

1-1 By: Hancock S.B. No. 1152
 1-2 (In the Senate - Filed February 26, 2019; March 7, 2019,
 1-3 read first time and referred to Committee on Business & Commerce;
 1-4 March 27, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 1; March 27, 2019,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Hancock	X			
1-9 Nichols	X			
1-10 Campbell	X			
1-11 Creighton	X			
1-12 Menéndez			X	
1-13 Paxton	X			
1-14 Schwertner	X			
1-15 Whitmire	X			
1-16 Zaffirini		X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1152 By: Hancock

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the payment of certain fees to municipalities by
 1-22 entities that provide telecommunications and cable or video
 1-23 services.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 283.051, Local Government Code, is
 1-26 amended by adding Subsection (d) to read as follows:

1-27 (d) In this subsection, "affiliated group" has the meaning
 1-28 assigned by Section 171.0001, Tax Code. A certificated
 1-29 telecommunications provider is not required to pay any compensation
 1-30 under Subsection (a) for a given year if the provider determines
 1-31 that the sum of the compensation due from the provider and any
 1-32 member of the provider's affiliated group to all municipalities in
 1-33 this state under Subsection (a) is less than the sum of the fees due
 1-34 from the provider and any member of the provider's affiliated group
 1-35 to all municipalities in this state under Section 66.005, Utilities
 1-36 Code. The determination under this subsection for a given year must
 1-37 be based on amounts actually paid, or amounts that would have been
 1-38 paid notwithstanding this subsection, during the immediately
 1-39 preceding calendar year by the provider and any member of the
 1-40 provider's affiliated group. In the case of a conflict between this
 1-41 subsection and Section 283.055, this subsection prevails.

1-42 SECTION 2. Section 66.005, Utilities Code, is amended by
 1-43 adding Subsection (d) to read as follows:

1-44 (d) In this subsection, "affiliated group" has the meaning
 1-45 assigned by Section 171.0001, Tax Code. A holder of a state-issued
 1-46 certificate of franchise authority is not subject to the fee
 1-47 imposed under Subsection (a) for a given year if the holder
 1-48 determines that the sum of fees due from the holder and any member
 1-49 of the holder's affiliated group to all municipalities in this
 1-50 state under Subsection (a) is less than the sum of the compensation
 1-51 due from the holder and any member of the holder's affiliated group
 1-52 to all municipalities in this state under Section 283.051, Local
 1-53 Government Code. The determination under this subsection for a
 1-54 given year must be based on amounts actually paid, or amounts that
 1-55 would have been paid notwithstanding this subsection, during the
 1-56 immediately preceding calendar year by the holder and any member of
 1-57 the holder's affiliated group. In the case of a conflict between
 1-58 this subsection and Section 283.055, Local Government Code, this
 1-59 subsection prevails.

1-60 SECTION 3. The change in law made by this Act applies only

2-1 to a payment made on or after the effective date of this Act. A
2-2 payment made before the effective date of this Act is governed by
2-3 the law in effect on the date the payment was made, and the former
2-4 law is continued in effect for that purpose.

2-5 SECTION 4. This Act takes effect September 1, 2019.

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