

By: Brimer

S.B. No. 1499

A BILL TO BE ENTITLED

AN ACT

relating to the telecommunications infrastructure fund, including the administration of the fund.

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

SECTION 1. Section 481.023, Government Code, is amended to read as follows:

Sec. 481.023. ADMINISTRATION OF OTHER STATUTES. [~~(a)~~] The office shall perform the administrative duties prescribed under:

(1) Chapter 1433; [~~and~~]

(2) the Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes); and

(3) Subchapter C, Chapter 57, Utilities Code.

SECTION 2. Section 57.042, Utilities Code, is amended by adding Subdivision (6-a) to read as follows:

(6-a) "Office" means the Texas Economic Development and Tourism Office.

SECTION 3. Section 57.045, Utilities Code, is amended to read as follows:

Sec. 57.045. POWERS AND DUTIES OF OFFICE [~~BOARD~~]. (a) The office [~~board~~] shall administer the fund and the two accounts in the fund.

(b) The office [~~board~~] shall prepare an annual report that:

(1) details the revenues deposited to the credit of the fund, including each account; and

1 (2) summarizes the grants and loans made from each
2 account.

3 (c) Not later than January 15 of each year, the office
4 [~~board~~] shall submit the report for the preceding year to the
5 governor and to each standing committee in the senate and house of
6 representatives that has jurisdiction over public or higher
7 education.

8 (d) The office [~~board~~] may:

9 (1) enter into contracts with state agencies or
10 private entities necessary to perform the office's [~~board's~~]
11 duties;

12 (2) adopt rules as necessary to administer this
13 subchapter;

14 (3) employ personnel reasonably necessary to perform
15 duties delegated by the office [~~board~~];

16 (4) appoint one or more committees to assist the
17 office [~~board~~] in performing the office's [~~board's~~] duties; and

18 (5) accept a gift or grant and use it for the purposes
19 of this subchapter.

20 (e) The office [~~board~~] shall establish an assistance
21 program to provide education concerning the telecommunications
22 infrastructure fund [~~and to facilitate access to funds and programs~~
23 ~~under this subchapter by health care facilities and by physicians~~
24 ~~licensed to practice medicine in this state~~]. The assistance
25 program must include a toll-free telephone number and provide
26 access to information through the Internet.

27 SECTION 4. Section 57.0455, Utilities Code, is amended to

1 read as follows:

2 Sec. 57.0455. MASTER PLAN FOR INFRASTRUCTURE DEVELOPMENT.

3 (a) The office [~~board~~] shall adopt a master plan for infrastructure
4 development. The plan must:

- 5 (1) cover a five-year period;
- 6 (2) be updated annually; and
- 7 (3) describe the project, timeline, and resource
8 allocation targets for each year included in the plan.

9 (b) The office [~~board~~] shall publish each proposed
10 amendment to the plan and each proposed annual update in the Texas
11 Register in accordance with Subchapter B, Chapter 2002, Government
12 Code.

13 SECTION 5. Sections 57.046(a) and (b), Utilities Code, are
14 amended to read as follows:

15 (a) The office [~~board~~] shall use money in the public schools
16 account to:

- 17 (1) to the extent directed in the General
18 Appropriations Act, fund the technology allotment under Section
19 32.005, Education Code; and

20 (2) award grants and loans in accordance with this
21 subchapter to fund:

22 (A) equipment for public schools, including
23 computers, printers, computer labs, and video equipment; and

24 (B) intracampus and intercampus wiring to enable
25 those public schools to use the equipment.

26 (b) The office [~~board~~] shall use money in the qualifying
27 entities account for any purpose authorized by this subchapter,

1 including:

- 2 (1) equipment;
- 3 (2) wiring;
- 4 (3) material;
- 5 (4) program development;
- 6 (5) training;
- 7 (6) installation costs; and
- 8 (7) a statewide telecommunications network[~~;~~ ~~and~~
- 9 [~~8~~].

10 SECTION 6. Section 57.047, Utilities Code, is amended to
11 read as follows:

12 Sec. 57.047. GRANT AND LOAN PROGRAM. (a) The office
13 [~~board~~] may award a grant to a project or proposal that:

14 (1) provides equipment and infrastructure necessary
15 for:

- 16 (A) distance learning; or
- 17 (B) an information sharing program of a library[~~;~~
- 18 [~~(C) telemedicine medical services;~~
- 19 [~~(D) telehealth services; or~~
- 20 [~~(E) a telepharmacy system~~];

21 (2) develops and implements the initial or
22 prototypical delivery of a course or other distance learning
23 material;

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

27 (4) develops a curriculum or instructional material

1 specially suited for telecommunications delivery;

2 (5) provides electronic information; or

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

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

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

11 (1) include at least one library in partnership with a
12 [~~represents collaborative efforts involving more than one~~] school
13 or [~~]~~ university [~~, or library~~];

14 (2) contribute an amount equal to at least 50 percent
15 of the cost of the project [~~contributes matching funds~~] from
16 another source, of which not more than one-half may be in-kind
17 contributions;

18 (3) demonstrate need and the manner in which [~~shows~~
19 ~~promise of becoming self-sustaining~~];

20 [~~(4) helps users of information learn new ways to~~
21 ~~acquire and use information through telecommunications~~];

22 [~~(5) extends~~] specific educational information and
23 knowledge services will be extended to a group not previously
24 served, especially a group in an economically depressed, rural, or
25 remote area; and

26 (4) include a five-year plan with performance measures
27 that address how the project:

1 (A) will result [~~(6) results~~] in more efficient
2 or effective learning and data sharing; and

3 (B) supports the goals of other state agencies,
4 including the Texas Education Agency, the Texas Higher Education
5 Coordinating Board, and the Texas State Library and Archives
6 Commission [~~than through conventional teaching;~~

7 [~~(7) improves the effectiveness and efficiency of~~
8 ~~health care delivery;~~

9 [~~(8) takes advantage of distance learning~~
10 ~~opportunities in a rural or urban school district with a:~~

11 [~~(A) disproportionate number of at-risk youths;~~
12 ~~or~~

13 [~~(B) high dropout rate; or~~

14 [~~(9) assists the community telecommunications~~
15 ~~alliance program created under Subchapter O, Chapter 487,~~
16 ~~Government Code].~~

17 (d) A person that receives a grant or loan under this
18 section may not use the grant or loan to:

19 (1) pay administrative or overhead costs; or
20 (2) provide funding for a network or other activity
21 that will compete with the private sector [~~In distributing money to~~
22 ~~public schools, the board shall:~~

23 [~~(1) consider the relative property wealth per student~~
24 ~~of the school districts that receive the money; and~~

25 [~~(2) recognize the unique needs of rural communities].~~

26 (e) [~~If a board member is an employee of an entity that~~
27 ~~applies for a grant or loan under this subchapter, the board member,~~

1 ~~before a vote on the grant or loan, shall disclose the fact of the~~
2 ~~member's employment. The disclosure must be entered into the~~
3 ~~minutes of the meeting. The board member may not vote on or~~
4 ~~otherwise participate in the awarding of the grant or loan. If the~~
5 ~~board member does not comply with this subsection, the entity is not~~
6 ~~eligible for the grant or loan.~~

7 [~~f~~] A grant or loan awarded under this section is subject
8 to the limitations prescribed by Section 57.046.

9 SECTION 7. Section 57.0485(a), Utilities Code, is amended
10 to read as follows:

11 (a) The comptroller shall deposit 75 [~~50~~] percent of the
12 money collected by the comptroller under Section 57.048 to the
13 credit of the public schools account in the fund. The comptroller
14 shall deposit the remainder of the money collected by the
15 comptroller under Section 57.048 to the credit of the qualifying
16 entities account in the fund.

17 SECTION 8. Section 57.049, Utilities Code, is amended to
18 read as follows:

19 Sec. 57.049. ISSUANCE OF WARRANTS. From money appropriated
20 to the office under this subchapter [~~board~~], the comptroller shall
21 issue warrants the office [~~board~~] requests in accordance with the
22 purposes of this subchapter, including warrants to grantees of the
23 office [~~board~~] in amounts the office [~~board~~] certifies to the
24 comptroller.

25 SECTION 9. Section 57.050, Utilities Code, is amended to
26 read as follows:

27 Sec. 57.050. ASSISTANCE OF OTHER AGENCIES. The following

1 agencies, in consultation with the office [~~board~~], shall adopt
2 policies and procedures that are designed to aid the office [~~board~~]
3 in achieving the purposes of this subchapter:

- 4 (1) the Texas Higher Education Coordinating Board;
- 5 (2) the Texas Education Agency; and
- 6 (3) the Texas State Library and Archives Commission.

7 SECTION 10. The following provisions of the Utilities Code
8 are repealed:

- 9 (1) Sections 57.042(1), (2), (7), (11), (12), and
10 (13);
- 11 (2) Section 57.044;
- 12 (3) Section 57.046(c), as added by Chapter 198, Acts
13 of the 78th Legislature, Regular Session, 2003;
- 14 (4) Section 57.046(c), as added by Chapter 201, Acts
15 of the 78th Legislature, Regular Session, 2003;
- 16 (5) Section 57.046(d);
- 17 (6) Sections 57.0471 and 57.0475;
- 18 (7) Sections 57.048(c) and (d); and
- 19 (8) Section 57.051.

20 SECTION 11. A reference in law to the Telecommunications
21 Infrastructure Fund Board means the Texas Economic Development and
22 Tourism Office.

23 SECTION 12. This Act takes effect September 1, 2005.