

1-1 By: Flynn (Senate Sponsor - Deuell) H.B. No. 1690
1-2 (In the Senate - Received from the House May 19, 2011;
1-3 May 19, 2011, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 21, 2011, reported favorably by
1-5 the following vote: Yeas 3, Nays 0; May 21, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the use of municipal hotel occupancy tax revenue to
1-9 enhance and upgrade sports facilities in certain municipalities.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 351.101(a), Tax Code, as amended by
1-12 Chapters 402 (H.B. 1789), 1220 (S.B. 1247), and 1322 (H.B. 3098),
1-13 Acts of the 81st Legislature, Regular Session, 2009, is reenacted
1-14 and amended to read as follows:

1-15 (a) Revenue from the municipal hotel occupancy tax may be
1-16 used only to promote tourism and the convention and hotel industry,
1-17 and that use is limited to the following:

1-18 (1) the acquisition of sites for and the construction,
1-19 improvement, enlarging, equipping, repairing, operation, and
1-20 maintenance of convention center facilities or visitor information
1-21 centers, or both;

1-22 (2) the furnishing of facilities, personnel, and
1-23 materials for the registration of convention delegates or
1-24 registrants;

1-25 (3) advertising and conducting solicitations and
1-26 promotional programs to attract tourists and convention delegates
1-27 or registrants to the municipality or its vicinity;

1-28 (4) the encouragement, promotion, improvement, and
1-29 application of the arts, including instrumental and vocal music,
1-30 dance, drama, folk art, creative writing, architecture, design and
1-31 allied fields, painting, sculpture, photography, graphic and craft
1-32 arts, motion pictures, radio, television, tape and sound recording,
1-33 and other arts related to the presentation, performance, execution,
1-34 and exhibition of these major art forms;

1-35 (5) historical restoration and preservation projects
1-36 or activities or advertising and conducting solicitations and
1-37 promotional programs to encourage tourists and convention
1-38 delegates to visit preserved historic sites or museums:

1-39 (A) at or in the immediate vicinity of convention
1-40 center facilities or visitor information centers; or

1-41 (B) located elsewhere in the municipality or its
1-42 vicinity that would be frequented by tourists and convention
1-43 delegates;

1-44 (6) for a municipality located in a county with a
1-45 population of one million or less, expenses, including promotion
1-46 expenses, directly related to a sporting event in which the
1-47 majority of participants are tourists who substantially increase
1-48 economic activity at hotels and motels within the municipality or
1-49 its vicinity;

1-50 (7) subject to Section 351.1076, the promotion of
1-51 tourism by the enhancement and upgrading of existing sports
1-52 facilities or fields, including facilities or fields for baseball,
1-53 softball, soccer, and flag football, if:

1-54 (A) the municipality owns the facilities or
1-55 fields;

1-56 (B) the municipality:

1-57 (i) has a population of 80,000 or more and
1-58 is located in a county that has a population of 350,000 or less;

1-59 (ii) has a population of at least 65,000 but
1-60 not more than 70,000 and is located in a county that has a
1-61 population of 155,000 or less;

1-62 (iii) has a population of at least 34,000
1-63 but not more than 36,000 and is located in a county that has a
1-64 population of 90,000 or less;

2-1 (iv) has a population of at least 13,000 but
2-2 less than 39,000 and is located in a county that has a population of
2-3 at least 200,000;
2-4 (v) has a population of at least 65,000 but
2-5 less than 80,000 and no part of which is located in a county with a
2-6 population greater than 150,000; ~~or~~
2-7 (vi) is located in a county that:
2-8 (a) is adjacent to the Texas-Mexico
2-9 border;
2-10 (b) has a population of at least
2-11 500,000; and
2-12 (c) does not have a municipality with
2-13 a population greater than 500,000; or
2-14 (vii) has a population of at least 25,000
2-15 but not more than 26,000 and is located in a county that has a
2-16 population of 90,000 or less; and
2-17 (C) the sports facilities and fields have been
2-18 used, in the preceding calendar year, a combined total of more than
2-19 10 times for district, state, regional, or national sports
2-20 tournaments; ~~and~~
2-21 (8) for a municipality with a population of at least
2-22 65,000 but less than 80,000, no part of which is located in a county
2-23 with a population greater than 150,000, the construction,
2-24 improvement, enlarging, equipping, repairing, operation, and
2-25 maintenance of a coliseum or multiuse facility;
2-26 (9) ~~(8)~~ signage directing the public to sights and
2-27 attractions that are visited frequently by hotel guests in the
2-28 municipality; and
2-29 (10) ~~(8)~~ the construction of a recreational venue in
2-30 the immediate vicinity of area hotels, if:
2-31 (A) the municipality:
2-32 (i) is a general-law municipality;
2-33 (ii) has a population of not more than 900;
2-34 and
2-35 (iii) does not impose an ad valorem tax;
2-36 (B) not more than \$100,000 of municipal hotel
2-37 occupancy tax revenue is used for the construction of the
2-38 recreational venue;
2-39 (C) a majority of the hotels in the municipality
2-40 request the municipality to construct the recreational venue;
2-41 (D) the recreational venue will be used primarily
2-42 by hotel guests; and
2-43 (E) the municipality will pay for maintenance of
2-44 the recreational venue from the municipality's general fund.
2-45 SECTION 2. To the extent of any conflict, this Act prevails
2-46 over another Act of the 82nd Legislature, Regular Session, 2011,
2-47 relating to nonsubstantive additions to and corrections in enacted
2-48 codes.
2-49 SECTION 3. This Act takes effect immediately if it receives
2-50 a vote of two-thirds of all the members elected to each house, as
2-51 provided by Section 39, Article III, Texas Constitution. If this
2-52 Act does not receive the vote necessary for immediate effect, this
2-53 Act takes effect September 1, 2011.

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