

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

under Subchapter D;

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

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

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

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

(7) reimburse a designated provider under Subchapter F;

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

(9) finance the program established under Subchapter H.

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

(a) The commission shall:

(1) in a manner that assures reasonable rates for basic local telecommunications service, adopt eligibility criteria and review procedures, including a method for administrative 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 disbursement 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. Section 56.110(a), Utilities Code, is amended to  
17 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;

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

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

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

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

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

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

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

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

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

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

(2) advise the commission in pursuing a service that 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. The executive commissioner, after consulting with the  
15 department, [~~commission and the Texas Commission for the Deaf and~~  
16 ~~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 SECTION 7. Section 56.152, Utilities Code, is amended to  
27 read as follows:

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

10           SECTION 8. Sections 56.153(a), (c), (e), (f), (g), and (h),  
 11 Utilities Code, are amended to read as follows:

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

24           (c) The executive commissioner, after consulting with the  
 25 department, [~~commission and the Texas Commission for the Deaf and~~  
 26 ~~Hard of Hearing~~] by rule shall provide that a distributor of devices  
 27 or a provider of services will receive not more than the full price

of the device or service if the recipient of a voucher exchanges the voucher for a device or service that the distributor or provider sells for less than the voucher's value.

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

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

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

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

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

Sec. 56.154. DEPARTMENT [~~COMMISSION~~] DUTIES. (a) Not

1 later than the 45th day after the date the department [~~commission~~]  
 2 receives a voucher a telecommunications device distributor  
 3 presents for payment or a voucher a telecommunications service  
 4 provider presents for payment, the department [~~commission~~] shall  
 5 pay to the distributor or service provider the lesser of the value  
 6 of a voucher properly exchanged for a specialized  
 7 telecommunications device or service or the full price of the  
 8 device or service for which a voucher recipient exchanges the  
 9 voucher. The payments must be made from the universal service fund.

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

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

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

24 (2) provide that payment of the voucher is conditioned  
 25 on the return of the payment if the device is returned to the  
 26 distributor or if the service is not used by the person to whom the  
 27 voucher was issued; and



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

4           SECTION 10. Sections 56.155(a) and (b), Utilities Code, are  
5 amended to read as follows:

6           (a) The department [~~commission~~] shall allow a  
7 telecommunications utility to recover the universal service fund  
8 assessment related to the specialized telecommunications  
9 assistance program through a surcharge added to the utility's  
10 customers' bills.

11          (b) The executive commissioner, after consulting with the  
12 department, [~~commission~~] shall specify how each utility must  
13 determine the amount of the surcharge and by rule shall prohibit a  
14 utility from recovering an aggregation of more than 12 months of  
15 assessments in a single surcharge. The rules must require a utility  
16 to apply for approval of a surcharge before the 91st day after the  
17 date the period during which the aggregated surcharges were  
18 assessed closes.

19          SECTION 11. Section 56.156, Utilities Code, is amended to  
20 read as follows:

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

27          SECTION 12. (a) On the effective date of this Act, the

1 following are transferred from the Public Utility Commission of  
2 Texas to the Department of Assistive and Rehabilitative Services:

3 (1) the powers, duties, functions, programs, and  
4 activities of the Public Utility Commission of Texas relating to  
5 the specialized telecommunications assistance program established  
6 under Subchapter E, Chapter 56, Utilities Code;

7 (2) all obligations and contracts of the Public  
8 Utility Commission of Texas that are related to a power, duty,  
9 function, program, or activity transferred under this subsection;  
10 and

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

16 (b) A rule or form adopted by the Public Utility Commission  
17 of Texas that relates to a power, duty, function, program, or  
18 activity transferred under this Act is a rule or form of the  
19 Department of Assistive and Rehabilitative Services and remains in  
20 effect until altered by the executive commissioner of the Health  
21 and Human Services Commission.

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

26 SECTION 13. This Act takes effect September 1, 2013.