

AN ACT

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

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

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

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

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

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

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

(4) the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, 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, and rodeos, 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. Section 351.101, Tax Code, is amended by adding
22 Subsection (k) to read as follows:

23 (k) In addition to other authorized uses, a municipality
24 that is intersected by both State Highways 71 and 95 may use revenue
25 from the municipal hotel occupancy tax for the promotion of tourism
26 by the enhancement and upgrading of an existing sports facility or
27 field as specified by Subsection (a)(7), provided that the

1 requirements of Subsections (a)(7)(A) and (C) are met.

2 SECTION 3. To the extent of any conflict, this Act prevails
3 over another Act of the 84th Legislature, Regular Session, 2015,
4 relating to nonsubstantive additions to and corrections in enacted
5 codes.

6 SECTION 4. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I certify that H.B. No. 3615 was passed by the House on May 12, 2015, by the following vote: Yeas 138, Nays 6, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 3615 on May 28, 2015, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 3615 on May 31, 2015, by the following vote: Yeas 118, Nays 20, 2 present, not voting.

Chief Clerk of the House

H.B. No. 3615

I certify that H.B. No. 3615 was passed by the Senate, with amendments, on May 26, 2015, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 3615 on May 31, 2015, by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

APPROVED: _____

Date

Governor