

BILL ANALYSIS

Senate Research Center
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S.B. 555
By: Shapleigh
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DIGEST AND PURPOSE

Current law governing the operation of the Telecommunications Planning and Oversight Council (TPOC) contains a number of provisions that may be inefficient or may conflict with other provisions. As proposed, S.B. 555 repeals the provision authorizing TPOC to negotiate rates and execute contracts with telecommunications service providers for services, eliminating the conflict with the Department of Information Resources' identical authority. The bill provides for a TPOC representative from the Texas Health and Human Services Commission, and staggers TPOC members' terms to create continuity of membership. In addition, the bill makes TPOC members exempt from civil actions in the same way that members of other appointed bodies are. Finally, S.B. 555 extends the deadline for submission of TPOC's annual report in order to provide sufficient time for accurate reporting of financial information.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 2054.201(a) and (b), Government Code, as follows:

- (a) Adds a representative of the Health and Human Services Commission (HHSC), appointed by the commissioner of health and human services, to the list of members of the telecommunications planning and oversight council (TPOC). Makes conforming changes.
- (b) Amends the terms of appointed TPOC members to provide that appointed members serve staggered two-year terms, with the terms of four or five members expiring August 31 of each year, with certain exceptions. Creates Subdivisions (1) and (2) from existing text providing exceptions, and adds Subdivision (3) to provide the exception that the HHSC representative serves at the discretion of the commissioner of health and human services. Makes conforming changes.

SECTION 2. Amends Section 2054.206, Government Code, to require TPOC to submit an annual report to certain entities by November 1 of each year. Makes nonsubstantive changes.

SECTION 3. Amends Chapter 2054H, Government Code, by adding Section 2054.2025, as follows:

Sec. 2054.2025. LIMITATION OF LIABILITY. Exempts a member of TPOC from liability in a civil action for an act performed in good faith in the performance of the member's functions.

SECTION 4. Amends Section 2170.002, Government Code, by creating Subsection (a) from existing text and adding Subsection (b), as follows:

(b) Requires the Department of Information Resources (DIR) to negotiate rates and execute contracts with telecommunications service providers for services. Authorizes DIR to acquire transmission facilities and develop, establish, and maintain carrier systems necessary to the operation of the consolidated telecommunications system.

SECTION 5. Repealer: Section 2054.205(c), granting TPOC the authority to negotiate rates and execute contracts with telecommunication service providers for services.

SECTION 6. Requires certain officials to appoint members to TPOC for certain terms when the terms of TPOC's existing members first expire after this Act's effective date. Requires the commissioner of health and human services to appoint a representative to TPOC promptly after the effective date of this Act.

SECTION 7. Effective date: upon passage or September 1, 2003.