

BILL ANALYSIS

Senate Research Center
77R10912 JJT-D

H.B. 2345
By: Naishtat (Fraser)
Business & Commerce
4/29/2001
Engrossed

DIGEST AND PURPOSE

The Texas Commission for the Deaf and Hard of Hearing operates a specialized telecommunications device assistance program (program) to provide vouchers for specialized telecommunications equipment to individuals who have a disability that interferes with their ability to access the telephone network. H.B. 2345 modifies provisions regarding the program and removes the \$35 fee that is required for an individual to receive a voucher.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission for the Deaf and Hard of Hearing in SECTION 3 (Section 56.153, Utilities Code) and to the Public Utility Commission of Texas in SECTION 6, of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 56.151, Utilities Code, to require the commission and the Texas Commission for the Deaf and Hard of Hearing by rule to 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, rather than enable, 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.

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

Sec. 56.152. ELIGIBILITY. Requires that 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. Deletes language regarding access to a telephone line.

SECTION 3. Amends Sections 56.153(a), (d), (e), and (f), Utilities Code, as follows:

(a) Requires the Texas Commission for the Deaf and Hard of Hearing to 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.

(d) Provides that an individual who has exchanged a voucher for a specialized telecommunications device is not eligible to receive another voucher before the fifth, rather than seventh, anniversary of the date the individual exchanged the previously issued voucher unless, before that date, the recipient develops a need for a different type of telecommunications device or service under the program because the recipient's disability changes or the recipient acquires another disability.

(e) Provides that, except as provided by rules adopted under this subsection, an individual is not eligible for a voucher if the 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. Authorizes the Texas Commission for the Deaf and Hard of Hearing by rule to 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) Requires the Texas Commission for the Deaf and Hard of Hearing to determine eligibility of each person who files an application for a voucher and issue each eligible applicant an appropriate voucher. Deletes language regarding a fee.

SECTION 4. Amends Chapter 56E, Utilities Code, by adding Section 56.156, as follows:

Sec. 56.156. **PROMOTION OF PROGRAM.** Authorizes the Public Utility Commission of Texas (commission) to 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 5. Amends Section 55.203, Utilities Code, by adding Subsection (g), to require the rules adopted under Subsection (d) to provide that a telecommunications utility that publishes and distributes to the public a residential or business telephone directory to list prominently in the directory the contact information for the specialized telecommunications assistance program established under Chapter 56E.

SECTION 6. Requires the Public Utility Commission of Texas to as soon as is practicable after the effective date of this Act, to adopt rules under Subchapter E, Chapter 56, Utilities Code, as amended by this Act, to conform the specialized telecommunications assistance program established under that subchapter to the changes in law made by this Act and adopt rules under Section 55.203(g), Utilities Code, as added by this Act, promptly and make them apply to directories published on or after January 1, 2002.

SECTION 7. Effective date: September 1, 2001.