

By: Gallego

H.B. No. 1576

A BILL TO BE ENTITLED

AN ACT

relating to the telecommunications planning and oversight council.

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

SECTION 1. Sections 2054.201(a) and (b), Government Code, are amended to read as follows:

(a) The telecommunications planning and oversight council is composed of:

(1) a representative of the comptroller's office, appointed by the comptroller;

(2) the executive director of the Telecommunications Infrastructure Fund Board;

(3) a representative of the Texas Building and Procurement Commission, appointed by the executive director of the commission;

(4) a member representing the interests of state agencies with 1,000 employees or more, appointed by the lieutenant governor;

(5) a member representing the interests of state agencies with fewer than 1,000 employees, appointed by the speaker of the house of representatives;

(6) a member representing the interests of institutions of higher education, appointed by the commissioner of higher education;

(7) a member representing the interests of The

1 University of Texas System, appointed by the chancellor;

2 (8) a member representing the interests of The Texas  
3 A&M University System, appointed by the chancellor;

4 (9) a member representing the interests of public  
5 school districts that are customers of the consolidated  
6 telecommunications system, appointed by the governor;

7 (10) a member representing the interests of local  
8 governments that are customers of the consolidated  
9 telecommunications system, appointed by the governor; ~~and~~

10 (11) two public members with telecommunications  
11 expertise, appointed by the governor; and

12 (12) a representative of the Health and Human Services  
13 Commission, appointed by the commissioner of health and human  
14 services.

15 (b) Appointed members of the telecommunications planning  
16 and oversight council serve staggered two-year terms, with the  
17 terms of four or five members expiring August 31 each year, except  
18 that:

19 (1) the representative of the comptroller's office  
20 serves at the discretion of the comptroller; ~~and~~

21 (2) the representative of the Texas Building and  
22 Procurement Commission serves at the discretion of the executive  
23 director of the commission; and

24 (3) the representative of the Health and Human  
25 Services Commission serves at the discretion of the commissioner of  
26 health and human services.

27 SECTION 2. Section 2054.206, Government Code, is amended to

1 read as follows:

2           Sec. 2054.206. ANNUAL REPORT. The telecommunications  
3 planning and oversight council shall submit an annual report not  
4 later than November 1 to the department and to each entity served by  
5 the consolidated telecommunications system or the centralized  
6 capitol complex telephone system. The report must include:

7           (1) information about the accomplishment of service  
8 objectives and other performance measures for management of the  
9 consolidated telecommunications system and the centralized capitol  
10 complex telephone system;

11           (2) information about the accounting and financial  
12 performance of the consolidated telecommunications system and the  
13 centralized capitol complex telephone system;

14           (3) estimates of savings to entities served by the  
15 consolidated telecommunications system over standard rates  
16 available to state agencies that [~~who~~] acquire telecommunications  
17 services directly;

18           (4) trends in network use, including the number of  
19 users, workstations, and locations supported; and

20           (5) rate information for services provided by the  
21 consolidated telecommunications system and the centralized capitol  
22 complex telephone system.

23           SECTION 3. Subchapter H, Chapter 2054, Government Code, is  
24 amended by adding Section 2054.2025 to read as follows:

25           Sec. 2054.2025. LIMITATION OF LIABILITY. A member of the  
26 telecommunications planning and oversight council is not liable in  
27 a civil action for an act performed in good faith in the performance

1 of the member's functions.

2 SECTION 4. Section 2170.002, Government Code, is amended to  
3 read as follows:

4 Sec. 2170.002. DEPARTMENT RESPONSIBLE FOR OBTAINING  
5 TELECOMMUNICATIONS SERVICES. (a) The department is the state  
6 agency responsible for obtaining telecommunications services.

7 (b) The department shall negotiate rates and execute  
8 contracts with telecommunications service providers for services.

9 The department may:

10 (1) acquire transmission facilities by purchase,  
11 lease, or lease-purchase in accordance with Chapters 2155-2158;  
12 and

13 (2) develop, establish, and maintain carrier systems  
14 necessary to the operation of the consolidated telecommunications  
15 system.

16 SECTION 5. Section 2054.205(c), Government Code, is  
17 repealed.

18 SECTION 6. (a) When the terms of the members of the  
19 telecommunications planning and oversight council first expire  
20 after the effective date of this Act:

21 (1) the lieutenant governor and the speaker of the  
22 house of representatives shall each appoint one member, and the  
23 governor shall appoint two members, according to Section 2054.201,  
24 Government Code, for terms expiring on the first August 31  
25 occurring after the effective date of this Act; and

26 (2) the commissioner of higher education, the  
27 chancellor of The University of Texas System, and the chancellor of

1 The Texas A&M University System shall each appoint one member, and  
2 the governor shall appoint two members, according to Section  
3 2054.201, Government Code, for terms expiring on the second August  
4 31 occurring after the effective date of this Act.

5 (b) Promptly after this Act takes effect, the commissioner  
6 of health and human services shall appoint a representative to the  
7 telecommunications planning and oversight council.

8 SECTION 7. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2003.