

BILL ANALYSIS

Senate Research Center
78R10818 MTB-F

H.B. 1576
By: Gallego (Shapleigh)
State Affairs
5/16/2003
Engrossed

DIGEST AND PURPOSE

H.B. 1576 makes corrective and clarifying changes relating to the telecommunications planning and oversight council. The bill corrects a conflicting directive for the council and the Department of Information Resources to perform the same function; it creates a place on the council for a representative of the Health and Human Services Commission; it staggers members' terms so they no longer end all at once; and it extends the deadline for the council's annual financial report to allow time to accurately complete the report.

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) Provides that the telecommunications planning and oversight council is composed of a representative of the Health and Human Services Commission, appointed by the commissioner of health and human services, in addition to other members.
- (b) Provides that the appointed members of the telecommunications planning and oversight council serve staggered two-year terms, with the terms of four or five members expiring August 31 each year, except that the representative of the Health and Human Services Commission serves at the discretion of the commissioner of health and human services.

SECTION 2. Amends Section 2054.206, Government Code, to institute a November 1 deadline for the submission of an annual report by the telecommunications planning and oversight council. Makes a nonsubstantive change.

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

Sec. 2054.2025. LIMITATION OF LIABILITY. Provides that a member of the telecommunications planning and oversight council is not liable in a civil action for an act performed in good faith in the performance of the member's functions.

SECTION 4. Repealer: Section 2054.205(c) (pertaining to the telecommunications planning and oversight council's rate negotiation and contract execution), Government Code.

SECTION 5. (a) Provides that when the terms of the members of the telecommunications planning and oversight council first expire after the effective date of this Act:

- (1) the lieutenant governor and the speaker of the house of representatives are required to each appoint one member, and the governor is required to appoint two members, according to Section 2054.201, Government Code, for terms expiring on the first August 31 occurring after the effective date of this Act;

(2) the commissioner of higher education, the chancellor of The University of Texas System, and the chancellor of The Texas A&M University System are required to each appoint one member, and the governor is required to appoint two members, according to Section 2054.201, Government Code, for terms expiring on the second August 31 after the effective date of this Act.

(b) Requires the commissioner of health and human services, promptly after this Act takes effect, to appoint a representative to the telecommunications planning and oversight council.

SECTION 6. Effective date: upon passage or September 1, 2003.