

SENATE AMENDMENTS

2nd Printing

By: Price, Anderson, Cyrier,
González of El Paso, et al.

H.B. No. 1960

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation of the governor's broadband development
3 council.

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

5 SECTION 1. Subtitle F, Title 4, Government Code, is amended
6 by adding Chapter 490H to read as follows:

7 CHAPTER 490H. GOVERNOR'S BROADBAND DEVELOPMENT COUNCIL

8 Sec. 490H.001. DEFINITIONS. In this chapter:

9 (1) "Broadband" means a service that provides advanced
10 telecommunications capability and Internet access.

11 (2) "Council" means the governor's broadband
12 development council.

13 (3) "Unserved area" means a census block without
14 access to broadband capable of providing:

15 (A) a download speed of at least 25 megabits per
16 second; and

17 (B) an upload speed of at least three megabits
18 per second.

19 Sec. 490H.002. COMPOSITION. (a) The council is composed of
20 the following 17 voting members:

21 (1) two representatives of unaffiliated Internet
22 service providers, including at least one representative of a small
23 provider, as defined by Section 56.032, Utilities Code, appointed
24 by the governor;

1 (2) one representative of the health information
2 technology industry, appointed by the governor;

3 (3) two representatives of unaffiliated nonprofit
4 organizations that advocate for elderly persons statewide,
5 appointed by the governor;

6 (4) two representatives of unaffiliated nonprofit
7 organizations that have a demonstrated history of working with the
8 legislature and the public to identify solutions for expanding
9 broadband to rural, unserved areas of this state, appointed by the
10 governor;

11 (5) one representative of an agricultural advocacy
12 organization in this state, appointed by the governor;

13 (6) one representative of a hospital advocacy
14 organization in this state, appointed by the governor;

15 (7) one representative of a medical advocacy
16 organization in this state, appointed by the governor;

17 (8) one county official who serves in an elected
18 office of a county with a population of less than 35,000, appointed
19 by the governor;

20 (9) one municipal official who serves in an elected
21 office of a municipality with a population of less than 20,000
22 located in a county with a population of less than 60,000, appointed
23 by the governor;

24 (10) one representative of an institution of higher
25 education that has its main campus in a county with a population of
26 less than 60,000, appointed by the governor;

27 (11) one representative of a school district with a

1 territory that includes only counties with a population of less
2 than 60,000, appointed by the governor;

3 (12) one representative from a library association,
4 appointed by the governor;

5 (13) one member of the house of representatives,
6 appointed by the speaker of the house of representatives; and

7 (14) one state senator, appointed by the lieutenant
8 governor.

9 (b) A member of the council appointed under Subsection (a)
10 serves for a five-year term.

11 (c) A vacancy on the council is filled in the same manner as
12 the original appointment.

13 Sec. 490H.003. COUNCIL PRESIDING OFFICER. The governor
14 shall designate the presiding officer of the council.

15 Sec. 490H.004. MEETINGS. (a) The council shall convene at
16 least once every quarter.

17 (b) The council shall convene at the call of the presiding
18 officer.

19 Sec. 490H.005. ADMINISTRATIVE SUPPORT. The office of the
20 governor shall provide administrative support to the council.

21 Sec. 490H.006. DUTIES. (a) The council shall:

22 (1) research the progress of broadband development in
23 unserved areas;

24 (2) identify barriers to residential and commercial
25 broadband deployment in unserved areas;

26 (3) study technology-neutral solutions to overcome
27 barriers identified under Subdivision (2); and

1 (4) analyze how statewide access to broadband would
2 benefit:

- 3 (A) economic development;
4 (B) the delivery of educational opportunities in
5 higher education and public education;
6 (C) state and local law enforcement;
7 (D) state emergency preparedness; and
8 (E) the delivery of health care services,
9 including telemedicine and telehealth.

10 (b) The council may research another matter related to
11 broadband only if a majority of the council approves researching
12 the matter.

13 (c) For the purpose of performing its duties under this
14 section, the council may consult with a representative of an
15 institution of higher education who has published scholarly
16 research on broadband.

17 Sec. 490H.007. ANNUAL REPORT. Not later than November 1 of
18 each year, the council shall prepare and deliver an electronic
19 report of its findings and recommendations to the governor, the
20 lieutenant governor, and each member of the legislature.

21 Sec. 490H.008. EXPIRATION. This chapter expires September
22 1, 2029.

23 SECTION 2. The first report described by Section 490H.007,
24 Government Code, as added by this Act, is due November 1, 2020.

25 SECTION 3. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 1960

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2019.

ADOPTED

MAY 10 2019

Latoy Spaul
Secretary of the Senate

By: Perry

H.B. No. 1960

Substitute the following for .B. No. :

By: Robert Lee Nichols

C.S. H.B. No. 1960

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17 (B) an upload speed of at least three megabits
18 per second.

19 Sec. 490H.002. COMPOSITION. (a) The council is composed of
20 the following 17 voting members:

21 (1) two representatives of separate Internet service
22 provider industry associations, including at least one
23 representative of an association that primarily represents small
24 providers, as defined by Section 56.032, Utilities Code, appointed

1 by the governor;

2 (2) one representative of the health information
3 technology industry, appointed by the governor;

4 (3) two representatives of unaffiliated nonprofit
5 organizations that advocate for elderly persons statewide,
6 appointed by the governor;

7 (4) two representatives of unaffiliated nonprofit
8 organizations that have a demonstrated history of working with the
9 legislature and the public to identify solutions for expanding
10 broadband to rural, unserved areas of this state, appointed by the
11 governor;

12 (5) one representative of an agricultural advocacy
13 organization in this state, appointed by the governor;

14 (6) one representative of a hospital advocacy
15 organization in this state, appointed by the governor;

16 (7) one representative of a medical advocacy
17 organization in this state, appointed by the governor;

18 (8) one county official who serves in an elected
19 office of a county with a population of less than 35,000, appointed
20 by the governor;

21 (9) one municipal official who serves in an elected
22 office of a municipality with a population of less than 20,000
23 located in a county with a population of less than 60,000, appointed
24 by the governor;

25 (10) one representative of an institution of higher
26 education that has its main campus in a county with a population of
27 less than 60,000, appointed by the governor;

1 (11) one representative of a school district with a
2 territory that includes only counties with a population of less
3 than 60,000, appointed by the governor;

4 (12) one representative from a library association,
5 appointed by the governor;

6 (13) one member of the house of representatives,
7 appointed by the speaker of the house of representatives; and

8 (14) one state senator, appointed by the lieutenant
9 governor.

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21 governor shall provide administrative support to the council.

22 Sec. 490H.006. DUTIES. (a) The council shall:

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24 unserved areas;

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1 barriers identified under Subdivision (2); and

2 (4) analyze how statewide access to broadband would
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5 (B) the delivery of educational opportunities in
6 higher education and public education;

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8 (D) state emergency preparedness; and

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27 a vote of two-thirds of all the members elected to each house, as

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2019.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 10, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1960 by Price (Relating to the creation of the governor's broadband development council.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

It is assumed that the provisions of the bill relating to the creation of the governor's broadband development council could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 300 Truusted Programs Within the Office of the Governor

LBB Staff: WP, SD, CLo, JSm, CMa, NV

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 2, 2019

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: **HB1960** by Price (Relating to the creation of the governor's broadband development council.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

It is assumed that the provisions of the bill relating to the creation of the governor's broadband development council could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 300 Truusted Programs Within the Office of the Governor

LBB Staff: WP, CLo, JSm, CMa, NV

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 29, 2019

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1960 by Price (Relating to the creation of the governor's broadband development council.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

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Source Agencies: 300 Trusteed Programs Within the Office of the Governor

LBB Staff: WP, CLo, JSm, CMa, NV

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 9, 2019

TO: Honorable Dade Phelan, Chair, House Committee on State Affairs

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: **HB1960** by Price (relating to the creation of the governor's broadband development council.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

It is assumed that the provisions of the bill relating to the creation of the governor's broadband development council could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 300 Trusteed Programs Within the Office of the Governor

LBB Staff: WP, CMa, NV, JSm

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 24, 2019

TO: Honorable Dade Phelan, Chair, House Committee on State Affairs

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1960 by Price (Relating to the creation of the governor's broadband council.), **As Introduced**

No significant fiscal implication to the State is anticipated.

It is assumed that the provisions of the bill relating to the creation of the governor's broadband council could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 300 Trusteed Programs Within the Office of the Governor

LBB Staff: WP, CMa, NV, JSm