88R13431 DIO-F

By:  Ashby H.B. No. 9

A BILL TO BE ENTITLED

AN ACT

relating to the development and funding of broadband and telecommunications services; making an appropriation.

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

SECTION 1.  Chapter 403, Government Code, is amended by adding Subchapter T to read as follows:

SUBCHAPTER T. TEXAS BROADBAND INFRASTRUCTURE FUND

Sec. 403.601.  DEFINITIONS. In this subchapter:

(1)  "Broadband Equity, Access, and Deployment Program" means the federal Broadband Equity, Access, and Deployment Program established by the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58).

(2)  "Commission" means the Public Utility Commission of Texas.

(3)  "Fund" means the broadband infrastructure fund established under Section 49-d-16, Article III, Texas Constitution.

(4)  "Office" means the broadband development office established under Section 490I.0102.

(5)  "Universal service fund" means the fund established under Section 56.021, Utilities Code.

Sec. 403.602.  LEGISLATIVE FINDINGS; PUBLIC PURPOSE. The legislature finds that:

(1)  the creation of the fund will meet an imperative public need and serve the economic, educational, and health care needs of the state; and

(2)  the use of the fund is in furtherance of the public purpose of expanding and ensuring access to reliable, high-speed broadband connectivity.

Sec. 403.603.  BROADBAND INFRASTRUCTURE FUND. (a) The broadband infrastructure fund is a special fund in the state treasury outside the general revenue fund. The fund consists of:

(1)  appropriations from the legislature for a purpose of the fund;

(2)  fees or other sources of revenue that the legislature dedicates for deposit to the fund;

(3)  interest earned on money credited to the fund;

(4)  depository interest allocable to the fund; and

(5)  money from gifts, grants, or donations to the fund.

(b)  The fund shall be administered by the comptroller who, jointly with the commission, shall determine the use of the money from the fund in accordance with Subsection (c).

(c)  The fund may be used only to:

(1)  create or update the map described by Section 490I.0105;

(2)  administer the program described by Section 490I.0106;

(3)  prepare or update the state broadband plan described by Section 490I.0107;

(4)  engage in outreach to communities regarding the expansion, adoption, affordability, and use of broadband service and the programs administered by the office and equipment;

(5)  allocate money to fully fund the universal service fund;

(6)  fund the 9-1-1 and the next generation 9-1-1 services under Chapter 771, Health and Safety Code;

(7)  deposit money to the credit of the next generation 9-1-1 service fund to be expended as provided by Section 771.0713, Health and Safety Code;

(8)  deposit money to the credit of the broadband pole replacement fund for expenditure in accordance with Section 403.502, as added by Section 659 (H.B. 1505), Acts of the 87th Legislature, Regular Session, 2021;

(9)  provide matching funds for federal money provided for the Broadband Equity, Access, and Deployment Program;

(10)  support increased connectivity needs for qualifying schools under the federal Schools and Libraries Program ("E-rate program") as provided by 47 C.F.R. Part 54, Subpart F, or similar legislation providing federal funding for broadband and telecommunications initiatives;

(11)  improve public safety telecommunications connectivity, including support for school safety; and

(12)  administer and enforce this subchapter.

Sec. 403.604.  RULEMAKING. The comptroller shall adopt rules as necessary to administer this subchapter.

SECTION 2.  Section 771.071, Health and Safety Code, is amended by adding Subsection (h) to read as follows:

(h)  Notwithstanding any other law, the commission shall suspend the imposition of the fee under this section during the period in which funding of the 9-1-1 emergency service is being provided under Section 403.603, Government Code, from the broadband infrastructure fund.

SECTION 3.  Section 771.0711, Health and Safety Code, is amended by adding Subsection (k) to read as follows:

(k)  Notwithstanding any other law, the commission shall suspend the imposition of the fee under this section during the period in which funding for the automatic number identification and automatic location identification of wireless 9-1-1 calls is being provided under Section 403.603, Government Code, from the broadband infrastructure fund.

SECTION 4.  Section 771.0712, Health and Safety Code, is amended by adding Subsection (f) to read as follows:

(f)  Notwithstanding any other law, the comptroller shall suspend the imposition of the fee under this section during the period in which funding for the prepaid wireless 9-1-1 emergency service is being provided under Section 403.603, Government Code, from the broadband infrastructure fund.

SECTION 5.  Section 771.072, Health and Safety Code, is amended by adding Subsection (h) to read as follows:

(h)  Notwithstanding any other law, the commission shall suspend the imposition of the surcharge under this section during the period in which funding for the services described by Sections 771.071 and 771.0711 is being provided under Section 403.603, Government Code, by the broadband infrastructure fund.

SECTION 6.  Section 56.022, Utilities Code, is repealed.

SECTION 7.  (a) On January 1, 2024, there is appropriated to the comptroller of public accounts from the economic stabilization fund the amount of $5 billion for the purpose of immediately depositing that amount to the credit of the broadband infrastructure fund.

(b)  The comptroller of public accounts shall deposit the money appropriated by Subsection (a) of this section not later than the 30th day after the effective date of this Act.

SECTION 8.  This Act takes effect January 1, 2024, if the constitutional amendment proposed by the 88th Legislature, Regular Session, 2023, creating the broadband infrastructure fund to assist in the financing of broadband and telecommunications services projects in the state takes effect.  If that amendment is not approved by the voters, this Act has no effect.