

SENATE AMENDMENTS

2nd Printing

By: Stucky, Hayes, Thimesch, Bumgarner

H.B. No. 5105

A BILL TO BE ENTITLED

AN ACT

relating to authorizing certain counties to impose a hotel occupancy tax and the use of revenue from that tax.

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

SECTION 1. Section 352.002, Tax Code, is amended by adding Subsection (v) to read as follows:

(v) The commissioners court of a county with a population of more than 650,000 that is adjacent to two counties, each having a population of more than 1.8 million, may impose a tax as provided by Subsection (a). A tax imposed under this subsection does not apply to a hotel that is located within a 2.5-mile radius of the intersection of:

(1) the Dallas North Tollway; and

(2) U.S. Highway 380.

SECTION 2. Section 352.003, Tax Code, is amended by adding Subsection (bb) to read as follows:

(bb) The tax rate in a county authorized to impose the tax under Section 352.002(v) may not exceed two percent of the price paid for a room in a hotel.

SECTION 3. Subchapter B, Chapter 352, Tax Code, is amended by adding Section 352.115 to read as follows:

Sec. 352.115. USE OF REVENUE: CERTAIN COUNTIES ADJACENT TO POPULOUS COUNTIES. (a) This section applies only to a county authorized to impose a tax under this chapter by Section

1 352.002(v).

2 (b) The revenue from a tax imposed under this chapter by a
3 county to which this section applies may be used only for the
4 development, construction, maintenance, operation, improvement,
5 and marketing and promotion of a multipurpose sports and event
6 complex that will substantially increase regional sporting and
7 other events that produce supplemental economic activity at hotels
8 in the county.

9 (c) A county to which this section applies shall establish a
10 project functionality and marketing advisory committee. The
11 commissioners court of the county shall appoint members to the
12 committee. The committee must consist of at least nine and not more
13 than 14 members, at least seven of whom must be hotel owners or
14 operators or destination marketing organization representatives
15 from municipalities in which the county imposes the tax authorized
16 under this chapter.

17 (d) The committee described by Subsection (c) shall review
18 and make quarterly recommendations to the county on ways to
19 maximize the functionality and marketing of the multipurpose sports
20 and event complex described by Subsection (b).

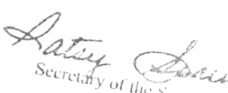
21 (e) A county to which this section applies shall finance at
22 least 40 percent of the annual maintenance and operation costs for
23 the multipurpose sports and event complex described by Subsection
24 (b) from revenue other than revenue attributable to the tax imposed
25 under this chapter.

26 SECTION 4. This Act takes effect September 1, 2023.

ADOPTED

MAY 24 2007

By: 


Secretary of the Senate

H.B. No. 5105

Substitute the following for H.B. No. 5105:

By: 

C.S. H.B. No. 5105

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

SECTION 1. Section 352.002, Tax Code, is amended by adding Subsection (v) to read as follows:

(v) The commissioners court of a county with a population of more than 650,000 that is adjacent to two counties, each having a population of more than 1.8 million, may impose a tax as provided by Subsection (a). A tax imposed under this subsection does not apply to a hotel that is located on contiguous property in more than one county.

SECTION 2. Section 352.003, Tax Code, is amended by adding Subsection (bb) to read as follows:

(bb) The tax rate in a county authorized to impose the tax under Section 352.002(v) may not exceed two percent of the price paid for a room in a hotel.

SECTION 3. Subchapter B, Chapter 352, Tax Code, is amended by adding Section 352.115 to read as follows:

Sec. 352.115. USE OF REVENUE: CERTAIN COUNTIES ADJACENT TO POPULOUS COUNTIES. In addition to the purposes authorized by this chapter, the revenue from a tax imposed under this chapter by a county authorized to impose the tax under Section 352.002(v) may be used for the purposes described by Section 352.112.

1 SECTION 4. This Act takes effect September 1, 2023.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 25, 2023

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB5105 by Stucky (Relating to authorizing certain counties to impose a hotel occupancy tax and the use of revenue from that tax.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would amend Chapter 352 of the Tax Code, regarding county hotel occupancy taxes.

The bill would have no state revenue implications.

Local Government Impact

The bill would affect Denton County.

Source Agencies:

LBB Staff: JMc, SD, MOc, BRI, KK

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 22, 2023

TO: Honorable Brian Birdwell, Chair, Senate Committee on Natural Resources & Economic Development

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB5105 by Stucky (relating to authorizing certain counties to impose a hotel occupancy tax and the use of revenue from that tax.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend Chapter 352 of the Tax Code, regarding county hotel occupancy taxes.

The bill would have no state revenue implications.

Local Government Impact

The bill would affect Denton County.

Source Agencies:

LBB Staff: JMc, MOc, BRI, KK, SD

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 21, 2023

TO: Honorable Brian Birdwell, Chair, Senate Committee on Natural Resources & Economic Development

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB5105** by Stucky (Relating to authorizing certain counties to impose a hotel occupancy tax and the use of revenue from that tax.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend Chapter 352 of the Tax Code, regarding county hotel occupancy taxes.

The bill would have no state revenue implications.

Local Government Impact

The bill would affect Denton County.

Source Agencies:

LBB Staff: JMc, MOc, KK, SD, BRI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 8, 2023

TO: Honorable Morgan Meyer, Chair, House Committee on Ways & Means

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB5105 by Stucky (Relating to authorizing certain counties to impose a hotel occupancy tax and the use of revenue from that tax.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend Chapter 352 of the Tax Code, regarding county hotel occupancy taxes.

The bill would have no state revenue implications.

Local Government Impact

The bill would affect Denton County.

Source Agencies:

LBB Staff: JMc, KK, SD, BRI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 30, 2023

TO: Honorable Morgan Meyer, Chair, House Committee on Ways & Means

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB5105 by Stucky (Relating to authorizing certain counties to impose a hotel occupancy tax and the use of revenue from that tax.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend Chapter 352 of the Tax Code, regarding county hotel occupancy taxes.

The bill would amend Section 352.003 by adding Subsection (v) to authorize the commissioners court of a county with a population of more than 650,000 that is adjacent to two counties, each having a population of more than 1.8 million to impose a hotel occupancy tax of not more than 2.0 percent of the price paid for the room. The county would be prohibited from imposing the tax on a hotel project that resides on a contiguous property in more than one county. The bill would add Section 352.115 to specify that the revenue from the tax in this county could only be used for the development, construction, maintenance, and improvement of multipurpose facilities to enhance hotel activity and encourage tourism.

The bill would have no state revenue implications.

Local Government Impact

The bill would affect Denton County.

Source Agencies:

LBB Staff: JMc, KK, SD, BRI

LEGISLATIVE BUDGET BOARD
Austin, Texas

TAX/FEE EQUITY NOTE

88TH LEGISLATIVE REGULAR SESSION

May 8, 2023

TO: Honorable Morgan Meyer, Chair, House Committee on Ways & Means

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB5105 by Stucky (Relating to authorizing certain counties to impose a hotel occupancy tax and the use of revenue from that tax.), **Committee Report 1st House, Substituted**

No statistically significant impact on the overall distribution of a state tax or fee burden among individuals and businesses is anticipated from the provisions of this bill.

Source

Agencies:

LBB Staff: JMc, KK, SD

LEGISLATIVE BUDGET BOARD
Austin, Texas

TAX/FEE EQUITY NOTE

88TH LEGISLATIVE REGULAR SESSION

March 30, 2023

TO: Honorable Morgan Meyer, Chair, House Committee on Ways & Means

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB5105 by Stucky (Relating to authorizing certain counties to impose a hotel occupancy tax and the use of revenue from that tax.), **As Introduced**

No statistically significant impact on the overall distribution of a state tax or fee burden among individuals and businesses is anticipated from the provisions of this bill.

Source

Agencies:

LBB Staff: JMc, KK