

By: Flynn

H.B. No. 1690

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the use of municipal hotel occupancy tax revenue to  
3 enhance and upgrade sports facilities in certain municipalities.

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

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

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

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

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

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

22 (4) the encouragement, promotion, improvement, and  
23 application of the arts, including instrumental and vocal music,  
24 dance, drama, folk art, creative writing, architecture, design and

1 allied fields, painting, sculpture, photography, graphic and craft  
2 arts, motion pictures, radio, television, tape and sound recording,  
3 and other arts related to the presentation, performance, execution,  
4 and exhibition of these major art forms;

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

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

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

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

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

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

26 (B) the municipality:

27 (i) has a population of 80,000 or more and

1 is located in a county that has a population of 350,000 or less;

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

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

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

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

14 (vi) is located in a county that:

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

17 (b) has a population of at least  
18 500,000; and

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

21 (vii) has a population of at least 25,000  
22 but not more than 26,000 and is located in a county that has a  
23 population of 90,000 or less; and

24 (C) the sports facilities and fields have been  
25 used, in the preceding calendar year, a combined total of more than  
26 10 times for district, state, regional, or national sports  
27 tournaments; ~~and~~

1           (8) for a municipality with a population of at least  
2 65,000 but less than 80,000, no part of which is located in a county  
3 with a population greater than 150,000, the construction,  
4 improvement, enlarging, equipping, repairing, operation, and  
5 maintenance of a coliseum or multiuse facility;

6           (9) [~~(8)~~] signage directing the public to sights and  
7 attractions that are visited frequently by hotel guests in the  
8 municipality; and

9           (10) [~~(8)~~] the construction of a recreational venue in  
10 the immediate vicinity of area hotels, if:

11                   (A) the municipality:

12                           (i) is a general-law municipality;

13                           (ii) has a population of not more than 900;

14 and

15                           (iii) does not impose an ad valorem tax;

16                   (B) not more than \$100,000 of municipal hotel  
17 occupancy tax revenue is used for the construction of the  
18 recreational venue;

19                   (C) a majority of the hotels in the municipality  
20 request the municipality to construct the recreational venue;

21                   (D) the recreational venue will be used primarily  
22 by hotel guests; and

23                   (E) the municipality will pay for maintenance of  
24 the recreational venue from the municipality's general fund.

25           SECTION 2. To the extent of any conflict, this Act prevails  
26 over another Act of the 82nd Legislature, Regular Session, 2011,  
27 relating to nonsubstantive additions to and corrections in enacted

1 codes.

2           SECTION 3. 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, 2011.