

By: Corte

H.B. No. 2794

A BILL TO BE ENTITLED

AN ACT

relating to Telecommunications Infrastructure Fund.

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

SECTION 1. Section 57.048, Utilities Code, is amended by amending Subsections (a), (b), and (e) and adding Subsections (f)-(i) to read as follows:

(a) An annual assessment is imposed on each telecommunications provider, including ~~[utility and]~~ each commercial mobile service provider, doing business in this state.

(b) The assessment is imposed at the rate of 1.25 percent of the taxable telecommunications receipts of the telecommunications provider, including a ~~[utility or]~~ commercial mobile service provider, subject to this section.

(e) The comptroller may require a telecommunications provider, including a ~~[utility]~~ commercial mobile service provider, to provide any report or information necessary to fulfill the comptroller's duties under this section. Information provided to the comptroller under this section is confidential and exempt from disclosure under Chapter 552, Government Code.

(f) Notwithstanding any other provision of this title, a certificated telecommunications provider may recover from the provider's customers, in an amount not to exceed 1.25 percent of the certificated telecommunications provider's taxable telecommunication receipts as reported under Chapter 151 of the Tax

1 Code, an assessment imposed on the provider under this subchapter
2 after the total amount deposited to the credit of the fund,
3 excluding interest and loan repayments, is equal to \$1.5 billion,
4 as determined by the comptroller. A certificated
5 telecommunications provider may recover only the amount of the
6 assessment imposed after the total amount deposited to the credit
7 of the fund, excluding interest and loan repayments, is equal to
8 \$1.5 billion, as determined by the comptroller. The provider may
9 recover the assessment through a monthly billing process.

10 (g) The comptroller shall publish in the Texas Register the
11 date on which the total amount deposited to the credit of the fund,
12 excluding interest and loan repayments, is equal to \$1.5 billion.

13 (h) Not later than February 15 of each year, a certificated
14 telecommunications provider that wants to recover the assessment
15 under Subsection (f) shall file with the commission an affidavit or
16 affirmation stating the amount that the provider paid to the
17 comptroller under this section during the previous calendar year
18 and the amount the provider recovered from its customers in
19 cumulative payments during that year.

20 (i) The commission shall maintain the confidentiality of
21 information the commission receives under this section that is
22 claimed to be confidential for competitive purposes. The
23 confidential information is exempt from disclosure under Chapter
24 552, Government Code.

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