

1-1 By: Straus, et al. (Senate Sponsor - Williams) H.B. No. 735
1-2 (In the Senate - Received from the House March 21, 2007;
1-3 March 29, 2007, read first time and referred to Committee on
1-4 Finance; May 21, 2007, reported favorably by the following vote:
1-5 Yeas 11, Nays 0; May 21, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the discontinuation of the Telecommunications
1-9 Infrastructure Fund.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. (a) The following are repealed on the effective
1-12 date of this Act as provided by Section 15 of this Act:

1-13 (1) Subchapter E, Chapter 32, Education Code; and

1-14 (2) Section 441.1385, Government Code.

1-15 (b) Effective October 1, 2007, Subchapter C, Chapter 57,
1-16 Utilities Code, is repealed.

1-17 SECTION 2. Section 21.0483(c), Education Code, is amended
1-18 to read as follows:

1-19 (c) To be eligible for a master technology teacher
1-20 certificate, a person must:

1-21 (1) hold a technology applications or Technology
1-22 Education certificate issued under this subchapter, satisfactorily
1-23 complete the course of instruction prescribed under Subdivision
1-24 (2)(B), and satisfactorily perform on the examination prescribed
1-25 under Subdivision (2)(C); or

1-26 (2) hold a teaching certificate issued under this
1-27 subchapter and:

1-28 (A) have at least three years of teaching
1-29 experience;

1-30 (B) satisfactorily complete a knowledge-based
1-31 and skills-based course of instruction on interdisciplinary
1-32 technology applications and the science of teaching technology that
1-33 includes training in:

1-34 (i) effective technology instruction
1-35 techniques, including applications designed to meet the
1-36 educational needs of students with disabilities;

1-37 (ii) classroom teaching methodology that
1-38 engages student learning through the integration of technology;

1-39 (iii) digital learning competencies,
1-40 including Internet research, graphics, animation, website
1-41 mastering, and video technologies;

1-42 (iv) curriculum models designed to prepare
1-43 teachers to facilitate an active student learning environment; and

1-44 (v) effective professional peer mentoring
1-45 techniques;

1-46 (C) satisfactorily perform on an examination
1-47 ~~[developed in cooperation with the Telecommunications~~
1-48 ~~Infrastructure Fund Board and]~~ administered at the conclusion of
1-49 the course of instruction prescribed under Paragraph (B); and

1-50 (D) satisfy any other requirements prescribed by
1-51 the board.

1-52 SECTION 3. Section 32.005(c), Education Code, is amended to
1-53 read as follows:

1-54 (c) The allotment under this section may be paid from:

1-55 (1) ~~[the telecommunications infrastructure fund under~~
1-56 ~~Subchapter C, Chapter 57, Utilities Code,~~

1-57 ~~[-2-]]~~ the available school fund; or

1-58 (2) ~~[-3-]]~~ any other fund that may be used for that
1-59 purpose and that is identified in the General Appropriations Act as
1-60 the source of payment of the allotment.

1-61 SECTION 4. Section 487.054(a), Government Code, is amended
1-62 to read as follows:

1-63 (a) At least once each year, the following agency heads or
1-64 their designees shall meet in Austin to discuss rural issues and to

2-1 provide information showing the impact each agency has on rural
 2-2 communities for use in developing rural policy and compiling the
 2-3 annual report under Section 487.051(4):
 2-4 (1) the commissioner of agriculture;
 2-5 (2) the executive director of the Public Utility
 2-6 Commission of Texas;
 2-7 (3) the director of the Texas Agricultural Extension
 2-8 Service;
 2-9 (4) ~~the presiding officer of the Telecommunications~~
 2-10 ~~Infrastructure Fund Board;~~
 2-11 ~~(5)~~ the executive director of the Texas Department
 2-12 of Housing and Community Affairs;
 2-13 (5) ~~(6)~~ the commissioner of the Department of State
 2-14 Health Services;
 2-15 (6) ~~(7)~~ the executive administrator of the Texas
 2-16 Water Development Board;
 2-17 (7) ~~(8)~~ the executive director of the Parks and
 2-18 Wildlife Department;
 2-19 (8) ~~(9)~~ the commissioner of higher education;
 2-20 (9) ~~(10)~~ the comptroller;
 2-21 (10) ~~(11)~~ the executive director of the Texas
 2-22 Department of Transportation;
 2-23 (11) ~~(12)~~ the executive director of the Texas
 2-24 Commission on Environmental Quality;
 2-25 (12) ~~(13)~~ the executive director of the Texas
 2-26 Economic Development and Tourism Office;
 2-27 (13) ~~(14)~~ the commissioner of insurance;
 2-28 (14) ~~(15)~~ the commissioner of the Department of
 2-29 Aging and Disability Services;
 2-30 (15) ~~(16)~~ the commissioner of education;
 2-31 (16) ~~(17)~~ the executive commissioner of the Health
 2-32 and Human Services Commission;
 2-33 (17) ~~(18)~~ the executive director of the Texas
 2-34 Workforce Commission;
 2-35 (18) ~~(19)~~ the executive director of the Texas
 2-36 Historical Commission;
 2-37 (19) ~~(20)~~ a member of the Railroad Commission of
 2-38 Texas;
 2-39 (20) ~~(21)~~ the executive director of the State Soil
 2-40 and Water Conservation Board;
 2-41 (21) ~~(22)~~ the executive director of the office; and
 2-42 (22) ~~(23)~~ the head of any other agency interested in
 2-43 rural issues.

2-44 SECTION 5. Section 487.651, Government Code, is amended to
 2-45 read as follows:

2-46 Sec. 487.651. DEFINITIONS. In this subchapter:

2-47 (1) ~~"Board" means the Telecommunications~~
 2-48 ~~Infrastructure Fund Board.~~

2-49 ~~(2)~~ "Community telecommunications alliance" means
 2-50 an association of public and private entities created to share
 2-51 resources, promote innovative school health technology, promote
 2-52 economic development opportunities for the community, and improve
 2-53 the overall quality of life within a local community through
 2-54 telecommunications and information services provided by the
 2-55 private sector.

2-56 (2) ~~(3)~~ "Program" means the community
 2-57 telecommunications alliance program.

2-58 SECTION 6. Section 487.652, Government Code, is amended to
 2-59 read as follows:

2-60 Sec. 487.652. RULES GOVERNING PROGRAM ~~[MEMORANDUM OF~~
 2-61 ~~UNDERSTANDING]~~. (a) The ~~[office and the board by rule shall adopt~~
 2-62 ~~a memorandum of understanding establishing the]~~ community
 2-63 telecommunications alliance program~~[. The program]~~ shall:

2-64 (1) assist local communities in the creation and
 2-65 development of community telecommunications alliances, including
 2-66 alliances established to pursue rural economic development or
 2-67 innovative rural school health technology projects, by providing
 2-68 advice and assistance in assessing local uses of and local demands
 2-69 or needs for local telecommunications and information services of
 2-70 private sector providers; and

3-1 (2) assist community telecommunications alliances in
3-2 applying for grant funding for projects, including:

3-3 (A) assisting alliances in securing matching
3-4 private sector funding for projects; and

3-5 (B) requiring alliances to develop sustainable
3-6 plans:

3-7 (i) that demonstrate how the alliance will
3-8 continue to obtain private sector services once the grant funding
3-9 terminates;

3-10 (ii) that do not directly compete with
3-11 local businesses, telecommunications providers, or information
3-12 services providers; and

3-13 (iii) that prohibit a network created with
3-14 assistance from the alliance or other public funding from being
3-15 sold to a direct competitor of a private sector provider.

3-16 (b) Each community telecommunications alliance established
3-17 under this section shall have an advisory council with
3-18 representation from each of the following:

- 3-19 (1) a local nonprofit organization;
- 3-20 (2) a local county-elected official;
- 3-21 (3) a local city-elected official;
- 3-22 (4) a local telecommunications provider;
- 3-23 (5) a local economic development group;
- 3-24 (6) the local financial community; and
- 3-25 (7) a local information services provider.

3-26 (c) This chapter may not be construed to:

3-27 (1) expand eligibility for private network services
3-28 under Section 58.253(a) or 59.072(a), Utilities Code, to persons
3-29 not eligible to purchase the services; or

3-30 (2) permit the direct or indirect sharing or resale of
3-31 private network services with persons not eligible to purchase the
3-32 services.

3-33 (d) A community telecommunications alliance created under
3-34 this section shall offer the following local entities the
3-35 opportunity to be included in the alliance:

3-36 (1) a library~~[, as defined by Section 57.042,~~
3-37 ~~Utilities Code];~~

3-38 (2) a public school~~[, as defined by Section 57.042,~~
3-39 ~~Utilities Code];~~

3-40 (3) a public not-for-profit health care facility~~[, as~~
3-41 ~~defined by Section 57.042, Utilities Code];~~ and

3-42 (4) a local institution of higher education~~[, as~~
3-43 ~~defined by Section 57.042, Utilities Code].~~

3-44 SECTION 7. Section 487.653, Government Code, is amended to
3-45 read as follows:

3-46 Sec. 487.653. REPORT TO LEGISLATURE. Not later than
3-47 January 1 of each odd-numbered year, the office ~~[and the board~~
3-48 ~~jointly]~~ shall submit to the legislature a report detailing the
3-49 grant activities of the program and grant recipients. The report
3-50 must include:

3-51 (1) the criteria used to quantify the effect grant
3-52 funds had in advancing telecommunications connectivity and
3-53 technology;

3-54 (2) data and performance measures used to quantify the
3-55 achievement of program objectives; and

3-56 (3) a description of and results from a grant
3-57 monitoring risk assessment and on-site review process.

3-58 SECTION 8. Section 531.02172(b), Government Code, is
3-59 amended to read as follows:

3-60 (b) The advisory committee must include:

3-61 (1) representatives of health and human services
3-62 agencies and other state agencies concerned with the use of
3-63 telemedical consultations in the Medicaid program and the state
3-64 child health plan program, including representatives of:

- 3-65 (A) the commission;
- 3-66 (B) the Texas Department of Health;
- 3-67 (C) the Office of Rural Community Affairs;
- 3-68 (D) ~~[the Telecommunications Infrastructure Fund~~

3-69 ~~Board,~~

3-70 ~~[(E)]~~ the Texas Department of Insurance;

4-1 (E) [~~(F)~~] the Texas State Board of Medical
 4-2 Examiners;
 4-3 (F) [~~(G)~~] the Board of Nurse Examiners; and
 4-4 (G) [~~(H)~~] the Texas State Board of Pharmacy;
 4-5 (2) representatives of health science centers in this
 4-6 state;

4-7 (3) experts on telemedicine, telemedical
 4-8 consultation, and telemedicine medical services or telehealth
 4-9 services; and

4-10 (4) representatives of consumers of health services
 4-11 provided through telemedical consultations and telemedicine
 4-12 medical services or telehealth services.

4-13 SECTION 9. Section 654.011(a), Government Code, is amended
 4-14 to read as follows:

4-15 (a) The position classification plan and the salary rates
 4-16 and provisions in the General Appropriations Act apply to all
 4-17 hourly, part-time, temporary, and regular, full-time salaried
 4-18 employments in the state departments, agencies, or judicial
 4-19 entities specified in the articles of the General Appropriations
 4-20 Act that appropriate money to:

4-21 (1) general government agencies;
 4-22 (2) health and human services agencies;
 4-23 (3) the judiciary, except for judges, district
 4-24 attorneys, and assistant district attorneys;
 4-25 (4) public safety and criminal justice agencies;
 4-26 (5) natural resources agencies;
 4-27 (6) business and economic development agencies;
 4-28 (7) regulatory agencies; and
 4-29 (8) agencies of public education, but only the Texas
 4-30 Education Agency, the Texas School for the Blind and Visually
 4-31 Impaired, the State Board for Educator Certification, [~~the~~
 4-32 ~~Telecommunications Infrastructure Fund,~~] and the Texas School for
 4-33 the Deaf.

4-34 SECTION 10. Section 2054.201(a), Government Code, is
 4-35 amended to read as follows:

4-36 (a) The telecommunications planning and oversight council
 4-37 is composed of:

4-38 (1) a representative of the comptroller's office,
 4-39 appointed by the comptroller;

4-40 (2) [~~the executive director of the Telecommunications~~
 4-41 ~~Infrastructure Fund Board,~~

4-42 [~~(3)~~] a representative of the Texas Building and
 4-43 Procurement Commission, appointed by the executive director of the
 4-44 commission;

4-45 (3) [~~(4)~~] a member representing the interests of state
 4-46 agencies with 1,000 employees or more, appointed by the lieutenant
 4-47 governor;

4-48 (4) [~~(5)~~] a member representing the interests of state
 4-49 agencies with fewer than 1,000 employees, appointed by the speaker
 4-50 of the house of representatives;

4-51 (5) [~~(6)~~] a member representing the interests of
 4-52 institutions of higher education, appointed by the commissioner of
 4-53 higher education;

4-54 (6) [~~(7)~~] a member representing the interests of The
 4-55 University of Texas System, appointed by the chancellor;

4-56 (7) [~~(8)~~] a member representing the interests of The
 4-57 Texas A&M University System, appointed by the chancellor;

4-58 (8) [~~(9)~~] a member representing the interests of
 4-59 public school districts that are customers of the consolidated
 4-60 telecommunications system, appointed by the governor;

4-61 (9) [~~(10)~~] a member representing the interests of
 4-62 local governments that are customers of the consolidated
 4-63 telecommunications system, appointed by the governor;

4-64 (10) [~~(11)~~] two public members with
 4-65 telecommunications expertise, appointed by the governor; and

4-66 (11) [~~(12)~~] a representative of the Health and Human
 4-67 Services Commission, appointed by the commissioner of health and
 4-68 human services.

4-69 SECTION 11. Section 58.252(2), Utilities Code, is amended
 4-70 to read as follows:

(2) "Library" means:

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

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

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

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

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

(1) an educational institution;

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

(3) a nonprofit telemedicine center;

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

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

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

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

(2) "Library" means:

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

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

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

SECTION 14. (a) If this Act takes effect immediately as provided by Section 15 of this Act:

(1) the assessment imposed under Section 57.048, Utilities Code, for the calendar quarter ending in July 2007 is due on the last day of August 2007;

(2) the assessment may not be imposed after the end of the calendar quarter ending in July 2007; and

(3) Section 57.048, Utilities Code, is continued in effect for the collection of the assessment due and for civil and criminal enforcement of the liability for that assessment.

(b) If this Act takes effect September 1 as provided by Section 15 of this Act:

(1) the assessment imposed under Section 57.048, Utilities Code, for the calendar quarter ending in September 2007 is due on the last day of October 2007;

(2) the assessment may not be imposed after the end of the calendar quarter ending in September 2007; and

(3) Section 57.048, Utilities Code, is continued in effect for the collection of the assessment due and for civil and criminal enforcement of the liability for that assessment.

(c) Regardless of the date on which this Act takes effect, a telecommunications utility or commercial mobile service provider subject to Section 57.048, Utilities Code, may recover from the utility's customers through a monthly billing process the amount of the assessment imposed under that section as provided by Subsection (f) of that section, and the former law is continued in effect for that purpose.

SECTION 15. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

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