

By: Phelan

H.B. No. 3535

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the payment of certain fees to municipalities by
3 entities that provide telecommunications and cable or video
4 services.

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

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

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

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

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

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

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