SECTION 3. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. This Act takes effect September 1, 2013.

Passed the Senate on April 18, 2013: Yeas 31, Nays 0; passed the House on May 9, 2013: Yeas 133, Nays 0, two present not voting.

Approved May 24, 2013.

Effective September 1, 2013.

CHAPTER 127

S.B. No. 748

AN ACT
relating to the use of certain tax revenue to enhance and upgrade convention center facilities, multipurpose arenas, venues, and related infrastructure in certain municipalities.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter B, Chapter 351, Tax Code, is amended by adding Section 351.1015 to read as follows:

Sec. 351.1015. CERTAIN QUALIFIED PROJECTS. (a) In this section:

(1) “Base year amount” means the amount of hotel-associated revenue collected in a project financing zone during the calendar year in which a municipality designates the zone.

(2) “Hotel-associated revenue” means the sum of:

(A) state tax revenue collected in a project financing zone from all hotels located in the zone that would be available to the owners of qualified hotel projects under Section 151.429(h) if the hotels were qualified hotel projects, excluding the amount of that revenue received by a municipality under Section 351.102(c) for a hotel project described by Section 351.102(b) and located in the zone that exists on the date the municipality designates the zone; and

(B) tax revenue collected from all permittees under Chapter 183 at hotels located in the zone, excluding revenue disbursed by the comptroller under Section 183.051(b).

(3) “Incremental hotel-associated revenue” means the amount in any calendar year by which hotel-associated revenue, including hotel-associated revenue from hotels built in the project financing zone after the year in which a municipality designates the zone, exceeds the base year amount.

(4) “Project financing zone” means an area within a municipality:

(A) that the municipality by ordinance or by agreement under Chapter 380, Local Government Code, designates as a project financing zone;

(B) the boundaries of which are within a three-mile radius of the center of a qualified project;

(C) the designation of which specifies the longitude and latitude of the center of the qualified project; and

(D) the designation of which expires not later than the 30th anniversary of the date of designation.

(5) “Qualified project” means:

(A) a convention center facility; or
(B) a multipurpose arena or venue that includes a livestock facility and is located within or adjacent to a recognized cultural district, and any related infrastructure, that is:

(i) located on land owned by a municipality or by the owner of the venue;
(ii) partially financed by private contributions that equal not less than 40 percent of the project costs; and
(iii) related to the promotion of tourism and the convention and hotel industry.

(6) “Venue” and “related infrastructure” have the meanings assigned by Section 334.001, Local Government Code.

(b) This section applies only to a qualified project located in a municipality with a population of at least 650,000 but less than 750,000 according to the most recent federal decennial census.

(c) In addition to the uses provided by Section 351.101, revenue from the municipal hotel occupancy tax may be used to fund a qualified project.

(d) A municipality may pledge the revenue derived from the tax imposed under this chapter from a hotel located in the project financing zone for the payment of bonds or other obligations issued or incurred to acquire, lease, construct, improve, enlarge, and equip the qualified project.

(e) A municipality may pledge for the payment of bonds or other obligations described by Subsection (d) the local revenue from eligible tax proceeds as defined by Section 2303.5055(e), Government Code, from hotels located in a project financing zone that would be available to the owners of qualified hotel projects under that section if the hotels were qualified hotel projects, excluding any amount received by the municipality for a hotel project described by Section 351.102(b) and located in the zone that exists on the date the municipality designates the zone.

(f) A municipality shall notify the comptroller of the municipality’s designation of a project financing zone not later than the 30th day after the date the municipality designates the zone. Notwithstanding other law, the municipality is entitled to receive the incremental hotel-associated revenue from the project financing zone for the period beginning on the first day of the year after the year in which the municipality designates the zone and ending on the last day of the month during which the designation expires. The municipality may pledge the revenue for the payment of bonds or other obligations described by Subsection (d).

(g) The comptroller shall deposit incremental hotel-associated revenue collected by or forwarded to the comptroller in a separate suspense account to be held in trust for the municipality that is entitled to receive the revenue. The suspense account is outside the state treasury, and the comptroller may make a payment authorized by this section from the account without the necessity of an appropriation. The comptroller shall begin making payments from the suspense account to the municipality for which the money is held on the date the qualified project in the project financing zone is commenced. If the qualified project is not commenced by the fifth anniversary of the first deposit to the account, the comptroller shall transfer the money in the suspense account to the general revenue fund and cease making deposits to the account.

(h) The comptroller may estimate the amount of incremental hotel-associated revenue that will be deposited to a suspense account under Subsection (g) during each calendar year. The comptroller may make deposits to the account and the municipality may request disbursements from the account on a monthly basis based on the estimate. At the end of each calendar year, the comptroller shall adjust the deposits and disbursements to reflect the amount of revenue actually deposited to the account during the calendar year.

(i) A municipality shall notify the comptroller if the qualified project in the project financing zone is abandoned. If the qualified project is abandoned, the comptroller shall transfer to the general revenue fund the amount of money in the suspense account that exceeds the amount required for the payment of bonds or other obligations described by Subsection (d).

SECTION 2. Subsection (a), Section 351.1065, Tax Code, is amended to read as follows:
(a) An eligible central municipality shall use the amount of revenue from the tax that is
derived from the application of the tax at a rate of more than seven percent of the cost of a
room only for:

(1) the construction of an expansion of an existing convention center facility; [and]
(2) a qualified project to which Section 351.1015 applies; and
(3) pledging payment of revenue bonds and revenue refunding bonds issued under
Subchapter A, Chapter 1504, Government Code, for the construction or qualified project [of
the expansion].

SECTION 3. This Act takes effect September 1, 2013.

Passed the Senate on April 4, 2013: Yeas 31, Nays 0; the Senate concurred in House
amendment on May 9, 2013: Yeas 26, Nays 4; passed the House, with amendment,
on May 2, 2013: Yeas 147, Nays 0; two present not voting.

Approved May 24, 2013.

Effective September 1, 2013.

CHAPTER 128

S.B. No. 821

AN ACT

relating to the prosecution of certain criminal offenses involving theft or involving fraud or other
deceptive practices.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. The heading to Section 31.06, Penal Code, is amended to read as follows:
Sec. 31.06. PRESUMPTION FOR THEFT BY CHECK OR SIMILAR SIGHT ORDER.

SECTION 2. Subsection (a), Section 31.06, Penal Code, is amended to read as follows:
(a) If the actor obtained property or secured performance of service by issuing or passing a
check or similar sight order for the payment of money, when the issuer did not have sufficient
funds in or on deposit with the bank or other drawee for the payment in full of the check or
order as well as all other checks or orders then outstanding, it is prima facie evidence of the
issuer's intent to deprive the owner of property under Section 31.03 (Theft) including a
drawee or third-party holder in due course who negotiated the check or
order or to avoid
payment for service under Section 31.04 (Theft of Service) (except in the case of a postdated
check or order) if:

(1) the issuer [he] had no account with the bank or other drawee at the time the issuer
[he] issued the check or sight order; or
(2) payment was refused by the bank or other drawee for lack of funds or insufficient
funds, on presentation within 30 days after issue, and the issuer failed to pay the holder in
full within 10 days after receiving notice of that refusal.

SECTION 3. The heading to Section 32.41, Penal Code, is amended to read as follows:
Sec. 32.41. ISSUANCE OF BAD CHECK OR SIMILAR SIGHT ORDER.

SECTION 4. Subsection (e), Section 32.41, Penal Code, is amended to read as follows:
(e) A person charged with an offense under this section may make restitution for the bad
checks or sight orders. Restitution shall be made through the prosecutor's office if collection
and processing were initiated through that office. In other cases restitution may be, with the
approval of the court in which the offense is filed:

(1) made through the court; or
(2) collected by a law enforcement agency if a peace officer of that agency executes a
warrant against the person charged with the offense.