

By: Cohen

H.B. No. 1751

A BILL TO BE ENTITLED

AN ACT

relating to imposing a fee on admissions to certain sexually oriented businesses.

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

SECTION 1. Sections 47.001-47.004, Business & Commerce Code, are redesignated as Subchapter A, Chapter 47, Business & Commerce Code, and a heading for Subchapter A is added to read as follows:

SUBCHAPTER A. RESTRICTION ON OWNERS, OPERATORS, MANAGERS, OR EMPLOYEES OF SEXUALLY ORIENTED BUSINESSES

SECTION 2. Section 47.001, Business & Commerce Code, is amended to read as follows:

Sec. 47.001. DEFINITIONS. In this subchapter [~~chapter~~]:

(1) "Sex offender" means a person who has been convicted of or placed on deferred adjudication for an offense for which a person is subject to registration under Chapter 62, Code of Criminal Procedure.

(2) "Sexually oriented business" has the meaning assigned by Section 243.002, Local Government Code.

SECTION 3. Chapter 47, Business & Commerce Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. FEE ON ADMISSIONS TO CERTAIN SEXUALLY ORIENTED BUSINESSES

Sec. 47.051. DEFINITIONS. In this subchapter:

1 (1) "Nude" means:

2 (A) entirely unclothed; or

3 (B) clothed in a manner that leaves uncovered or
4 visible through less than fully opaque clothing any portion of the
5 breasts below the top of the areola of the breasts, if the person is
6 female, or any portion of the genitals or buttocks.

7 (2) "Sexually oriented business" has the meaning
8 assigned by Section 243.002, Local Government Code.

9 Sec. 47.052. ADMISSION FEE. A fee is imposed on a sexually
10 oriented business that provides live nude entertainment or
11 performances in an amount equal to \$5 for each entry by each
12 customer admitted to the business.

13 Sec. 47.053. REMISSION OF FEE TO COMPTROLLER; DEPOSIT IN
14 GENERAL REVENUE. A sexually oriented business shall remit the fee
15 imposed by Section 47.052 to the comptroller each quarter in the
16 manner prescribed by the comptroller for deposit to the credit of
17 the general revenue fund.

18 Sec. 47.054. ADMINISTRATION, COLLECTION, AND ENFORCEMENT.
19 The comptroller shall adopt any necessary rules for the
20 administration, payment, collection, and enforcement of the fee
21 imposed by this chapter.

22 SECTION 4. The fee imposed by Section 47.052, Business &
23 Commerce Code, as added by this Act, applies only to a customer
24 admitted to a sexually oriented business on or after the effective
25 date of this Act.

26 SECTION 5. This Act takes effect September 1, 2007.