

AN ACT

relating to the discontinuation of the Telecommunications Infrastructure Fund.

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

SECTION 1. (a) The following are repealed on the effective date of this Act as provided by Section 15 of this Act:

(1) Subchapter E, Chapter 32, Education Code; and

(2) Section 441.1385, Government Code.

(b) Effective October 1, 2007, Subchapter C, Chapter 57, Utilities Code, is repealed.

SECTION 2. Section 21.0483(c), Education Code, is amended to read as follows:

(c) To be eligible for a master technology teacher certificate, a person must:

(1) hold a technology applications or Technology Education certificate issued under this subchapter, satisfactorily complete the course of instruction prescribed under Subdivision (2)(B), and satisfactorily perform on the examination prescribed under Subdivision (2)(C); or

(2) hold a teaching certificate issued under this subchapter and:

(A) have at least three years of teaching experience;

(B) satisfactorily complete a knowledge-based

1 and skills-based course of instruction on interdisciplinary  
2 technology applications and the science of teaching technology that  
3 includes training in:

4 (i) effective technology instruction  
5 techniques, including applications designed to meet the  
6 educational needs of students with disabilities;

7 (ii) classroom teaching methodology that  
8 engages student learning through the integration of technology;

9 (iii) digital learning competencies,  
10 including Internet research, graphics, animation, website  
11 mastering, and video technologies;

12 (iv) curriculum models designed to prepare  
13 teachers to facilitate an active student learning environment; and

14 (v) effective professional peer mentoring  
15 techniques;

16 (C) satisfactorily perform on an examination  
17 ~~[developed in cooperation with the Telecommunications~~  
18 ~~Infrastructure Fund Board and]~~ administered at the conclusion of  
19 the course of instruction prescribed under Paragraph (B); and

20 (D) satisfy any other requirements prescribed by  
21 the board.

22 SECTION 3. Section 32.005(c), Education Code, is amended to  
23 read as follows:

24 (c) The allotment under this section may be paid from:

25 (1) ~~[the telecommunications infrastructure fund under~~  
26 ~~Subchapter C, Chapter 57, Utilities Code,~~

27 ~~[-2-]]~~ the available school fund; or

1           (2) [~~(3)~~] any other fund that may be used for that  
2 purpose and that is identified in the General Appropriations Act as  
3 the source of payment of the allotment.

4           SECTION 4. Section 487.054(a), Government Code, is amended  
5 to read as follows:

6           (a) At least once each year, the following agency heads or  
7 their designees shall meet in Austin to discuss rural issues and to  
8 provide information showing the impact each agency has on rural  
9 communities for use in developing rural policy and compiling the  
10 annual report under Section 487.051(4):

11           (1) the commissioner of agriculture;

12           (2) the executive director of the Public Utility  
13 Commission of Texas;

14           (3) the director of the Texas Agricultural Extension  
15 Service;

16           (4) [~~the presiding officer of the Telecommunications~~  
17 ~~Infrastructure Fund Board,~~

18           ~~(5)~~] the executive director of the Texas Department  
19 of Housing and Community Affairs;

20           (5) [~~(6)~~] the commissioner of the Department of State  
21 Health Services;

22           (6) [~~(7)~~] the executive administrator of the Texas  
23 Water Development Board;

24           (7) [~~(8)~~] the executive director of the Parks and  
25 Wildlife Department;

26           (8) [~~(9)~~] the commissioner of higher education;

27           (9) [~~(10)~~] the comptroller;

1           (10) [~~(11)~~] the executive director of the Texas  
2 Department of Transportation;

3           (11) [~~(12)~~] the executive director of the Texas  
4 Commission on Environmental Quality;

5           (12) [~~(13)~~] the executive director of the Texas  
6 Economic Development and Tourism Office;

7           (13) [~~(14)~~] the commissioner of insurance;

8           (14) [~~(15)~~] the commissioner of the Department of  
9 Aging and Disability Services;

10          (15) [~~(16)~~] the commissioner of education;

11          (16) [~~(17)~~] the executive commissioner of the Health  
12 and Human Services Commission;

13          (17) [~~(18)~~] the executive director of the Texas  
14 Workforce Commission;

15          (18) [~~(19)~~] the executive director of the Texas  
16 Historical Commission;

17          (19) [~~(20)~~] a member of the Railroad Commission of  
18 Texas;

19          (20) [~~(21)~~] the executive director of the State Soil  
20 and Water Conservation Board;

21          (21) [~~(22)~~] the executive director of the office; and

22          (22) [~~(23)~~] the head of any other agency interested in  
23 rural issues.

24          SECTION 5. Section 487.651, Government Code, is amended to  
25 read as follows:

26          Sec. 487.651. DEFINITIONS. In this subchapter:

27          (1) [~~"Board"~~] ~~means the Telecommunications~~

1 ~~Infrastructure Fund Board.~~

2           ~~[(2)]~~ "Community telecommunications alliance" means  
3 an association of public and private entities created to share  
4 resources, promote innovative school health technology, promote  
5 economic development opportunities for the community, and improve  
6 the overall quality of life within a local community through  
7 telecommunications and information services provided by the  
8 private sector.

9           (2) ~~[(3)]~~ "Program" means the community  
10 telecommunications alliance program.

11           SECTION 6. Section 487.652, Government Code, is amended to  
12 read as follows:

13           Sec. 487.652. RULES GOVERNING PROGRAM ~~[MEMORANDUM OF~~  
14 ~~UNDERSTANDING]~~. (a) The ~~[office and the board by rule shall adopt~~  
15 ~~a memorandum of understanding establishing the]~~ community  
16 telecommunications alliance program~~[- The program]~~ shall:

17           (1) assist local communities in the creation and  
18 development of community telecommunications alliances, including  
19 alliances established to pursue rural economic development or  
20 innovative rural school health technology projects, by providing  
21 advice and assistance in assessing local uses of and local demands  
22 or needs for local telecommunications and information services of  
23 private sector providers; and

24           (2) assist community telecommunications alliances in  
25 applying for grant funding for projects, including:

26           (A) assisting alliances in securing matching  
27 private sector funding for projects; and

1 (B) requiring alliances to develop sustainable  
2 plans:

3 (i) that demonstrate how the alliance will  
4 continue to obtain private sector services once the grant funding  
5 terminates;

6 (ii) that do not directly compete with  
7 local businesses, telecommunications providers, or information  
8 services providers; and

9 (iii) that prohibit a network created with  
10 assistance from the alliance or other public funding from being  
11 sold to a direct competitor of a private sector provider.

12 (b) Each community telecommunications alliance established  
13 under this section shall have an advisory council with  
14 representation from each of the following:

- 15 (1) a local nonprofit organization;  
16 (2) a local county-elected official;  
17 (3) a local city-elected official;  
18 (4) a local telecommunications provider;  
19 (5) a local economic development group;  
20 (6) the local financial community; and  
21 (7) a local information services provider.

22 (c) This chapter may not be construed to:

23 (1) expand eligibility for private network services  
24 under Section 58.253(a) or 59.072(a), Utilities Code, to persons  
25 not eligible to purchase the services; or

26 (2) permit the direct or indirect sharing or resale of  
27 private network services with persons not eligible to purchase the

1 services.

2 (d) A community telecommunications alliance created under  
3 this section shall offer the following local entities the  
4 opportunity to be included in the alliance:

5 (1) a library[~~, as defined by Section 57.042,~~  
6 ~~Utilities Code~~];

7 (2) a public school[~~, as defined by Section 57.042,~~  
8 ~~Utilities Code~~];

9 (3) a public not-for-profit health care facility[~~, as~~  
10 ~~defined by Section 57.042, Utilities Code~~]; and

11 (4) a local institution of higher education[~~, as~~  
12 ~~defined by Section 57.042, Utilities Code~~].

13 SECTION 7. Section 487.653, Government Code, is amended to  
14 read as follows:

15 Sec. 487.653. REPORT TO LEGISLATURE. Not later than  
16 January 1 of each odd-numbered year, the office [~~and the board~~  
17 ~~jointly~~] shall submit to the legislature a report detailing the  
18 grant activities of the program and grant recipients. The report  
19 must include:

20 (1) the criteria used to quantify the effect grant  
21 funds had in advancing telecommunications connectivity and  
22 technology;

23 (2) data and performance measures used to quantify the  
24 achievement of program objectives; and

25 (3) a description of and results from a grant  
26 monitoring risk assessment and on-site review process.

27 SECTION 8. Section 531.02172(b), Government Code, is

1 amended to read as follows:

2 (b) The advisory committee must include:

3 (1) representatives of health and human services  
4 agencies and other state agencies concerned with the use of  
5 telemedical consultations in the Medicaid program and the state  
6 child health plan program, including representatives of:

7 (A) the commission;

8 (B) the Texas Department of Health;

9 (C) the Office of Rural Community Affairs;

10 (D) [~~the Telecommunications Infrastructure Fund~~  
11 ~~Board,~~

12 [~~(E)~~] the Texas Department of Insurance;

13 (E) [~~(F)~~] the Texas State Board of Medical  
14 Examiners;

15 (F) [~~(G)~~] the Board of Nurse Examiners; and

16 (G) [~~(H)~~] the Texas State Board of Pharmacy;

17 (2) representatives of health science centers in this  
18 state;

19 (3) experts on telemedicine, telemedical  
20 consultation, and telemedicine medical services or telehealth  
21 services; and

22 (4) representatives of consumers of health services  
23 provided through telemedical consultations and telemedicine  
24 medical services or telehealth services.

25 SECTION 9. Section 654.011(a), Government Code, is amended  
26 to read as follows:

27 (a) The position classification plan and the salary rates

1 and provisions in the General Appropriations Act apply to all  
2 hourly, part-time, temporary, and regular, full-time salaried  
3 employments in the state departments, agencies, or judicial  
4 entities specified in the articles of the General Appropriations  
5 Act that appropriate money to:

- 6 (1) general government agencies;
- 7 (2) health and human services agencies;
- 8 (3) the judiciary, except for judges, district  
9 attorneys, and assistant district attorneys;
- 10 (4) public safety and criminal justice agencies;
- 11 (5) natural resources agencies;
- 12 (6) business and economic development agencies;
- 13 (7) regulatory agencies; and
- 14 (8) agencies of public education, but only the Texas  
15 Education Agency, the Texas School for the Blind and Visually  
16 Impaired, the State Board for Educator Certification, [~~the~~  
17 ~~Telecommunications Infrastructure Fund,~~] and the Texas School for  
18 the Deaf.

19 SECTION 10. Section 2054.201(a), Government Code, is  
20 amended to read as follows:

21 (a) The telecommunications planning and oversight council  
22 is composed of:

23 (1) a representative of the comptroller's office,  
24 appointed by the comptroller;

25 (2) [~~the executive director of the Telecommunications~~  
26 ~~Infrastructure Fund Board,~~

27 [~~3~~] a representative of the Texas Building and

1 Procurement Commission, appointed by the executive director of the  
2 commission;

3 (3) [~~(4)~~] a member representing the interests of state  
4 agencies with 1,000 employees or more, appointed by the lieutenant  
5 governor;

6 (4) [~~(5)~~] a member representing the interests of state  
7 agencies with fewer than 1,000 employees, appointed by the speaker  
8 of the house of representatives;

9 (5) [~~(6)~~] a member representing the interests of  
10 institutions of higher education, appointed by the commissioner of  
11 higher education;

12 (6) [~~(7)~~] a member representing the interests of The  
13 University of Texas System, appointed by the chancellor;

14 (7) [~~(8)~~] a member representing the interests of The  
15 Texas A&M University System, appointed by the chancellor;

16 (8) [~~(9)~~] a member representing the interests of  
17 public school districts that are customers of the consolidated  
18 telecommunications system, appointed by the governor;

19 (9) [~~(10)~~] a member representing the interests of  
20 local governments that are customers of the consolidated  
21 telecommunications system, appointed by the governor;

22 (10) [~~(11)~~] two public members with  
23 telecommunications expertise, appointed by the governor; and

24 (11) [~~(12)~~] a representative of the Health and Human  
25 Services Commission, appointed by the commissioner of health and  
26 human services.

27 SECTION 11. Section 58.252(2), Utilities Code, is amended

1 to read as follows:

2 (2) "Library" means:

3 (A) a public library or regional library system  
4 as those terms are defined by Section 441.122, Government Code;

5 (B) a library operated by an institution of  
6 higher education or a school district; or

7 (C) a library operated by a nonprofit corporation  
8 as defined by Section 441.221(3), Government Code [~~has the meaning~~  
9 ~~assigned by Section 57.042~~].

10 SECTION 12. Section 58.253(a), Utilities Code, as amended  
11 by Section 9, Chapter 959, Section 4, Chapter 1220, and Section 7,  
12 Chapter 1350, Acts of the 77th Legislature, Regular Session, 2001,  
13 is reenacted and amended to read as follows:

14 (a) On customer request, an electing company shall provide  
15 private network services to:

16 (1) an educational institution;

17 (2) a library as defined in Section 57.021  
18 [~~57.042(6)(A) and (B)~~];

19 (3) a nonprofit telemedicine center;

20 (4) a public or not-for-profit hospital; or

21 (5) [~~a project funded by the telecommunications~~  
22 ~~infrastructure fund under Subchapter C, Chapter 57, except for a~~  
23 ~~telepharmacy system; or~~

24 [~~6~~] a legally constituted consortium or group of  
25 entities listed in this subsection.

26 SECTION 13. Section 59.071(2), Utilities Code, is amended  
27 to read as follows:

1 (2) "Library" means:

2 (A) a public library or regional library system  
3 as those terms are defined by Section 441.122, Government Code;

4 (B) a library operated by an institution of  
5 higher education or a school district; or

6 (C) a library operated by a nonprofit corporation  
7 as defined by Section 441.221(3), Government Code [~~has the meaning~~  
8 ~~assigned by Section 57.042~~].

9 SECTION 14. (a) The assessment imposed under Section  
10 57.048, Utilities Code, for the calendar quarter ending in  
11 September 2008 is due on the last day of October 2008. The  
12 assessment imposed under that section may not be imposed after the  
13 end of the calendar quarter ending in September 2008.

14 (b) Section 57.048, Utilities Code, is continued in effect  
15 for the collection of the assessment due and for civil and criminal  
16 enforcement of the liability for that assessment.

17 (c) A telecommunications utility or commercial mobile  
18 service provider subject to Section 57.048, Utilities Code, may  
19 recover from the utility's customers through a monthly billing  
20 process the amount of the assessment imposed under that section as  
21 provided by Subsection (f) of that section, and the former law is  
22 continued in effect for that purpose.

23 SECTION 15. This Act takes effect September 1, 2008.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 735 was passed by the House on March 20, 2007, by the following vote: Yeas 143, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 735 on May 25, 2007, by the following vote: Yeas 138, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 735 was passed by the Senate, with amendments, on May 23, 2007, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor