86R12165 JXC-F

By:  Phelan H.B. No. 3535

A BILL TO BE ENTITLED

AN ACT

relating to the payment of certain fees to municipalities by entities that provide telecommunications and cable or video services.

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

SECTION 1.  Section 283.051, Local Government Code, is amended by adding Subsection (d) to read as follows:

(d)  In this subsection, "affiliated group" has the meaning assigned by Section 171.0001, Tax Code. A certificated telecommunications provider is not required to pay any compensation under Subsection (a) for a given year if the provider determines that the sum of the compensation due from the provider and any member of the provider's affiliated group to all municipalities in this state under Subsection (a) is less than the sum of the fees due from the provider and any member of the provider's affiliated group to all municipalities in this state under Section 66.005, Utilities Code. The determination under this subsection for a given year must be based on amounts actually paid, or amounts that would have been paid notwithstanding this subsection, during the immediately preceding calendar year by the provider and any member of the provider's affiliated group. In the case of a conflict between this subsection and Section 283.055, this subsection prevails.

SECTION 2.  Section 66.005, Utilities Code, is amended by adding Subsection (d) to read as follows:

(d)  In this subsection, "affiliated group" has the meaning assigned by Section 171.0001, Tax Code. A holder of a state-issued certificate of franchise authority is not subject to the fee imposed under Subsection (a) for a given year if the holder determines that the sum of fees due from the holder and any member of the holder's affiliated group to all municipalities in this state under Subsection (a) is less than the sum of the compensation due from the holder and any member of the holder's affiliated group to all municipalities in this state under Section 283.051, Local Government Code. The determination under this subsection for a given year must be based on amounts actually paid, or amounts that would have been paid notwithstanding this subsection, during the immediately preceding calendar year by the provider and any member of the provider's affiliated group. In the case of a conflict between this subsection and Section 283.055, Local Government Code, this subsection prevails.

SECTION 3.  The change in law made by this Act applies only to a payment made on or after the effective date of this Act. A payment made before the effective date of this Act is governed by the law in effect on the date the payment was made, and the former law is continued in effect for that purpose.

SECTION 4.  This Act takes effect September 1, 2019.