

By: Ellis

S.B. No. 640

A BILL TO BE ENTITLED

AN ACT

relating to electronic technology infrastructure.

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

SECTION 1. Chapter 2054, Government Code, is amended by adding Subchapter N to read as follows:

SUBCHAPTER N. ELECTRONIC TECHNOLOGY INFRASTRUCTURE

Sec. 2054.501. DEFINITION. In this subchapter, "technology infrastructure" means information resources technologies designed for or used for the transmission, emission, or reception of signs, signals, writings, images, or sounds of intelligence by wire, radio, microwave, or other optical or electromagnetic systems and any related hardware, software, or programming. The term includes features, facilities, equipment, systems, functions, programming, capabilities, and technical support related to or used in providing:

(1) advanced services as defined by 47 C.F.R. Section 51.5;

(2) broadband Internet service;

(3) cable service as defined by 47 U.S.C. Section 522(6);

(4) information service as defined by 47 U.S.C. Section 153(20);

(5) Internet protocol enabled services; and

(6) telecommunications service as defined by 47 U.S.C.

1 Section 153(46).

2 Sec. 2054.502. INNOVATION CENTER. The innovation center is
3 an office within the department and is primarily responsible for
4 encouraging the development and implementation of technology
5 infrastructure for public and private uses throughout the state.

6 Sec. 2054.503. GRANT PROGRAM. (a) The innovation center
7 shall create a grant program to award grants to a municipality, a
8 county, or an agency or instrumentality of a municipality or county
9 to improve technology infrastructure.

10 (b) The criteria for the awarding of a grant must include a
11 requirement that a grant recipient match the amount of the grant on
12 a dollar-for-dollar basis. A grant recipient may secure matching
13 contributions from any source, including private donations.

14 (c) In awarding a grant under the program, the innovation
15 center shall give preference to proposals for a municipality, a
16 county, or an agency or instrumentality of a municipality or county
17 to offer wireless Internet service.

18 Sec. 2054.504. TECHNICAL ASSISTANCE. (a) The innovation
19 center may provide to a state agency or local government technical
20 assistance, including consulting services, regarding the
21 development and improvement of technology infrastructure.

22 (b) The innovation center may charge a fee for consulting
23 services provided under this section.

24 Sec. 2054.505. GIFTS, GRANTS, AND ENDOWMENT. The
25 innovation center may solicit and accept an endowment of money to be
26 administered by the department outside the treasury or a gift,
27 grant, or donation:

1 (1) for the purposes of this subchapter; and
2 (2) under the directions, limitations, or other
3 provisions prescribed in writing by the donor that are not
4 inconsistent with state law and the purposes of this subchapter.

5 Sec. 2054.506. RULEMAKING AUTHORITY. The department shall
6 adopt rules to implement this subchapter.

7 SECTION 2. Subchapter Z, Chapter 271, Local Government
8 Code, is amended by adding Section 271.908 to read as follows:

9 Sec. 271.908. AUTHORITY AND COOPERATION REGARDING
10 TECHNOLOGY INFRASTRUCTURE. (a) In this section:

11 (1) "Information resources technologies" and "state
12 agency" have the meanings assigned by Section 2054.003, Government
13 Code.

14 (2) "Local government" means a county or municipality
15 or an agency or instrumentality of a county or municipality.

16 (3) "Technology infrastructure" has the meaning
17 assigned by Section 2054.501, Government Code.

18 (b) Except as provided by Section 54.202, Utilities Code, a
19 local government may:

20 (1) construct, own, and operate technology
21 infrastructure;

22 (2) enter into a contract or joint venture with a
23 business entity to construct, own, use, deliver, grant, operate,
24 maintain, sell, purchase, lease, or equip technology
25 infrastructure; or

26 (3) subject to Subsection (c), sell capacity in, or
27 grant other similar rights for a private entity to use, technology

1 infrastructure owned or operated by the local government.

2 (c) The authority granted to a local government under
3 Subsection (b)(3) may be exercised only by a written contract or
4 lease.

5 (d) A state agency shall cooperate with a local government
6 regarding a proposal for the local government to offer wireless
7 Internet service.

8 (e) A local government may issue revenue bonds to pay all or
9 part of the costs of technology infrastructure improvements.

10 SECTION 3. (a) In this section:

11 (1) "Information resources technologies" has the
12 meaning assigned by Section 2054.003, Government Code.

13 (2) "Institution of higher education" has the meaning
14 assigned by Section 61.003, Education Code.

15 (3) "Local government" means a county or municipality
16 or an agency or instrumentality of a county or municipality.

17 (4) "Technology infrastructure" has the meaning
18 assigned by Section 2054.501, Government Code, as added by this
19 Act.

20 (b) The Department of Information Resources shall conduct a
21 study regarding the availability and level of technology
22 infrastructure in this state and compare the best practices of
23 developing and using existing technology infrastructure in this
24 state and other states in the United States.

25 (c) In conducting the study required by this section, the
26 department shall consider the resources and technical support
27 available through public and private entities and agencies,

1 including:

- 2 (1) institutions of higher education;
- 3 (2) commissions as defined by Section 391.002, Local
4 Government Code;
- 5 (3) high technology associations; and
- 6 (4) organizations that represent the interests of
7 businesses in this state.

8 (d) Not later than September 1, 2010, the department shall
9 prepare and make available to the public a report regarding the
10 findings of the study. The report must:

11 (1) address the current availability and need for
12 technology infrastructure in this state;

13 (2) develop and recommend options and strategies to
14 upgrade technology infrastructure throughout the state;

15 (3) include strategies that the department will employ
16 to encourage and foster the development of technology cooperation
17 and partnerships among the state, local governments, private
18 businesses, and institutions of higher education;

19 (4) address the projected level of technology
20 infrastructure in this state if the state does not support, through
21 funding, encouragement, or otherwise:

22 (A) the development of new or emerging technology
23 infrastructure;

24 (B) increased access to existing technology
25 infrastructure; and

26 (C) enhancements to existing technology
27 infrastructure; and

1 (5) make recommendations regarding the actions the
2 state must take to encourage public and private entities,
3 especially local governments, to improve access to and enhance
4 technology infrastructure.

5 (e) This section expires January 1, 2011.

6 SECTION 4. Not later than November 1, 2009, the Department
7 of Information Resources shall adopt rules to implement Subchapter
8 N, Chapter 2054, Government Code, as added by this Act.

9 SECTION 5. This Act takes effect September 1, 2009.