

GOVERNMENT CODE

TITLE 4. EXECUTIVE BRANCH

SUBTITLE F. COMMERCE AND INDUSTRIAL DEVELOPMENT

For expiration of this chapter, see Section 490H.008.

CHAPTER 490H. GOVERNOR'S BROADBAND DEVELOPMENT COUNCIL

Sec. 490H.001. DEFINITIONS. In this chapter:

(1) "Broadband" means a service that provides advanced telecommunications capability and Internet access.

(2) "Council" means the governor's broadband development council.

(3) "Unserved area" means a census block without access to broadband capable of providing:

(A) a download speed of at least 25 megabits per second; and

(B) an upload speed of at least three megabits per second.

Added by Acts 2019, 86th Leg., R.S., Ch. 228 (H.B. 1960), Sec. 1, eff. May 25, 2019.

Sec. 490H.002. COMPOSITION. (a) The council is composed of one nonvoting member appointed by the broadband development office and the following voting members appointed by the governor:

(1) two representatives of separate Internet service provider industry associations, including at least one representative of an association that primarily represents small providers, as defined by Section 56.032, Utilities Code;

(2) one representative of the health information technology industry;

(3) two representatives of unaffiliated nonprofit organizations that advocate for elderly persons statewide;

(4) two representatives of unaffiliated nonprofit organizations that have a demonstrated history of working with the legislature and the public to identify solutions for expanding broadband to rural, unserved areas of this state;

(5) one representative of an agricultural advocacy organization in this state;

- (6) one representative of a hospital advocacy organization in this state;
- (7) one representative of a medical advocacy organization in this state;
- (8) one county official who serves in an elected office of a county with a population of less than 35,000;
- (8-a) one county clerk of a county with a population of less than 60,000;
- (8-b) one sheriff of a county with a population of less than 60,000;
- (9) one municipal official who serves in an elected office of a municipality with a population of less than 20,000 located in a county with a population of less than 60,000;
- (10) one representative of an institution of higher education that has its main campus in a county with a population of less than 60,000;
- (11) one representative of a school district with a territory that includes only counties with a population of less than 60,000;
- (12) one representative from a library association;
- (13) one hospital administrator employed by a licensed hospital located in a county with a population of less than 60,000;
- (14) one representative from an electric cooperative providing broadband;
- (15) one representative of a school district with a territory that includes all or part of a county with a population of more than 500,000; and
- (16) one representative of a nonprofit organization that has a demonstrated history of facilitating broadband adoption by offering digital literacy training or providing access to broadband technology.

(b) The governor shall, to the greatest extent practicable, make appointments to the council that ensure that the composition of the council reflects the racial and ethnic composition of the state.

(c) A member of the council appointed under Subsection (a) serves for a five-year term.

(d) A vacancy on the council is filled in the same manner as the original appointment.

Added by Acts 2019, 86th Leg., R.S., Ch. 228 (H.B. 1960), Sec. 1, eff. May 25, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 625 (H.B. 5), Sec. 1, eff. June 15, 2021.

Sec. 490H.003. COUNCIL OFFICERS; COMMITTEES. (a) The governor shall designate from the members of the council a chair and vice chair of the council for two-year terms.

(b) When designating a chair or vice chair, the governor shall ensure that:

(1) during a term when the chair resides in a county with a population of 100,000 or more, the vice chair resides in a county with a population of less than 100,000;

(2) during a term when the chair resides in a county with a population of less than 100,000, the vice chair resides in a county with a population of 100,000 or more;

(3) persons described by Subdivision (1) are immediately succeeded by persons described by Subdivision (2); and

(4) persons described by Subdivision (2) are immediately succeeded by persons described by Subdivision (1).

(c) The chair may appoint subcommittees and technical advisory committees to assist with the duties of the council.

Added by Acts 2019, 86th Leg., R.S., Ch. 228 (H.B. 1960), Sec. 1, eff. May 25, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 625 (H.B. 5), Sec. 2, eff. June 15, 2021.

Sec. 490H.004. MEETINGS. (a) The council shall convene at least once every quarter.

(b) The council shall convene at the call of the chair or, if the chair is unable to call a meeting or does not call at least one meeting to meet the requirements of Subsection (a), at the call of the vice chair.

(c) The council shall:

(1) post the agenda for each council meeting on the council's Internet website at least 48 hours before the meeting; and

(2) not later than the 14th day after the date of each meeting, post on the council's Internet website the minutes or recording of the meeting required under Section 551.021.

(d) As an exception to Chapter 551 and other law, the council may meet by use of video conference call. This subsection applies for purposes of constituting a quorum, for purposes of voting, and for any other purpose allowing a member of the council to fully participate in any meeting of the council. A meeting held by use of video conference call:

(1) must be open to the public, which includes a video broadcast of the meeting in real time through the council's Internet website;

(2) must specify in the meeting notice the link to the video broadcast described by Subdivision (1); and

(3) must provide two-way video communication between all council members attending the meeting.

Added by Acts 2019, 86th Leg., R.S., Ch. 228 (H.B. 1960), Sec. 1, eff. May 25, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 625 (H.B. 5), Sec. 3, eff. June 15, 2021.

Sec. 490H.005. ADMINISTRATIVE SUPPORT. The office of the governor shall provide administrative support to the council.

Added by Acts 2019, 86th Leg., R.S., Ch. 228 (H.B. 1960), Sec. 1, eff. May 25, 2019.

Sec. 490H.006. DUTIES. (a) The council shall:

(1) research and monitor the progress of:

(A) broadband development in unserved areas;

(B) deployment of broadband statewide;

(C) purchase of broadband by residential and commercial customers; and

(D) patterns and discrepancies in access to broadband;

(2) identify barriers to residential and commercial broadband deployment in unserved areas;

(3) study:

(A) technology-neutral solutions to overcome barriers identified under Subdivision (2);

(B) industry and technology trends in broadband; and

(C) the detrimental impact of pornographic or other obscene materials on residents of this state and the feasibility of limiting access to those materials; and

(4) analyze how statewide access to broadband would benefit:

(A) economic development;

(B) the delivery of educational opportunities in higher education and public education;

(C) state and local law enforcement;

(D) state emergency preparedness; and

(E) the delivery of health care services, including telemedicine and telehealth.

(b) The council may research another matter related to broadband.

(c) For the purpose of performing its duties under this section, the council may consult with a representative of an institution of higher education who has published scholarly research on broadband.

Added by Acts 2019, 86th Leg., R.S., Ch. 228 (H.B. 1960), Sec. 1, eff. May 25, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 625 (H.B. 5), Sec. 4, eff. June 15, 2021.

Sec. 490H.007. ANNUAL REPORT. Not later than November 1 of each year, the council shall prepare and deliver an electronic report of its findings and recommendations to the governor, the lieutenant governor, and each member of the legislature.

Added by Acts 2019, 86th Leg., R.S., Ch. 228 (H.B. [1960](#)), Sec. 1, eff. May 25, 2019.

Sec. 490H.008. EXPIRATION. This chapter expires September 1, 2029.

Added by Acts 2019, 86th Leg., R.S., Ch. 228 (H.B. [1960](#)), Sec. 1, eff. May 25, 2019.