

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Isaac

H.B. No. 3615

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the use of hotel occupancy tax revenues in certain  
3 municipalities.

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

5 SECTION 1. Section 351.101(a), Tax Code, as amended by  
6 Chapters 541 (S.B. 551) and 546 (S.B. 585), Acts of the 83rd  
7 Legislature, Regular Session, 2013, is reenacted and amended to  
8 read as follows:

9 (a) Revenue from the municipal hotel occupancy tax may be  
10 used only to promote tourism and the convention and hotel industry,  
11 and that use is limited to the following:

12 (1) the acquisition of sites for and the construction,  
13 improvement, enlarging, equipping, repairing, operation, and  
14 maintenance of convention center facilities or visitor information  
15 centers, or both;

16 (2) the furnishing of facilities, personnel, and  
17 materials for the registration of convention delegates or  
18 registrants;

19 (3) advertising and conducting solicitations and  
20 promotional programs to attract tourists and convention delegates  
21 or registrants to the municipality or its vicinity;

22 (4) the encouragement, promotion, improvement, and  
23 application of the arts, including instrumental and vocal music,  
24 dance, drama, folk art, creative writing, architecture, design and

1 allied fields, painting, sculpture, photography, graphic and craft  
2 arts, motion pictures, radio, television, tape and sound recording,  
3 and other arts related to the presentation, performance, execution,  
4 and exhibition of these major art forms;

5 (5) historical restoration and preservation projects  
6 or activities or advertising and conducting solicitations and  
7 promotional programs to encourage tourists and convention  
8 delegates to visit preserved historic sites or museums:

9 (A) at or in the immediate vicinity of convention  
10 center facilities or visitor information centers; or

11 (B) located elsewhere in the municipality or its  
12 vicinity that would be frequented by tourists and convention  
13 delegates;

14 (6) for a municipality located in a county with a  
15 population of one million or less, expenses, including promotion  
16 expenses, directly related to a sporting event in which the  
17 majority of participants are tourists who substantially increase  
18 economic activity at hotels and motels within the municipality or  
19 its vicinity;

20 (7) subject to Section 351.1076, the promotion of  
21 tourism by the enhancement and upgrading of existing sports  
22 facilities or fields, including facilities or fields for baseball,  
23 softball, soccer, and flag football, if:

24 (A) the municipality owns the facilities or  
25 fields;

26 (B) the municipality:

27 (i) has a population of 80,000 or more and

1 is located in a county that has a population of 350,000 or less;

2 (ii) has a population of at least 75,000 but  
3 not more than 95,000 and is located in a county that has a  
4 population of less than 200,000 but more than 160,000;

5 (iii) has a population of at least 36,000  
6 but not more than 39,000 and is located in a county that has a  
7 population of 100,000 or less that is not adjacent to a county with  
8 a population of more than two million;

9 (iv) has a population of at least 13,000 but  
10 less than 39,000 and is located in a county that has a population of  
11 at least 200,000;

12 (v) has a population of at least 70,000 but  
13 less than 90,000 and no part of which is located in a county with a  
14 population greater than 150,000;

15 (vi) is located in a county that:

16 (a) is adjacent to the Texas-Mexico  
17 border;

18 (b) has a population of at least  
19 500,000; and

20 (c) does not have a municipality with  
21 a population greater than 500,000;

22 (vii) has a population of at least 25,000  
23 but not more than 26,000 and is located in a county that has a  
24 population of 90,000 or less; ~~or~~

25 (viii) has a population of at least 7,500  
26 and is located in a county that borders the Pecos River and that has  
27 a population of not more than 15,000;

1                    (ix) [~~(viii)~~] is located in a county that  
2 has a population of not more than 300,000 and in which a component  
3 university of the University of Houston System is located; or

4                    (x) has a population of at least 40,000 and  
5 the San Marcos River flows through the municipality; and

6                    (C) the sports facilities and fields have been  
7 used, in the preceding calendar year, a combined total of more than  
8 10 times for district, state, regional, or national sports  
9 tournaments;

10                    (8) for a municipality with a population of at least  
11 70,000 but less than 90,000, no part of which is located in a county  
12 with a population greater than 150,000, the construction,  
13 improvement, enlarging, equipping, repairing, operation, and  
14 maintenance of a coliseum or multiuse facility;

15                    (9) signage directing the public to sights and  
16 attractions that are visited frequently by hotel guests in the  
17 municipality;

18                    (10) the construction of a recreational venue in the  
19 immediate vicinity of area hotels, if:

20                    (A) the municipality:

21                    (i) is a general-law municipality;

22                    (ii) has a population of not more than 900;

23 and

24                    (iii) does not impose an ad valorem tax;

25                    (B) not more than \$100,000 of municipal hotel  
26 occupancy tax revenue is used for the construction of the  
27 recreational venue;

1 (C) a majority of the hotels in the municipality  
2 request the municipality to construct the recreational venue;

3 (D) the recreational venue will be used primarily  
4 by hotel guests; and

5 (E) the municipality will pay for maintenance of  
6 the recreational venue from the municipality's general fund;

7 (11) the construction, improvement, enlarging,  
8 equipping, repairing, operation, and maintenance of a coliseum or  
9 multiuse facility, if the municipality:

10 (A) has a population of at least 90,000 but less  
11 than 120,000; and

12 (B) is located in two counties, at least one of  
13 which contains the headwaters of the San Gabriel River; and

14 (12) for a municipality with a population of more than  
15 175,000 but less than 225,000 that is located in two counties, each  
16 of which has a population of less than 200,000, the construction,  
17 improvement, enlarging, equipping, repairing, operation, and  
18 maintenance of a coliseum or multiuse facility and related  
19 infrastructure or a venue, as defined by Section 334.001(4), Local  
20 Government Code, that is related to the promotion of tourism.

21 SECTION 2. To the extent of any conflict, this Act prevails  
22 over another Act of the 84th Legislature, Regular Session, 2015,  
23 relating to nonsubstantive additions to and corrections in enacted  
24 codes.

25 SECTION 3. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 3615

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

2 Act takes effect September 1, 2015.

ADOPTED

MAY 26 2015

*Atty. Gen.*  
Secretary of the Senate

By: Zaffarini

H.B. No. 3615

Substitute the following for H.B. No. 3415:

By: Zaffarini

C.S.H.B. No. 3415

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the use of hotel occupancy tax revenues in certain  
3 municipalities and the authority of certain counties to impose a  
4 county hotel occupancy tax; authorizing the imposition of a tax.

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

6 SECTION 1. Section 351.101(a), Tax Code, as amended by  
7 Chapters 541 (S.B. 551) and 546 (S.B. 585), Acts of the 83rd  
8 Legislature, Regular Session, 2013, is reenacted and amended to  
9 read as follows:

10 (a) Revenue from the municipal hotel occupancy tax may be  
11 used only to promote tourism and the convention and hotel industry,  
12 and that use is limited to the following:

13 (1) the acquisition of sites for and the construction,  
14 improvement, enlarging, equipping, repairing, operation, and  
15 maintenance of convention center facilities or visitor information  
16 centers, or both;

17 (2) the furnishing of facilities, personnel, and  
18 materials for the registration of convention delegates or  
19 registrants;

20 (3) advertising and conducting solicitations and  
21 promotional programs to attract tourists and convention delegates  
22 or registrants to the municipality or its vicinity;

23 (4) the encouragement, promotion, improvement, and  
24 application of the arts, including instrumental and vocal music,

1 dance, drama, folk art, creative writing, architecture, design and  
2 allied fields, painting, sculpture, photography, graphic and craft  
3 arts, motion pictures, radio, television, tape and sound recording,  
4 and other arts related to the presentation, performance, execution,  
5 and exhibition of these major art forms;

6 (5) historical restoration and preservation projects  
7 or activities or advertising and conducting solicitations and  
8 promotional programs to encourage tourists and convention  
9 delegates to visit preserved historic sites or museums:

10 (A) at or in the immediate vicinity of convention  
11 center facilities or visitor information centers; or

12 (B) located elsewhere in the municipality or its  
13 vicinity that would be frequented by tourists and convention  
14 delegates;

15 (6) for a municipality located in a county with a  
16 population of one million or less, expenses, including promotion  
17 expenses, directly related to a sporting event in which the  
18 majority of participants are tourists who substantially increase  
19 economic activity at hotels and motels within the municipality or  
20 its vicinity;

21 (7) subject to Section 351.1076, the promotion of  
22 tourism by the enhancement and upgrading of existing sports  
23 facilities or fields, including facilities or fields for baseball,  
24 softball, soccer, ~~and~~ flag football, and rodeos, if:

25 (A) the municipality owns the facilities or  
26 fields;

27 (B) the municipality:

1 (i) has a population of 80,000 or more and  
2 is located in a county that has a population of 350,000 or less;  
3 (ii) has a population of at least 75,000 but  
4 not more than 95,000 and is located in a county that has a  
5 population of less than 200,000 but more than 160,000;  
6 (iii) has a population of at least 36,000  
7 but not more than 39,000 and is located in a county that has a  
8 population of 100,000 or less that is not adjacent to a county with  
9 a population of more than two million;  
10 (iv) has a population of at least 13,000 but  
11 less than 39,000 and is located in a county that has a population of  
12 at least 200,000;  
13 (v) has a population of at least 70,000 but  
14 less than 90,000 and no part of which is located in a county with a  
15 population greater than 150,000;  
16 (vi) is located in a county that:  
17 (a) is adjacent to the Texas-Mexico  
18 border;  
19 (b) has a population of at least  
20 500,000; and  
21 (c) does not have a municipality with  
22 a population greater than 500,000;  
23 (vii) has a population of at least 25,000  
24 but not more than 26,000 and is located in a county that has a  
25 population of 90,000 or less; [~~or~~]  
26 (viii) has a population of at least 7,500  
27 and is located in a county that borders the Pecos River and that has

1 a population of not more than 15,000;

2 (ix) [~~viii~~] is located in a county that  
3 has a population of not more than 300,000 and in which a component  
4 university of the University of Houston System is located; or

5 (x) has a population of at least 40,000 and  
6 the San Marcos River flows through the municipality; and

7 (C) the sports facilities and fields have been  
8 used, in the preceding calendar year, a combined total of more than  
9 10 times for district, state, regional, or national sports  
10 tournaments;

11 (8) for a municipality with a population of at least  
12 70,000 but less than 90,000, no part of which is located in a county  
13 with a population greater than 150,000, the construction,  
14 improvement, enlarging, equipping, repairing, operation, and  
15 maintenance of a coliseum or multiuse facility;

16 (9) signage directing the public to sights and  
17 attractions that are visited frequently by hotel guests in the  
18 municipality;

19 (10) the construction of a recreational venue in the  
20 immediate vicinity of area hotels, if:

21 (A) the municipality:

22 (i) is a general-law municipality;

23 (ii) has a population of not more than 900;

24 and

25 (iii) does not impose an ad valorem tax;

26 (B) not more than \$100,000 of municipal hotel  
27 occupancy tax revenue is used for the construction of the

1 recreational venue;

2 (C) a majority of the hotels in the municipality  
3 request the municipality to construct the recreational venue;

4 (D) the recreational venue will be used primarily  
5 by hotel guests; and

6 (E) the municipality will pay for maintenance of  
7 the recreational venue from the municipality's general fund;

8 (11) the construction, improvement, enlarging,  
9 equipping, repairing, operation, and maintenance of a coliseum or  
10 multiuse facility, if the municipality:

11 (A) has a population of at least 90,000 but less  
12 than 120,000; and

13 (B) is located in two counties, at least one of  
14 which contains the headwaters of the San Gabriel River; and

15 (12) for a municipality with a population of more than  
16 175,000 but less than 225,000 that is located in two counties, each  
17 of which has a population of less than 200,000, the construction,  
18 improvement, enlarging, equipping, repairing, operation, and  
19 maintenance of a coliseum or multiuse facility and related  
20 infrastructure or a venue, as defined by Section 334.001(4), Local  
21 Government Code, that is related to the promotion of tourism.

22 SECTION 2. Section 351.101, Tax Code, is amended by adding  
23 Subsection (k) to read as follows:

24 (k) In addition to other authorized uses, a municipality  
25 that is intersected by both State Highways 71 and 95 may use revenue  
26 from the municipal hotel occupancy tax for the promotion of tourism  
27 by the enhancement and upgrading of an existing sports facility or

1 field as specified by Subsection (a)(7), provided that the  
2 requirements of Subsections (a)(7)(A) and (C) are met.

3 SECTION 3. Section 352.002, Tax Code, is amended by adding  
4 Subsection (n) to read as follows:

5 (n) The commissioners court of a county with a population of  
6 more than 300,000 and in which there is located all or part of the  
7 most populous military installation in this state may impose a tax  
8 as provided by Subsection (a).

9 SECTION 4. Section 352.003, Tax Code, is amended by adding  
10 Subsection (p) to read as follows:

11 (p) In a county authorized to impose the tax under Section  
12 352.002(n), the county tax rate in relation to a hotel located in a  
13 municipality that imposes a tax under Chapter 351 may not exceed a  
14 rate that, when added to the rate of the tax imposed by the  
15 municipality under Chapter 351, exceeds the sum of the rate  
16 prescribed by Section 351.003(a) plus two percent.

17 SECTION 5. To the extent of any conflict, this Act prevails  
18 over another Act of the 84th Legislature, Regular Session, 2015,  
19 relating to nonsubstantive additions to and corrections in enacted  
20 codes.

21 SECTION 6. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2015.

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 27, 2015

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** **HB3615** by Isaac (Relating to the use of hotel occupancy tax revenues in certain municipalities and the authority of certain counties to impose a county hotel occupancy tax; authorizing the imposition of a tax.), **As Passed 2nd House**

**No fiscal implication to the State is anticipated.**

The bill would amend Section 351.101 to add to the municipalities authorized to use municipal hotel tax revenue for the enhancement of sports facilities or fields a municipality with a population of at least 40,000 through which the San Marcos River flows. In addition, the types of sports facilities and fields specified in law would be expanded to include rodeos.

The bill would amend Section 351.101 to add Subsection (k) to permit a city that is intersected by both State Highways 71 and 95 to use revenue from the municipal hotel occupancy tax for an existing sports facility, provided the city owns the facility and the facility was used in the preceding calendar year a combined total of more than 10 times for district, state, regional, or national sports tournaments.

The bill would add Subsection (n) to Section 352.002 to provide that a county with a population of more than 300,000, and in which there is located all or part of the most populous military installation in the state, may impose a county hotel occupancy tax. The bill would add Subsection (p) to Section 352.003 to provide that in a county authorized to impose the tax under new Subsection 352.002(n), the county tax rate in relation to a hotel located in a municipality that imposes a municipal hotel occupancy tax may not exceed a rate that, when added to the rate of the tax imposed by the municipality, exceeds the sum of the rate prescribed by Section 351.003(a) plus two percent.

#### **Local Government Impact**

Section 351.101 would allow the cities of San Marcos and Bastrop to use municipal hotel tax revenue for certain sports facilities. For an applicable municipality, an additional usage of hotel occupancy tax revenue would have no direct fiscal impact, although, it could create a savings if another revenue source had been used for the enhancement of sports facilities. Section 352.002 would authorize Bell County to impose a county hotel occupancy tax; however, as the tax rate that might be set by the county and the timing of the imposition of this tax are unknown, there could be an indeterminate revenue gain to Bell County.

**Source Agencies:** 304 Comptroller of Public Accounts

**LBB Staff:** UP, SZ, KK, SD, AG

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 22, 2015**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Natural Resources & Economic Development

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** **HB3615** by Isaac (relating to the use of hotel occupancy tax revenues in certain municipalities and the authority of certain counties to impose a county hotel occupancy tax; authorizing the imposition of a tax.), **Committee Report 2nd House, Substituted**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would amend Section 351.101 to add to the municipalities authorized to use municipal hotel tax revenue for the enhancement of sports facilities or fields a municipality with a population of at least 40,000 through which the San Marcos River flows. In addition, the types of sports facilities and fields specified in law would be expanded to include rodeos.

The bill would amend Section 351.101 to add Subsection (k) to permit a city that is intersected by both State Highways 71 and 95 to use revenue from the municipal hotel occupancy tax for an existing sports facility, provided the city owns the facility and the facility was used in the preceding calendar year a combined total of more than 10 times for district, state, regional, or national sports tournaments.

The bill would add Subsection (n) to Section 352.002 to provide that a county with a population of more than 300,000, and in which there is located all or part of the most populous military installation in the state, may impose a county hotel occupancy tax. The bill would add Subsection (p) to Section 352.003 to provide that in a county authorized to impose the tax under new Subsection 352.002(n), the county tax rate in relation to a hotel located in a municipality that imposes a municipal hotel occupancy tax may not exceed a rate that, when added to the rate of the tax imposed by the municipality, exceeds the sum of the rate prescribed by Section 351.003(a) plus two percent.

**Local Government Impact**

Section 351.101 would allow the cities of San Marcos and Bastrop to use municipal hotel tax revenue for certain sports facilities. For an applicable municipality, an additional usage of hotel occupancy tax revenue would have no direct fiscal impact, although, it could create a savings if another revenue source had been used for the enhancement of sports facilities. Section 352.002 would authorize Bell County to impose a county hotel occupancy tax; however, as the tax rate that might be set by the county and the timing of the imposition of this tax are unknown, there could be an indeterminate revenue gain to Bell County.

**Source Agencies:** 304 Comptroller of Public Accounts

**LBB Staff:** UP, SZ, KK, SD, AG

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 14, 2015**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Natural Resources & Economic Development

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3615** by Isaac (Relating to the use of hotel occupancy tax revenues in certain municipalities.), **As Engrossed**

**No fiscal implication to the State is anticipated.**

The bill would amend Subsection 351.101(a) of the Tax Code, regarding the use of municipal hotel tax revenue, to authorize a municipality with a population of at least 40,000 and through which the San Marcos River flows to use municipal hotel tax revenue for the enhancement of sports facilities.

**Local Government Impact**

According to the Comptroller of Public Accounts, the city of San Marcos would be affected by the bill's provisions. For an applicable municipality, an additional usage of hotel occupancy tax revenue would have no direct fiscal impact, although indirectly, it could create a savings if another revenue source had been used for the enhancement of sports facilities.

**Source Agencies:** 304 Comptroller of Public Accounts

**LBB Staff:** UP, SZ, KK, SD, AG

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 27, 2015**

**TO:** Honorable Dennis Bonnen, Chair, House Committee on Ways & Means

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3615** by Isaac (Relating to the use of hotel occupancy tax revenues in certain municipalities.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
---

The bill would amend Subsection 351.101(a) of the Tax Code, regarding the use of municipal hotel tax revenue, to authorize a municipality with a population of at least 40,000 and through which the San Marcos River flows to use municipal hotel tax revenue for the enhancement of sports facilities.

**Local Government Impact**

According to the Comptroller of Public Accounts, the city of San Marcos would be affected by the bill's provisions. For an applicable municipality, an additional usage of hotel occupancy tax revenue would have no direct fiscal impact, although indirectly, it could create a savings if another revenue source had been used for the enhancement of sports facilities.

**Source Agencies:** 304 Comptroller of Public Accounts

**LBB Staff:** UP, KK, SD, AG