

1-1 By: Guillen (Senate Sponsor - Lucio) H.B. No. 4037  
1-2 (In the Senate - Received from the House May 18, 2015;  
1-3 May 18, 2015, read first time and referred to Committee on Natural  
1-4 Resources and Economic Development; May 22, 2015, reported  
1-5 adversely, with favorable Committee Substitute by the following  
1-6 vote: Yeas 11, Nays 0; May 22, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Fraser	X		
1-10	Estes	X		
1-11	Birdwell	X		
1-12	Hall	X		
1-13	Hancock	X		
1-14	Hinojosa	X		
1-15	Lucio	X		
1-16	Nichols	X		
1-17	Seliger	X		
1-18	Uresti	X		
1-19	Zaffirini	X		

1-20 COMMITTEE SUBSTITUTE FOR H.B. No. 4037 By: Lucio

1-21 A BILL TO BE ENTITLED  
1-22 AN ACT

1-23 relating to the authority of certain counties to impose a hotel  
1-24 occupancy tax and the use of revenue from the hotel occupancy tax by  
1-25 certain counties; authorizing an increase in the rate of a tax;  
1-26 authorizing the imposition of a tax.

1-27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-28 SECTION 1. Section 352.002, Tax Code, is amended by adding  
1-29 Subsection (n) to read as follows:

1-30 (n) The commissioners court of a county with a population of  
1-31 more than 300,000 and in which there is located all or part of the  
1-32 most populous military installation in this state may impose a tax  
1-33 as provided by Subsection (a).

1-34 SECTION 2. Section 352.003, Tax Code, is amended by adding  
1-35 Subsections (p) and (t) to read as follows:

1-36 (p) In a county authorized to impose the tax under Section  
1-37 352.002(n), the county tax rate in relation to a hotel located in a  
1-38 municipality that imposes a tax under Chapter 351 may not exceed a  
1-39 rate that, when added to the rate of the tax imposed by the  
1-40 municipality under Chapter 351, exceeds the sum of the rate  
1-41 prescribed by Section 351.003(a) plus two percent.

1-42 (t) The tax rate in a county that is authorized to impose the  
1-43 tax under Section 352.002(a)(6), that has a population of less than  
1-44 25,000, and that is adjacent to a county with a population of more  
1-45 than 750,000 may not exceed nine percent of the price paid for a  
1-46 room in a hotel.

1-47 SECTION 3. Sections 352.1033(a) and (c), Tax Code, are  
1-48 amended to read as follows:

1-49 (a) Subject to Subsection (c), the revenue from a tax  
1-50 imposed under this chapter by a county that borders the Gulf of  
1-51 Mexico authorized to impose the tax by Section 352.002(a)(6) may be  
1-52 used only to:

- 1-53 (1) clean public beaches;
- 1-54 (2) acquire, furnish, or maintain facilities,  
1-55 including parks, that enhance public access to beaches;
- 1-56 (3) provide and maintain public restrooms on or  
1-57 adjacent to beaches or beach access facilities;
- 1-58 (4) provide and maintain litter containers on or  
1-59 adjacent to beaches or beach access facilities;
- 1-60 (5) create, renovate, promote, and maintain parks

2-1 adjacent to bays, rivers, and other navigable waterways if the  
 2-2 county does not operate a public beach on the Gulf of Mexico; ~~and~~  
 2-3 (6) advertise and conduct solicitations and  
 2-4 promotional programs to attract tourists and convention delegates  
 2-5 or registrants to the county or its vicinity, any of which may be  
 2-6 conducted by the county or through contracts with persons or  
 2-7 organizations selected by the county;  
 2-8 (7) acquire a site for and construct, improve,  
 2-9 enlarge, equip, repair, operate, and maintain a visitor information  
 2-10 center; and  
 2-11 (8) encourage, promote, and improve historical  
 2-12 preservation and restoration efforts.

2-13 (c) In addition to the uses allowed by Subsection (a), a  
 2-14 county authorized to impose a tax under this chapter by Section  
 2-15 352.002(a)(6) that has a population of 50,000 or less and in which  
 2-16 there is located at least one ~~[state park and one]~~ national wildlife  
 2-17 refuge may use the revenue from the tax to:

2-18 (1) acquire, construct, furnish, or maintain  
 2-19 facilities, such as aquariums, birding centers and viewing sites,  
 2-20 history and art centers, and nature centers and trails;

2-21 (2) advertise and conduct solicitations and  
 2-22 promotional programs to attract conventions and visitors; and

2-23 (3) provide and maintain public restrooms and litter  
 2-24 containers on public land in an area that is a tourism venue.

2-25 SECTION 4. This Act takes effect immediately if it receives  
 2-26 a vote of two-thirds of all the members elected to each house, as  
 2-27 provided by Section 39, Article III, Texas Constitution. If this  
 2-28 Act does not receive the vote necessary for immediate effect, this  
 2-29 Act takes effect September 1, 2015.

2-30 \* \* \* \* \*