

By: Perry

S.B. No. 1103

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the broadband office within the Public Utility Commission of Texas and the establishment of a broadband investment grant program.

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

SECTION 1. Subtitle A, Title 2, Utilities Code, is amended by adding Chapter 18 to read as follows:

CHAPTER 18. BROADBAND OFFICE

Sec. 18.0101. DEFINITIONS. In this chapter:

(1) "Account" means the broadband investment account.

(2) "Broadband" means a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all Internet endpoints, including capabilities that are incidental to and enable the operation of the service. The term includes a service that is functionally equivalent to the service described by this subdivision. The term does not include dial-up Internet access.

(3) "Grant program" means the program established by the broadband office under Section 18.0104.

(4) "Rural community" means a municipality with a population of less than 50,000 or a county with a population of less than 200,000.

Sec. 18.0102. OFFICE. (a) The broadband office is an office within the commission.

1       (b) The commission may employ additional employees  
2 necessary for the discharge of the duties of the office.

3       Sec. 18.0103. POWERS AND DUTIES. The broadband office  
4 shall:

5           (1) facilitate and coordinate the efforts of state  
6 agencies and local units of government, including regional planning  
7 commissions, in connection with the planning and deployment of  
8 broadband projects;

9           (2) develop broadband investment and deployment  
10 strategies for rural communities and other areas of this state that  
11 are underserved and unserved with respect to broadband;

12           (3) promote and coordinate public sector and private  
13 sector broadband solutions in support of statewide broadband  
14 development goals;

15           (4) assist and promote local and regional broadband  
16 planning;

17           (5) pursue and obtain federal sources of broadband  
18 funding;

19           (6) develop a framework to measure broadband access in  
20 and designate areas of this state that are underserved and unserved  
21 with respect to broadband;

22           (7) develop statewide goals for broadband deployment  
23 in rural communities and other underserved and unserved areas  
24 designated under Subdivision (6);

25           (8) manage and award funds allocated to the broadband  
26 office for broadband projects; and

27           (9) serve as an information clearinghouse in relation

1 to federal programs providing assistance to local entities with  
2 respect to broadband.

3 Sec. 18.0104. GRANT PROGRAM FOR BROADBAND INVESTMENT  
4 PROJECTS. (a) The broadband office shall establish a program to  
5 provide grants to public or private entities for projects that  
6 stimulate the installation and maintenance of broadband in rural  
7 communities and other underserved or unserved areas of this state  
8 with respect to broadband.

9 (b) The commission by rule shall adopt standards for a  
10 project eligible to be awarded a grant by the broadband office under  
11 this section. In awarding a grant, the office shall consider:

- 12 (1) the financial strength of the applicant;  
13 (2) the applicant's business history;  
14 (3) an analysis of the relevant business sector;  
15 (4) whether there is public or private sector  
16 financial support for the project; and  
17 (5) whether there is local support for the project.

18 Sec. 18.0105. BROADBAND INVESTMENT ACCOUNT. (a) The  
19 broadband investment account is an account in the general revenue  
20 fund.

21 (b) The account consists of:

- 22 (1) appropriations of money to the account by the  
23 legislature;  
24 (2) gifts, grants, including federal grants, and other  
25 donations received under Section 18.0106; and  
26 (3) interest earned on the investment of money in the  
27 account.

1        (c) Money in the account may be appropriated only to the  
2 broadband office for purposes of the grant program.

3        (d) The account is exempt from the application of Section  
4 404.071, Government Code.

5        Sec. 18.0106. GIFTS, GRANTS, AND DONATIONS. The broadband  
6 office may accept gifts, grants, and donations from any source that  
7 are made for the purposes of the grant program. The broadband  
8 office shall deposit to the credit of the account money received  
9 under this section.

10       Sec. 18.0107. RULEMAKING. The commission by rule shall  
11 implement and administer the grant program.

12       SECTION 2. This Act takes effect September 1, 2019.