By: Dunnam   H.B. No. 3351

A BILL TO BE ENTITLED

1   AN ACT

2 relating to the authority of certain counties to impose a county

3 hotel occupancy tax with voter approval.

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

5   SECTION 1. Chapter 352, Tax Code, is amended by adding Sec.

6 325.0021 to read as follows:

7   Sec. 352.0021. TAX AUTHORIZED; RATIFICATION ELECTION. (a)

8 The commissioners court of a county that has a population of 50,000

9 or less and located on both the Brazos and Navasota Rivers, by the

10 adoption of an order or resolution, may impose a tax on a person

11 who, under a lease, concession, permit, right of access, license,

12 contract, or agreement, pays for the use or possession or for the

13 right to the use or possession of a room that is in a hotel, costs $2

14 or more each day, and is ordinarily used for sleeping.

15   (b) The order or resolution imposing the tax must state the

16 rate of the tax to be imposed. The tax rate may not exceed the rate

17 authorized by Section 352.003(a).

18   (c) The price of a room in a hotel does not include the cost

19 of food served by the hotel and the cost of personal services

20 performed by the hotel for the person except for those services

21 related to cleaning and readying the room for use or possession.

22   (d) The tax does not apply to a person who is a permanent

23 resident under Section 156.101 of this code.

24   (e)(1) If the commissioners court of a county authorized by

1 Subsection (a)(1) to impose the tax adopts an order or resolution

2 imposing the tax and setting the tax rate, the registered voters of

3 the county at an election held for that purpose must determine

4 whether to approve the adopted tax rate.

5   (2) The commissioners court shall order that the

6 election be held in the school district on a date not less than 30 or

7 more than 90 days after the day on which it adopted the tax rate. At

8 the election, the ballots shall be prepared to permit voting for or

9 against the proposition: "Approving the county hotel occupancy tax

10 rate of $_____."

11   (3) If a majority of the votes cast in the election

12 favor the proposition, the tax rate is the rate that was adopted by

13 the governing body.

14   (4) If the proposition is not approved as provided by

15 this Subsection, the tax rate is not effective.

16   SECTION 2. This Act takes effect immediately if it receives

17 a vote of two-thirds of all the members elected to each house, as

18 provided by Section 39, Article III, Texas Constitution. If this

19 Act does not receive the vote necessary for immediate effect, this

20 Act takes effect September 1, 2005.