SECTION 2.  (a) The Expanded Learning Opportunities Council shall submit the initial report required under Subchapter G, Chapter 33, Education Code, as added by this Act, not later than November 1, 2014.

(b) Not later than December 31, 2013, the commissioner of education shall appoint the members of the Expanded Learning Opportunities Council under Subchapter G, Chapter 33, Education Code, as added by this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed the Senate on April 18, 2013: Yeas 31, Nays 0; the Senate concurred in House amendment on May 22, 2013: Yeas 31, Nays 0; passed the House, with amendment, on May 17, 2013: Yeas 125, Nays 9, two present not voting.

Approved June 14, 2013.

Effective June 14, 2013.

CHAPTER 532
S.B. No. 512
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:


(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 56;

(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;
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. Subsection (a), Section 56.023, 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 service fund and make distributions from that fund;
(2) determine which telecommunications providers meet the eligibility criteria;
(3) determine the amount of and approve a procedure for reimbursement to telecommunications providers of revenue lost in providing tel-assistance service under Subchapter C;
(4) establish and collect fees from the universal service fund necessary to recover the costs the department and the commission incur in administering this chapter and Chapter 57; and
(5) approve procedures for the collection and disbursal of the revenue of the universal service fund; and
(6) audit voucher payments and other expenditures made under the specialized telecommunications assistance program established under Subchapter E.

SECTION 4. Subsection (a), Section 56.110, Utilities Code, is amended to read as follows:
(a) An advisory committee to assist the commission in administering this subchapter is composed of the following persons appointed by the commission:
(1) two persons with disabilities that impair the ability to effectively access the telephone network other than disabilities described by Subdivisions (2)–(7);
(2) one deaf person recommended by the Texas Deaf Caucus;
(3) one deaf person recommended by the Texas 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 in communicating with other telecommunications services users; and
(3) advise the department, at that department’s request [commission and the Texas Commission for the Deaf and Hard of Hearing, at the request of either commission],
regarding any issue related to the specialized telecommunications assistance program established under Subchapter E, including:

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

(B) oversight and administration of the program.

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

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

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

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

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

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

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

(c) The executive commissioner, after consulting with the department, [Texas Commission for the Deaf and Hard of Hearing] by rule shall provide that a distributor of devices 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 the 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 later than the 45th day after the date the department [commission] receives a voucher a telecommunications device distributor presents for payment or a voucher a telecommunications service provider presents for payment, the department [commission] shall pay to the distributor or service provider the lesser of the value of a voucher properly exchanged for a specialized telecommunication device or service or the full price of the device or service for which a voucher recipient exchanges the voucher. The payments must be made from the universal service fund.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 12. This Act takes effect September 1, 2013.
CHAPTER 533
S.B. No. 516
AN ACT relating to the distribution of ale by certain brewers.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. The legislature finds that:

(1) the state is authorized under the Twenty-first Amendment of the United States Constitution to promote the public's interest in the fair, efficient, and competitive marketing of ale in this state;

(2) the United States Supreme Court in Granholm v. Heald, 544 U.S. 460 (2005), has recognized that the three-tier system of regulating the alcoholic beverage industry is unquestionably legitimate;

(3) in Granholm, the United States Supreme Court further recognized that while the states are entitled to regulate the production and sale of liquor within their borders, the right is nonetheless subject to the provisions of the Constitution of the United States, including the Interstate Commerce Clause, and laws regulating the alcoholic beverage industry may not discriminate against out-of-state participants or give undue deference to local participants and may not ignore other provisions of the constitution, including the Supremacy Clause, Commerce Clause, and the Privileges and Immunities Clause with its nondiscriminatory principles;

(4) the state is authorized to promote, market, and educate consumers about the emerging small brewing industry;

(5) it is in the state's interest to encourage entrepreneurial and small business development opportunities in the state that will lead to new capital investment in the state, create new jobs in the state, and expand the state and local tax base; and

(6) it is the public policy of the state to exercise the police power of the state to protect the welfare, health, peace, temperance, and safety of the people of Texas.

SECTION 2. Subtitle A, Title 3, Alcoholic Beverage Code, is amended by adding Chapter 12A to read as follows:

CHAPTER 12A. BREWER'S SELF-DISTRIBUTION PERMIT

Sec. 12A.01. ELIGIBILITY FOR PERMIT. A brewer's self-distribution permit may be issued only to the holder of a brewer's permit under Chapter 12 or the holder of a nonresident brewer's permit under Chapter 13.

Sec. 12A.02. AUTHORIZED ACTIVITIES. (a) A holder of a brewer's self-distribution permit whose annual production of ale under the brewer's or nonresident brewer's permit, together with the annual production of beer by the holder of a manufacturer's or nonresident manufacturer's license at the same premises, does not exceed 125,000 barrels may sell ale produced under the brewer's or nonresident brewer's permit to those persons to whom the holder of a general class B wholesaler's permit may sell ale under Section 20.01(3).

(b) The total combined sales of ale under this section, together with the sales of beer by the holder of a manufacturer's self-distribution license under Section 62A.02 at the same premises, may not exceed 40,000 barrels annually.