

1-1 By: Miles S.B. No. 1365  
 1-2 (In the Senate - Filed March 6, 2017; March 16, 2017, read  
 1-3 first time and referred to Committee on Natural Resources &  
 1-4 Economic Development; March 29, 2017, reported favorably by the  
 1-5 following vote: Yeas 8, Nays 0, 1 present not voting;  
 1-6 March 29, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19				X

1-20 A BILL TO BE ENTITLED  
 1-21 AN ACT

1-22 relating to the use of municipal hotel occupancy tax revenue by  
 1-23 certain municipalities.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 351.101(a), Tax Code, as amended by  
 1-26 Chapters 666 (H.B. 3772) and 979 (H.B. 3615), Acts of the 84th  
 1-27 Legislature, Regular Session, 2015, is reenacted and amended to  
 1-28 read as follows:

1-29 (a) Revenue from the municipal hotel occupancy tax may be  
 1-30 used only to promote tourism and the convention and hotel industry,  
 1-31 and that use is limited to the following:

1-32 (1) the acquisition of sites for and the construction,  
 1-33 improvement, enlarging, equipping, repairing, operation, and  
 1-34 maintenance of convention center facilities or visitor information  
 1-35 centers, or both;

1-36 (2) the furnishing of facilities, personnel, and  
 1-37 materials for the registration of convention delegates or  
 1-38 registrants;

1-39 (3) advertising and conducting solicitations and  
 1-40 promotional programs to attract tourists and convention delegates  
 1-41 or registrants to the municipality or its vicinity;

1-42 (4) the encouragement, promotion, improvement, and  
 1-43 application of the arts, including instrumental and vocal music,  
 1-44 dance, drama, folk art, creative writing, architecture, design and  
 1-45 allied fields, painting, sculpture, photography, graphic and craft  
 1-46 arts, motion pictures, radio, television, tape and sound recording,  
 1-47 and other arts related to the presentation, performance, execution,  
 1-48 and exhibition of these major art forms;

1-49 (5) historical restoration and preservation projects  
 1-50 or activities or advertising and conducting solicitations and  
 1-51 promotional programs to encourage tourists and convention  
 1-52 delegates to visit preserved historic sites or museums:

1-53 (A) at or in the immediate vicinity of convention  
 1-54 center facilities or visitor information centers; or

1-55 (B) located elsewhere in the municipality or its  
 1-56 vicinity that would be frequented by tourists and convention  
 1-57 delegates;

1-58 (6) ~~[for a municipality located in a county with a~~  
 1-59 ~~population of one million or less,]~~ expenses, including promotion  
 1-60 expenses, directly related to a sporting event in which the  
 1-61 majority of participants are tourists who substantially increase

2-1 economic activity at hotels and motels within the municipality or  
2-2 its vicinity if:  
2-3 (A) the municipality is located in a county with  
2-4 a population of one million or less; or  
2-5 (B) the municipality has a population of more  
2-6 than 67,000 and is located in two counties with 90 percent of the  
2-7 municipality's territory located in a county with a population of  
2-8 at least 580,000, and the remaining territory located in a county  
2-9 with a population of at least four million;  
2-10 (7) subject to Section 351.1076, the promotion of  
2-11 tourism by the enhancement and upgrading of existing sports  
2-12 facilities or fields, including facilities or fields for baseball,  
2-13 softball, soccer, flag football, and rodeos, if:  
2-14 (A) the municipality owns the facilities or  
2-15 fields;  
2-16 (B) the municipality:  
2-17 (i) has a population of 80,000 or more and  
2-18 is located in a county that has a population of 350,000 or less;  
2-19 (ii) has a population of at least 75,000 but  
2-20 not more than 95,000 and is located in a county that has a  
2-21 population of less than 200,000 but more than 160,000;  
2-22 (iii) has a population of at least 36,000  
2-23 but not more than 39,000 and is located in a county that has a  
2-24 population of 100,000 or less that is not adjacent to a county with  
2-25 a population of more than two million;  
2-26 (iv) has a population of at least 13,000 but  
2-27 less than 39,000 and is located in a county that has a population of  
2-28 at least 200,000;  
2-29 (v) has a population of at least 70,000 but  
2-30 less than 90,000 and no part of which is located in a county with a  
2-31 population greater than 150,000;  
2-32 (vi) is located in a county that:  
2-33 (a) is adjacent to the Texas-Mexico  
2-34 border;  
2-35 (b) has a population of at least  
2-36 500,000; and  
2-37 (c) does not have a municipality with  
2-38 a population greater than 500,000;  
2-39 (vii) has a population of at least 25,000  
2-40 but not more than 26,000 and is located in a county that has a  
2-41 population of 90,000 or less;  
2-42 (viii) [~~(ix)~~] is located in a county that  
2-43 has a population of not more than 300,000 and in which a component  
2-44 university of the University of Houston System is located; [~~or~~]  
2-45 (ix) [~~(x)~~] has a population of at least  
2-46 40,000 and the San Marcos River flows through the municipality; or  
2-47 (x) has a population of more than 67,000 and  
2-48 is located in two counties with 90 percent of the municipality's  
2-49 territory located in a county with a population of at least 580,000,  
2-50 and the remaining territory located in a county with a population of  
2-51 at least four million; and  
2-52 (C) the sports facilities and fields have been  
2-53 used, in the preceding calendar year, a combined total of more than  
2-54 10 times for district, state, regional, or national sports  
2-55 tournaments;  
2-56 (8) for a municipality with a population of at least  
2-57 70,000 but less than 90,000, no part of which is located in a county  
2-58 with a population greater than 150,000, the construction,  
2-59 improvement, enlarging, equipping, repairing, operation, and  
2-60 maintenance of a coliseum or multiuse facility;  
2-61 (9) signage directing the public to sights and  
2-62 attractions that are visited frequently by hotel guests in the  
2-63 municipality;  
2-64 (10) the construction, improvement, enlarging,  
2-65 equipping, repairing, operation, and maintenance of a coliseum or  
2-66 multiuse facility, if the municipality:  
2-67 (A) has a population of at least 90,000 but less  
2-68 than 120,000; and  
2-69 (B) is located in two counties, at least one of

3-1 which contains the headwaters of the San Gabriel River; and  
3-2 (11) for a municipality with a population of more than  
3-3 175,000 but less than 225,000 that is located in two counties, each  
3-4 of which has a population of less than 200,000, the construction,  
3-5 improvement, enlarging, equipping, repairing, operation, and  
3-6 maintenance of a coliseum or multiuse facility and related  
3-7 infrastructure or a venue, as defined by Section 334.001(4), Local  
3-8 Government Code, that is related to the promotion of tourism.

3-9 SECTION 2. To the extent of any conflict, this Act prevails  
3-10 over another Act of the 85th Legislature, Regular Session, 2017,  
3-11 relating to nonsubstantive additions to and corrections in enacted  
3-12 codes.

3-13 SECTION 3. This Act takes effect immediately if it receives  
3-14 a vote of two-thirds of all the members elected to each house, as  
3-15 provided by Section 39, Article III, Texas Constitution. If this  
3-16 Act does not receive the vote necessary for immediate effect, this  
3-17 Act takes effect September 1, 2017.

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