

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Gallego

H.B. No. 1040

A BILL TO BE ENTITLED

AN ACT

relating to the validation of the creation of, and certain acts related to, a venue project.

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

SECTION 1. (a) The legislature validates and confirms:

(1) the creation of, and election on, a venue project to finance the restoration and renovation of a venue as of the date of an election held before the effective date of this Act at which the voters of a municipality approved the creation of the venue project and the levy of a two percent increase in the local hotel occupancy tax; and

(2) the levy and collection of a two percent increase in the local hotel occupancy tax for a venue project that occurred before the effective date of this Act.

(b) This section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment; or

(2) has been held invalid by a final court judgment.

(c) This Act does not validate any governmental act or proceeding that, under the law in effect at the time the act or proceeding occurred, would constitute a criminal offense punishable as a misdemeanor or felony.

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

# ADOPTED

MAY 24 2011

*Atty. Gen.*  
Secretary of the Senate

By: Vresti

H.B. No. 1040

Substitute the following for H.B. No. 1040:

By: [Signature]

C.S. H.B. No. 1040

## A BILL TO BE ENTITLED

### 1 AN ACT

2 relating to the validation of the creation of, and certain acts  
3 related to, a venue project, and the dissolution of certain venue  
4 districts.

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

6 SECTION 1. (a) The legislature validates and confirms:

7 (1) the creation of, and election on, a venue project  
8 to finance the restoration and renovation of a venue as of the date  
9 of an election held before the effective date of this Act at which  
10 the voters of a municipality approved the creation of the venue  
11 project and the levy of a two percent increase in the local hotel  
12 occupancy tax; and

13 (2) the levy and collection of a two percent increase  
14 in the local hotel occupancy tax for a venue project that occurred  
15 before the effective date of this Act.

16 (b) This section does not apply to any matter that on the  
17 effective date of this Act:

18 (1) is involved in litigation if the litigation  
19 ultimately results in the matter being held invalid by a final court  
20 judgment; or

21 (2) has been held invalid by a final court judgment.

22 (c) This Act does not validate any governmental act or  
23 proceeding that, under the law in effect at the time the act or  
24 proceeding occurred, would constitute a criminal offense

1 punishable as a misdemeanor or felony.

2 SECTION 2. Chapter 335, Local Government Code, is amended  
3 by adding Subchapter G to read as follows:

4 SUBCHAPTER G. DISSOLUTION OF DISTRICTS IN LESS POPULOUS COUNTIES

5 Sec. 335.151. APPLICABILITY. This subchapter applies only  
6 to a district wholly located in a county with a population of less  
7 than 15,000.

8 Sec. 335.152. DISSOLUTION. The governing body of each  
9 political subdivision that created a district may dissolve the  
10 district by adopting a concurrent order.

11 Sec. 335.153. ASSETS AND LIABILITIES. (a) The assets and  
12 liabilities of a district dissolved under this subchapter shall be  
13 transferred to the county in which the district is located.

14 (b) After payment of district liabilities, the county shall  
15 use the district assets that remain for an approved venue project of  
16 the county.

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

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 24, 2011**

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

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

**IN RE: HB1040** by Gallego (Relating to the validation of the creation of, and certain acts related to, a venue project, and the dissolution of certain venue districts.), **As Passed 2nd House**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** JOB, SD, AG, KK, TP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 12, 2011**

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

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

**IN RE: HB1040** by Gallego (Relating to the validation of the creation of, and certain acts related to, a venue project, and the dissolution of certain venue districts.), **Committee Report 2nd House, Substituted**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** JOB, AG, KK, TP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 5, 2011**

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

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

**IN RE: HB1040** by Gallego (Relating to the validation of the creation of, and certain acts related to, a venue project.), **As Engrossed**

<b>No fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** JOB, AG, KK, TP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**March 2, 2011**

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

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

**IN RE: HB1040** by Gallego (Relating to the validation of the creation of, and certain acts related to, a venue project.), **As Introduced**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** JOB, KK, TP



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**TAX/FEE EQUITY NOTE**

**82ND LEGISLATIVE REGULAR SESSION**

**March 4, 2011**

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

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

**IN RE: HB1040** by Gallego (Relating to the validation of the creation of, and certain acts related to, a venue project.), **As Introduced**

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