

1-1 By: Gonzales of Williamson, Schwertner H.B. No. 970
1-2 (Senate Sponsor - Ogden)
1-3 (In the Senate - Received from the House May 6, 2011;
1-4 May 9, 2011, read first time and referred to Committee on Economic
1-5 Development; May 17, 2011, reported adversely, with favorable
1-6 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-7 May 17, 2011, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR H.B. No. 970 By: Jackson

1-9 A BILL TO BE ENTITLED
1-10 AN ACT

1-11 relating to the use of municipal hotel occupancy tax revenue to
1-12 enhance and upgrade coliseums and multiuse facilities in certain
1-13 municipalities.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Section 351.101(a), Tax Code, as amended by
1-16 Chapters 402 (H.B. 1789), 1220 (S.B. 1247), and 1322 (H.B. 3098),
1-17 Acts of the 81st Legislature, Regular Session, 2009, is reenacted
1-18 and amended to read as follows:

1-19 (a) Revenue from the municipal hotel occupancy tax may be
1-20 used only to promote tourism and the convention and hotel industry,
1-21 and that use is limited to the following:

1-22 (1) the acquisition of sites for and the construction,
1-23 improvement, enlarging, equipping, repairing, operation, and
1-24 maintenance of convention center facilities or visitor information
1-25 centers, or both;

1-26 (2) the furnishing of facilities, personnel, and
1-27 materials for the registration of convention delegates or
1-28 registrants;

1-29 (3) advertising and conducting solicitations and
1-30 promotional programs to attract tourists and convention delegates
1-31 or registrants to the municipality or its vicinity;

1-32 (4) the encouragement, promotion, improvement, and
1-33 application of the arts, including instrumental and vocal music,
1-34 dance, drama, folk art, creative writing, architecture, design and
1-35 allied fields, painting, sculpture, photography, graphic and craft
1-36 arts, motion pictures, radio, television, tape and sound recording,
1-37 and other arts related to the presentation, performance, execution,
1-38 and exhibition of these major art forms;

1-39 (5) historical restoration and preservation projects
1-40 or activities or advertising and conducting solicitations and
1-41 promotional programs to encourage tourists and convention
1-42 delegates to visit preserved historic sites or museums:

1-43 (A) at or in the immediate vicinity of convention
1-44 center facilities or visitor information centers; or

1-45 (B) located elsewhere in the municipality or its
1-46 vicinity that would be frequented by tourists and convention
1-47 delegates;

1-48 (6) for a municipality located in a county with a
1-49 population of one million or less, expenses, including promotion
1-50 expenses, directly related to a sporting event in which the
1-51 majority of participants are tourists who substantially increase
1-52 economic activity at hotels and motels within the municipality or
1-53 its vicinity;

1-54 (7) subject to Section 351.1076, the promotion of
1-55 tourism by the enhancement and upgrading of existing sports
1-56 facilities or fields, including facilities or fields for baseball,
1-57 softball, soccer, and flag football, if:

1-58 (A) the municipality owns the facilities or
1-59 fields;

1-60 (B) the municipality:

1-61 (i) has a population of 80,000 or more and
1-62 is located in a county that has a population of 350,000 or less;

1-63 (ii) has a population of at least 65,000 but

2-1 not more than 70,000 and is located in a county that has a
2-2 population of 155,000 or less;
2-3 (iii) has a population of at least 34,000
2-4 but not more than 36,000 and is located in a county that has a
2-5 population of 90,000 or less;
2-6 (iv) has a population of at least 13,000 but
2-7 less than 39,000 and is located in a county that has a population of
2-8 at least 200,000;
2-9 (v) has a population of at least 65,000 but
2-10 less than 80,000 and no part of which is located in a county with a
2-11 population greater than 150,000; or
2-12 (vi) is located in a county that:
2-13 (a) is adjacent to the Texas-Mexico
2-14 border;
2-15 (b) has a population of at least
2-16 500,000; and
2-17 (c) does not have a municipality with
2-18 a population greater than 500,000; and
2-19 (C) the sports facilities and fields have been
2-20 used, in the preceding calendar year, a combined total of more than
2-21 10 times for district, state, regional, or national sports
2-22 tournaments; ~~and~~
2-23 (8) for a municipality with a population of at least
2-24 65,000 but less than 80,000, no part of which is located in a county
2-25 with a population greater than 150,000, the construction,
2-26 improvement, enlarging, equipping, repairing, operation, and
2-27 maintenance of a coliseum or multiuse facility;
2-28 (9) ~~(8)~~ signage directing the public to sights and
2-29 attractions that are visited frequently by hotel guests in the
2-30 municipality;
2-31 (10) ~~(8)~~ the construction of a recreational venue in
2-32 the immediate vicinity of area hotels, if:
2-33 (A) the municipality:
2-34 (i) is a general-law municipality;
2-35 (ii) has a population of not more than 900;
2-36 and
2-37 (iii) does not impose an ad valorem tax;
2-38 (B) not more than \$100,000 of municipal hotel
2-39 occupancy tax revenue is used for the construction of the
2-40 recreational venue;
2-41 (C) a majority of the hotels in the municipality
2-42 request the municipality to construct the recreational venue;
2-43 (D) the recreational venue will be used primarily
2-44 by hotel guests; and
2-45 (E) the municipality will pay for maintenance of
2-46 the recreational venue from the municipality's general fund;
2-47 (11) the construction, improvement, enlarging,
2-48 equipping, repairing, operation, and maintenance of a coliseum or
2-49 multiuse facility, if the municipality:
2-50 (A) has a population of at least 90,000 but less
2-51 than 120,000; and
2-52 (B) is located in two counties, at least one of
2-53 which contains the headwaters of the San Gabriel River; and
2-54 (12) for a municipality with a population of more than
2-55 175,000 but less than 225,000 that is located in two counties, each
2-56 of which has a population of less than 200,000, the construction,
2-57 improvement, enlarging, equipping, repairing, operation, and
2-58 maintenance of a coliseum or multiuse facility and related
2-59 infrastructure or a venue, as defined by Section 334.001(4), Local
2-60 Government Code, that is related to the promotion of tourism.

2-61 SECTION 2. This Act takes effect immediately if it receives
2-62 a vote of two-thirds of all the members elected to each house, as
2-63 provided by Section 39, Article III, Texas Constitution. If this
2-64 Act does not receive the vote necessary for immediate effect, this
2-65 Act takes effect September 1, 2011.

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