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H.B. No. 735

A BILL TO BE ENTITLED

AN ACT

relating to the discontinuation of the Telecommunications
Infrastructure Fund.

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

SECTION 1. The following are repealed:

- (1) Subchapter C, Chapter 57, Utilities Code;
- (2) Section 32.202, Education Code; and
- (3) Section 441.1385, Government Code.

SECTION 2. Section 21.0483(c), Education Code, is amended
to read as follows:

(c) To be eligible for a master technology teacher
certificate, a person must:

- (1) hold a technology applications or Technology
Education certificate issued under this subchapter, satisfactorily
complete the course of instruction prescribed under Subdivision
(2)(B), and satisfactorily perform on the examination prescribed
under Subdivision (2)(C); or

- (2) hold a teaching certificate issued under this
subchapter and:

- (A) have at least three years of teaching
experience;

- (B) satisfactorily complete a knowledge-based
and skills-based course of instruction on interdisciplinary
technology applications and the science of teaching technology that

1 includes training in:

2 (i) effective technology instruction
3 techniques, including applications designed to meet the
4 educational needs of students with disabilities;

5 (ii) classroom teaching methodology that
6 engages student learning through the integration of technology;

7 (iii) digital learning competencies,
8 including Internet research, graphics, animation, website
9 mastering, and video technologies;

10 (iv) curriculum models designed to prepare
11 teachers to facilitate an active student learning environment; and

12 (v) effective professional peer mentoring
13 techniques;

14 (C) satisfactorily perform on an examination
15 ~~[developed in cooperation with the Telecommunications~~
16 ~~Infrastructure Fund Board and]~~ administered at the conclusion of
17 the course of instruction prescribed under Paragraph (B); and

18 (D) satisfy any other requirements prescribed by
19 the board.

20 SECTION 3. Section 32.005(c), Education Code, is amended to
21 read as follows:

22 (c) The allotment under this section may be paid from:

23 (1) ~~[the telecommunications infrastructure fund under~~
24 ~~Subchapter C, Chapter 57, Utilities Code,~~

25 ~~[(2)]~~ the available school fund; or

26 (2) ~~[(3)]~~ any other fund that may be used for that
27 purpose and that is identified in the General Appropriations Act as

1 the source of payment of the allotment.

2 SECTION 4. Section 487.054(a), Government Code, is amended
3 to read as follows:

4 (a) At least once each year, the following agency heads or
5 their designees shall meet in Austin to discuss rural issues and to
6 provide information showing the impact each agency has on rural
7 communities for use in developing rural policy and compiling the
8 annual report under Section 487.051(4):

9 (1) the commissioner of agriculture;

10 (2) the executive director of the Public Utility
11 Commission of Texas;

12 (3) the director of the Texas Agricultural Extension
13 Service;

14 (4) ~~[the presiding officer of the Telecommunications~~
15 ~~Infrastructure Fund Board];~~

16 ~~[(5)]~~ the executive director of the Texas Department
17 of Housing and Community Affairs;

18 (5) ~~[(6)]~~ the commissioner of the Department of State
19 Health Services;

20 (6) ~~[(7)]~~ the executive administrator of the Texas
21 Water Development Board;

22 (7) ~~[(8)]~~ the executive director of the Parks and
23 Wildlife Department;

24 (8) ~~[(9)]~~ the commissioner of higher education;

25 (9) ~~[(10)]~~ the comptroller;

26 (10) ~~[(11)]~~ the executive director of the Texas
27 Department of Transportation;

1 (11) [~~(12)~~] the executive director of the Texas
2 Commission on Environmental Quality;

3 (12) [~~(13)~~] the executive director of the Texas
4 Economic Development and Tourism Office;

5 (13) [~~(14)~~] the commissioner of insurance;

6 (14) [~~(15)~~] the commissioner of the Department of
7 Aging and Disability Services;

8 (15) [~~(16)~~] the commissioner of education;

9 (16) [~~(17)~~] the executive commissioner of the Health
10 and Human Services Commission;

11 (17) [~~(18)~~] the executive director of the Texas
12 Workforce Commission;

13 (18) [~~(19)~~] the executive director of the Texas
14 Historical Commission;

15 (19) [~~(20)~~] a member of the Railroad Commission of
16 Texas;

17 (20) [~~(21)~~] the executive director of the State Soil
18 and Water Conservation Board;

19 (21) [~~(22)~~] the executive director of the office; and

20 (22) [~~(23)~~] the head of any other agency interested in
21 rural issues.

22 SECTION 5. Section 487.651, Government Code, is amended to
23 read as follows:

24 Sec. 487.651. DEFINITIONS. In this subchapter:

25 (1) [~~"Board"~~] ~~means the Telecommunications~~
26 ~~Infrastructure Fund Board.~~

27 [~~(2)~~] "Community telecommunications alliance" means

1 an association of public and private entities created to share
2 resources, promote innovative school health technology, promote
3 economic development opportunities for the community, and improve
4 the overall quality of life within a local community through
5 telecommunications and information services provided by the
6 private sector.

7 (2) [~~(3)~~] "Program" means the community
8 telecommunications alliance program.

9 SECTION 6. Section 487.652, Government Code, is amended to
10 read as follows:

11 Sec. 487.652. RULES GOVERNING PROGRAM [~~MEMORANDUM OF~~
12 ~~UNDERSTANDING~~]. (a) The [~~office and the board by rule shall adopt~~
13 ~~a memorandum of understanding establishing the~~] community
14 telecommunications alliance program[~~. The program~~] shall:

15 (1) assist local communities in the creation and
16 development of community telecommunications alliances, including
17 alliances established to pursue rural economic development or
18 innovative rural school health technology projects, by providing
19 advice and assistance in assessing local uses of and local demands
20 or needs for local telecommunications and information services of
21 private sector providers; and

22 (2) assist community telecommunications alliances in
23 applying for grant funding for projects, including:

24 (A) assisting alliances in securing matching
25 private sector funding for projects; and

26 (B) requiring alliances to develop sustainable
27 plans:

1 (i) that demonstrate how the alliance will
2 continue to obtain private sector services once the grant funding
3 terminates;

4 (ii) that do not directly compete with
5 local businesses, telecommunications providers, or information
6 services providers; and

7 (iii) that prohibit a network created with
8 assistance from the alliance or other public funding from being
9 sold to a direct competitor of a private sector provider.

10 (b) Each community telecommunications alliance established
11 under this section shall have an advisory council with
12 representation from each of the following:

- 13 (1) a local nonprofit organization;
- 14 (2) a local county-elected official;
- 15 (3) a local city-elected official;
- 16 (4) a local telecommunications provider;
- 17 (5) a local economic development group;
- 18 (6) the local financial community; and
- 19 (7) a local information services provider.

20 (c) This chapter may not be construed to:

21 (1) expand eligibility for private network services
22 under Section 58.253(a) or 59.072(a), Utilities Code, to persons
23 not eligible to purchase the services; or

24 (2) permit the direct or indirect sharing or resale of
25 private network services with persons not eligible to purchase the
26 services.

27 (d) A community telecommunications alliance created under

1 this section shall offer the following local entities the
2 opportunity to be included in the alliance:

3 (1) a library[~~, as defined by Section 57.042,~~
4 ~~Utilities Code~~];

5 (2) a public school[~~, as defined by Section 57.042,~~
6 ~~Utilities Code~~];

7 (3) a public not-for-profit health care facility[~~, as~~
8 ~~defined by Section 57.042, Utilities Code~~]; and

9 (4) a local institution of higher education[~~, as~~
10 ~~defined by Section 57.042, Utilities Code~~].

11 SECTION 7. Section 487.653, Government Code, is amended to
12 read as follows:

13 Sec. 487.653. REPORT TO LEGISLATURE. Not later than
14 January 1 of each odd-numbered year, the office [~~and the board~~
15 ~~jointly~~] shall submit to the legislature a report detailing the
16 grant activities of the program and grant recipients. The report
17 must include:

18 (1) the criteria used to quantify the effect grant
19 funds had in advancing telecommunications connectivity and
20 technology;

21 (2) data and performance measures used to quantify the
22 achievement of program objectives; and

23 (3) a description of and results from a grant
24 monitoring risk assessment and on-site review process.

25 SECTION 8. Section 531.02172(b), Government Code, is
26 amended to read as follows:

27 (b) The advisory committee must include:

1 (1) representatives of health and human services
2 agencies and other state agencies concerned with the use of
3 telemedical consultations in the Medicaid program and the state
4 child health plan program, including representatives of:

5 (A) the commission;

6 (B) the Texas Department of Health;

7 (C) the Office of Rural Community Affairs;

8 (D) [~~the Telecommunications Infrastructure Fund~~
9 ~~Board,~~

10 [~~(E)~~] the Texas Department of Insurance;

11 (E) [~~(F)~~] the Texas State Board of Medical
12 Examiners;

13 (F) [~~(G)~~] the Board of Nurse Examiners; and

14 (G) [~~(H)~~] the Texas State Board of Pharmacy;

15 (2) representatives of health science centers in this
16 state;

17 (3) experts on telemedicine, telemedical
18 consultation, and telemedicine medical services or telehealth
19 services; and

20 (4) representatives of consumers of health services
21 provided through telemedical consultations and telemedicine
22 medical services or telehealth services.

23 SECTION 9. Section 654.011(a), Government Code, is amended
24 to read as follows:

25 (a) The position classification plan and the salary rates
26 and provisions in the General Appropriations Act apply to all
27 hourly, part-time, temporary, and regular, full-time salaried

1 employments in the state departments, agencies, or judicial
2 entities specified in the articles of the General Appropriations
3 Act that appropriate money to:

- 4 (1) general government agencies;
- 5 (2) health and human services agencies;
- 6 (3) the judiciary, except for judges, district
7 attorneys, and assistant district attorneys;
- 8 (4) public safety and criminal justice agencies;
- 9 (5) natural resources agencies;
- 10 (6) business and economic development agencies;
- 11 (7) regulatory agencies; and
- 12 (8) agencies of public education, but only the Texas
13 Education Agency, the Texas School for the Blind and Visually
14 Impaired, the State Board for Educator Certification, [~~the~~
15 ~~Telecommunications Infrastructure Fund,~~] and the Texas School for
16 the Deaf.

17 SECTION 10. Section 2054.201(a), Government Code, is
18 amended to read as follows:

19 (a) The telecommunications planning and oversight council
20 is composed of:

- 21 (1) a representative of the comptroller's office,
22 appointed by the comptroller;
- 23 (2) [~~the executive director of the Telecommunications~~
24 ~~Infrastructure Fund Board,~~
- 25 [~~3~~] a representative of the Texas Building and
26 Procurement Commission, appointed by the executive director of the
27 commission;

1 (3) [~~(4)~~] a member representing the interests of state
2 agencies with 1,000 employees or more, appointed by the lieutenant
3 governor;

4 (4) [~~(5)~~] a member representing the interests of state
5 agencies with fewer than 1,000 employees, appointed by the speaker
6 of the house of representatives;

7 (5) [~~(6)~~] a member representing the interests of
8 institutions of higher education, appointed by the commissioner of
9 higher education;

10 (6) [~~(7)~~] a member representing the interests of The
11 University of Texas System, appointed by the chancellor;

12 (7) [~~(8)~~] a member representing the interests of The
13 Texas A&M University System, appointed by the chancellor;

14 (8) [~~(9)~~] a member representing the interests of
15 public school districts that are customers of the consolidated
16 telecommunications system, appointed by the governor;

17 (9) [~~(10)~~] a member representing the interests of
18 local governments that are customers of the consolidated
19 telecommunications system, appointed by the governor;

20 (10) [~~(11)~~] two public members with
21 telecommunications expertise, appointed by the governor; and

22 (11) [~~(12)~~] a representative of the Health and Human
23 Services Commission, appointed by the commissioner of health and
24 human services.

25 SECTION 11. Section 58.252(2), Utilities Code, is amended
26 to read as follows:

27 (2) "Library" means:

1 (A) a public library or regional library system
2 as those terms are defined by Section 441.122, Government Code;

3 (B) a library operated by an institution of
4 higher education or a school district; or

5 (C) a library operated by a nonprofit corporation
6 as defined by Section 441.221(3), Government Code [~~has the meaning~~
7 ~~assigned by Section 57.042~~].

8 SECTION 12. Section 58.253(a), Utilities Code, as amended
9 by Section 9, Chapter 959, Section 4, Chapter 1220, and Section 7,
10 Chapter 1350, Acts of the 77th Legislature, Regular Session, 2001,
11 is reenacted and amended to read as follows:

12 (a) On customer request, an electing company shall provide
13 private network services to:

14 (1) an educational institution;

15 (2) a library as defined in Section 57.021
16 [~~57.042(6)(A) and (B)~~];

17 (3) a nonprofit telemedicine center;

18 (4) a public or not-for-profit hospital; or

19 (5) [~~a project funded by the telecommunications~~
20 ~~infrastructure fund under Subchapter C, Chapter 57, except for a~~
21 ~~telepharmacy system; or~~

22 [~~(6)~~] a legally constituted consortium or group of
23 entities listed in this subsection.

24 SECTION 13. Section 59.071(2), Utilities Code, is amended
25 to read as follows:

26 (2) "Library" means:

27 (A) a public library or regional library system

1 as those terms are defined by Section 441.122, Government Code;

2 (B) a library operated by an institution of
3 higher education or a school district; or

4 (C) a library operated by a nonprofit corporation
5 as defined by Section 441.221(3), Government Code [~~has the meaning~~
6 ~~assigned by Section 57.042~~].

7 SECTION 14. (a) The assessment imposed under Section
8 57.048, Utilities Code, for the calendar quarter ending in
9 September 2007 is due on the last day of October 2007, and Section
10 57.048, Utilities Code, is continued in effect for the collection
11 of the assessment due and for civil and criminal enforcement of the
12 liability for that assessment.

13 (b) A telecommunications utility or commercial mobile
14 service provider subject to Section 57.048, Utilities Code, may
15 recover from the utility's customers through a monthly billing
16 process the amount of the assessment imposed under that section as
17 provided by Subsection (f) of that section and the former law is
18 continued in effect for that purpose.

19 SECTION 15. (a) Except as provided by Subsection (b) of
20 this section, this Act takes effect October 1, 2007.

21 (b) Section 14 of this Act takes effect immediately if this
22 Act receives a vote of two-thirds of all the members elected to each
23 house, as provided by Section 39, Article III, Texas Constitution.
24 If this Act does not receive the vote necessary for immediate
25 effect, Section 14 of this Act takes effect on the 91st day after
26 the last day of the legislative session.