

By: Wentworth

S.B. No. 1456

A BILL TO BE ENTITLED

AN ACT

relating to telecommunications infrastructure fund assessments and collections.

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) through (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 each ~~[the]~~ telecommunications provider, including each ~~[utility or]~~ commercial mobile service provider, subject to this section.

(e) The comptroller may require a telecommunications provider, including a ~~[utility or]~~ 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

1 telecommunication receipts as reported under Chapter 151, Tax Code,  
2 an assessment imposed on the provider under this subchapter after  
3 the total amount deposited to the credit of the fund, excluding  
4 interest and loan repayments, is equal to \$1.5 billion, as  
5 determined by the comptroller. A certificated telecommunications  
6 provider may recover only the amount of the assessment imposed  
7 after the total amount deposited to the credit of the fund,  
8 excluding interest and loan repayments, is equal to \$1.5 billion,  
9 as determined by the comptroller. The provider may recover the  
10 assessment through a monthly billing process.

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

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

21 (i) The commission shall maintain the confidentiality of  
22 information the commission receives under this section that is  
23 claimed to be confidential for competitive purposes. The  
24 confidential information is exempt from disclosure under Chapter  
25 552, Government Code.

26 SECTION 2. Subsection (b), Section 57.043, Utilities Code,  
27 is amended to read as follows:

1           (b) The public schools account and qualifying entities  
2 account are financed by an annual assessment imposed as prescribed  
3 by Section 57.048 on each telecommunications provider ~~[utility]~~ and  
4 commercial mobile service provider doing business in this state.

5           SECTION 3. The changes in law made by this Act apply only to  
6 assessments imposed on or after the effective date of this Act.  
7 Assessments imposed before the effective date of this Act are  
8 governed by the law as it existed immediately before that date, and  
9 the former law is continued in effect for purposes of liability for  
10 and collection of those assessments.

11          SECTION 4. This Act takes effect September 1, 2005.