87R6584 BRG-D

By:  Nichols S.B. No. 506

A BILL TO BE ENTITLED

AN ACT

relating to the expansion of broadband services to certain areas.

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

SECTION 1.  Section 490H.002(a), Government Code, is amended to read as follows:

(a)  The council is composed of one nonvoting member appointed by the broadband development office and the following 17 voting members:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2.  Section 490H.006(a), Government Code, is amended to read as follows:

(a)  The council shall:

(1)  research the progress of:

(A)  broadband development in unserved areas; and

(B)  deployment of broadband services statewide;

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

(3)  study:

(A)  technology-neutral solutions to overcome barriers identified under Subdivision (2); and

(B)  industry and technology trends in broadband services;

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

(A)  economic development;

(B)  the delivery of educational opportunities in higher education and public education;

(C)  state and local law enforcement;

(D)  state emergency preparedness; and

(E)  the delivery of health care services, including telemedicine and telehealth; and

(5)  study the outcomes of programs administered by the broadband development office.

SECTION 3.  Subtitle F, Title 4, Government Code, is amended by adding Chapter 490I to read as follows:

CHAPTER 490I. BROADBAND DEVELOPMENT OFFICE

Sec. 490I.0101.  DEFINITION. In this chapter, "broadband service" means Internet service provided directly to end user retail customers and capable of providing:

(1)  a download speed of 25 megabits per second or faster; and

(2)  an upload speed of 3 megabits per second or faster.

Sec. 490I.0102.  OFFICE. (a) The broadband development office is an office within the comptroller's office.

(b)  The comptroller may employ additional employees necessary for the discharge of the duties of the broadband development office.

(c)  The broadband development office:

(1)  is under the direction and control of the comptroller;

(2)  shall promote the policies enumerated in this chapter; and

(3)  may perform any action authorized by state or federal law.

Sec. 490I.0103.  POWERS AND DUTIES. The broadband development office shall:

(1)  serve as a resource for information regarding broadband service in this state; and

(2)  engage in outreach to communities regarding the expansion and adoption of broadband service and the programs administered by the office.

Sec. 490I.0104.  BROADBAND DEVELOPMENT MAP. (a) The broadband development office shall create, update annually, and publish on the comptroller's Internet website a map designating each census block in this state as:

(1)  an eligible area, if fewer than 80 percent of the addresses in the block have access to broadband service; or

(2)  an ineligible area, if 80 percent or more of the addresses in the block have access to broadband service.

(b)  The map must display:

(1)  the number of broadband service providers that serve each census block; and

(2)  for each eligible area, an indication of whether the area has access to Internet service that is not broadband service, regardless of the technology used to provide the service.

(c)  Except as provided by Subsection (d), the office shall use information available from the Federal Communications Commission to create or update the map.

(d)  If information from the Federal Communications Commission is not sufficient for the office to create or update the map, the office may request the necessary information from a political subdivision or broadband service provider, and the subdivision or provider shall report the information to the office. The office may not require a subdivision or provider to report information in a format that is substantially different from the format required by the Federal Communications Commission.

(e)  Information a broadband service provider reports to the office under Subsection (d) is confidential and not subject to disclosure under Chapter 552. The office may not share information reported under Subsection (d) with a third party or contract with a third party to collect, analyze, or use information reported under Subsection (d).

(f)  A broadband service provider or political subdivision may petition the office to redesignate a census block on the map as an eligible area or ineligible area. The office shall provide notice of the petition to each broadband service provider that provides broadband service to the census block and post notice of the petition on the comptroller's Internet website.

(g)  Not later than the 45th day after the date that a broadband provider receives notice under Subsection (f), the provider shall provide information to the office showing whether the census block should or should not be redesignated.

(h)  Not later than the 75th day after the date that a broadband provider receives notice under Subsection (f), the office shall determine whether to redesignate the census block on the map and update the map as necessary. A determination made by the office under this subsection is not a contested case for purposes of Chapter 2001.

(i)  The office is not required to create, update, or publish a map under this section if the Federal Communications Commission produces a map that:

(1)  enables the office to identify eligible and ineligible areas, as described by Subsection (a); and

(2)  meets the requirements of Subsection (b).

Sec. 490I.0105.  BROADBAND DEVELOPMENT PROGRAM. (a) The broadband development office shall establish a program to award grants, low-interest loans, and other financial incentives to applicants for the purpose of expanding access to and adoption of broadband service in census blocks determined to be eligible areas by the office under Section 490I.0104.

(b)  The office shall establish and publish eligibility criteria for award recipients. The criteria must require that grants, loans, and other financial incentives awarded through the program be used only for capital expenses, purchase or lease of property, and other expenses, including backhaul and transport, that will facilitate the provision or adoption of broadband service.

(c)  The office may not:

(1)  favor a particular broadband technology in awarding grants, loans, or other financial incentives;

(2)  award grants, loans, or other financial incentives to a broadband provider that does not report information requested by the office under Section 490I.0104;

(3)  award a grant, loan, or other financial incentive to a noncommercial provider of broadband service for an eligible area if a commercial provider of broadband service has submitted an application for the eligible area; or

(4)  take into consideration distributions from the state universal service fund established under Chapter 56, Utilities Code, when deciding to award grants, loans, or other financial incentives.

(d)  An award granted under this section does not affect distributions received by a broadband provider from the state universal service fund established under Chapter 56, Utilities Code.

Sec. 490I.0106.  BROADBAND DEVELOPMENT ACCOUNT. (a) The broadband development account is an account in the general revenue fund.

(b)  The account consists of:

(1)  appropriations of money to the account by the legislature;

(2)  gifts, donations, and grants, including federal grants; and

(3)  interest earned on the investment of the money in the account.

(c)  The comptroller shall deposit to the credit of the account federal money received by the state for the purpose of broadband development, to the extent permitted by federal law.

(d)  Money in the account may be appropriated only to the broadband development office for purposes of:

(1)  administering the broadband development program; or

(2)  creating or updating the map described by Section 490I.0104.

(e)  The account is exempt from the application of Section 404.071.

Sec. 490I.0107.  RULEMAKING. The comptroller may adopt rules as necessary to implement this chapter.

SECTION 4.  (a) Not later than the first anniversary of the effective date of this Act, the broadband development office established by Section 490I.0102, Government Code, as added by this Act, shall prepare a state broadband plan that establishes long-term goals for greater access to and adoption of broadband service in this state.

(b)  In developing the state broadband plan, the office shall:

(1)  collaborate, to the extent possible, with state agencies, political subdivisions, broadband industry stakeholders and representatives, and community organizations that focus on broadband services;

(2)  incorporate the policy recommendations of the governor's broadband development council;

(3)  favor policies that are technology-neutral and protect all members of the public; and

(4)  explore state and regional approaches to broadband development.

SECTION 5.  (a) The broadband development office established by Section 490I.0102, Government Code, as added by this Act, shall publish the map required by Section 490I.0104, Government Code, as added by this Act, on the comptroller's Internet website not later than September 1, 2022.

(b)  Not later than January 1, 2022, the office shall publish on the comptroller's Internet website:

(1)  a map created by the Federal Communications Commission that displays the number of broadband service providers that serve each census block; or

(2)  a link to a map described by Subdivision (1) of this subsection.

(c)  For the purpose of administering the broadband development program established by Section 490I.0105, Government Code, as added by this Act, the office shall use a map described by Subsection (b) of this section to determine whether an area is eligible until the office publishes the map required by Section 490I.0104, Government Code, as added by this Act.

SECTION 6.  This Act takes effect September 1, 2021.