

By: Shapleigh

S.B. No. 1745

A BILL TO BE ENTITLED

AN ACT

relating to the telecommunications infrastructure fund.

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

SECTION 1. Section 57.043, Utilities Code, is amended to read as follows:

Sec. 57.043. TELECOMMUNICATIONS INFRASTRUCTURE FUND [~~AND ACCOUNTS~~]. (a) The telecommunications infrastructure fund is an account in the general revenue fund. [~~The telecommunications infrastructure fund account is composed of the public schools account and the qualifying entities account.~~] Section 403.095, Government Code, does not apply to the [~~telecommunications infrastructure~~] fund [~~account or to the accounts that compose the fund account~~].

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

(c) Money in the fund may be appropriated only to fund the technology allotment under Section 32.005, Education Code [~~for a use consistent with the purposes of this subchapter~~].

SECTION 2. Sections 57.048(a) and (b), Utilities Code, are amended to read as follows:

(a) An annual assessment is imposed on each telecommunications utility, each cable service provider, and each

1 commercial mobile service provider doing business in this state.

2 (b) The assessment is imposed at the rate of one [~~1.25~~]
3 percent of the taxable telecommunications receipts of the
4 telecommunications utility, cable service provider, or commercial
5 mobile service provider, subject to this section. Notwithstanding
6 any other provision of this title, a telecommunications utility,
7 cable service provider, or commercial mobile service provider may
8 recover the assessment from its customers.

9 SECTION 3. The following provisions of the Utilities Code
10 are repealed:

11 (1) Sections 57.042(1), (2), (5), (6), (7), (8), (9),
12 (11), (12), and (13);

13 (2) Sections 57.044-57.0475;

14 (3) Sections 57.048(c) and (d); and

15 (4) Sections 57.0485-57.051.

16 SECTION 4. If, on the day before the effective date of this
17 Act, the assessment prescribed by Section 57.048, Utilities Code,
18 as amended by this Act, is imposed at a rate of less than one
19 percent, the comptroller shall, effective September 1, 2005, reset
20 the rate of the assessment to one percent.

21 SECTION 5. The assessment imposed under Section 57.048,
22 Utilities Code, as amended by this Act, applies to taxable
23 telecommunications receipts of a telecommunications utility, cable
24 service provider, or commercial mobile service provider that accrue
25 on and after September 1, 2005.

26 SECTION 6. This Act takes effect September 1, 2005.