

By: Bowers

H.B. No. 4764

A BILL TO BE ENTITLED

AN ACT

relating to the use of municipal hotel occupancy tax revenue in certain municipalities.

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

SECTION 1. Section 351.003, Tax Code, is amended by adding Subsection (g) to read as follows:

(g) The rate in a municipality that has a population of at least 150,000 and is partially located in a county that contains a portion of Cedar Creek Reservoir and has a population of at least 145,000 may not exceed nine percent of the price paid for a room. The municipality shall allocate for the construction, expansion, maintenance, or operation of convention center facilities all revenue received by the municipality that is derived from the application of the tax at a rate of more than seven percent of the price paid for a room in a hotel.

SECTION 2. Section 351.152, Tax Code, is amended to read as follows:

Sec. 351.152. APPLICABILITY. This subchapter applies only to:

(1) a municipality described by Section 351.001(7)(B);

(2) a municipality described by Section 351.001(7)(D);

(3) a municipality described by Section

1 351.001(7)(E);

2 (4) a municipality described by Section
3 351.102(e)(3);

4 (5) a municipality that contains more than 75 percent
5 of the population of a county with a population of 1.5 million or
6 more;

7 (6) a municipality with a population of 150,000 or
8 more but less than 200,000 that is partially located in at least one
9 county with a population of 125,000 or more;

10 (7) a municipality with a population of 150,000 or
11 more but less than one million that is located in one county with a
12 population of 2.3 million or more;

13 (8) a municipality with a population of 180,000 or
14 more that:

15 (A) is located in two counties, each with a
16 population of 100,000 or more; and

17 (B) contains an American Quarter Horse Hall of
18 Fame and Museum;

19 (9) a municipality with a population of 96,000 or more
20 that is located in a county that borders Lake Palestine;

21 (10) a municipality with a population of 96,000 or
22 more that is located in a county that contains the headwaters of the
23 San Gabriel River;

24 (11) a municipality with a population of 99,900 or
25 more but less than 111,000 that is located in a county with a
26 population of 135,000 or more;

27 (12) a municipality with a population of 110,000 or

1 more but less than 135,000 at least part of which is located in a
2 county with a population of less than 135,000;

3 (13) a municipality with a population of 9,000 or more
4 but less than 10,000 that is located in two counties, each of which
5 has a population of 662,000 or more and a southern border with a
6 county with a population of 2.3 million or more;

7 (14) a municipality with a population of 200,000 or
8 more but less than 300,000 that contains a component institution of
9 the Texas Tech University System;

10 (15) a municipality with a population of 95,000 or
11 more that:

12 (A) is located in more than one county; and

13 (B) borders Lake Lewisville;

14 (16) a municipality with a population of 45,000 or
15 more that:

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

17 (B) is located in two counties, one of which has a
18 population of two million or more and one of which has a population
19 of 149,000 or more; and

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

22 (17) a municipality with a population of less than
23 6,000 that:

24 (A) is almost wholly located in a county with a
25 population of 600,000 or more that is adjacent to a county with a
26 population of two million or more;

27 (B) is partially located in a county with a

1 population of 1.8 million or more that is adjacent to a county with
2 a population of two million or more;

3 (C) has a visitor center and museum located in a
4 19th-century rock building in the municipality's downtown; and

5 (D) has a waterpark open to the public;

6 (18) a municipality with a population of 56,000 or
7 more that:

8 (A) borders Lake Ray Hubbard; and

9 (B) is located in two counties, one of which has a
10 population of less than 80,000;

11 (19) a municipality with a population of 83,000 or
12 more that:

13 (A) borders Clear Lake; and

14 (B) is primarily located in a county with a
15 population of less than 300,000;

16 (20) a municipality with a population of less than
17 2,000 that:

18 (A) is located adjacent to a bay connected to the
19 Gulf of Mexico;

20 (B) is located in a county with a population of
21 290,000 or more that is adjacent to a county with a population of
22 four million or more; and

23 (C) has a boardwalk on the bay;

24 (21) a municipality with a population of 75,000 or
25 more that:

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

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

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

9 (24) a municipality with a population of 90,000 or
10 more but less than 150,000 that:

11 (A) is located in three counties; and

12 (B) contains a branch campus of a component
13 institution of the University of Houston System;

14 (25) a municipality that is:

15 (A) primarily located in a county with a
16 population of four million or more; and

17 (B) connected by a bridge to a municipality
18 described by Subdivision (20);

19 (26) a municipality with a population of 20,000 or
20 more but less than 25,000 that:

21 (A) contains a portion of Mustang Bayou; and

22 (B) is wholly located in a county with a
23 population of less than 500,000;

24 (27) a municipality with a population of 70,000 or
25 more but less than 90,000 that is located in two counties, one of
26 which has a population of four million or more and the other of
27 which has a population of less than 50,000;

1 (28) a municipality with a population of 10,000 or
2 more that:

3 (A) is wholly located in a county with a
4 population of four million or more; and

5 (B) has a city hall located less than three miles
6 from a space center operated by an agency of the federal government;

7 (29) a municipality that is the county seat of a
8 county:

9 (A) through which the Pedernales River flows; and

10 (B) in which the birthplace of a president of the
11 United States is located;

12 (30) a municipality that contains a portion of U.S.
13 Highway 79 and State Highway 130;

14 (31) a municipality with a population of 48,000 or
15 more but less than 95,000 that is located in two counties, one of
16 which has a population of 900,000 or more but less than 1.7 million;

17 (32) a municipality with a population of less than
18 25,000 that contains a museum of Western American art;

19 (33) a municipality with a population of 50,000 or
20 more that is the county seat of a county that contains a portion of
21 the Sam Houston National Forest;

22 (34) a municipality with a population of less than
23 25,000 that:

24 (A) contains a cultural heritage museum; and

25 (B) is located in a county that borders the
26 United Mexican States and the Gulf of Mexico;

27 (35) a municipality that is the county seat of a county

1 that:

2 (A) has a population of 115,000 or more;

3 (B) is adjacent to a county with a population of
4 1.8 million or more; and

5 (C) hosts an annual peach festival;

6 (36) a municipality that is the county seat of a county
7 that:

8 (A) has a population of 585,000 or more; and

9 (B) is adjacent to a county with a population of
10 four million or more;

11 (37) a municipality with a population of less than
12 10,000 that:

13 (A) contains a component university of The Texas
14 A&M University System; and

15 (B) is located in a county adjacent to a county
16 that borders Oklahoma;

17 (38) a municipality with a population of less than
18 6,100 that:

19 (A) is located in two counties, each of which has
20 a population of 600,000 or more but less than two million; and

21 (B) hosts an annual Cajun Festival;

22 (39) a municipality with a population of 13,000 or
23 more that:

24 (A) is located on an international border; and

25 (B) is located in a county:

26 (i) with a population of less than 400,000;

27 and

1 (ii) in which at least one World Birding
2 Center site is located;

3 (40) a municipality with a population of 4,000 or more
4 that:

5 (A) is located on an international border; and

6 (B) is located not more than five miles from a
7 state historic site that serves as a visitor center for a state park
8 that contains 300,000 or more acres of land;

9 (41) a municipality with a population of 36,000 or
10 more that is adjacent to at least two municipalities described by
11 Subdivision (15); ~~and~~

12 (42) a municipality with a population of 28,000 or
13 more in which is located a historic railroad depot and heritage
14 center;

15 (43) a municipality located in a county that has a
16 population of not more than 300,000 and in which a component
17 university of the University of Houston System is located;

18 (44) a municipality with a population of less than
19 500,000 that is:

20 (A) located in two counties; and

21 (B) adjacent to a municipality described by
22 Subdivision (31); ~~and~~

23 (45) a municipality that:

24 (A) has a population of more than 67,000; and

25 (B) is located in two counties with 90 percent of
26 the municipality's territory located in a county with a population
27 of at least 580,000, and the remaining territory located in a county

1 with a population of at least four million; and

2 (46) a municipality that has a population of at least
3 150,000 and is partially located in a county that contains a portion
4 of Cedar Creek Reservoir and has a population of at least 145,000.

5 SECTION 3. Section 351.157(b), Tax Code, is amended to read
6 as follows:

7 (b) This section applies only to:

8 (1) a municipality described by Section 351.152(3);

9 (2) a municipality described by Section 351.152(6);

10 (3) a municipality described by Section 351.152(7);

11 (4) a municipality described by Section 351.152(10);

12 (4-a) a municipality described by Section
13 351.152(14);

14 (5) a municipality described by Section 351.152(16);

15 (6) a municipality described by Section 351.152(22);

16 (7) a municipality described by Section 351.152(25);

17 (8) a municipality described by Section 351.152(34);

18 (9) a municipality described by Section 351.152(35);

19 (10) a municipality described by Section 351.152(36);

20 (11) a municipality described by Section 351.152(38);

21 [~~and~~]

22 (12) a municipality described by Section 351.152(43);

23 and

24 (13) a municipality described by Section 351.152 (46).

25 SECTION 4. This Act takes effect September 1, 2023.