

SENATE AMENDMENTS

2nd Printing

By: Gonzales of Williamson, Schwertner

H.B. No. 970

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

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

23 (4) the encouragement, promotion, improvement, and
24 application of the arts, including instrumental and vocal music,

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

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

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

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

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

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

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

27 (B) the municipality:

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

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

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

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

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

15 (vi) is located in a county that:

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

18 (b) has a population of at least
19 500,000; and

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

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

26 (8) for a municipality with a population of at least
27 65,000 but less than 80,000, no part of which is located in a county

1 with a population greater than 150,000, the construction,
2 improvement, enlarging, equipping, repairing, operation, and
3 maintenance of a coliseum or multiuse facility;

4 (9) [~~(8)~~] signage directing the public to sights and
5 attractions that are visited frequently by hotel guests in the
6 municipality;

7 (10) [~~(8)~~] the construction of a recreational venue in
8 the immediate vicinity of area hotels, if:

9 (A) the municipality:

10 (i) is a general-law municipality;

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

12 and

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

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

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

19 (D) the recreational venue will be used primarily
20 by hotel guests; and

21 (E) the municipality will pay for maintenance of
22 the recreational venue from the municipality's general fund; and

23 (11) the construction, improvement, enlarging,
24 equipping, repairing, operation, and maintenance of a coliseum or
25 multiuse facility, if the municipality:

26 (A) has a population of at least 90,000 but less
27 than 120,000; and

1 (B) is located in two counties, at least one of
2 which contains the headwaters of the San Gabriel River.

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

ADOPTED

MAY 19 2011

Atty Gen
Secretary of the Senate

By: Ogden

H.B. No. 970

Substitute the following for H.B. No. 970:

By: Jackson

C.S. H.B. No. 970

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14 improvement, enlarging, equipping, repairing, operation, and
15 maintenance of convention center facilities or visitor information
16 centers, or both;

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

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

23 (4) the encouragement, promotion, improvement, and
24 application of the arts, including instrumental and vocal music,

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

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

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

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

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

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

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

27 (B) the municipality:

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

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

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

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

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

15 (vi) is located in a county that:

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

18 (b) has a population of at least
19 500,000; and

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

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

26 (8) for a municipality with a population of at least
27 65,000 but less than 80,000, no part of which is located in a county

1 with a population greater than 150,000, the construction,
2 improvement, enlarging, equipping, repairing, operation, and
3 maintenance of a coliseum or multiuse facility;

4 (9) [~~(8)~~] signage directing the public to sights and
5 attractions that are visited frequently by hotel guests in the
6 municipality;

7 (10) [~~(8)~~] the construction of a recreational venue in
8 the immediate vicinity of area hotels, if:

9 (A) the municipality:

10 (i) is a general-law municipality;

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

12 and

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

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

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

19 (D) the recreational venue will be used primarily
20 by hotel guests; and

21 (E) the municipality will pay for maintenance of
22 the recreational venue from the municipality's general fund;

23 (11) the construction, improvement, enlarging,
24 equipping, repairing, operation, and maintenance of a coliseum or
25 multiuse facility, if the municipality:

26 (A) has a population of at least 90,000 but less
27 than 120,000; and

1 (B) is located in two counties, at least one of
2 which contains the headwaters of the San Gabriel River; and
3 (12) for a municipality with a population of more than
4 175,000 but less than 225,000 that is located in two counties, each
5 of which has a population of less than 200,000, the construction,
6 improvement, enlarging, equipping, repairing, operation, and
7 maintenance of a coliseum or multiuse facility and related
8 infrastructure or a venue, as defined by Section 334.001(4), Local
9 Government Code, that is related to the promotion of tourism.

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 20, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB970 by Gonzales, Larry (Relating to the use of municipal hotel occupancy tax revenue to enhance and upgrade coliseums and multiuse facilities in certain municipalities.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would amend Chapter 351 of the Tax Code, regarding municipal hotel occupancy taxes.

The bill would allow a municipality, with a population of at least 90,000 but less than 120,000 and located in two counties where one of the counties contains the headwaters of the San Gabriel River, to use revenue from its municipal hotel occupancy tax for the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of a coliseum or multi-use facility.

The bill would allow a municipality with a population of at least 175,000 but less than 225,000 and located in two counties each of which has a population of less than 200,000, to use revenue from its municipal hotel occupancy tax for the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of a coliseum or multi-use facility and related infrastructure or a venue, as defined be section 334.001(4), Local Government Code, that is related to the promotion of tourism.

The cities of Round Rock and Amarillo would be eligible under the bill's provisions. The bill contains no state revenue or appropriation measures, and would affect only the uses of tax revenues collected by the municipalities.

The bill would take effect immediately upon enactment, assuming that it received the requisite two-thirds majority votes in both houses of the Legislature. Otherwise, it would take effect September 1, 2011.

Local Government Impact

For an applicable municipality, an additional usage of hotel occupancy tax revenue would have no direct fiscal impact, although indirectly, it could create a savings if another revenue source had been used.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, SD, KK, AG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 16, 2011

TO: Honorable Mike Jackson, Chair, Senate Committee on Economic Development

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB970 by Gonzales, Larry (Relating to the use of municipal hotel occupancy tax revenue to enhance and upgrade coliseums and multiuse facilities in certain municipalities.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend Chapter 351 of the Tax Code, regarding municipal hotel occupancy taxes.

The bill would allow a municipality, with a population of at least 90,000 but less than 120,000 and located in two counties where one of the counties contains the headwaters of the San Gabriel River, to use revenue from its municipal hotel occupancy tax for the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of a coliseum or multi-use facility.

The bill would allow a municipality with a population of at least 175,000 but less than 225,000 and located in two counties each of which has a population of less than 200,000, to use revenue from its municipal hotel occupancy tax for the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of a coliseum or multi-use facility and related infrastructure or a venue, as defined by section 334.001(4), Local Government Code, that is related to the promotion of tourism.

The cities of Round Rock and Amarillo would be eligible under the bill's provisions. The bill contains no state revenue or appropriation measures, and would affect only the uses of tax revenues collected by the municipalities.

The bill would take effect immediately upon enactment, assuming that it received the requisite two-thirds majority votes in both houses of the Legislature. Otherwise, it would take effect September 1, 2011.

Local Government Impact

For an applicable municipality, an additional usage of hotel occupancy tax revenue would have no direct fiscal impact, although indirectly, it could create a savings if another revenue source had been used.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, KK, AG

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 10, 2011

TO: Honorable Mike Jackson, Chair, Senate Committee on Economic Development

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB970 by Gonzales, Larry (Relating to the use of municipal hotel occupancy tax revenue to enhance and upgrade coliseums and multiuse facilities in certain municipalities.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend Chapter 351 of the Tax Code, regarding municipal hotel occupancy taxes.

The bill would allow a municipality, with a population of at least 90,000 but less than 120,000 and located in two counties where one of the counties contains the headwaters of the San Gabriel River, to use revenue from its municipal hotel occupancy tax for the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of a coliseum or multi-use facility.

The city of Round Rock would be eligible under the bill's provisions. The bill contains no state revenue or appropriation measures, and would affect only the uses of tax revenues collected by the municipalities.

The bill would take effect immediately upon enactment, assuming that it received the requisite two-thirds majority votes in both houses of the Legislature. Otherwise, it would take effect September 1, 2011.

Local Government Impact

For an applicable municipality, an additional usage of hotel occupancy tax revenue would have no direct fiscal impact, although indirectly, it could create a savings if another revenue source had been used.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, KK, AG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 17, 2011

TO: Honorable Harvey Hilderbran, Chair, House Committee on Ways & Means

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB970 by Gonzales, Larry (relating to the use of municipal hotel occupancy tax revenue to enhance and upgrade coliseums and multiuse facilities in certain municipalities.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend Chapter 351 of the Tax Code, regarding municipal hotel occupancy taxes.

The bill would allow a municipality, with a population of at least 90,000 but less than 120,000 and located in two counties where one of the counties contains the headwaters of the San Gabriel River, to use revenue from its municipal hotel occupancy tax for the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of a coliseum or multi-use facility.

The city of Round Rock would be eligible under the bill's provisions. The bill contains no state revenue or appropriation measures, and would affect only the uses of tax revenues collected by the municipalities.

The bill would take effect immediately upon enactment, assuming that it received the requisite two-thirds majority votes in both houses of the Legislature. Otherwise, it would take effect September 1, 2011.

Local Government Impact

For an applicable municipality, an additional usage of hotel occupancy tax revenue would have no direct fiscal impact, although indirectly, it could create a savings if another revenue source had been used.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, KK, AG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 25, 2011

TO: Honorable Harvey Hilderbran, Chair, House Committee on Ways & Means

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB970 by Gonzales, Larry (Relating to the use of municipal hotel occupancy tax revenue to enhance and upgrade coliseums and multiuse facilities in certain municipalities.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend Chapter 351 of the Tax Code, regarding municipal hotel occupancy taxes.

The bill would allow a municipality with a population of at least 100,000 but less than 150,000 and located in two counties to use revenue from its municipal hotel occupancy tax for the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of a coliseum or multi-use facility.

Eight municipalities would be eligible under the bill's provisions. The bill contains no state revenue or appropriation measures, and would affect only the uses of tax revenues collected by the municipalities.

The bill would take effect immediately upon enactment, assuming that it received the requisite two-thirds majority votes in both houses of the Legislature. Otherwise, it would take effect September 1, 2011.

Local Government Impact

For an applicable municipality, an additional usage of hotel occupancy tax revenue would have no direct fiscal impact, although indirectly, it could create a savings if another revenue source had been used.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, KK, SD, AG

LEGISLATIVE BUDGET BOARD
Austin, Texas

TAX/FEE EQUITY NOTE

82ND LEGISLATIVE REGULAR SESSION

April 17, 2011

TO: Honorable Harvey Hilderbran, Chair, House Committee on Ways & Means

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB970 by Gonzales, Larry (relating to the use of municipal hotel occupancy tax revenue to enhance and upgrade coliseums and multiuse facilities in certain municipalities.), **Committee Report 1st House, Substituted**

Because the bill would not create or impact a state tax or fee, no comment from this office is required by the rules of the House as to the general effects of the proposal on the distribution of tax and fee burdens among individuals and businesses.

Source Agencies:

LBB Staff: JOB, KK

LEGISLATIVE BUDGET BOARD
Austin, Texas

TAX/FEE EQUITY NOTE

82ND LEGISLATIVE REGULAR SESSION

March 25, 2011

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