

AN ACT

relating to the miscellaneous gross receipts tax on utility companies.

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

SECTION 1. Section 182.021(1), Tax Code, is amended to read as follows:

(1) "Utility company" means a person:

(A) who owns or operates a gas or water works, or water plant used for ~~[local]~~ sale and distribution ~~[located]~~ within an incorporated city or town in this state; or

(B) who owns or operates an electric light or electric power works, or light plant used for ~~[local]~~ sale and distribution ~~[located]~~ within an incorporated city or town in this state, or who is a retail electric provider, as that term is defined in Section 31.002, Utilities Code, that makes ~~[local]~~ sales within an incorporated city or town in this state; provided, however, that a person who owns an electric light or electric power or gas plant used for distribution but who does not make retail sales to the ultimate consumer within an incorporated city or town in this state is not included in this definition.

SECTION 2. Section 182.022(a), Tax Code, is amended to read as follows:

(a) A tax is imposed on each utility company that makes a sale to an ultimate consumer ~~[located]~~ in an incorporated city or

1 town having a population of more than 1,000, according to the last  
2 federal census next preceding the filing of the report.

3 SECTION 3. The amendments made by this Act to Sections  
4 [182.021](#) and [182.022](#), Tax Code, are a clarification of existing law  
5 and do not imply that existing law may be construed as inconsistent  
6 with the law as amended by this Act.

7 SECTION 4. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section [39](#), Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2017.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 559 passed the Senate on March 22, 2017, by the following vote: Yeas 29, Nays 0; and that the Senate concurred in House amendment on May 16, 2017, by the following vote: Yeas 30, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 559 passed the House, with amendment, on May 9, 2017, by the following vote: Yeas 140, Nays 5, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor