By: Gallegos   S.B. No. 900
    (Thompson)

A BILL TO BE ENTITLED

1   AN ACT

2 relating to the Aldine Improvement District; providing authority to

3 impose a tax.

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

5   SECTION 1. The heading to Chapter 3817, Special District

6 Local Laws Code, is amended to read as follows:

7   CHAPTER 3817. EAST ALDINE MANAGEMENT [IMPROVEMENT] DISTRICT

8   SECTION 2. Subdivision (2), Section 3817.001, Special

9 District Local Laws Code, is amended to read as follows:

10   (2) "District" means the East Aldine Management

11 [Improvement] District.

12   SECTION 3. Section 3817.002, Special District Local Laws

13 Code, is amended to read as follows:

14   Sec. 3817.002. EAST   ALDINE   MANAGEMENT   [IMPROVEMENT]

15 DISTRICT. The East Aldine Management [Improvement] District is a

16 special district created under Section 59, Article XVI, Texas

17 Constitution.

18   SECTION 4. Subsection (b), Section 3817.005, Special

19 District Local Laws Code, is amended to read as follows:

20   (b) The boundaries and field notes of the district

21 [contained in Section 1, Chapter 1433, Acts of the 77th

22 Legislature, Regular Session, 2001, enacting former Section

23 376.454, Local Government Code,] form a closure. A mistake in the

24 field notes or in copying the field notes in the legislative process

1 does not in any way affect the district's:

2 　　　　(1) organization, existence, or validity;

3 　　　　(2) right to issue any type of bond for a purpose for

4 which the district is created or to pay the principal of and

5 interest on the bond;

6 　　　　(3) right to impose or collect an assessment or tax; or

7 　　　　(4) legality or operation.

8 　　SECTION 5. Section 3817.154, Special District Local Laws

9 Code, is amended by amending Subsection (a) and adding Subsections

10 (e) and (f) to read as follows:

11 　　(a) The district may impose a sales and use tax if

12 authorized by a majority of the voters of the district voting at an

13 election called for that purpose. Revenue from the tax may be used

14 for any purpose for which [ad valorem tax] revenue of the district

15 may be used.

16 　　(e) The board may establish one or more areas in the

17 district as a special sales and use tax zone if the board finds that

18 a reasonable distinction exists that justifies a special sales and

19 use tax rate in the area. The special sales and use tax rate may be

20 different than the sales and use tax rate imposed in the rest of the

21 district if the special sales and use tax rate is approved by a

22 majority of the voters of the special sales and use tax zone at an

23 election held for that purpose. Subsections (b)-(d) apply to a

24 special sales and use tax imposed under this subsection in the same

25 manner as the sales and use tax imposed under Subsection (a).

26 　　(f) There are exempted from a special sales and use tax

27 imposed by the district under Subsection (e) the sale, production,

1 distribution, lease, or rental of, and the use, storage, or other

2 consumption within a special sales and use tax zone of, a taxable

3 item sold, leased, or rented by:

4   (1) a retail electric provider as defined by Section

5 31.002, Utilities Code;

6   (2) an electric utility or a power generation company

7 as defined by Section 31.002, Utilities Code;

8   (3) a gas utility as defined by Section 101.003 or

9 121.001, Utilities Code, or a person who owns pipelines used for the

10 transportation or sale of oil or gas or a product or constituent of

11 oil or gas;

12   (4) a person who owns pipelines used for the

13 transportation or sale of carbon dioxide;

14   (5) a telecommunications provider as defined by

15 Section 51.002, Utilities Code; or

16   (6) a cable service provider or video service provider

17 as defined by Section 66.002, Utilities Code.

18   SECTION 6. The following territory is added to the

19 territory of the East Aldine Management District, formerly known as

20 the Aldine Improvement District:

21   Tract 1-BEGINNING at the northwestern corner of the boundary

22 of the East Aldine Management District at the north right of way of

23 Aldine Bender Road and the east boundary of Greater Greenspoint

24 Management District;

25   THENCE, northerly along the east boundary of Greater

26 Greenspoint Management District to the southern boundary of Greens

27 Parkway Municipal Utility District ("GPMUD");

1   THENCE, east along the southern boundary of GPMUD to the

2 point at which the GPMUD boundary turns north at the right of way of

3 Greens Road;

4   THENCE, continuing east along the north right of way of

5 Greens Road to the intersection of Greens Road and the City of

6 Houston full-purpose boundary line;

7   THENCE, south along the City of Houston full-purpose boundary

8 line, across Beltway 8 to the point at which the City of Houston

9 full-purpose boundary line intersects the northern boundary of East

10 Aldine Management District at Aldine Bender Road;

11   THENCE, west along the northern boundary line of East Aldine

12 Management District, TO THE POINT OF BEGINNING.

13   Tract 2-BEGINNING at the point at which the northern boundary

14 line of the East Aldine Management District intersects the City of

15 Houston full-purpose boundary line on the east side of the right of

16 way of Aldine Bender Road;

17   THENCE, north along the City of Houston full-purpose boundary

18 line to the point at which the City of Houston full-purpose boundary

19 line turns east;

20   THENCE, generally east along the City of Houston full-purpose

21 boundary line to the point at which the City of Houston full-purpose

22 boundary line reaches the right of way of John F. Kennedy Boulevard,

23 then south along the same City of Houston full-purpose boundary

24 line to the right of way of Aldine Bender Road where it meets the

25 north boundary line of East Aldine Management District;

26   THENCE, west along the north boundary line of East Aldine

27 Management District, to the POINT OF BEGINNING.

1 Tract 3-BEGINNING at the point at which the western boundary
2 line of the East Aldine Management District intersects the north
3 easement of Harris County Flood Control District (HCFCD) drainage
4 ditch (#9 DD-7, P138-00-00 tributary 24.97 to Greens Bayou);

5 THENCE, westerly along the north easement of HCFCD drainage
6 ditch (#9 DD-7, P138-00-00 tributary 24.97 to Greens Bayou) to east
7 boundary of City of Houston full-purpose boundary line;

8 THENCE, south along east boundary of City of Houston
9 full-purpose boundary line, across HCFCD easement of drainage ditch
10 (#9 DD-7, P138-00-00 tributary 24.97 to Greens Bayou) to north
11 boundary of Colonial Hills Subdivision

12 THENCE, west along the north boundary of Colonial Hills
13 Subdivision to northwest corner of said subdivision;

14 THENCE, southerly along the west boundary of Colonial Hills
15 Subdivision to southwest corner of said subdivision;

16 THENCE east along the south boundary of Colonial Hills
17 Subdivision to southeast corner of said subdivision;

18 THENCE, north along the east boundary of Colonial Hills
19 Subdivision to northeast corner of said subdivision and south
20 easement of HCFCD drainage ditch (#9 DD-7, P138-00-00 tributary
21 24.97 to Greens Bayou);

22 THENCE easterly along the south easement of HCFCD drainage
23 ditch (#9 DD-7, P138-00-00 tributary 24.97 to Greens Bayou) to west
24 boundary of existing East Aldine Management District;

25 THENCE, north along west boundary of existing East Aldine
26 Management District, across easement of HCFCD drainage ditch (#9
27 DD-7, P138-00-00 tributary 24.97 to Greens Bayou), to the POINT OF

1 BEGINNING.

2 SECTION 7. (a) The legislature validates and confirms all

3 governmental acts and proceedings of the Aldine Improvement

4 District, now known as the East Aldine Management District, that

5 were taken before the effective date of this Act. An act or

6 proceeding may not be held invalid because the act or proceeding was

7 not in accordance with Chapter 3817, Special District Local Laws

8 Code, or other law.

9 (b) This section does not apply to any matter that on the

10 effective date of this Act:

11 (1) is involved in litigation if the litigation

12 ultimately results in the matter being held invalid by a final court

13 judgment; or

14 (2) has been held invalid by a final court judgment.

15 SECTION 8. A reference in law to the Aldine Improvement

16 District means the East Aldine Management District.

17 SECTION 9. (a) The legal notice of the intention to

18 introduce this Act, setting forth the general substance of this

19 Act, has been published as provided by law, and the notice and a

20 copy of this Act have been furnished to all persons, agencies,

21 officials, or entities to which they are required to be furnished

22 under Section 59, Article XVI, Texas Constitution, and Chapter 313,

23 Government Code.

24 (b) The governor, one of the required recipients, has

25 submitted the notice and Act to the Texas Commission on

26 Environmental Quality.

27 (c) The Texas Commission on Environmental Quality has filed

1 its recommendations relating to this Act with the governor,
2 lieutenant governor, and speaker of the house of representatives
3 within the required time.

4   (d) The general law relating to consent by political
5 subdivisions to the creation of districts with conservation,
6 reclamation, and road powers and the inclusion of land in those
7 districts has been complied with.

8   (e) All requirements of the constitution and laws of this
9 state and the rules and procedures of the legislature with respect
10 to the notice, introduction, and passage of this Act have been
11 fulfilled and accomplished.

12   SECTION 10. This Act takes effect immediately if it
13 receives a vote of two-thirds of all the members elected to each
14 house, as provided by Section 39, Article III, Texas Constitution.
15 If this Act does not receive the vote necessary for immediate
16 effect, this Act takes effect September 1, 2011.