

All Prefiled Amendments for: HB 3838

Zerwas

Amendment

850725

**The following amendment was
published on 5/10/17 11:31 PM**



850725

FLOOR AMENDMENT NO. 17 MAY -8 PM 8:25 BY: Zerwas
HOUSE OF REPRESENTATIVES

1 Amend H.B. No. 3838 (house committee report) by striking
2 all below the enacting clause and substituting the following:

3 SECTION 1. Section 351.102, Tax Code, is amended by
4 amending Subsections (b), (c), and (d) and adding Subsections
5 (e) and (f) to read as follows:

6 (b) An eligible central municipality, a municipality with
7 a population of 173,000 or more that is located within two or
8 more counties, a municipality with a population of 96,000 or
9 more that is located in a county that borders Lake Palestine or
10 contains the headwaters of the San Gabriel River, or a
11 municipality with a population of at least 99,900 but not more
12 than 111,000 that is located in a county with a population of at
13 least 135,000 may pledge the revenue derived from the tax
14 imposed under this chapter from a hotel project that is owned by
15 or located on land owned by the municipality or, in an eligible
16 central municipality, by a nonprofit corporation acting on
17 behalf of an eligible central municipality, and that is located
18 within 1,000 feet of a convention center facility owned by the
19 municipality for the payment of bonds or other obligations
20 issued or incurred to acquire, lease, construct, and equip the
21 hotel and any facilities ancillary to the hotel, including
22 convention center entertainment-related facilities, meeting
23 spaces, restaurants, shops, street and water and sewer
24 infrastructure necessary for the operation of the hotel or
25 ancillary facilities, and parking facilities within 1,000 feet
26 of the hotel or convention center facility. For bonds or other
27 obligations issued under this subsection, an eligible central
28 municipality or a municipality described by this subsection or
29 Subsection (e) may only pledge revenue or other assets of the

1 hotel project benefiting from those bonds or other obligations.

2 (c) Except as provided by this subsection, a [A]
3 municipality to which Subsection (b) or (e) applies is entitled
4 to receive all funds from a project described by this section
5 that an owner of a project may receive under Section 151.429(h)
6 of this code, or Section 2303.5055, Government Code, and may
7 pledge the funds for the payment of obligations issued under
8 this section. A municipality described by Subsection (e) is not
9 entitled to receive funds from a project under this subsection
10 unless the municipality has pledged the revenue derived from the
11 tax imposed under this chapter from the project for the payment
12 of bonds or other obligations issued or incurred for the
13 project.

14 (d) Except as provided by this subsection, an eligible
15 central municipality or another municipality described by
16 Subsection (b) or (e) that uses revenue derived from the tax
17 imposed under this chapter or funds received under Subsection
18 (c) for a hotel project described by Subsection (b) may not
19 reduce the percentage of revenue from the tax imposed under this
20 chapter and allocated for a purpose described by Section
21 351.101(a)(3) to a percentage that is less than the average
22 percentage of that revenue allocated by the municipality for
23 that purpose during the 36-month period preceding the date the
24 municipality begins using the revenue or funds for the hotel
25 project. This subsection does not apply to an eligible central
26 municipality described by Section 351.001(7)(D).

27 (e) In addition to the municipalities described by
28 Subsection (b), that subsection also applies to:

29 (1) a municipality with a population of at least
30 110,000 but not more than 135,000 at least part of which is
31 located in a county with a population of not more than 135,000;

1 (2) a municipality with a population of at least
2 9,000 but not more than 10,000 that is located in two counties,
3 each of which has a population of at least 662,000 and a
4 southern border with a county with a population of 2.3 million
5 or more;

6 (3) a municipality with a population of at least
7 200,000 but not more than 300,000 that contains a component
8 institution of the Texas Tech University System;

9 (4) a municipality with a population of at least
10 95,000 that borders Lake Lewisville;

11 (5) a municipality that:

12 (A) contains a portion of Cedar Hill State Park;

13 (B) has a population of more than 45,000;

14 (C) is located in two counties, one of which has
15 a population of more than two million and one of which has a
16 population of more than 149,000; and

17 (D) has adopted a capital improvement plan for
18 the construction or expansion of a convention center facility;

19 (6) a municipality with a population of less than
20 6,000 that:

21 (A) is located in two counties each with a
22 population of 600,000 or more that are both adjacent to a county
23 with a population of two million or more;

24 (B) has full-time police and fire departments;

25 and

26 (C) has adopted a capital improvement plan for
27 the construction or expansion of a convention center facility;

28 (7) a municipality with a population of 75,000 or
29 more that:

30 (A) is located wholly in one county with a
31 population of 575,000 or more that is adjacent to a county with

1 a population of four million or more; and

2 (B) has adopted a capital improvement plan for
3 the construction or expansion of a convention center facility;

4 (8) a municipality with a population of less than
5 75,000 that is located in three counties, at least one of which
6 has a population of four million or more;

7 (9) an eligible coastal municipality with a
8 population of more than 3,000 but less than 5,000;

9 (10) a municipality with a population of less than
10 2,000 that:

11 (A) is located:

12 (i) adjacent to a bay connected to the Gulf
13 of Mexico; and

14 (ii) in a county with a population of
15 290,000 or more that is adjacent to a county with a population
16 of four million or more; and

17 (B) has a boardwalk on the bay;

18 (11) a municipality with a population of more than
19 83,000, that borders Clear Lake, and that is primarily located
20 in a county with a population of less than 300,000; and

21 (12) a municipality that holds an annual jalapeño
22 festival and is the county seat of a county that:

23 (A) borders the United Mexican States;

24 (B) has a population of less than 300,000; and

25 (C) contains one or more municipalities with a
26 population of 200,000 or more.

27 (f) A municipality described by Subsection (e)(3) that
28 uses revenue derived from the tax imposed under this chapter or
29 funds received under Subsection (c) for repayment of bonds or
30 other obligations issued or incurred for a hotel project
31 described by Subsection (b) may not, in a fiscal year that

1 begins after construction of the hotel project is complete and
2 during any part of which the bonds or other obligations are
3 outstanding, reduce the amount of revenue derived from the tax
4 imposed under this chapter and allocated for a purpose described
5 by Section 351.101(a)(6) to an amount that is less than the sum
6 of:

7 (1) the amount of the revenue derived from the tax
8 imposed under this chapter and allocated by the municipality for
9 a purpose described by Section 351.101(a)(6) during the fiscal
10 year beginning October 1, 2016; and

11 (2) three percent of the amount of revenue derived
12 from the tax imposed under this chapter during the fiscal year
13 for which the amount required by this subsection is being
14 determined.

15 SECTION 2. This Act takes effect immediately if it
16 receives a vote of two-thirds of all the members elected to each
17 house, as provided by Section 39, Article III, Texas
18 Constitution. If this Act does not receive the vote necessary
19 for immediate effect, this Act takes effect September 1, 2017.