

By: Eiland, Hilderbran

H.B. No. 1908

A BILL TO BE ENTITLED

AN ACT

relating to sports and community venue projects.

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

SECTION 1. Section 334.001(4), Local Government Code, is amended to read as follows:

(4) "Venue" means:

(A) an arena, coliseum, stadium, or other type of area or facility:

(i) that is used or is planned for use for one or more professional or amateur sports events, community events, or other sports events, including rodeos, livestock shows, agricultural expositions, promotional events, and other civic or charitable events; and

(ii) for which a fee for admission to the events is charged or is planned to be charged;

(B) a convention center, convention center facility as defined by Section 351.001(2) or 352.001(2), Tax Code, or related improvement such as a [~~convention center, civic center, civic center building,~~] civic center hotel, [~~auditorium,~~] theater, opera house, music hall, [~~exhibition hall,~~] rehearsal hall, park, zoological park, museum, aquarium, or plaza located in the vicinity of a convention center or facility owned by a municipality or a county;

(C) a tourist development area along an inland

1 waterway;

2 (D) a municipal parks and recreation system, or
3 improvements or additions to a parks and recreation system, or an
4 area or facility that is part of a municipal parks and recreation
5 system;

6 (E) a project authorized by Section 4A or 4B,
7 Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas
8 Civil Statutes), as that Act existed on September 1, 1997; and

9 (F) a watershed protection and preservation
10 project; a recharge, recharge area, or recharge feature protection
11 project; a conservation easement; or an open-space preservation
12 program intended to protect water.

13 SECTION 2. Section 334.024, Local Government Code, is
14 amended by adding Subsection (d-1) to read as follows:

15 (d-1) If the proposition is authorizing the imposition of a
16 hotel occupancy tax under Subchapter H, the ballot must include the
17 following language: "If approved, the maximum hotel occupancy tax
18 rate imposed from all sources in _____ (insert name of
19 municipality or county) would be _____ (insert the maximum
20 combined hotel occupancy tax rate that would be imposed from all
21 sources at any location in the municipality or county, as
22 applicable, if the rate proposed in the ballot proposition is
23 adopted) of the price paid for a room in a hotel."

24 SECTION 3. Section 334.254, Local Government Code, is
25 amended to read as follows:

26 Sec. 334.254. TAX RATE. (a) Except as provided by
27 Subsections [~~Subsection~~] (c) and (d), the tax authorized by this

1 subchapter may be imposed by a municipality or county at any rate
2 not to exceed two percent of the price paid for a room in a hotel.

3 (b) The ballot proposition at the election held to adopt the
4 tax must specify:

- 5 (1) the maximum rate of the tax to be adopted; and
6 (2) the maximum combined hotel occupancy tax rate that
7 would be imposed from all sources at any location in the
8 municipality or county, as applicable, if the rate proposed in the
9 ballot proposition is adopted.

10 (c) Except as provided by Subsection (d), a [A] county with
11 a population of more than two million that is adjacent to a county
12 with a population of more than one million may impose the tax
13 authorized by this subchapter at any rate not to exceed three
14 percent of the price paid for a room in a hotel.

15 (d) A municipality or county may not propose a hotel
16 occupancy tax rate that would cause the combined hotel occupancy
17 tax rate imposed from all sources at any location in the
18 municipality or county, as applicable, to exceed 17 percent of the
19 price paid for a room in a hotel. The following are not included in
20 calculating the combined tax rate under this subsection:

- 21 (1) an assessment for an improvement project described
22 by Section 372.0035;
23 (2) an assessment authorized by Chapter 375; or
24 (3) a fee collected by a hotel to recover the cost of
25 an assessment described by Subdivision (1) or (2).

26 SECTION 4. Section 334.255(b), Local Government Code, is
27 amended to read as follows:

1 (b) The ballot for an election to increase the rate of the
2 tax shall be printed to permit voting for or against the
3 proposition: "The increase of the hotel occupancy tax for the
4 purpose of financing _____ (insert description of venue
5 project) to a maximum rate of _____ percent (insert new
6 maximum applicable rate). If approved, the maximum hotel occupancy
7 tax rate imposed from all sources in _____ (insert name of
8 municipality or county) would be _____ (insert the maximum
9 combined hotel occupancy tax rate that would be imposed from all
10 sources at any location in the municipality or county, as
11 applicable, if the rate proposed in the ballot proposition is
12 adopted) of the price paid for a room in a hotel."

13 SECTION 5. Section 335.054, Local Government Code, is
14 amended by adding Subsection (d-1) to read as follows:

15 (d-1) If the proposition is authorizing the imposition of a
16 hotel occupancy tax, the ballot must include the following
17 language: "If approved, the maximum hotel occupancy tax rate
18 imposed from all sources in _____ (insert name of district) would be
19 _____ (insert the maximum combined hotel occupancy tax rate that
20 would be imposed from all sources at any location in the district if
21 the rate proposed in the ballot proposition is adopted) of the price
22 paid for a room in a hotel."

23 SECTION 6. (a) The change in law made by this Act to Section
24 334.001, Local Government Code, applies only to a venue project
25 authorized on or after the effective date of this Act. A venue
26 project authorized before the effective date of this Act is
27 governed by the law in effect when the venue project was authorized,

1 and the former law is continued in effect for that purpose.

2 (b) The changes in law made by this Act to Sections 334.024,
3 334.254(b), 334.255, and 335.054, Local Government Code, apply only
4 to an election held on or after the effective date of this Act. An
5 election held before the effective date of this Act is governed by
6 the law in effect when the election was held, and the former law is
7 continued in effect for that purpose.

8 (c) Section 334.254(d), Local Government Code, as added by
9 this Act, does not apply to a hotel occupancy tax proposed and
10 authorized by an election held before the effective date of this
11 Act. A hotel occupancy tax proposed and authorized by an election
12 held before the effective date of this Act is governed by the law in
13 effect when the election was held, and the former law is continued
14 in effect for that purpose.

15 SECTION 7. This Act takes effect September 1, 2013.