

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

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 9, 2019**

**TO:** Honorable Dustin Burrows, Chair, House Committee on Ways & Means

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB3437** by Murr (Relating to the authority of certain municipalities to pledge certain tax revenue for the payment of obligations related to hotel projects.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3437, As Introduced: an impact of \$0 through the biennium ending August 31, 2021.

**However, there would be a negative impact of (\$250,000) through the biennium ending August 31, 2023.**

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2020	\$0
2021	\$0
2022	\$0
2023	(\$250,000)
2024	(\$256,000)

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable (Cost) from General Revenue Fund 1</b>
2020	\$0
2021	\$0
2022	\$0
2023	(\$250,000)
2024	(\$256,000)

**Fiscal Analysis**

The bill would amend Section 351.102 of the Tax Code regarding the pledge of municipal hotel tax revenue to certain bonds and entitlement of certain municipalities to state tax revenue associated with certain hotel projects.

The bill would amend Subsection (e) to extend the application of the Section to a municipality with a population of less than 25,000 that contains a museum of western American art.

The bill would take effect immediately upon enactment, assuming that it received the requisite two-thirds majority votes in both houses of the Legislature. Otherwise it would take effect September 1, 2019.

### **Methodology**

The City of Kerrville would be entitled to state sales tax and state hotel tax associated with a qualified hotel project under Section 151.429(h) of the Tax Code via Sections 351.102(b) and (c) of the Tax Code. Such funds must be deposited in a suspense account outside the state treasury to be paid to the owner of a qualified hotel project.

The City of Kerrville has not yet developed specific plans for the construction of a hotel as a qualified hotel project. However, this estimate assumes that the city would act on the authorization provided by the bill, and that given time required for planning and construction, a project eligible for rebates of state tax revenue would be undertaken but not be operational before fiscal 2023.

This estimate is based on an assumed room size of the prospective hotel, an assumed average nightly room rate and annual average occupancy rate, and the ratio of state sales tax to hotel tax revenues paid to the owners of the extant qualified hotel projects. The entitlement to state tax revenue would be for a period of ten years after the hotel is open for initial occupancy.

In fiscal 2018, a total of \$17,676,000 in state tax revenue was allocated for qualified hotel projects in the cities of Amarillo, Dallas, Fort Worth, Houston, Nacogdoches, and San Antonio.

### **Local Government Impact**

The City of Kerrville would be entitled to state sales tax and state hotel tax associated with a qualified hotel project.

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

**LBB Staff:** WP, KK