

BILL ANALYSIS

Senate Research Center
82R12590 ADM-D

C.S.S.B. 512
By: Carona
Business & Commerce
3/5/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Specialized Telecommunications Assistance Program (STAP) is a statewide program that provides financial assistance for the purchase of specialized assistive equipment or services for Texans with disabilities that interfere with their ability to access the telephone network, such as deaf, blind, or hard of hearing. Currently, STAP is bifurcated between the Department of Assistive and Rehabilitative Services' Office of Deaf and Hard of Hearing Services (DHHS) and the Public Utility Commission (PUC). This causes program inefficiencies resulting from the program being administered under two sets of agency rules and procedures.

Currently, applications for specialized assistive equipment or services are reviewed by DHHS to determine whether the applicant is eligible as defined by rule or statute. Qualifying applicants are sent a voucher for the purchase of equipment or services. The value of all vouchers are determined by DHHS. PUC is the administrator of the Texas Universal Service Fund, which is the funding source for vendor reimbursements. PUC is responsible for STAP vendor registration and reimbursement, and also assists in resolving problems between a STAP voucher recipient and a vendor.

In order to increase the efficiency and effectiveness of STAP, C.S.S.B. 512 transfers all of the duties of the program to DHHS beginning in fiscal year 2014. C.S.S.B. 512 also gives PUC, as administrator of the Texas Universal Service Fund, statutory authority to audit vendors and set the surcharge that utilities are permitted to add to a customers' bills to recover the STAP related assessments.

C.S.S.B. 512 amends current law relating to the specialized telecommunications assistance program.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Public Utility Commission (PUC) is modified in SECTION 2 (Section 56.021, Utilities Code) of this bill.

Rulemaking authority previously granted to PUC and the Texas Commission for the Deaf and Hard of Hearing (TCDHH) is transferred to the executive commissioner of the Health and Human Services Commission (executive commissioner) in SECTION 6 (Section 56.151, Utilities Code) and SECTION 8 (Section 56.153, Utilities Code) of this bill.

Rulemaking authority previously granted to TCDHH is transferred to the executive commissioner in SECTION 7 (Section 56.152, Utilities Code) and SECTION 8 (Section 56.153, Utilities Code) of this bill.

Rulemaking authority is expressly granted to the executive commissioner in SECTION 9 (Section 56.154, Utilities Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 56.001, Utilities Code, by amending Subdivision (1) to redefine "department" and adding Subdivision (2-a) to define "executive commissioner."

SECTION 2. Amends Section 56.021, Utilities Code, to require the Public Utility Commission (PUC) to adopt and enforce rules requiring local exchange companies to establish a universal service fund for certain purposes, including to reimburse the Department of Assistive and Rehabilitative Services (DARS) and PUC, rather than to reimburse DARS, the Texas Commission for the Deaf and Hard of Hearing (TCDHH), and PUC, for costs incurred in implementing this chapter and Chapter 57 (Distance Learning and Other Advanced Services).

SECTION 3. Amends Section 56.023(a), Utilities Code, to add auditing voucher payments and other expenditures made under the specialized telecommunications assistance program established under Subchapter E (Specialized Telecommunications Assistance Program) to the list of duties required of PUC in this section.

SECTION 4. Amends Section 56.110(a), Utilities Code, to provide that the advisory committee to assist PUC in administering this subchapter is composed of certain persons appointed by PUC, including two persons, at least one of whom is deaf, with experience in providing relay services recommended by DARS, rather than TCDHH.

SECTION 5. Amends Section 56.111, Utilities Code, to require the advisory committee to perform certain duties, including, to advise DARS, at DARS' request, rather than to advise PUC and TCDHH, at the request of either commission, regarding any issue related to the specialized telecommunications assistance program established under Subchapter E, including devices or services suitable to meet the needs of persons with disabilities in communicating with other users of telecommunication services and oversight and administration of the program.

SECTION 6. Amends Section 56.151, Utilities Code, as follows:

Sec. 56.151. SPECIALIZED TELECOMMUNICATIONS ASSISTANCE PROGRAM.

(a) Creates this subsection from existing text. Requires the executive commissioner of the Health and Human Services Commission (executive commissioner), after consulting with DARS, rather than requiring PUC and TCDHH, to, by rule 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. Authorizes the executive commissioner to adopt rules, rather than authorizing PUC and TCDHH to adopt joint rules that identify devices and services eligible for vouchers under the program.

(b) Authorizes DARS to contract, as necessary, to implement and administer the specialized telecommunications assistance program.

SECTION 7. Amends Section 56.152, Utilities Code, to require the executive commissioner, after consulting with DARS to by rule prescribe, rather than requiring TCDHH to by rule prescribe, eligibility standards for individuals, including deaf individuals and individual who have an impairment of hearing or speech, to receive an assistance voucher under the program.

SECTION 8. Amends Sections 56.153(a), (c), (e), (f), (g), and (h), Utilities Code, as follows:

(a) Makes conforming changes.

(c) Requires the executive commissioner, after consulting with DARS to by rule provide, rather than requiring PUC and TCDHH to by rule 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 a device or service that the distributor or provider sells for less than the voucher's value.

(e) Provides that, except as provided by rules adopted under this subsection, an individual is not eligible for a voucher if DARS, rather than TCDHH, has issued a voucher for a device or service to another individual with the same type of disability in the individual's household. Authorizes the executive commissioner, after consulting with DARS, to by

rule provide, rather than TCDHH to by rule 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)-(h) Changes references from TCDHH to DARS.

SECTION 9. Amends Section 56.154, Utilities Code, as follows:

Sec. 56.154. New heading: DEPARTMENT DUTIES. (a) Changes references from PUC to DARS.

(b) Makes a conforming change. Deletes existing text requiring TCDHH to cooperate with and assist PUC in an investigation under this subsection.

(c) Authorizes DARS, rather than PUC, to implement certain procedures, including to 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 DARS, rather than TCDHH, issued the voucher until the dispute is resolved, notwithstanding Section 56.153(a).

(d) Authorizes the executive commissioner, after consulting with DARS, to adopt rules to implement this section.

SECTION 10. Amends Section 56.156, Utilities Code, to authorize DARS, rather than TCDHH, to promote the program established under this subchapter by means of participation in certain promotional items or efforts.

SECTION 11. (a) Provides that, on the effective date of this Act, the following are transferred from PUC to DARS:

(1) the powers, duties, functions, programs, and activities of PUC relating to the specialized telecommunications assistance program established under Subchapter E (Specialized Telecommunications Assistance Program), Chapter 56 (Telecommunications Assistance and Universal Service Fund), Utilities Code, other than the powers and duties of PUC specified by Section 56.155 (Recovery of Specialized Telecommunications Device Assistance Program Surcharge), Utilities Code; and

(2) all obligations and contracts of PUC 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 PUC 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) Provides that a rule or form adopted by PUC that relates to a power, duty, function, program, or activity transferred under Subsection (a) of this section is a rule or form of DARS and remains in effect until altered by the executive commissioner.

(c) Provides that a reference in law to PUC that relates to a power, duty, function, program, or activity transferred under Subsection (a) of this section means DARS.

SECTION 12. Effective date: September 1, 2013.