

By: Cohen, Anchia, Dukes, Pitts, Hartnett,
et al.

H.B. No. 2070

Substitute the following for H.B. No. 2070:

By: Oliveira

C.S.H.B. No. 2070

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the fee based on admissions to certain sexually
3 oriented businesses.

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

5 SECTION 1. Section 47.052, Business & Commerce Code, is
6 amended by amending Subsection (a) and adding Subsection (a-1) to
7 read as follows:

8 (a) A fee is imposed on a sexually oriented business in an
9 amount equal to \$3 [~~\$5~~] for each entry by each customer admitted to
10 the business.

11 (a-1) For purposes of Section 151.007, Tax Code, the amount
12 of a fee imposed under this section is not considered part of the
13 sales price of the service for which the sales tax is otherwise
14 imposed or part of the receipts of a sexually oriented business.

15 SECTION 2. Section 47.054, Business & Commerce Code, is
16 amended to read as follows:

17 Sec. 47.054. ALLOCATION OF [~~CERTAIN~~] REVENUE FOR SEXUAL
18 ASSAULT PROGRAMS. The comptroller shall deposit the amount [~~first~~
19 ~~\$25 million~~] received from the fee imposed under this subchapter
20 [~~in a state fiscal biennium~~] to the credit of the sexual assault
21 program fund.

22 SECTION 3. Subchapter B, Chapter 47, Business & Commerce
23 Code, is amended by adding Section 47.057 to read as follows:

24 Sec. 47.057. COMPTROLLER REPORT. (a) The comptroller

1 shall submit quarterly reports to the chairs of the senate finance
2 and the house of representatives appropriations committees
3 regarding the fee collected by the comptroller under this
4 subchapter. The report must include the amounts collected under
5 this subchapter during the preceding quarter and any other
6 information the comptroller considers appropriate.

7 (b) The comptroller may require a sexually oriented
8 business to provide information as necessary for the comptroller's
9 compliance with the reporting requirement under this section.

10 SECTION 4. Section 7, Chapter 1206 (H.B. 1751), Acts of the
11 80th Legislature, Regular Session, 2007, is amended by amending
12 Subsections (a) and (b) to read as follows:

13 (a) The Sexual Assault Advisory Council is established to:

14 (1) serve as an information clearinghouse and informal
15 coordinator of existing and future sexual assault programming
16 efforts at state and local levels;

17 (2) report to the governor and the 81st Legislature
18 the results of actions taken by the 80th Legislature on any gaps
19 with respect to research, prevention, response and other victims'
20 services, adjudication, and incarceration at state and local
21 levels;

22 (3) develop recommendations for appropriate
23 performance measures that enable the governor and the legislature
24 to biennially assess and respond to the status of sexual assault in
25 this state; ~~and~~

26 (4) report to the 81st Legislature on the
27 effectiveness of appropriations made in this Act and other sexual

1 assault legislation passed by the 80th Legislature;

2 (5) biennially report to the legislature on the cost
3 of sexual assault to the State of Texas and major local
4 jurisdictions;

5 (6) develop a statewide, multiyear strategy for
6 eradication of sexual assault in Texas; and

7 (7) make recommendations regarding the improvement of
8 public safety in and around adult cabarets, particularly regarding
9 sex and drug infractions.

10 (b) The Sexual Assault Advisory Council is composed of
11 representatives designated by the attorney general from state
12 agencies that receive sexual assault-related appropriations in the
13 General Appropriations Act and from the Texas Alcoholic Beverage
14 Commission.

15 SECTION 5. Not later than November 1, 2010, the attorney
16 general, through the Sexual Assault Advisory Council established by
17 Chapter 1206 (H.B. 1751), Acts of the 80th Legislature, Regular
18 Session, 2007, shall conduct the following studies for inclusion in
19 a comprehensive strategic report that the attorney general shall
20 submit to the 82nd Legislature:

21 (1) research relating to perpetrators of sexual
22 assault;

23 (2) research relating to women entertainers and the
24 incidence of underage dancing;

25 (3) a special study on sexually oriented businesses;
26 and

27 (4) a study regarding revenue for and costs of sexual

1 assault in this state.

2 SECTION 6. (a) The comptroller of public accounts shall
3 collect the fee imposed under Section 47.052, Business & Commerce
4 Code, as amended by this Act, until a court, in a final judgment
5 upheld on appeal or no longer subject to appeal, finds Section
6 47.052, Business & Commerce Code, to be unconstitutional.

7 (b) If a court, in a final judgment upheld on appeal or no
8 longer subject to appeal, finds Section 47.052, Business & Commerce
9 Code, as amended by this Act, to be unconstitutional, the
10 comptroller of public accounts shall develop procedures for
11 equitable and timely distributions of refunds of amounts collected
12 by the comptroller pursuant to that section to persons who paid the
13 fee imposed under that section. A rule of the comptroller of public
14 accounts relating to the maximum amount of refund that may be paid
15 to a person during a fiscal biennium does not apply.

16 (c) The attorney general shall promptly notify the
17 comptroller of public accounts of a court finding described by this
18 section.

19 SECTION 7. Sections 47.055 and 47.0551, Business & Commerce
20 Code, are repealed.

21 SECTION 8. The changes in law made by this Act apply only to
22 a fee imposed for the admission of a customer to a sexually oriented
23 business on or after the effective date of this Act.

24 SECTION 9. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2009.