

AN ACT

relating to the use of municipal hotel occupancy tax revenue to enhance and upgrade sports facilities, coliseums, and multiuse facilities in certain municipalities.

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

SECTION 1. Section 351.101(a), Tax Code, is amended to read as follows:

(a) Revenue from the municipal hotel occupancy tax may be used only to promote tourism and the convention and hotel industry, and that use is limited to the following:

(1) the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities or visitor information centers, or both;

(2) the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;

(3) advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;

(4) the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft

1 arts, motion pictures, radio, television, tape and sound recording,  
2 and other arts related to the presentation, performance, execution,  
3 and exhibition of these major art forms;

4 (5) historical restoration and preservation projects  
5 or activities or advertising and conducting solicitations and  
6 promotional programs to encourage tourists and convention  
7 delegates to visit preserved historic sites or museums:

8 (A) at or in the immediate vicinity of convention  
9 center facilities or visitor information centers; or

10 (B) located elsewhere in the municipality or its  
11 vicinity that would be frequented by tourists and convention  
12 delegates;

13 (6) for a municipality located in a county with a  
14 population of one million or less, expenses, including promotion  
15 expenses, directly related to a sporting event in which the  
16 majority of participants are tourists who substantially increase  
17 economic activity at hotels and motels within the municipality or  
18 its vicinity; ~~and~~

19 (7) subject to Section 351.1076, the promotion of  
20 tourism by the enhancement and upgrading of existing sports  
21 facilities or fields, including facilities or fields for baseball,  
22 softball, soccer, and flag football, if:

23 (A) the municipality owns the facilities or  
24 fields;

25 (B) the municipality:

26 (i) has a population of 80,000 or more and  
27 is located in a county that has a population of 350,000 or less;

1 (ii) has a population of at least 65,000 but  
2 not more than 70,000 and is located in a county that has a  
3 population of 155,000 or less; [~~or~~]

4 (iii) has a population of at least 34,000  
5 but not more than 36,000 and is located in a county that has a  
6 population of 90,000 or less;

7 (iv) has a population of at least 13,000 but  
8 less than 39,000 and is located in a county that has a population of  
9 at least 200,000;

10 (v) has a population of at least 65,000 but  
11 less than 80,000 and no part of which is located in a county with a  
12 population greater than 150,000; or

13 (vi) is located in a county that:

14 (a) is adjacent to the Texas-Mexico  
15 border;

16 (b) has a population of at least  
17 500,000; and

18 (c) does not have a municipality with  
19 a population greater than 500,000; and

20 (C) the sports facilities and fields have been  
21 used, in the preceding calendar year, a combined total of more than  
22 10 times for district, state, regional, or national sports  
23 tournaments; and

24 (8) for a municipality with a population of at least  
25 65,000 but less than 80,000, no part of which is located in a county  
26 with a population greater than 150,000, the construction,  
27 improvement, enlarging, equipping, repairing, operation, and

1 maintenance of a coliseum or multiuse facility.

2           SECTION 2. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2009.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1789 was passed by the House on April 28, 2009, by the following vote: Yeas 149, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1789 on May 21, 2009, by the following vote: Yeas 136, Nays 5, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1789 was passed by the Senate, with amendments, on May 18, 2009, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor