

By: Casteel

H.B. No. 2076

A BILL TO BE ENTITLED

AN ACT

relating to the hotel occupancy tax imposed by certain counties.

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

SECTION 1. Section 352.002(a), Tax Code, is amended to read as follows:

(a) The commissioners courts of the following counties by the adoption of an order or resolution may impose a tax on a person who, under a lease, concession, permit, right of access, license, contract, or agreement, pays for the use or possession or for the right to the use or possession of a room that is in a hotel, costs \$2 or more each day, and is ordinarily used for sleeping:

(1) a county that has a population of more than 3.3 million;

(2) a county that has a population of 90,000 or more, borders the United Mexican States [~~Republic of Mexico~~], and does not have three or more cities that each have a population of more than 17,500;

(3) a county in which there is no municipality;

(4) a county in which there is located an Indian reservation under the jurisdiction of the United States government;

(5) a county that has a population of 30,000 [~~17,500~~] or less, that has no more than one municipality with a population of less than 2,500, and that borders two counties located wholly in the Edwards Aquifer Authority established by Chapter 626, Acts of the

1 73rd Legislature, Regular Session, 1993;

2 (6) a county that borders the Gulf of Mexico;

3 (7) a county that has a population of less than 5,000,
4 that borders the United Mexican States [~~Republic of Mexico~~], and in
5 which there is located a major observatory;

6 (8) a county that has a population of 12,000 or less
7 and borders the Toledo Bend Reservoir;

8 (9) a county that has a population of less than 12,000
9 and an area of less than 275 square miles;

10 (10) a county that has a population of 30,000 or less
11 and borders Possum Kingdom Lake;

12 (11) a county that borders the United Mexican States
13 [~~Republic of Mexico~~] and has a population of more than 300,000 and
14 less than 600,000;

15 (12) a county that has a population of 35,000 or more
16 and borders or contains a portion of Lake Fork Reservoir;

17 (13) a county that borders the United Mexican States
18 [~~Republic of Mexico~~] and in which there is located a national
19 recreation area;

20 (14) a county that borders the United Mexican States
21 [~~Republic of Mexico~~] and in which there is located a national park
22 of more than 400,000 acres;

23 (15) a county that has a population of 28,000 or less,
24 that has no more than four municipalities, and that is located
25 wholly in the Edwards Aquifer Authority established by Chapter 626,
26 Acts of the 73rd Legislature, Regular Session, 1993; and

27 (16) a county that has a population of 25,000 or less,

1 whose territory is less than 750 square miles, and that has two
2 incorporated municipalities, each with a population of 800 or less,
3 located on the Frio River.

4 SECTION 2. Section 352.1032, Tax Code, is amended to read as
5 follows:

6 Sec. 352.1032. USE OF REVENUE: COUNTIES BORDERING EDWARDS
7 AQUIFER AUTHORITY. The revenue from a tax imposed under this
8 chapter by a county authorized to impose the tax by Section
9 352.002(a)(5) may be used only for:

10 (1) general promotional and tourist advertising of the
11 county and its vicinity and for conducting a solicitation program
12 to attract conventions and visitors, any of which may be conducted
13 by the county or through contracts with persons or organizations
14 selected by the county; and

15 (2) acquiring a site for and constructing, improving,
16 enlarging, equipping, repairing, operating, and maintaining a
17 visitor information center.

18 SECTION 3. Section 352.003, Tax Code, is amended by adding
19 Subsection (g) to read as follows:

20 (g) The tax rate in a county authorized to impose the tax
21 under Section 352.002(a)(5) may not exceed:

22 (1) seven percent of the price paid for a room in a
23 hotel located in the area of the county that is not within a
24 municipality that imposes a tax under Chapter 351 applicable to
25 that hotel; and

26 (2) four percent of the price paid for a room in a
27 hotel located in the area of the county that is within a

1 municipality that imposes a tax under Chapter 351 applicable to
2 that hotel.

3 SECTION 4. This Act takes effect September 1, 2003.