

## **BILL ANALYSIS**

S.B. 512  
By: Carona  
State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The specialized telecommunications assistance program is a statewide program that provides financial assistance for the purchase of specialized assistive equipment or services for persons with certain disabilities that interfere with their ability to access a telephone network. Currently, the program is divided between the Department of Assistive and Rehabilitative Services and the Public Utility Commission of Texas. Critics of this bifurcation point to program inefficiencies resulting from this type of administration. S.B. 512 seeks to address this issue in order to increase program efficiency and effectiveness.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission (HHSC) in SECTION 9 of this bill and that rulemaking authority previously granted to the Public Utility Commission of Texas is transferred to the executive commissioner of HHSC in SECTIONS 6, 7, 8, and 11 of this bill.

### **ANALYSIS**

Section 531.0055, Government Code, as amended by Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, expressly grants to the executive commissioner of the Health and Human Services Commission all rulemaking authority for the operation of and provision of services by the health and human services agencies. Similarly, Sections 1.16-1.29, Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, provide for the transfer of a power, duty, function, program, or activity from a health and human services agency abolished by that act to the corresponding legacy agency. To the extent practical, this bill analysis is written to reflect any transfer of rulemaking authority and to update references as necessary to an agency's authority with respect to a particular health and human services program.

S.B. 512 transfers, on the bill's effective date, the following from the Public Utility Commission of Texas (PUC) to the Department of Assistive and Rehabilitative Services (DARS):

- the powers, duties, functions, programs, and activities of the PUC relating to the specialized telecommunications assistance program, other than the powers and duties specified under statutory provisions related to recovery of specialized telecommunications device assistance program surcharges;
- all obligations and contracts of the PUC that are related to a transferred power, duty, function, program, or activity; and
- all property and records in the custody of the PUC that are related to a transferred power, duty, function, program, or activity and all funds appropriated by the legislature for that power, duty, function, program, or activity.

S.B. 512 establishes that a rule or form adopted by the PUC that relates to a transferred power, duty, function, program, or activity is a rule or form of DARS and provides that the rule or form

remains in effect until altered by the executive commissioner of the Health and Human Services Commission (HHSC). The bill establishes that a reference in law to the PUC that relates to a transferred power, duty, function, program, or activity means DARS.

S.B. 512 amends the Utilities Code to require the PUC to audit voucher payments and other expenditures made under the specialized telecommunications assistance program. The bill authorizes DARS to contract, as necessary, to implement and administer the program. The bill authorizes the executive commissioner of HHSC, after consulting with DARS, to adopt rules to implement provisions relating to the payment of vouchers under the program. The bill specifies that the executive commissioner of HHSC adopts certain rules relating to the program after consultation with DARS.

**EFFECTIVE DATE**

September 1, 2013.