

1-1 By: Carona S.B. No. 512
 1-2 (In the Senate - Filed February 12, 2013; February 20, 2013,
 1-3 read first time and referred to Committee on Business and Commerce;
 1-4 March 6, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; March 6, 2013,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 512 By: Carona

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the specialized telecommunications assistance program.
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Section 56.001, Utilities Code, is amended by
 1-24 amending Subdivision (1) and adding Subdivision (2-a) to read as
 1-25 follows:
 1-26 (1) "Department" means the [~~Texas~~] Department of
 1-27 Assistive and Rehabilitative [Human] Services.
 1-28 (2-a) "Executive commissioner" means the executive
 1-29 commissioner of the Health and Human Services Commission.
 1-30 SECTION 2. Section 56.021, Utilities Code, is amended to
 1-31 read as follows:
 1-32 Sec. 56.021. UNIVERSAL SERVICE FUND ESTABLISHED. The
 1-33 commission shall adopt and enforce rules requiring local exchange
 1-34 companies to establish a universal service fund to:
 1-35 (1) assist telecommunications providers in providing
 1-36 basic local telecommunications service at reasonable rates in high
 1-37 cost rural areas under two plans:
 1-38 (A) the Texas High Cost Universal Service Plan
 1-39 (16 T.A.C. Section 26.403); and
 1-40 (B) the Small and Rural Incumbent Local Exchange
 1-41 Company Universal Service Plan (16 T.A.C. Section 26.404);
 1-42 (2) reimburse the telecommunications carrier that
 1-43 provides the statewide telecommunications relay access service
 1-44 under Subchapter D;
 1-45 (3) finance the specialized telecommunications
 1-46 assistance program established under Subchapter E;
 1-47 (4) reimburse the department [~~, the Texas Commission~~
 1-48 ~~for the Deaf and Hard of Hearing,~~] and the commission for costs
 1-49 incurred in implementing this chapter and Chapter 57;
 1-50 (5) reimburse a telecommunications carrier providing
 1-51 lifeline service as provided by 47 C.F.R. Part 54, Subpart E, as
 1-52 amended;
 1-53 (6) finance the implementation and administration of
 1-54 an integrated eligibility process created under Section 17.007 for
 1-55 customer service discounts relating to telecommunications
 1-56 services, including outreach expenses the commission determines
 1-57 are reasonable and necessary;
 1-58 (7) reimburse a designated provider under Subchapter
 1-59 F;
 1-60 (8) reimburse a successor utility under Subchapter G;

2-1 and

2-2 (9) finance the program established under Subchapter
2-3 H.

2-4 SECTION 3. Subsection (a), Section 56.023, Utilities Code,
2-5 is amended to read as follows:

2-6 (a) The commission shall:

2-7 (1) in a manner that assures reasonable rates for
2-8 basic local telecommunications service, adopt eligibility criteria
2-9 and review procedures, including a method for administrative
2-10 review, the commission finds necessary to fund the universal
2-11 service fund and make distributions from that fund;

2-12 (2) determine which telecommunications providers meet
2-13 the eligibility criteria;

2-14 (3) determine the amount of and approve a procedure
2-15 for reimbursement to telecommunications providers of revenue lost
2-16 in providing tel-assistance service under Subchapter C;

2-17 (4) establish and collect fees from the universal
2-18 service fund necessary to recover the costs the department and the
2-19 commission incur in administering this chapter and Chapter 57;
2-20 [~~and~~]

2-21 (5) approve procedures for the collection and
2-22 disbursal of the revenue of the universal service fund; and

2-23 (6) audit voucher payments and other expenditures made
2-24 under the specialized telecommunications assistance program
2-25 established under Subchapter E.

2-26 SECTION 4. Subsection (a), Section 56.110, Utilities Code,
2-27 is amended to read as follows:

2-28 (a) An advisory committee to assist the commission in
2-29 administering this subchapter is composed of the following persons
2-30 appointed by the commission:

2-31 (1) two persons with disabilities that impair the
2-32 ability to effectively access the telephone network other than
2-33 disabilities described by Subdivisions (2)-(7);

2-34 (2) one deaf person recommended by the Texas Deaf
2-35 Caucus;

2-36 (3) one deaf person recommended by the Texas
2-37 Association of the Deaf;

2-38 (4) one person with a hearing impairment recommended
2-39 by Self-Help for the Hard of Hearing;

2-40 (5) one person with a hearing impairment recommended
2-41 by the American Association of Retired Persons;

2-42 (6) one deaf and blind person recommended by the Texas
2-43 Deaf/Blind Association;

2-44 (7) one person with a speech impairment and one person
2-45 with a speech and hearing impairment recommended by the Coalition
2-46 of Texans with Disabilities;

2-47 (8) two representatives of telecommunications
2-48 utilities, one representing a nonlocal exchange utility and one
2-49 representing a local exchange company, chosen from a list of
2-50 candidates provided by the Texas Telephone Association;

2-51 (9) two persons, at least one of whom is deaf, with
2-52 experience in providing relay services recommended by the
2-53 department [~~Texas Commission for the Deaf and Hard of Hearing~~]; and

2-54 (10) two public members recommended by organizations
2-55 representing consumers of telecommunications services.

2-56 SECTION 5. Section 56.111, Utilities Code, is amended to
2-57 read as follows:

2-58 Sec. 56.111. ADVISORY COMMITTEE DUTIES. The advisory
2-59 committee shall:

2-60 (1) monitor the establishment, administration, and
2-61 promotion of the statewide telecommunications relay access
2-62 service;

2-63 (2) advise the commission in pursuing a service that
2-64 meets the needs of persons with an impairment of hearing or speech
2-65 in communicating with other telecommunications services users; and

2-66 (3) advise the department, at that department's
2-67 request [~~commission and the Texas Commission for the Deaf and Hard~~
2-68 ~~of Hearing, at the request of either commission~~], regarding any
2-69 issue related to the specialized telecommunications assistance

3-1 program established under Subchapter E, including:

3-2 (A) devices or services suitable to meet the
3-3 needs of persons with disabilities in communicating with other
3-4 users of telecommunications services; and

3-5 (B) oversight and administration of the program.

3-6 SECTION 6. Section 56.151, Utilities Code, is amended to
3-7 read as follows:

3-8 Sec. 56.151. SPECIALIZED TELECOMMUNICATIONS ASSISTANCE
3-9 PROGRAM. (a) The executive commissioner, after consulting with
3-10 the department, [~~commission and the Texas Commission for the Deaf~~
3-11 and ~~Hard of Hearing~~] by rule shall establish a specialized
3-12 telecommunications assistance program to provide financial
3-13 assistance to individuals with disabilities that impair the
3-14 individuals' ability to effectively access the telephone network to
3-15 assist the individuals with the purchase of basic specialized
3-16 equipment or services to provide the individuals with telephone
3-17 network access that is functionally equivalent to that enjoyed by
3-18 individuals without disabilities. The executive commissioner
3-19 [~~agencies~~] may adopt [~~joint~~] rules that identify devices and
3-20 services eligible for vouchers under the program.

3-21 (b) The department may contract, as necessary, to implement
3-22 and administer the specialized telecommunications assistance
3-23 program.

3-24 SECTION 7. Section 56.152, Utilities Code, is amended to
3-25 read as follows:

3-26 Sec. 56.152. ELIGIBILITY. The executive commissioner,
3-27 after consulting with the department, [~~Texas Commission for the~~
3-28 ~~Deaf and Hard of Hearing~~] by rule shall prescribe eligibility
3-29 standards for individuals, including deaf individuals and
3-30 individuals who have an impairment of hearing or speech, to receive
3-31 an assistance voucher under the program. To be eligible, an
3-32 individual must be a resident of this state with a disability that
3-33 impairs the individual's ability to effectively access the
3-34 telephone network.

3-35 SECTION 8. Subsections (a), (c), (e), (f), (g), and (h),
3-36 Section 56.153, Utilities Code, are amended to read as follows:

3-37 (a) The department [~~Texas Commission for the Deaf and Hard~~
3-38 ~~of Hearing~~] shall determine a reasonable price for a basic
3-39 specialized telecommunications device that permits, or basic
3-40 specialized services that permit, telephone network access and
3-41 distribute to each eligible applicant a voucher that guarantees
3-42 payment of that amount to a distributor of new specialized
3-43 telecommunications devices described by Section 56.151 or to a
3-44 provider of services described by that section. The department
3-45 [~~Texas Commission for the Deaf and Hard of Hearing~~] may issue a
3-46 voucher for a service only if the service is less expensive than a
3-47 device eligible for a voucher under the program to meet the same
3-48 need.

3-49 (c) The executive commissioner, after consulting with the
3-50 department, [~~commission and the Texas Commission for the Deaf and~~
3-51 ~~Hard of Hearing~~] by rule shall provide that a distributor of devices
3-52 or a provider of services will receive not more than the full price
3-53 of the device or service if the recipient of a voucher exchanges the
3-54 voucher for a device or service that the distributor or provider
3-55 sells for less than the voucher's value.

3-56 (e) Except as provided by rules adopted under this
3-57 subsection, an individual is not eligible for a voucher if the
3-58 department [~~Texas Commission for the Deaf and Hard of Hearing~~] has
3-59 issued a voucher for a device or service to another individual with
3-60 the same type of disability in the individual's household. The
3-61 executive commissioner, after consulting with the department,
3-62 [~~Texas Commission for the Deaf and Hard of Hearing~~] by rule may
3-63 provide for financially independent individuals who reside in a
3-64 congregate setting to be eligible for a voucher regardless of
3-65 whether another individual living in that setting has received a
3-66 voucher.

3-67 (f) The department [~~Texas Commission for the Deaf and Hard~~
3-68 ~~of Hearing~~] shall determine eligibility of each person who files an
3-69 application for a voucher and issue each eligible applicant an

4-1 appropriate voucher.

4-2 (g) The department [~~Texas Commission for the Deaf and Hard~~
4-3 ~~of Hearing~~] shall maintain a record regarding each individual who
4-4 receives a voucher under the program.

4-5 (h) The department [~~Texas Commission for the Deaf and Hard~~
4-6 ~~of Hearing~~] shall deposit money collected under the program to the
4-7 credit of the universal service fund.

4-8 SECTION 9. Section 56.154, Utilities Code, is amended to
4-9 read as follows:

4-10 Sec. 56.154. DEPARTMENT [~~COMMISSION~~] DUTIES. (a) Not
4-11 later than the 45th day after the date the department [~~commission~~]
4-12 receives a voucher a telecommunications device distributor
4-13 presents for payment or a voucher a telecommunications service
4-14 provider presents for payment, the department [~~commission~~] shall
4-15 pay to the distributor or service provider the lesser of the value
4-16 of a voucher properly exchanged for a specialized
4-17 telecommunications device or service or the full price of the
4-18 device or service for which a voucher recipient exchanges the
4-19 voucher. The payments must be made from the universal service fund.

4-20 (b) The department [~~commission~~] may investigate whether the
4-21 presentation of a voucher for payment represents a valid
4-22 transaction for a telecommunications device or service under the
4-23 program. [~~The Texas Commission for the Deaf and Hard of Hearing~~
4-24 ~~shall cooperate with and assist the commission in an investigation~~
4-25 ~~under this subsection.~~]

4-26 (c) Notwithstanding Section 56.153(a), the department
4-27 [~~commission~~] may:

4-28 (1) delay payment of a voucher to a distributor of
4-29 devices or a service provider if there is a dispute regarding the
4-30 amount or propriety of the payment or whether the device or service
4-31 is appropriate or adequate to meet the needs of the person to whom
4-32 the department [~~Texas Commission for the Deaf and Hard of Hearing~~]
4-33 issued the voucher until the dispute is resolved;

4-34 (2) provide that payment of the voucher is conditioned
4-35 on the return of the payment if the device is returned to the
4-36 distributor or if the service is not used by the person to whom the
4-37 voucher was issued; and

4-38 (3) provide an alternative dispute resolution process
4-39 for resolving a dispute regarding a subject described by
4-40 Subdivision (1) or (2).

4-41 (d) The executive commissioner, after consulting with the
4-42 department, may adopt rules to implement this section.

4-43 SECTION 10. Section 56.156, Utilities Code, is amended to
4-44 read as follows:

4-45 Sec. 56.156. PROMOTION OF PROGRAM. The department [~~Texas~~
4-46 ~~Commission for the Deaf and Hard of Hearing~~] may promote the program
4-47 established under this subchapter by means of participation in
4-48 events, advertisements, pamphlets, brochures, forms, pins, or
4-49 other promotional items or efforts that provide contact information
4-50 for persons interested in applying for a voucher under the program.

4-51 SECTION 11. (a) On the effective date of this Act, the
4-52 following are transferred from the Public Utility Commission of
4-53 Texas to the Department of Assistive and Rehabilitative Services:

4-54 (1) the powers, duties, functions, programs, and
4-55 activities of the Public Utility Commission of Texas relating to
4-56 the specialized telecommunications assistance program established
4-57 under Subchapter E, Chapter 56, Utilities Code, other than the
4-58 powers and duties of the commission specified by Section 56.155,
4-59 Utilities Code;

4-60 (2) all obligations and contracts of the Public
4-61 Utility Commission of Texas that are related to a power, duty,
4-62 function, program, or activity transferred under this subsection;
4-63 and

4-64 (3) all property and records in the custody of the
4-65 Public Utility Commission of Texas that are related to a power,
4-66 duty, function, program, or activity transferred under this
4-67 subsection and all funds appropriated by the legislature for that
4-68 power, duty, function, program, or activity.

4-69 (b) A rule or form adopted by the Public Utility Commission

5-1 of Texas that relates to a power, duty, function, program, or
5-2 activity transferred under Subsection (a) of this section is a rule
5-3 or form of the Department of Assistive and Rehabilitative Services
5-4 and remains in effect until altered by the executive commissioner
5-5 of the Health and Human Services Commission.

5-6 (c) A reference in law to the Public Utility Commission of
5-7 Texas that relates to a power, duty, function, program, or activity
5-8 transferred under Subsection (a) of this section means the
5-9 Department of Assistive and Rehabilitative Services.

5-10 SECTION 12. This Act takes effect September 1, 2013.

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