

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 16-1193.01 Jennifer Berman x3286

HOUSE BILL 16-1414

HOUSE SPONSORSHIP

Rankin, Hamner, Young

SENATE SPONSORSHIP

Steadman, Grantham, Lambert

House Committees
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ASSESSMENT OF A MONTHLY SURCHARGE ON**
102 **CUSTOMERS OF VOICE TELECOMMUNICATIONS PROVIDERS TO**
103 **FUND TELECOMMUNICATIONS RELAY SERVICES FOR TELEPHONE**
104 **USERS WITH DISABILITIES, AND, IN CONNECTION THEREWITH,**
105 **MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Joint Budget Committee. Telecommunications relay services are telecommunications services that provide 2-way communication for

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
April 1, 2016

HOUSE
Amended 2nd Reading
March 31, 2016

individuals with hearing or speech disabilities. Telecommunications relay services are funded in Colorado through the Colorado disabled telephone users fund (fund). Money in the fund is provided through a surcharge that the public utilities commission (commission) assesses on each telephone landline in Colorado. **Section 4** of the bill renames the fund the Colorado telephone users with disabilities fund, with conforming amendments in **sections 1, 5, and 6.**

Sections 2 and 3 apply the surcharge to customers of mobile wireless providers, referred to as commercial mobile radio service providers, and voice-over-internet protocol service providers in Colorado.

Section 7 appropriates \$172,778 in the 2016-17 state fiscal year from the Colorado telephone users with disabilities fund to the Colorado commission for the deaf and hard of hearing cash fund and reappropriates the money to the department of human services for implementation of the bill by the Colorado commission for the deaf and hard of hearing.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 40-17-101 as
3 follows:


4 **40-17-101. Legislative declaration.** (1) The general assembly
5 hereby finds, determines, and declares that many of Colorado's residents
6 are unable to utilize telecommunications facilities without assistance and
7 are therefore ~~disabled~~ telephone users ~~Disabled~~ WITH DISABILITIES.
8 Telephone users WITH DISABILITIES include ~~but are not limited to~~, the
9 deaf, the hard of hearing, the speech-impaired, the deaf-blind, and those
10 with central nervous system disabilities. ~~Disabled~~ Telephone users WITH
11 DISABILITIES constitute a substantial and valuable resource within the
12 United States and the state of Colorado, and this segment of our
13 population needs access to telecommunications facilities in order to be
14 contributing and productive members of our society. The role of
15 telecommunications in our world today is inestimable.
16 Telecommunications is the primary vehicle of commerce and industry, the
17 means to convey and receive information and knowledge, and is one of

1 the ways we communicate with others on a personal as well as business
2 level. Telecommunications results in greater independence and
3 self-sufficiency by expanding the channels for employment opportunities,
4 the market for goods and services, human contact, and fellowship.
5 ~~Disabled~~ Telephone users WITH DISABILITIES should have equal access to
6 this critical tool, not only for their own sake, but for the benefit of society
7 at large. The ability to use telecommunications will enhance the business
8 and personal lives of ~~disabled~~ telephone users WITH DISABILITIES while
9 stimulating and promoting economic development in Colorado. The
10 general assembly recognizes the vitality and potential of Colorado's
11 ~~disabled~~ INDIVIDUALS WITH DISABILITIES, including ~~disabled~~ telephone
12 users WITH DISABILITIES. Telecommunications is vital to our society, and
13 SUPPORTING its availability to ~~disabled~~ telephone users WITH DISABILITIES
14 is ~~an~~ A BENEFICIAL investment of ~~benefit~~ to FOR all of Colorado.

15 (2) The general assembly therefore concludes that it is appropriate
16 to provide access to telecommunications for ~~disabled~~ telephone users
17 WITH DISABILITIES by establishing telecommunications relay services that
18 replace and expand the dual party relay system required pursuant to this
19 article as ~~said~~ THE article existed prior to July 1, 1992.

20 **SECTION 2.** In Colorado Revised Statutes, 40-17-102, **amend**
21 **(4); repeal (2); and add (5)** as follows:

22 **40-17-102. Definitions.** As used in this article, unless the context
23 otherwise requires:

24 
25 (2) ~~"Local exchange company" means a telecommunications~~
26 ~~company that provides telephone access lines to members of the general~~
27 ~~public who are its customers.~~

1 (4) "Telephone access line" means ~~the access to the local~~
2 ~~exchange network from the premises of an end user customer of a local~~
3 ~~exchange company to the telecommunications network to effect the~~
4 ~~transfer of information~~ EACH VOICE GRADE CHANNEL OR ITS EQUIVALENT
5 ASSIGNED TO A RESIDENTIAL OR COMMERCIAL END USER CUSTOMER BY A
6 VOICE SERVICE PROVIDER, REGARDLESS OF THE TECHNOLOGY USED TO
7 PROVIDE THE SERVICE.

8 (5) "VOICE SERVICE PROVIDER" MEANS A COMPANY THAT PROVIDES
9 TELEPHONE ACCESS LINES TO MEMBERS OF THE GENERAL PUBLIC WHO ARE
10 ITS CUSTOMERS FOR VOICE SERVICE.

11 **SECTION 3.** In Colorado Revised Statutes, 40-17-103, **amend**
12 (3) introductory portion, (3) (a), (3) (b), (3) (c), (3) (e), and (3) (f); and
13 **add** (3) (g) as follows:

14 **40-17-103. Commission - powers and duties - rules.** (3) The
15 commission shall, through the promulgation of rules, develop and
16 implement a mechanism to recover its costs and the cost to ~~local~~
17 ~~exchange companies~~ VOICE SERVICE PROVIDERS in implementing and
18 administering telecommunications relay services required by this article.
19 The mechanism ~~shall~~ MUST, at a minimum, provide for the following:

20 (a) (I) The assessment of a monthly surcharge NOT TO EXCEED
21 FIFTEEN CENTS on each telephone access line, ~~which~~ WHEREBY EACH
22 VOICE GRADE CHANNEL OF A MULTILINE VOICE COMMUNICATIONS SERVICE
23 THAT IS CAPABLE OF SIMULTANEOUS OUTBOUND CALLING CONSTITUTES A
24 SEPARATE TELEPHONE ACCESS LINE; HOWEVER, THE NUMBER OF
25 TELEPHONE ACCESS LINES FOR WHICH A CUSTOMER MAY BE ASSESSED A
26 MONTHLY SURCHARGE CANNOT EXCEED THE NUMBER OF OUTBOUND VOICE
27 CALLS THAT THE VOICE SERVICE PROVIDER HAS ENABLED AND ACTIVATED

1 TO BE MADE SIMULTANEOUSLY.

2 (II) THE MONTHLY surcharge may be adjusted by the commission
3 in accordance with paragraph (d) of this subsection (3).

4 (III) WITHOUT EXCEEDING THE MAXIMUM MONTHLY SURCHARGE
5 SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), the monthly
6 surcharge shall MUST be an amount sufficient to:

7 (A) Reimburse the commission for its costs in developing,
8 implementing, and administering telecommunications relay services;
9 ~~which administrative costs shall not exceed three percent of the total~~
10 ~~costs, to~~

11 (B) Reimburse ~~local exchange companies~~ VOICE SERVICE
12 PROVIDERS for their administrative costs in imposing and collecting the
13 surcharge; ~~and to~~

14 (C) Cover the costs of providers in rendering the service; AND

15 (D) PURSUANT TO SECTION 40-17-104, COVER ANNUAL
16 APPROPRIATIONS TO THE READING SERVICES FOR THE BLIND CASH FUND
17 AND THE COLORADO COMMISSION FOR THE DEAF AND HARD OF HEARING
18 CASH FUND.

19 (b) A requirement that the monthly surcharge be imposed upon
20 and collected from each individual telephone access line provided by a
21 ~~local exchange company~~ VOICE SERVICE PROVIDER;

22 (c) A requirement that the surcharge be listed OR INCLUDED as a
23 separate item that appears on each customer's monthly billing statement;

24 (e) The authority of a ~~local exchange company~~ VOICE SERVICE
25 PROVIDER to deduct and retain as reimbursement for its administrative
26 costs an amount not to exceed three-quarters of one percent of the amount
27 of total monthly surcharges collected by ~~such local exchange company~~ A

1 VOICE SERVICE PROVIDER. In addition, the mechanism shall MUST include
2 a requirement that any remaining amount of moneys MONEY be
3 transmitted to the state treasurer who shall credit the same MONEY to the
4 Colorado disabled telephone users WITH DISABILITIES fund created by
5 section 40-17-104.

6 (f) A requirement that each local-exchange-company VOICE
7 SERVICE PROVIDER maintain a record of the monthly surcharge imposed
8 on each customer and collected by the local-exchange-company VOICE
9 SERVICE PROVIDER. The record of any monthly surcharge imposed and
10 collected shall be maintained for three years from the date of billing. The
11 commission may require an audit of a local-exchange-company's VOICE
12 SERVICE PROVIDER'S records, which audit shall MUST be at the
13 commission's expense.

14 (g) THE SURCHARGE IMPOSED BY THIS SECTION SHALL NOT BE
15 IMPOSED ON THE PROVIDER OR THE CONSUMER OF FEDERALLY SUPPORTED
16 LIFELINE SERVICE.

17 **SECTION 4.** In Colorado Revised Statutes, 40-17-104, **amend**
18 (1) and (4) (a) as follows:

19 **40-17-104. Colorado telephone users with disabilities fund -**
20 **creation - purpose.** (1) Except as otherwise authorized to be retained by
21 section 40-17-103 (3) (e), all moneys MONEY collected by the local
22 exchange-companies VOICE SERVICE PROVIDERS in accordance with said
23 section 40-17-103 shall be transmitted to the state treasurer, who shall
24 credit the same MONEY to the Colorado disabled telephone users WITH
25 DISABILITIES fund, which fund is hereby created and is referred to in this
26 article as the "fund". ~~On July 1, 1992, any moneys in the Colorado~~
27 ~~disabled telephone users fund created by section 40-17-103, as said~~

1 ~~section existed prior to July 1, 1992, shall be credited to the fund as~~
2 ~~created by this section.~~ The general assembly shall make annual
3 appropriations out of ~~such~~ THE fund for the administration of the fund and
4 shall make annual appropriations to the reading services for the blind cash
5 fund, created in section 24-90-105.5 (5), C.R.S., for use by the state
6 librarian in support of privately operated reading services for ~~the~~ PEOPLE
7 WHO ARE blind. The ~~moneys~~ MONEY in ~~such~~ THE fund not used for
8 administration of ~~such~~ THE fund, not used for the reading services for the
9 blind cash fund, and not used for the Colorado commission for the deaf
10 and hard of hearing cash fund created in section 26-21-107, C.R.S., ~~are~~
11 IS hereby continuously appropriated to the public utilities commission for
12 the reimbursement of providers who render telecommunications services
13 authorized by this article.

14 (4) (a) Notwithstanding any provision of subsection (1) of this
15 section to the contrary, the general assembly shall make annual
16 appropriations from the Colorado ~~disabled~~ telephone users WITH
17 DISABILITIES fund to the Colorado commission for the deaf and hard of
18 hearing cash fund, created in section 26-21-107, C.R.S.

19 **SECTION 5.** In Colorado Revised Statutes, **add 40-17-105** as
20 follows:

21 **40-17-105. Noneffect of article on method of regulation.**

22 (1) **NOTHING IN THIS ARTICLE:**

23 (a) **AFFECTS THE METHOD OF REGULATION OF PROVIDERS OF**
24 **TELECOMMUNICATIONS OR VOICE-OVER-INTERNET-PROTOCOL SERVICE BY**
25 **THE COMMISSION, AS SET FORTH IN ARTICLE 15 OF THIS TITLE; OR**

26 (b) **GRANTS TO THE COMMISSION ANY ABILITY TO ASSERT**
27 **JURISDICTION REGARDING ANY TELECOMMUNICATIONS OR**

1 VOICE-OVER-INTERNET-PROTOCOL SERVICE PROVIDER FOR ANY PURPOSE
2 OTHER THAN THE PURPOSES SPECIFICALLY DESCRIBED IN THIS ARTICLE.

3 SECTION 6. In Colorado Revised Statutes, 24-75-402, amend
4 (5) (s) as follows:

5 24-75-402. Cash funds - limit on uncommitted reserves -
6 reduction in amount of fees - exclusions - repeal. (5) Notwithstanding
7 any provision of this section to the contrary, the following cash funds are
8 excluded from the limitations specified in this section:

9 (s) The Colorado disabled telephone users WITH DISABILITIES fund
10 created in section 40-17-104, C.R.S., until this paragraph (s) is repealed,
11 effective July 1, 2017;

12 SECTION 7. In Colorado Revised Statutes, 26-21-106, amend
13 (6) as follows:

14 26-21-106. Powers, functions, and duties of the commission -
15 equipment distribution program. (6) The commission shall establish
16 and maintain an active outreach consultant for technical assistance to
17 improve and ensure equivalent access to auxiliary services by critical state
18 and local government agencies, private agencies, and other entities and
19 to increase awareness of the programs for and rights of INDIVIDUALS WHO
20 ARE deaf and hard of hearing individuals from moneys MONEY
21 appropriated by the general assembly from the Colorado disabled
22 telephone users WITH DISABILITIES fund established pursuant to section
23 40-17-104, C.R.S.

24 SECTION 8. Appropriation. (1) For the 2016-17 state fiscal
25 year, \$172,778 is appropriated to the Colorado commission for the deaf
26 and hard of hearing cash fund created in section 26-21-107 (1), C.R.S.
27 This appropriation is from the Colorado telephone users with disabilities

1 fund created in section 40-17-104 (1), C.R.S. The department of
2 regulatory agencies is responsible for the accounting related to this
3 appropriation.

4 (2) For the 2016-17 state fiscal year, \$172,778 is appropriated to
5 the department of human services. This appropriation is from
6 reappropriated funds in the Colorado commission for the deaf and hard
7 of hearing cash fund under subsection (1) of this section, and is based on
8 an assumption that the department will require an additional 2.0 FTE. To
9 implement this act, the department may use this appropriation for the
10 Colorado commission for the deaf and hard of hearing.

11 **SECTION 9. Effective date - applicability.** This act takes effect
12 July 1, 2016, and applies to surcharges assessed on or after said date.

13 **SECTION 10. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.