

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

1 public need and serve the economic, educational, and health care
2 needs of the state; and

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

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

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

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

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

14 (4) depository interest allocable to the fund; and

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

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

20 (c) The fund may be used only to:

21 (1) create or update the map described by Section
22 490I.0105;

23 (2) administer the program described by Section
24 490I.0106;

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

27 (4) engage in outreach to communities regarding the

1 expansion, adoption, affordability, and use of broadband service
2 and the programs administered by the office and equipment;

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

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

7 (7) deposit money to the credit of the next generation
8 9-1-1 service fund to be expended as provided by Section 771.0713,
9 Health and Safety Code;

10 (8) deposit money to the credit of the broadband pole
11 replacement fund for expenditure in accordance with Section
12 403.502, as added by Section 659 (H.B. 1505), Acts of the 87th
13 Legislature, Regular Session, 2021;

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

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

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

23 (12) administer and enforce this subchapter.

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

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

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

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

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

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

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

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

23 (h) Notwithstanding any other law, the commission shall
24 suspend the imposition of the surcharge under this section during
25 the period in which funding for the services described by Sections
26 771.071 and 771.0711 is being provided under Section 403.603,
27 Government Code, by the broadband infrastructure fund.

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

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

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

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