

By: Howard

H.B. No. 3959

A BILL TO BE ENTITLED

AN ACT

relating to certain regulations and taxes utilized by governmental entities for construction and tourism.

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

SECTION 1. Sec. 3000.02(c), Government Code, is amended as follows:

(c) This section does not apply to:

(1) a program established by a state agency that requires particular standards, incentives, or financing arrangements in order to comply with requirements of a state or federal funding source or housing program;

(2) a requirement for a building necessary to consider the building eligible for windstorm and hail insurance coverage under Chapter 2210, Insurance Code;

(3) an ordinance or other regulation that regulates outdoor lighting that is adopted for the purpose of reducing light pollution and that:

(A) is adopted by a governmental entity that is certified as a Dark Sky Community by the International Dark-Sky Association as part of the International Dark Sky Places Program;

(B) is adopted by a governmental entity that has adopted a resolution stating the entity's intent to become certified as a Dark Sky Community by the International Dark-Sky Association as part of the International Dark Sky Places Program

1 and does not regulate outdoor lighting in a manner that is more
2 restrictive than the prohibitions or limitations required to become
3 certified as a Dark Sky Community; or

4 (C) applies to outdoor lighting within five miles
5 of the boundary of a military base in which an active training
6 program is conducted;

7 (4) an ordinance or order that:

8 (A) regulates outdoor lighting; and

9 (B) is adopted under Subchapter B, Chapter 229,
10 Local Government Code, or Subchapter B, Chapter 240, Local
11 Government Code;

12 (5) a building located in a place or area designated
13 for its historical, cultural, or architectural importance and
14 significance that a municipality may regulate under Section
15 211.003(b), Local Government Code, if the municipality:

16 (A) is a certified local government under the
17 National Historic Preservation Act (54 U.S.C. Section 300101 et
18 seq.); or

19 (B) has an applicable landmark ordinance that
20 meets the requirements under the certified local government program
21 as determined by the Texas Historical Commission;

22 (6) a building located in a place or area designated
23 for its historical, cultural, or architectural importance and
24 significance by a governmental entity, if designated before April
25 1, 2019;

26 (7) a building located in an area designated as a
27 historic district on the National Register of Historic Places;

1 (8) a building designated as a Recorded Texas Historic
2 Landmark;

3 (9) a building designated as a State Archeological
4 Landmark or State Antiquities Landmark;

5 (10) a building listed on the National Register of
6 Historic Places or designated as a landmark by a governmental
7 entity;

8 (11) a building located in a World Heritage Buffer
9 Zone;

10 (12) a building located in an area designated for
11 development, restoration, or preservation in a main street city
12 under the main street program established under Section 442.014;

13 (13) a building other than a single-family residential
14 property located in a municipality with a population of less than
15 20,000;

16 ~~[(13)]~~ (14) a standard for a plumbing product required
17 by an ordinance or other regulation implementing a water
18 conservation plan or program described by Section 11.1271 or
19 13.146, Water Code; and

20 ~~[(14)]~~ (15) a standard for a plumbing product imposed
21 by the Texas Water Development Board as a condition of applying for
22 or receiving financial assistance under a program administered by
23 the board.

24 SECTION 2. Section 351.101, Tax Code, is amended by adding
25 Subsection (t) as follows:

26 (t) In addition to the purposes provided by Subsection (a),
27 a municipality with a population less than 20,000 may use revenue

1 from the municipal hotel occupancy tax to promote tourism and the
2 convention and hotel industry by the enhancement and upgrading of a
3 water or wastewater system that provides services to facilities
4 that attract tourism in the municipality.

5 SECTION 3. This Act takes effect September 1, 2023.