

By: Carona

S.B. No. 512

A BILL TO BE ENTITLED

AN ACT

relating to the specialized telecommunications assistance program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 56.001, Utilities Code, is amended by amending Subdivision (1) and adding Subdivision (2-a) to read as follows:

(1) "Department" means the [~~Texas~~] Department of Assistive and Rehabilitative [~~Human~~] Services.

(2-a) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

SECTION 2. Section 56.021, Utilities Code, is amended to read as follows:

Sec. 56.021. UNIVERSAL SERVICE FUND ESTABLISHED. The commission shall adopt and enforce rules requiring local exchange companies to establish a universal service fund to:

(1) assist telecommunications providers in providing basic local telecommunications service at reasonable rates in high cost rural areas under two plans:

(A) the Texas High Cost Universal Service Plan (16 T.A.C. Section 26.403); and

(B) the Small and Rural Incumbent Local Exchange Company Universal Service Plan (16 T.A.C. Section 26.404);

(2) reimburse the telecommunications carrier that provides the statewide telecommunications relay access service

1 under Subchapter D;

2 (3) finance the specialized telecommunications
3 assistance program established under Subchapter E;

4 (4) reimburse the department [~~the Texas Commission~~
5 ~~for the Deaf and Hard of Hearing,~~] and the commission for costs
6 incurred in implementing this chapter and Chapter 57;

7 (5) reimburse a telecommunications carrier providing
8 lifeline service as provided by 47 C.F.R. Part 54, Subpart E, as
9 amended;

10 (6) finance the implementation and administration of
11 an integrated eligibility process created under Section 17.007 for
12 customer service discounts relating to telecommunications
13 services, including outreach expenses the commission determines
14 are reasonable and necessary;

15 (7) reimburse a designated provider under Subchapter
16 F;

17 (8) reimburse a successor utility under Subchapter G;
18 and

19 (9) finance the program established under Subchapter
20 H.

21 SECTION 3. Subsection (a), Section 56.023, Utilities Code,
22 is amended to read as follows:

23 (a) The commission shall:

24 (1) in a manner that assures reasonable rates for
25 basic local telecommunications service, adopt eligibility criteria
26 and review procedures, including a method for administrative
27 review, the commission finds necessary to fund the universal

1 service fund and make distributions from that fund;

2 (2) determine which telecommunications providers meet
3 the eligibility criteria;

4 (3) determine the amount of and approve a procedure
5 for reimbursement to telecommunications providers of revenue lost
6 in providing tel-assistance service under Subchapter C;

7 (4) establish and collect fees from the universal
8 service fund necessary to recover the costs the department and the
9 commission incur in administering this chapter and Chapter 57;
10 [~~and~~]

11 (5) approve procedures for the collection and
12 disbursal of the revenue of the universal service fund; and

13 (6) audit voucher payments and other expenditures made
14 under the specialized telecommunications assistance program
15 established under Subchapter E.

16 SECTION 4. Subsection (a), Section 56.110, Utilities Code,
17 is amended to read as follows:

18 (a) An advisory committee to assist the commission in
19 administering this subchapter is composed of the following persons
20 appointed by the commission:

21 (1) two persons with disabilities that impair the
22 ability to effectively access the telephone network other than
23 disabilities described by Subdivisions (2)-(7);

24 (2) one deaf person recommended by the Texas Deaf
25 Caucus;

26 (3) one deaf person recommended by the Texas
27 Association of the Deaf;

1 (4) one person with a hearing impairment recommended
2 by Self-Help for the Hard of Hearing;

3 (5) one person with a hearing impairment recommended
4 by the American Association of Retired Persons;

5 (6) one deaf and blind person recommended by the Texas
6 Deaf/Blind Association;

7 (7) one person with a speech impairment and one person
8 with a speech and hearing impairment recommended by the Coalition
9 of Texans with Disabilities;

10 (8) two representatives of telecommunications
11 utilities, one representing a nonlocal exchange utility and one
12 representing a local exchange company, chosen from a list of
13 candidates provided by the Texas Telephone Association;

14 (9) two persons, at least one of whom is deaf, with
15 experience in providing relay services recommended by the
16 department [~~Texas Commission for the Deaf and Hard of Hearing~~]; and

17 (10) two public members recommended by organizations
18 representing consumers of telecommunications services.

19 SECTION 5. Section 56.111, Utilities Code, is amended to
20 read as follows:

21 Sec. 56.111. ADVISORY COMMITTEE DUTIES. The advisory
22 committee shall:

23 (1) monitor the establishment, administration, and
24 promotion of the statewide telecommunications relay access
25 service;

26 (2) advise the commission in pursuing a service that
27 meets the needs of persons with an impairment of hearing or speech

1 in communicating with other telecommunications services users; and

2 (3) advise the department, at that department's
3 request [~~commission and the Texas Commission for the Deaf and Hard~~
4 ~~of Hearing, at the request of either commission~~], regarding any
5 issue related to the specialized telecommunications assistance
6 program established under Subchapter E, including:

7 (A) devices or services suitable to meet the
8 needs of persons with disabilities in communicating with other
9 users of telecommunications services; and

10 (B) oversight and administration of the program.

11 SECTION 6. Section 56.151, Utilities Code, is amended to
12 read as follows:

13 Sec. 56.151. SPECIALIZED TELECOMMUNICATIONS ASSISTANCE
14 PROGRAM. (a) The executive commissioner, after consulting with
15 the department, [~~commission and the Texas Commission for the Deaf~~
16 ~~and Hard of Hearing~~] by rule shall establish a specialized
17 telecommunications assistance program to provide financial
18 assistance to individuals with disabilities that impair the
19 individuals' ability to effectively access the telephone network to
20 assist the individuals with the purchase of basic specialized
21 equipment or services to provide the individuals with telephone
22 network access that is functionally equivalent to that enjoyed by
23 individuals without disabilities. The executive commissioner
24 [~~agencies~~] may adopt [~~joint~~] rules that identify devices and
25 services eligible for vouchers under the program.

26 (b) The department may contract, as necessary, to implement
27 and administer the specialized telecommunications assistance

1 program.

2 SECTION 7. Section 56.152, Utilities Code, is amended to
3 read as follows:

4 Sec. 56.152. ELIGIBILITY. The executive commissioner,
5 after consulting with the department, [~~Texas Commission for the~~
6 ~~Deaf and Hard of Hearing~~] by rule shall prescribe eligibility
7 standards for individuals, including deaf individuals and
8 individuals who have an impairment of hearing or speech, to receive
9 an assistance voucher under the program. To be eligible, an
10 individual must be a resident of this state with a disability that
11 impairs the individual's ability to effectively access the
12 telephone network.

13 SECTION 8. Subsections (a), (c), (e), (f), (g), and (h),
14 Section 56.153, Utilities Code, are amended to read as follows:

15 (a) The department [~~Texas Commission for the Deaf and Hard~~
16 ~~of Hearing~~] shall determine a reasonable price for a basic
17 specialized telecommunications device that permits, or basic
18 specialized services that permit, telephone network access and
19 distribute to each eligible applicant a voucher that guarantees
20 payment of that amount to a distributor of new specialized
21 telecommunications devices described by Section 56.151 or to a
22 provider of services described by that section. The department
23 [~~Texas Commission for the Deaf and Hard of Hearing~~] may issue a
24 voucher for a service only if the service is less expensive than a
25 device eligible for a voucher under the program to meet the same
26 need.

27 (c) The executive commissioner, after consulting with the

1 department, [~~commission and the Texas Commission for the Deaf and~~
2 ~~Hard of Hearing~~] by rule shall provide that a distributor of devices
3 or a provider of services will receive not more than the full price
4 of the device or service if the recipient of a voucher exchanges the
5 voucher for a device or service that the distributor or provider
6 sells for less than the voucher's value.

7 (e) Except as provided by rules adopted under this
8 subsection, an individual is not eligible for a voucher if the
9 department [~~Texas Commission for the Deaf and Hard of Hearing~~] has
10 issued a voucher for a device or service to another individual with
11 the same type of disability in the individual's household. The
12 executive commissioner, after consulting with the department,
13 [~~Texas Commission for the Deaf and Hard of Hearing~~] by rule may
14 provide for financially independent individuals who reside in a
15 congregate setting to be eligible for a voucher regardless of
16 whether another individual living in that setting has received a
17 voucher.

18 (f) The department [~~Texas Commission for the Deaf and Hard~~
19 ~~of Hearing~~] shall determine eligibility of each person who files an
20 application for a voucher and issue each eligible applicant an
21 appropriate voucher.

22 (g) The department [~~Texas Commission for the Deaf and Hard~~
23 ~~of Hearing~~] shall maintain a record regarding each individual who
24 receives a voucher under the program.

25 (h) The department [~~Texas Commission for the Deaf and Hard~~
26 ~~of Hearing~~] shall deposit money collected under the program to the
27 credit of the universal service fund.

1 SECTION 9. Section 56.154, Utilities Code, is amended to
2 read as follows:

3 Sec. 56.154. DEPARTMENT [~~COMMISSION~~] DUTIES. (a) Not
4 later than the 45th day after the date the department [~~commission~~]
5 receives a voucher a telecommunications device distributor
6 presents for payment or a voucher a telecommunications service
7 provider presents for payment, the department [~~commission~~] shall
8 pay to the distributor or service provider the lesser of the value
9 of a voucher properly exchanged for a specialized
10 telecommunications device or service or the full price of the
11 device or service for which a voucher recipient exchanges the
12 voucher. The payments must be made from the universal service fund.

13 (b) The department [~~commission~~] may investigate whether the
14 presentation of a voucher for payment represents a valid
15 transaction for a telecommunications device or service under the
16 program. [~~The Texas Commission for the Deaf and Hard of Hearing~~
17 ~~shall cooperate with and assist the commission in an investigation~~
18 ~~under this subsection.~~]

19 (c) Notwithstanding Section 56.153(a), the department
20 [~~commission~~] may:

21 (1) delay payment of a voucher to a distributor of
22 devices or a service provider if there is a dispute regarding the
23 amount or propriety of the payment or whether the device or service
24 is appropriate or adequate to meet the needs of the person to whom
25 the department [~~Texas Commission for the Deaf and Hard of Hearing~~]
26 issued the voucher until the dispute is resolved;

27 (2) provide that payment of the voucher is conditioned

1 on the return of the payment if the device is returned to the
2 distributor or if the service is not used by the person to whom the
3 voucher was issued; and

4 (3) provide an alternative dispute resolution process
5 for resolving a dispute regarding a subject described by
6 Subdivision (1) or (2).

7 (d) The executive commissioner, after consulting with the
8 department, may adopt rules to implement this section.

9 SECTION 10. Section 56.156, Utilities Code, is amended to
10 read as follows:

11 Sec. 56.156. PROMOTION OF PROGRAM. The department [~~Texas~~
12 ~~Commission for the Deaf and Hard of Hearing~~] may promote the program
13 established under this subchapter by means of participation in
14 events, advertisements, pamphlets, brochures, forms, pins, or
15 other promotional items or efforts that provide contact information
16 for persons interested in applying for a voucher under the program.

17 SECTION 11. (a) On the effective date of this Act, the
18 following are transferred from the Public Utility Commission of
19 Texas to the Department of Assistive and Rehabilitative Services:

20 (1) the powers, duties, functions, programs, and
21 activities of the Public Utility Commission of Texas relating to
22 the specialized telecommunications assistance program established
23 under Subchapter E, Chapter 56, Utilities Code, other than the
24 powers and duties of the commission specified by Section 56.155,
25 Utilities Code;

26 (2) all obligations and contracts of the Public
27 Utility Commission of Texas that are related to a power, duty,

1 function, program, or activity transferred under this subsection;
2 and

3 (3) all property and records in the custody of the
4 Public Utility Commission of Texas that are related to a power,
5 duty, function, program, or activity transferred under this
6 subsection and all funds appropriated by the legislature for that
7 power, duty, function, program, or activity.

8 (b) A rule or form adopted by the Public Utility Commission
9 of Texas that relates to a power, duty, function, program, or
10 activity transferred under Subsection (a) of this section is a rule
11 or form of the Department of Assistive and Rehabilitative Services
12 and remains in effect until altered by the executive commissioner
13 of the Health and Human Services Commission.

14 (c) A reference in law to the Public Utility Commission of
15 Texas that relates to a power, duty, function, program, or activity
16 transferred under Subsection (a) of this section means the
17 Department of Assistive and Rehabilitative Services.

18 SECTION 12. This Act takes effect September 1, 2013.