and maintenance tax and use the revenue derived from
8 the tax to make payments under a contract after the provisions of
9 the contract have been approved by a majority of the district voters
10 voting at an election held for that purpose.

11 (b) A contract approved by the district voters may contain a
12 provision stating that the contract may be modified or amended by
13 the board without further voter approval.

14 Sec. 3909.260. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS
15 AND OTHER OBLIGATIONS. (a) The district may borrow money on terms
16 determined by the board. Section 375.205, Local Government Code,
17 does not apply to a loan, line of credit, or other borrowing from a
18 bank or financial institution secured by revenue other than ad
19 valorem taxes.

20 (b) The district may issue bonds, notes, or other
21 obligations payable wholly or partly from ad valorem taxes, sales
22 and use taxes, assessments, impact fees, revenue, contract
23 payments, grants, or other district money, or any combination of
24 those sources of money, to pay for any authorized district purpose.

25 (c) The limitation on the outstanding principal amount of
26 bonds, notes, and other obligations provided by Section 49.4645,
27 Water Code, does not apply to the district.

1 Sec. 3909.261. TAXES FOR BONDS. At the time the district
2 issues bonds payable wholly or partly from ad valorem taxes, the
3 board shall provide for the annual imposition of a continuing
4 direct ad valorem tax, without limit as to rate or amount, while all
5 or part of the bonds are outstanding as required and in the manner
6 provided by Sections 54.601 and 54.602, Water Code.

7 Sec. 3909.262. ELECTIONS REGARDING CERTAIN TAXES AND BONDS.

8 (a) The district may issue, without an election, bonds, notes, and
9 other obligations secured by:

10 (1) revenue other than ad valorem taxes; or

11 (2) contract payments described by Section 3909.259.

12 (b) The district must hold an election in the manner
13 provided by Subchapter L, Chapter 375, Local Government Code, to
14 obtain voter approval before the district may impose an ad valorem
15 tax or sales and use tax or issue bonds payable from ad valorem
16 taxes.

17 (c) Section 375.243, Local Government Code, does not apply
18 to the district.

19 (d) All or any part of any facilities or improvements that
20 may be acquired by a district by the issuance of district bonds may
21 be included in one single proposition to be voted on at the election
22 or the bonds may be submitted in several propositions.

23 Sec. 3909.263. COMPETITIVE BIDDING. Subchapter I, Chapter
24 49, Water Code, applies to the district. Sections 375.221 and
25 375.223, Local Government Code, do not apply to the district.

26 Sec. 3909.264. TAX AND ASSESSMENT ABATEMENTS. The district
27 may designate reinvestment zones and may grant abatements of a tax

1 or assessment on property in the zones.

2 [Sections 3909.265-3909.300 reserved for expansion]

3 SUBCHAPTER G. DEFINED AREAS

4 Sec. 3909.301. AUTHORITY TO ESTABLISH DEFINED AREAS OR
5 DESIGNATED PROPERTY. The district may define areas or designate
6 certain property of the district to pay for improvements,
7 facilities, or services that primarily benefit that area or
8 property and do not generally and directly benefit the district as a
9 whole.

10 Sec. 3909.302. PROCEDURE FOR ELECTION. (a) Before the
11 district may impose an ad valorem tax or issue bonds payable from ad
12 valorem taxes of the defined area or designated property, the board
13 shall hold an election in the defined area or in the designated
14 property only.

15 (b) The election shall be conducted as provided by Section
16 3909.262.

17 (c) The board may submit the issues to the voters on the same
18 ballot to be used in another election.

19 Sec. 3909.303. DECLARING RESULT AND ISSUING ORDER. (a) If
20 a majority of the voters voting at the election approve the
21 proposition or propositions, the board shall declare the results
22 and, by order, shall establish the defined area and describe it by
23 metes and bounds or designate the specific property.

24 (b) A court may not review the board's order except on the
25 ground of fraud, palpable error, or arbitrary and confiscatory
26 abuse of discretion.

27 Sec. 3909.304. TAXES FOR IMPROVEMENTS AND FACILITIES IN

1 DEFINED AREAS OR DESIGNATED PROPERTY. On voter approval and
2 adoption of the order described by Section 3909.303, the district
3 may apply separately, differently, equitably, and specifically its
4 taxing power and lien authority to the defined area or designated
5 property to provide money to construct, administer, maintain, and
6 operate services, improvements, and facilities that primarily
7 benefit the defined area or designated property.

8 Sec. 3909.305. ISSUANCE OF BONDS FOR DEFINED AREA OR
9 DESIGNATED PROPERTY. After the order under Section 3909.303 is
10 adopted, the district may issue bonds to provide for any land,
11 improvements, facilities, plants, equipment, and appliances for
12 the defined area or designated property.

13 [Sections 3909.306-3909.350 reserved for expansion]

14 SUBCHAPTER H. SALES AND USE TAX

15 Sec. 3909.351. MEANINGS OF WORDS AND PHRASES. A word or
16 phrase used in this subchapter that is defined by Chapters 151 and
17 321, Tax Code, has the meaning assigned by Chapters 151 and 321, Tax
18 Code.

19 Sec. 3909.352. APPLICABILITY OF CERTAIN TAX CODE
20 PROVISIONS. (a) Except as otherwise provided by this subchapter,
21 Subtitles A and B, Title 2, Tax Code, and Chapter 151, Tax Code,
22 apply to taxes imposed under this subchapter and to the
23 administration and enforcement of those taxes in the same manner
24 that those laws apply to state taxes.

25 (b) Chapter 321, Tax Code, relating to municipal sales and
26 use taxes, applies to the application, collection, change, and
27 administration of a sales and use tax imposed under this subchapter

1 to the extent consistent with this chapter, as if references in
2 Chapter 321, Tax Code, to a municipality referred to the district
3 and references to a governing body referred to the board.

4 (c) Sections 321.106, 321.401, 321.402, 321.403, 321.404,
5 321.406, 321.409, 321.506, 321.507, and 321.508, Tax Code, do not
6 apply to a tax imposed under this subchapter.

7 Sec. 3909.353. AUTHORIZATION; ELECTION. (a) The district
8 may adopt a sales and use tax to serve the purposes of the district
9 after an election in which a majority of the voters of the district
10 voting in the election authorize the adoption of the tax.

11 (b) The board by order may call an election to authorize a
12 sales and use tax. The election may be held with any other district
13 election.

14 (c) The district shall provide notice of the election and
15 shall hold the election in the manner prescribed by Section
16 3909.262.

17 (d) The ballots shall be printed to provide for voting for
18 or against the proposition: "Authorization of a sales and use tax
19 in the Webb County Municipal Management District at a rate not to
20 exceed ___ percent."

21 Sec. 3909.354. ABOLISHING SALES AND USE TAX. (a) Except
22 as provided by Subsection (b), the board may abolish the sales and
23 use tax without an election.

24 (b) The board may not abolish the sales and use tax if the
25 district has outstanding debt secured by the tax.

26 Sec. 3909.355. SALES AND USE TAX RATE. (a) On adoption of
27 the tax authorized by this subchapter, a tax is imposed on the

1 receipts from the sale at retail of taxable items in the district
2 and an excise tax is imposed on the use, storage, or other
3 consumption in the district of taxable items purchased, leased, or
4 rented from a retailer in the district during the period that the
5 tax is in effect.

6 (b) The board shall determine the rate of the tax, which may
7 be in one-eighth of one percent increments not to exceed the maximum
8 rate authorized by the district voters at the election. The board
9 may lower the tax rate to the extent the rate does not impair any
10 outstanding debt or obligations payable from the tax.

11 (c) The rate of the excise tax is the same as the rate of the
12 sales tax portion of the tax and is applied to the sales price of the
13 taxable item.

14 [Sections 3909.356-3909.400 reserved for expansion]

15 SUBCHAPTER I. MUNICIPAL ANNEXATION AND DISSOLUTION

16 Sec. 3909.401. APPLICABILITY OF LAW ON ANNEXATION OF WATER
17 OR SEWER DISTRICT. The district is a "water or sewer district" for
18 the purposes of Section 43.071, Local Government Code.

19 Sec. 3909.402. APPLICABILITY OF LAW ON WATER-RELATED
20 SPECIAL DISTRICT THAT BECOMES PART OF NOT MORE THAN ONE
21 MUNICIPALITY. Section 43.075, Local Government Code, applies to
22 the district.

23 Sec. 3909.403. DISSOLUTION OF DISTRICT WITH OUTSTANDING
24 BONDS. Section 375.264, Local Government Code, does not apply to
25 the dissolution of the district by a municipality.

26 SECTION 2. Not later than the 60th day after the effective
27 date of this Act, the commissioners court of Webb County and the

1 governing body of the most populous city in Webb County shall
2 appoint the directors to the board of the Webb County Municipal
3 Management District, as provided by Section 3909.051, Special
4 District Local Laws Code, as added by this Act.

5 SECTION 3. (a) The legal notice of the intention to
6 introduce this Act, setting forth the general substance of this
7 Act, has been published as provided by law, and the notice and a
8 copy of this Act have been furnished to all persons, agencies,
9 officials, or entities to which they are required to be furnished
10 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
11 Government Code.

12 (b) The governor, one of the required recipients, has
13 submitted the notice and Act to the Texas Commission on
14 Environmental Quality.

15 (c) The Texas Commission on Environmental Quality has filed
16 its recommendations relating to this Act with the governor,
17 lieutenant governor, and speaker of the house of representatives
18 within the required time.

19 (d) The general law relating to consent by political
20 subdivisions to the creation of districts with conservation,
21 reclamation, and road powers and the inclusion of land in those
22 districts has been complied with.

23 (e) All requirements of the constitution and laws of this
24 state and the rules and procedures of the legislature with respect
25 to the notice, introduction, and passage of this Act have been
26 fulfilled and accomplished.

27 SECTION 4. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2011.