By: Geren

H.B. No. 4360

Substitute the following for H.B. No. 4360:

By: Keffer

C.S.H.B. No. 4360

A BILL TO BE ENTITLED

1   AN ACT

2 relating to revenue sources for certain venue projects.

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

4   SECTION 1.   Section 334.042(c), Local Government Code, is

5 amended to read as follows:

6   (c)   The municipality or county may deposit into the venue

7 project fund:

8   (1)   money received by the municipality or county from

9 innovative funding concepts such as the sale or lease of luxury

10 boxes or the sale of licenses for personal seats; [and]

11   (2)   any other revenue received by the municipality or

12 county from the approved venue project, including stadium rental

13 payments and revenue from concessions and parking;

14   (3)   if the revenue is not otherwise dedicated, all or a

15 portion of any revenue the municipality or county receives from

16 bonuses, delay rentals, royalties, and any other payments the

17 municipality or county receives as the owner of oil, gas, and other

18 mineral interests;

19   (4)   if the revenue is not otherwise dedicated, all or a

20 portion of any revenues the municipality or county receives from

21 the fees, payments, or charges imposed by:

22   (A)   a joint operating board to which a

23 municipality or county is a party; or

24   (B)   a nonprofit corporation created by and acting

1 on behalf of a county or municipality; and

2   (5) any other revenue the municipality by ordinance or

3 the county by order determines is appropriate for use in financing a

4 venue project and related infrastructure.

5   SECTION 2. Section 334.103(c), Local Government Code, is

6 amended to read as follows:

7   (c) A county with a population of more than two million that

8 is adjacent to a county with a population of more than one million

9 or a municipality with a population of more than 700,000 within a

10 county with a population of more than one million that is adjacent

11 to a county with a population of more than two million may impose

12 the tax authorized by this subchapter at a rate not to exceed six

13 percent on the gross rental receipts from the rental in the county

14 or municipality of a motor vehicle.

15   SECTION 3. The   heading   to   Section   334.1041,   Local

16 Government Code, is amended to read as follows:

17   Sec. 334.1041. RATE INCREASE IN CERTAIN POPULOUS COUNTIES

18 AND MUNICIPALITIES.

19   SECTION 4. Sections 334.1041(a) and (b), Local Government

20 Code, are amended to read as follows:

21   (a) This section applies only to:

22   (1) a county with a population of more than two million

23 that is adjacent to a county with a population of more than one

24 million; or

25   (2) a municipality with a population of more than

26 700,000 located within a county with a population of more than one

27 million that is adjacent to a county with a population of more than

1   two million.

2   (b) A municipality or county that has adopted a tax under

3   this subchapter at a rate of less than six percent may by ordinance

4   or order, as applicable, increase the rate of the tax to a maximum

5   of six percent if the increase is approved by a majority of the

6   registered voters of the municipality or county voting at an

7   election called and held for that purpose.

8   SECTION 5. Section 334.201, Local Government Code, is

9   amended by adding Subsection (b-1) to read as follows:

10   (b-1) Notwithstanding Subsection (b), if the approved venue

11   project consists of three or more separate but adjacent venue

12   facilities, the municipality or county may impose the tax during

13   any hours.

14   SECTION 6. Section 334.202, Local Government Code, is

15   amended by amending Subsection (b) and adding Subsection (b-1) to

16   read as follows:

17   (b) Regardless of the method of imposition, the amount of

18   the tax may not exceed $3 for each motor vehicle, except as provided

19   by Subsection (b-1).

20   (b-1) A municipality with a population of more than 700,000

21   within a county with a population of more than one million adjacent

22   to a county with a population of more than two million may impose

23   the tax authorized by this subchapter at a rate not to exceed $5 for

24   each motor vehicle.

25   SECTION 7. Section 334.203(a), Local Government Code, is

26   amended to read as follows:

27   (a) Except as provided by Section 334.2031, a [A]

1 municipality or county that has adopted a tax under this subchapter

2 at a rate of less than $3 a vehicle may by ordinance or order

3 increase the rate of the tax to a maximum of $3 a vehicle if the

4 increase is approved by a majority of the registered voters of that

5 municipality or county voting at an election called and held for

6 that purpose.

7 SECTION 8. Subchapter G, Chapter 334, Local Government

8 Code, is amended by adding Section 334.2031 to read as follows:

9 Sec. 334.2031. RATE INCREASE IN CERTAIN MUNICIPALITIES IN

10 CERTAIN POPULOUS COUNTIES. (a) This section applies only to a

11 municipality with a population of more than 700,000 within a county

12 with a population of more than one million that is adjacent to a

13 county with a population of more than two million.

14 (b) A municipality that has adopted a tax under this

15 subchapter at a rate of less than $5 a vehicle may by ordinance

16 increase the rate of the tax to a maximum of $5 a vehicle if the

17 increase is approved by a majority of the registered voters of the

18 municipality voting at an election called and held for that

19 purpose.

20 (c) The ballot for the election to increase the rate of the

21 tax shall be printed to permit voting for or against the

22 proposition: "The increase of the parking tax for the purpose of

23 financing _____ (insert description of venue

24 project) to a maximum rate of _____ (insert new maximum rate not to

25 exceed $5)."

26 SECTION 9. Section 334.254(c), Local Government Code, is

27 amended to read as follows:

1   (c) A county with a population of more than two million that

2 is adjacent to a county with a population of more than one million

3 or a municipality with a population of more than 700,000 within a

4 county with a population of more than one million that is adjacent

5 to a county with a population of more than two million may impose

6 the tax authorized by this subchapter at any rate not to exceed

7 three percent of the price paid for a room in a hotel.

8   SECTION 10. Section 334.255(a), Local Government Code, is

9 amended to read as follows:

10   (a) Except as provided by Section 334.2551, a [A]

11 municipality or county that has adopted a tax under this subchapter

12 at a rate of less than two percent may by ordinance or order

13 increase the rate of the tax to the maximum applicable rate if the

14 increase is approved by a majority of the registered voters of that

15 municipality or county voting at an election called and held for

16 that purpose.

17   SECTION 11. Subchapter H, Chapter 334, Local Government

18 Code, is amended by adding Section 334.2551 to read as follows:

19   Sec. 334.2551. RATE INCREASE IN CERTAIN POPULOUS COUNTIES

20 AND MUNICIPALITIES. (a) This section applies only to:

21   (1) a county with a population of more than two million

22 that is adjacent to a county with a population of more than one

23 million; or

24   (2) a municipality with a population of more than

25 700,000 within a county with a population of more than one million

26 adjacent to a county with a population of more than two million.

27   (b) A municipality or county that has adopted a tax under

1 this subchapter at a rate of less than three percent may by

2 ordinance or order increase the rate of the tax to the maximum

3 applicable rate if the increase is approved by a majority of the

4 registered voters of that municipality or county voting at an

5 election called and held for that purpose.

6   (c) The ballot for the election to increase the rate of the

7 tax shall be printed to permit voting for or against the

8 proposition: "The increase of the hotel occupancy tax for the

9 purpose of financing _____(insert description of venue

10 project) to a maximum rate of _____ percent (insert new

11 maximum applicable rate)."

12   SECTION 12. 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, 2009.