

1-1 By: Eiland, Hilderbran (Senate Sponsor - Hancock) H.B. No. 1908
 1-2 (In the Senate - Received from the House May 8, 2013;
 1-3 May 9, 2013, read first time and referred to Committee on Economic
 1-4 Development; May 17, 2013, reported favorably by the following
 1-5 vote: Yeas 5, Nays 0; May 17, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Deuell	X			
1-8 Hancock	X			
1-9 Birdwell	X			
1-10 Davis	X			
1-11 Eltife			X	
1-12 Fraser			X	
1-13 Watson	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to sports and community venue projects.
 1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-19 SECTION 1. Section 334.001(4), Local Government Code, is
 1-20 amended to read as follows:
 1-21 (4) "Venue" means:
 1-22 (A) an arena, coliseum, stadium, or other type of
 1-23 area or facility:
 1-24 (i) that is used or is planned for use for
 1-25 one or more professional or amateur sports events, community
 1-26 events, or other sports events, including rodeos, livestock shows,
 1-27 agricultural expositions, promotional events, and other civic or
 1-28 charitable events; and
 1-29 (ii) for which a fee for admission to the
 1-30 events is charged or is planned to be charged;
 1-31 (B) a convention center, convention center
 1-32 facility as defined by Section 351.001(2) or 352.001(2), Tax Code,
 1-33 or related improvement such as a [convention center, civic center,
 1-34 civic center building,] civic center hotel, [auditorium,] theater,
 1-35 opera house, music hall, [exhibition hall,] rehearsal hall, park,
 1-36 zoological park, museum, aquarium, or plaza located in the vicinity
 1-37 of a convention center or facility owned by a municipality or a
 1-38 county;
 1-39 (C) a tourist development area along an inland
 1-40 waterway;
 1-41 (D) a municipal parks and recreation system, or
 1-42 improvements or additions to a parks and recreation system, or an
 1-43 area or facility that is part of a municipal parks and recreation
 1-44 system;
 1-45 (E) a project authorized by Section 4A or 4B,
 1-46 Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas
 1-47 Civil Statutes), as that Act existed on September 1, 1997; and
 1-48 (F) a watershed protection and preservation
 1-49 project; a recharge, recharge area, or recharge feature protection
 1-50 project; a conservation easement; or an open-space preservation
 1-51 program intended to protect water.
 1-52 SECTION 2. Section 334.024, Local Government Code, is
 1-53 amended by adding Subsection (d-1) to read as follows:
 1-54 (d-1) If the proposition is authorizing the imposition of a
 1-55 hotel occupancy tax under Subchapter H, the ballot must include the
 1-56 following language: "If approved, the maximum hotel occupancy tax
 1-57 rate imposed from all sources in _____ (insert name of
 1-58 municipality or county) would be _____ (insert the maximum
 1-59 combined hotel occupancy tax rate that would be imposed from all
 1-60 sources at any location in the municipality or county, as
 1-61 applicable, if the rate proposed in the ballot proposition is

2-1 adopted) of the price paid for a room in a hotel."

2-2 SECTION 3. Section 334.254, Local Government Code, is
2-3 amended to read as follows:

2-4 Sec. 334.254. TAX RATE. (a) Except as provided by
2-5 Subsections [Subsection] (c) and (d), the tax authorized by this
2-6 subchapter may be imposed by a municipality or county at any rate
2-7 not to exceed two percent of the price paid for a room in a hotel.

2-8 (b) The ballot proposition at the election held to adopt the
2-9 tax must specify:

2-10 (1) the maximum rate of the tax to be adopted; and

2-11 (2) the maximum combined hotel occupancy tax rate that
2-12 would be imposed from all sources at any location in the
2-13 municipality or county, as applicable, if the rate proposed in the
2-14 ballot proposition is adopted.

2-15 (c) Except as provided by Subsection (d), a [A] county with
2-16 a population of more than two million that is adjacent to a county
2-17 with a population of more than one million may impose the tax
2-18 authorized by this subchapter at any rate not to exceed three
2-19 percent of the price paid for a room in a hotel.

2-20 (d) A municipality or county may not propose a hotel
2-21 occupancy tax rate that would cause the combined hotel occupancy
2-22 tax rate imposed from all sources at any location in the
2-23 municipality or county, as applicable, to exceed 17 percent of the
2-24 price paid for a room in a hotel. The following are not included in
2-25 calculating the combined tax rate under this subsection:

2-26 (1) an assessment for an improvement project described
2-27 by Section 372.0035;

2-28 (2) an assessment authorized by Chapter 375; or

2-29 (3) a fee collected by a hotel to recover the cost of
2-30 an assessment described by Subdivision (1) or (2).

2-31 SECTION 4. Section 334.255(b), Local Government Code, is
2-32 amended to read as follows:

2-33 (b) The ballot for an election to increase the rate of the
2-34 tax shall be printed to permit voting for or against the
2-35 proposition: "The increase of the hotel occupancy tax for the
2-36 purpose of financing _____ (insert description of venue
2-37 project) to a maximum rate of _____ percent (insert new
2-38 maximum applicable rate). If approved, the maximum hotel occupancy
2-39 tax rate imposed from all sources in _____ (insert name of
2-40 municipality or county) would be _____ (insert the maximum
2-41 combined hotel occupancy tax rate that would be imposed from all
2-42 sources at any location in the municipality or county, as
2-43 applicable, if the rate proposed in the ballot proposition is
2-44 adopted) of the price paid for a room in a hotel."

2-45 SECTION 5. Section 335.054, Local Government Code, is
2-46 amended by adding Subsection (d-1) to read as follows:

2-47 (d-1) If the proposition is authorizing the imposition of a
2-48 hotel occupancy tax, the ballot must include the following
2-49 language: "If approved, the maximum hotel occupancy tax rate
2-50 imposed from all sources in _____ (insert name of district) would be
2-51 _____ (insert the maximum combined hotel occupancy tax rate that
2-52 would be imposed from all sources at any location in the district if
2-53 the rate proposed in the ballot proposition is adopted) of the price
2-54 paid for a room in a hotel."

2-55 SECTION 6. (a) The change in law made by this Act to Section
2-56 334.001, Local Government Code, applies only to a venue project
2-57 authorized on or after the effective date of this Act. A venue
2-58 project authorized before the effective date of this Act is
2-59 governed by the law in effect when the venue project was authorized,
2-60 and the former law is continued in effect for that purpose.

2-61 (b) The changes in law made by this Act to Sections 334.024,
2-62 334.254(b), 334.255, and 335.054, Local Government Code, apply only
2-63 to an election held on or after the effective date of this Act. An
2-64 election held before the effective date of this Act is governed by
2-65 the law in effect when the election was held, and the former law is
2-66 continued in effect for that purpose.

2-67 (c) Section 334.254(d), Local Government Code, as added by
2-68 this Act, does not apply to a hotel occupancy tax proposed and
2-69 authorized by an election held before the effective date of this

3-1 Act. A hotel occupancy tax proposed and authorized by an election
3-2 held before the effective date of this Act is governed by the law in
3-3 effect when the election was held, and the former law is continued
3-4 in effect for that purpose.

3-5 SECTION 7. This Act takes effect September 1, 2013.

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