

By: Hancock

S.B. No. 1152

A BILL TO BE ENTITLED

AN ACT

1  
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.