

By: Campbell

H.B. No. 1411

A BILL TO BE ENTITLED

AN ACT

relating to the provision of broadband services.

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

SECTION 1. Chapter 55, Utilities Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. BROADBAND SERVICES

Sec. 55.351. PLAN FOR STATEWIDE BROADBAND SERVICES. (a)

The commission shall develop a plan to ensure that access to broadband services is available throughout this state, including rural areas.

(b) In developing the plan, the commission shall ensure that:

(1) money is used in the most effective and efficient manner;

(2) the infrastructure necessary to support broadband services is complete before money is spent on equipment that will access that infrastructure; and

(3) the resulting broadband network is reliable, secure, able to handle peak loads, scalable to growing needs and demands, and flexible in operation.

(c) In developing the plan, the commission shall consider the use of existing governmental organizations such as regional planning agencies created under Chapter 391, Local Government Code, to implement the plan at the regional level and to maintain and

1 operate the broadband network after implementation.

2 (d) The commission shall review the plan annually and revise
3 the plan after that review if necessary.

4 (e) Not later than January 15 of each odd-numbered year, the
5 commission shall submit to the legislature a report on the
6 implementation of the plan. The report must include recommendations
7 on legislation the commission determines is appropriate to
8 facilitate implementation of the plan. The commission may include
9 the report required by this section in the report required by
10 Section 52.006.

11 Sec. 55.352. BROADBAND PILOT PROJECT. (a) The commission
12 shall establish a pilot project to develop and build a regional
13 broadband network in a rural area of this state using a regional
14 planning agency created under Chapter 391, Local Government Code.

15 (b) If the Concho Valley Council of Governments agrees to
16 participate, the commission shall establish the program in the
17 Concho Valley State Planning Region. If the Concho Valley Council
18 of Governments does not agree to participate, the commission shall
19 establish the program in another rural state planning region in
20 which the regional planning agency agrees to participate.

21 (c) The commission shall ensure the regional planning
22 agency:

23 (1) complies with the statewide plan for broadband
24 services developed under Section 55.351;

25 (2) encourages innovation and competition among
26 private businesses;

27 (3) uses the competitive bidding process prescribed by

1 Subchapter B, Chapter 271, Local Government Code, to award a
2 contract under this section that requires the expenditure of more
3 than \$25,000;

4 (4) requires a company that receives a construction
5 contract under this section to use materials that comply with
6 standards adopted by the commission that are at least as stringent
7 as the standards prescribed by the Rural Utilities Service of the
8 United States Department of Agriculture; and

9 (5) uses an engineering firm registered under Chapter
10 1001, Occupations Code, that has experience with Rural Utilities
11 Service procedures to procure and manage the deployment of the
12 broadband network.

13 (d) The regional planning agency may apply for, contract
14 for, receive, and spend a gift, grant, or other money from a
15 participating governmental unit, this state, the federal
16 government, or another source for the purposes of this section.

17 (e) Not later than November 1, 2006, and November 1, 2008,
18 the regional planning agency shall report to the commission on the
19 pilot project. The report must include any information the
20 commission requires to evaluate the progress and effectiveness of
21 the project.

22 (f) Not later than January 15, 2007, the commission shall
23 report to the legislature on the progress of the pilot program. Not
24 later than January 15, 2009, the commission shall report to the
25 legislature on the effectiveness of the program and the feasibility
26 of expanding the program statewide. The commission may include a
27 report required by this section in the report required by Section

1 52.006.

2 (g) This section expires September 1, 2009.

3 SECTION 2. This Act takes effect September 1, 2005.