

## **BILL ANALYSIS**

Senate Research Center

S.B. 555  
By: Shapleigh  
State Affairs  
3/19/2003  
Committee Report (Amended)

### **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. 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 immune from civil liability in regards to unintentional act or omission. 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. Provides that a member of the telecommunications planning and oversight council is immune from civil liability for damages resulting from an act or omission in the performance of the member's functions unless the act or omission of the member was intentional, willfully or wantonly negligent or done with conscious indifference or reckless disregard for the safety of others.

SECTION 4. Repealer: Section 2054.205(c), granting TPOC the authority to negotiate rates and execute contracts with telecommunication service providers for services.

SECTION 5. 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 6. Effective date: upon passage or September 1, 2003.

### **SUMMARY OF COMMITTEE CHANGES**

Committee Amendment NO. 1:

Amend SB 555 by striking SECTION 4 and renumbering the subsequent SECTIONS appropriately.

Amend SB 555, SECTION 3, by striking new Section 2054.2025 and replacing it with the following new Section 2054.2052 to read as follows:

Section 2054.2052. LIMITATION ON LIABILITY. "A member of the telecommunications planning and oversight council is immune from civil liability for damages resulting from an act or omission in the performance of the member's functions unless the act or omission of the member was intentional, willfully or wantonly negligent, or done with conscious indifference or reckless disregard for the safety of others."