

1-1 By: Casteel (Senate Sponsor - Fraser) H.B. No. 214
1-2 (In the Senate - Received from the House April 25, 2005;
1-3 April 26, 2005, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 6, 2005, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 5,
1-6 Nays 0; May 6, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 214 By: Madla

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the authority of certain counties to impose a hotel
1-11 occupancy tax.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 352.002(a), Tax Code, as amended by
1-14 Chapters 64, 637, 741, 1097, and 1108, Acts of the 78th Legislature,
1-15 Regular Session, 2003, is reenacted and amended to read as follows:

1-16 (a) The commissioners courts of the following counties by
1-17 the adoption of an order or resolution may impose a tax on a person
1-18 who, under a lease, concession, permit, right of access, license,
1-19 contract, or agreement, pays for the use or possession or for the
1-20 right to the use or possession of a room that is in a hotel, costs \$2
1-21 or more each day, and is ordinarily used for sleeping:

1-22 (1) a county that has a population of more than 3.3
1-23 million;

1-24 (2) a county that has a population of 90,000 or more,
1-25 borders the United Mexican States, and does not have three or more
1-26 cities that each have a population of more than 17,500;

1-27 (3) a county in which there is no municipality;

1-28 (4) a county in which there is located an Indian
1-29 reservation under the jurisdiction of the United States government;

1-30 (5) a county that has a population of 30,000 or less,
1-31 that has no more than one municipality with a population of less
1-32 than 2,500, and that borders two counties located wholly in the
1-33 Edwards Aquifer Authority established by Chapter 626, Acts of the
1-34 73rd Legislature, Regular Session, 1993;

1-35 (6) a county that borders the Gulf of Mexico;

1-36 (7) a county that has a population of less than 5,000,
1-37 that borders the United Mexican States, and in which there is
1-38 located a major observatory;

1-39 (8) a county that has a population of 12,000 or less
1-40 and borders the Toledo Bend Reservoir;

1-41 (9) a county that has a population of less than 12,000
1-42 and an area of less than 275 square miles;

1-43 (10) a county that has a population of 30,000 or less
1-44 and borders Possum Kingdom Lake;

1-45 (11) a county that borders the United Mexican States
1-46 and has a population of more than 300,000 and less than 600,000;

1-47 (12) a county that has a population of 35,000 or more
1-48 and borders or contains a portion of Lake Fork Reservoir;

1-49 (13) a county that borders the United Mexican States
1-50 and in which there is located a national recreation area;

1-51 (14) a county that borders the United Mexican States
1-52 and in which there is located a national park of more than 400,000
1-53 acres;

1-54 (15) a county that has a population of 28,000 or less,
1-55 that has no more than four municipalities, and that is located
1-56 wholly in the Edwards Aquifer Authority established by Chapter 626,
1-57 Acts of the 73rd Legislature, Regular Session, 1993;

1-58 (16) a county that has a population of 25,000 or less,
1-59 whose territory is less than 750 square miles, and that has two
1-60 incorporated municipalities, each with a population of 800 or less,
1-61 located on the Frio River; ~~and~~

1-62 (17) a county that has a population of 34,000 or more
1-63 and borders Lake Buchanan; ~~and~~

2-1 (18) [~~(17)~~] a county that has a population of more
2-2 than 45,000 and less than 75,000, that borders the United Mexican
2-3 States, and that borders or contains a portion of Falcon Lake; [~~-~~]

2-4 (19) [~~(17)~~] a county with a population of 21,000 or
2-5 less that borders the Neches River and in which there is located a
2-6 national preserve; [~~-~~]

2-7 (20) [~~(17)~~] a county that has a population of 22,500
2-8 or less and that borders or contains a portion of Lake Livingston;
2-9 and

2-10 (21) a county that has a population of less than 22,000
2-11 and in which the birthplace of a president of the United States is
2-12 located.

2-13 SECTION 2. Section 352.002(d), Tax Code, as amended by
2-14 Chapters 64, 1097, and 1108, Acts of the 78th Legislature, Regular
2-15 Session, 2003, is reenacted and amended to read as follows:

2-16 (d) The tax imposed by a county authorized by Subsection
2-17 (a)(4), (6), (8), (10), (11), (12), [~~or~~] (17), (19), (20), or (21)
2-18 to impose the tax does not apply to a hotel located in a
2-19 municipality that imposes a tax under Chapter 351 applicable to the
2-20 hotel. This subsection does not apply to a county authorized by
2-21 Subsection (a)(6) to impose the tax that:

2-22 (1) has a population of less than 40,000 and adjoins
2-23 the most populous county in this state; or

2-24 (2) has a population of more than 200,000 and borders
2-25 the Neches River.

2-26 SECTION 3. Section 352.002, Tax Code, is amended by adding
2-27 Subsection (e) to read as follows:

2-28 (e) In addition to the prohibition provided by Subsection
2-29 (d), the tax imposed by a county authorized by Subsection (a)(17) to
2-30 impose the tax does not apply to a hotel located in the
2-31 extraterritorial jurisdiction of a municipality that imposes a tax
2-32 under Chapter 351 applicable to that hotel. If, after the date the
2-33 county begins to impose a tax under this chapter, a municipality in
2-34 the county adopts an ordinance under Section 351.0025 authorizing
2-35 the imposition of the municipal tax in the municipality's
2-36 extraterritorial jurisdiction, the county may not impose a tax
2-37 applicable to a hotel located in that territory on or after the date
2-38 the municipality begins to impose that tax.

2-39 SECTION 4. This Act takes effect immediately if it receives
2-40 a vote of two-thirds of all the members elected to each house, as
2-41 provided by Section 39, Article III, Texas Constitution. If this
2-42 Act does not receive the vote necessary for immediate effect, this
2-43 Act takes effect September 1, 2005.

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