

By: King

H.B. No. 1635

A BILL TO BE ENTITLED

AN ACT

relating to the uses of the telecommunications infrastructure fund.

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

SECTION 1. Section 57.042, Utilities Code, as amended by Chapters 959, 1220, and 1255, Acts of the 77th Legislature, Regular Session, 2001, is reenacted and amended to read as follows:

Sec. 57.042. DEFINITIONS. In this subchapter:

(1) ~~["Ambulatory health care center" means a health care clinic or an association of such a clinic that is:~~

~~[(A) exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as amended, as an organization described by Section 501(c)(3), as amended, and~~

~~[(B) funded wholly or partly by a grant under 42 U.S.C. Section 254b, 254c, or 256, as amended.~~

~~[(2)]~~ "Board" means the telecommunications infrastructure fund board.

(2) ~~[(3)]~~ "Commercial mobile service provider" means a provider of commercial mobile service as defined by Section 332(d), Communications Act of 1934 (47 U.S.C. Section 151 et seq.), Federal Communications Commission rules, and the Omnibus Budget Reconciliation Act of 1993 (Pub. L. No. 103-66).

(3) ~~[(4)]~~ "Fund" means the telecommunications infrastructure fund.

(4) ~~[(5)]~~ "Institution of higher education" means:

1 (A) an institution of higher education as defined
2 by Section 61.003, Education Code; or

3 (B) a private or independent institution of
4 higher education as defined by Section 61.003, Education Code.

5 (5) ~~[(6)] "Library" means:~~

6 ~~[(A)] a public library or regional library system~~
7 ~~as those terms are defined by Section 441.122, Government Code;~~

8 ~~[(B)] a library operated by an institution of~~
9 ~~higher education or a school district; or~~

10 ~~[(C)] a library operated by a nonprofit~~
11 ~~corporation as defined by Section 441.221(3), Government Code.~~

12 ~~[(7)] "Public not-for-profit health care facility"~~
13 ~~means a rural or regional hospital or other entity such as a rural~~
14 ~~health clinic that:~~

15 ~~[(A)] is supported by local or regional tax~~
16 ~~revenue;~~

17 ~~[(B)] is a certified not-for-profit health~~
18 ~~corporation, under federal law; or~~

19 ~~[(C)] is an ambulatory health care center.~~

20 ~~[(8)]~~ "School district" includes an independent
21 school district, a common school district, and a rural high school
22 district.

23 (6) ~~[(9)]~~ "Public school" means a public elementary or
24 secondary school, including an open-enrollment charter school, a
25 home-rule school district school, and a school with a campus or
26 campus program charter.

27 (7) ~~[(10)]~~ "Taxable telecommunications receipts"

means taxable telecommunications receipts reported under Chapter 151, Tax Code.

~~[(11) "Telehealth service" means a health service, other than a telemedicine medical service, delivered by a licensed or certified health professional acting within the scope of the health professional's license or certification who does not perform a telemedicine medical service that requires the use of advanced telecommunications technology, other than by telephone or facsimile, including:~~

~~[(A) compressed digital interactive video, audio, or data transmission;~~

~~[(B) clinical data transmission using computer imaging by way of still-image capture and store and forward; and~~

~~[(C) other technology that facilitates access to health care services or medical specialty expertise.~~

~~[(12) "Telemedicine medical service" means a health care service initiated by a physician or provided by a health professional acting under physician delegation and supervision, for purposes of patient assessment by a health professional, diagnosis or consultation by a physician, treatment, or the transfer of medical data, that requires the use of advanced telecommunications technology, other than by telephone or facsimile, including:~~

~~[(A) compressed digital interactive video, audio, or data transmission;~~

~~[(B) clinical data transmission using computer imaging by way of still-image capture and store and forward; and~~

1 ~~[(C) other technology that facilitates access to~~
2 ~~health care services or medical specialty expertise,~~

3 ~~[(12) "Telepharmacy system" means a system that~~
4 ~~monitors the dispensing of prescription drugs and provides for~~
5 ~~related drug use review and patient counseling services by an~~
6 ~~electronic method, including the use of the following types of~~
7 ~~technology.~~

8 ~~[(A) audio and video,~~

9 ~~[(B) still image capture, and~~

10 ~~[(C) store and forward.]~~

11 SECTION 2. Section 57.045(e), Utilities Code, is amended to
12 read as follows:

13 (e) The board shall establish an assistance program to
14 provide education concerning the telecommunications infrastructure
15 fund and to facilitate access to funds and programs under this
16 subchapter ~~[by health care facilities and by physicians licensed to~~
17 ~~practice medicine in this state]~~. The assistance program must
18 include a toll-free telephone number and provide access to
19 information through the Internet.

20 SECTION 3. Section 57.046(b), Utilities Code, is amended to
21 read as follows:

22 (b) The board shall use money in the qualifying entities
23 account for grants and loans to public schools or institutions of
24 higher education for any purpose authorized by this subchapter,
25 including:

26 (1) equipment;

27 (2) wiring;

1 (3) material;
2 (4) program development;
3 (5) training; or
4 (6) installation costs[+
5 ~~[(7) a statewide telecommunications network; and~~
6 ~~[(8) funding an automated system to integrate client~~
7 ~~services and eligibility requirements for health and human services~~
8 ~~across agencies]~~.
9

10 SECTION 4. Sections 57.047(a), (b), and (c), Utilities
11 Code, as amended by Chapters 959, 1220, and 1255, Acts of the 77th
12 Legislature, Regular Session, 2001, are reenacted and amended to
13 read as follows:

14 (a) The board may award a grant to a project or proposal of a
15 public school or institution of higher education that:

16 (1) provides equipment and infrastructure necessary
17 for[+
18

19 ~~[(A)] distance learning[+~~

20 ~~[(B) an information sharing program of a library,~~

21 ~~[(C) telemedicine medical services, or~~

22 ~~[(D) telehealth services,~~

23 ~~[(D) a telepharmacy system]~~;

24 (2) develops and implements the initial or
25 prototypical delivery of a course or other distance learning
26 material;

27 (3) trains teachers, faculty, librarians, or
technicians in the use of distance learning or information sharing
materials and equipment;

1 (4) develops a curriculum or instructional material
2 specially suited for telecommunications delivery;

3 (5) provides electronic information; or

4 (6) establishes or carries out an information sharing
5 program.

6 (b) The board may award a loan to a project or proposal to
7 acquire equipment needed for distance learning [~~and telemedicine~~
8 ~~medical service projects~~].

9 (c) In awarding a grant or loan under this subchapter, the
10 board shall give priority to a project or proposal that:

11 (1) represents collaborative efforts involving more
12 than one school, university, or library;

13 (2) contributes matching funds from another source;

14 (3) shows promise of becoming self-sustaining;

15 (4) helps users of information learn new ways to
16 acquire and use information through telecommunications;

17 (5) extends specific educational information and
18 knowledge services to a group not previously served, especially a
19 group in a rural or remote area;

20 (6) results in more efficient or effective learning
21 than through conventional teaching;

22 ~~[(7) improves the effectiveness and efficiency of~~
23 ~~health care delivery,]~~ or

24 (7) ~~[(8)]~~ takes advantage of distance learning
25 opportunities in a rural or urban school district with a:

26 (A) disproportionate number of at-risk youths;

27 or

1 (B) high dropout rate.

2 SECTION 5. The following sections of the Utilities Code are
3 repealed:

4 (1) Section 57.0471, as added by Chapter 661, Acts of
5 the 77th Legislature, Regular Session, 2001;

6 (2) Section 57.0471, as added by Chapter 959, Acts of
7 the 77th Legislature, Regular Session, 2001; and

8 (3) Section 57.0475.

9 SECTION 6. (a) This Act takes effect September 1, 2003.

10 (b) Each application for a grant or loan from the
11 telecommunications infrastructure fund account that is pending on
12 the effective date of this Act for a purpose that, on and after that
13 date is no longer authorized under Subchapter C, Chapter 57,
14 Utilities Code, as amended by this Act, is denied.

15 (c) The telecommunications infrastructure fund board and
16 the comptroller may disburse money from the telecommunications
17 infrastructure fund account for a grant or loan awarded before the
18 effective date of this Act, and the former law is continued in
19 effect for that purpose.