

1-1 By: Gallegos S.B. No. 900
1-2 (In the Senate - Filed February 23, 2011; March 1, 2011,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; March 28, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 March 28, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 900 By: Gallegos

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the Aldine Improvement District; providing authority to
1-11 impose a tax.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. The heading to Chapter 3817, Special District
1-14 Local Laws Code, is amended to read as follows:

1-15 CHAPTER 3817. EAST ALDINE MANAGEMENT [~~IMPROVEMENT~~] DISTRICT

1-16 SECTION 2. Subdivision (2), Section 3817.001, Special
1-17 District Local Laws Code, is amended to read as follows:

1-18 (2) "District" means the East Aldine Management
1-19 [~~Improvement~~] District.

1-20 SECTION 3. Section 3817.002, Special District Local Laws
1-21 Code, is amended to read as follows:

1-22 Sec. 3817.002. EAST ALDINE MANAGEMENT [~~IMPROVEMENT~~]
1-23 DISTRICT. The East Aldine Management [~~Improvement~~] District is a
1-24 special district created under Section 59, Article XVI, Texas
1-25 Constitution.

1-26 SECTION 4. Subsection (b), Section 3817.005, Special
1-27 District Local Laws Code, is amended to read as follows:

1-28 (b) The boundaries and field notes of the district
1-29 [~~contained in Section 1, Chapter 1433, Acts of the 77th~~
1-30 ~~Legislature, Regular Session, 2001, enacting former Section~~
1-31 ~~376.454, Local Government Code,~~] form a closure. A mistake in the
1-32 field notes or in copying the field notes in the legislative process
1-33 does not in any way affect the district's:

1-34 (1) organization, existence, or validity;

1-35 (2) right to issue any type of bond for a purpose for
1-36 which the district is created or to pay the principal of and
1-37 interest on the bond;

1-38 (3) right to impose or collect an assessment or tax; or

1-39 (4) legality or operation.

1-40 SECTION 5. Section 3817.154, Special District Local Laws
1-41 Code, is amended by amending Subsection (a) and adding Subsections
1-42 (e) and (f) to read as follows:

1-43 (a) The district may impose a sales and use tax if
1-44 authorized by a majority of the voters of the district voting at an
1-45 election called for that purpose. Revenue from the tax may be used
1-46 for any purpose for which [~~ad valorem tax~~] revenue of the district
1-47 may be used.

1-48 (e) The board may establish one or more areas in the
1-49 district as a special sales and use tax zone if the board finds that
1-50 a reasonable distinction exists that justifies a special sales and
1-51 use tax rate in the area. The special sales and use tax rate may be
1-52 different than the sales and use tax rate imposed in the rest of the
1-53 district if the special sales and use tax rate is approved by a
1-54 majority of the voters of the special sales and use tax zone at an
1-55 election held for that purpose. Subsections (b)-(d) apply to a
1-56 special sales and use tax imposed under this subsection in the same
1-57 manner as the sales and use tax imposed under Subsection (a).

1-58 (f) There are exempted from a special sales and use tax
1-59 imposed by the district under Subsection (e) the sale, production,
1-60 distribution, lease, or rental of, and the use, storage, or other
1-61 consumption within a special sales and use tax zone of, a taxable
1-62 item sold, leased, or rented by:

1-63 (1) a retail electric provider as defined by Section

- 2-1 31.002, Utilities Code;
- 2-2 (2) an electric utility or a power generation company
- 2-3 as defined by Section 31.002, Utilities Code;
- 2-4 (3) a gas utility as defined by Section 101.003 or
- 2-5 121.001, Utilities Code, or a person who owns pipelines used for the
- 2-6 transportation or sale of oil or gas or a product or constituent of
- 2-7 oil or gas;
- 2-8 (4) a person who owns pipelines used for the
- 2-9 transportation or sale of carbon dioxide;
- 2-10 (5) a telecommunications provider as defined by
- 2-11 Section 51.002, Utilities Code; or
- 2-12 (6) a cable service provider or video service provider
- 2-13 as defined by Section 66.002, Utilities Code.

2-14 SECTION 6. The following territory is added to the
 2-15 territory of the East Aldine Management District, formerly known as
 2-16 the Aldine Improvement District:

2-17 Tract 1-BEGINNING at the northwestern corner of the boundary
 2-18 of the East Aldine Management District at the north right of way of
 2-19 Aldine Bender Road and the east boundary of Greater Greenspoint
 2-20 Management District;

2-21 THENCE, northerly along the east boundary of Greater
 2-22 Greenspoint Management District to the southern boundary of Greens
 2-23 Parkway Municipal Utility District ("GPMUD");

2-24 THENCE, east along the southern boundary of GPMUD to the
 2-25 point at which the GPMUD boundary turns north at the right of way of
 2-26 Greens Road;

2-27 THENCE, continuing east along the north right of way of
 2-28 Greens Road to the intersection of Greens Road and the City of
 2-29 Houston full-purpose boundary line;

2-30 THENCE, south along the City of Houston full-purpose boundary
 2-31 line, across Beltway 8 to the point at which the City of Houston
 2-32 full-purpose boundary line intersects the northern boundary of East
 2-33 Aldine Management District at Aldine Bender Road;

2-34 THENCE, west along the northern boundary line of East Aldine
 2-35 Management District, TO THE POINT OF BEGINNING.

2-36 Tract 2-BEGINNING at the point at which the northern boundary
 2-37 line of the East Aldine Management District intersects the City of
 2-38 Houston full-purpose boundary line on the east side of the right of
 2-39 way of Aldine Bender Road;

2-40 THENCE, north along the City of Houston full-purpose boundary
 2-41 line to the point at which the City of Houston full-purpose boundary
 2-42 line turns east;

2-43 THENCE, generally east along the City of Houston full-purpose
 2-44 boundary line to the point at which the City of Houston full-purpose
 2-45 boundary line reaches the right of way of John F. Kennedy Boulevard,
 2-46 then south along the same City of Houston full-purpose boundary
 2-47 line to the right of way of Aldine Bender Road where it meets the
 2-48 north boundary line of East Aldine Management District;

2-49 THENCE, west along the north boundary line of East Aldine
 2-50 Management District, to the POINT OF BEGINNING.

2-51 Tract 3-BEGINNING at the point at which the western boundary
 2-52 line of the East Aldine Management District intersects the north
 2-53 easement of Harris County Flood Control District (HCFCD) drainage
 2-54 ditch (#9 DD-7, P138-00-00 tributary 24.97 to Greens Bayou);

2-55 THENCE, westerly along the north easement of HCFCD drainage
 2-56 ditch (#9 DD-7, P138-00-00 tributary 24.97 to Greens Bayou) to east
 2-57 boundary of City of Houston full-purpose boundary line;

2-58 THENCE, south along east boundary of City of Houston
 2-59 full-purpose boundary line, across HCFCD easement of drainage ditch
 2-60 (#9 DD-7, P138-00-00 tributary 24.97 to Greens Bayou) to north
 2-61 boundary of Colonial Hills Subdivision

2-62 THENCE, west along the north boundary of Colonial Hills
 2-63 Subdivision to northwest corner of said subdivision;

2-64 THENCE, southerly along the west boundary of Colonial Hills
 2-65 Subdivision to southwest corner of said subdivision;

2-66 THENCE east along the south boundary of Colonial Hills
 2-67 Subdivision to southeast corner of said subdivision;

2-68 THENCE, north along the east boundary of Colonial Hills
 2-69 Subdivision to northeast corner of said subdivision and south

3-1 easement of HCFCF drainage ditch (#9 DD-7, P138-00-00 tributary
3-2 24.97 to Greens Bayou);

3-3 THENCE easterly along the south easement of HCFCF drainage
3-4 ditch (#9 DD-7, P138-00-00 tributary 24.97 to Greens Bayou) to west
3-5 boundary of existing East Aldine Management District;

3-6 THENCE, north along west boundary of existing East Aldine
3-7 Management District, across easement of HCFCF drainage ditch (#9
3-8 DD-7, P138-00-00 tributary 24.97 to Greens Bayou), to the POINT OF
3-9 BEGINNING.

3-10 SECTION 7. (a) The legislature validates and confirms all
3-11 governmental acts and proceedings of the Aldine Improvement
3-12 District, now known as the East Aldine Management District, that
3-13 were taken before the effective date of this Act. An act or
3-14 proceeding may not be held invalid because the act or proceeding was
3-15 not in accordance with Chapter 3817, Special District Local Laws
3-16 Code, or other law.

3-17 (b) This section does not apply to any matter that on the
3-18 effective date of this Act:

3-19 (1) is involved in litigation if the litigation
3-20 ultimately results in the matter being held invalid by a final court
3-21 judgment; or

3-22 (2) has been held invalid by a final court judgment.

3-23 SECTION 8. A reference in law to the Aldine Improvement
3-24 District means the East Aldine Management District.

3-25 SECTION 9. (a) The legal notice of the intention to
3-26 introduce this Act, setting forth the general substance of this
3-27 Act, has been published as provided by law, and the notice and a
3-28 copy of this Act have been furnished to all persons, agencies,
3-29 officials, or entities to which they are required to be furnished
3-30 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3-31 Government Code.

3-32 (b) The governor, one of the required recipients, has
3-33 submitted the notice and Act to the Texas Commission on
3-34 Environmental Quality.

3-35 (c) The Texas Commission on Environmental Quality has filed
3-36 its recommendations relating to this Act with the governor,
3-37 lieutenant governor, and speaker of the house of representatives
3-38 within the required time.

3-39 (d) The general law relating to consent by political
3-40 subdivisions to the creation of districts with conservation,
3-41 reclamation, and road powers and the inclusion of land in those
3-42 districts has been complied with.

3-43 (e) All requirements of the constitution and laws of this
3-44 state and the rules and procedures of the legislature with respect
3-45 to the notice, introduction, and passage of this Act have been
3-46 fulfilled and accomplished.

3-47 SECTION 10. This Act takes effect immediately if it
3-48 receives a vote of two-thirds of all the members elected to each
3-49 house, as provided by Section 39, Article III, Texas Constitution.
3-50 If this Act does not receive the vote necessary for immediate
3-51 effect, this Act takes effect September 1, 2011.

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