

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 21-0826.01 Thomas Morris x4218

SENATE BILL 21-216

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Senate Committees
Appropriations

House Committees
Appropriations

HOUSE
3rd Reading Unamended
April 19, 2021

A BILL FOR AN ACT

101 **CONCERNING THE COLORADO COMMISSION FOR THE DEAF, HARD OF**
102 **HEARING, AND DEAFBLIND, AND, IN CONNECTION THEREWITH,**
103 **PROVIDING AUXILIARY SERVICES IN RURAL AREAS OF THE STATE**
104 **FOR PERSONS WHO ARE DEAF, HARD OF HEARING, OR DEAFBLIND**
105 **AND REMOVING THE REQUIREMENT THAT A NOT-FOR-PROFIT**
106 **ENTITY MUST BE A COMMUNITY-BASED ORGANIZATION TO BE**
107 **ELIGIBLE TO APPLY TO THE COMMISSION FOR GRANT MONEY.**

HOUSE
2nd Reading Unamended
April 15, 2021

SENATE
3rd Reading Unamended
April 9, 2021

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://leg.colorado.gov/>.)

SENATE
2nd Reading Unamended
April 8, 2021

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

Joint Budget Committee. Section 1 of the bill is a nonstatutory legislative declaration stating the critical need for the provision and financing of auxiliary services throughout rural areas of the state. Auxiliary services are aids and services that assist in effective communication with a person who is deaf, hard of hearing, or deafblind.

Section 2 requires the Colorado commission for the deaf, hard of hearing, and deafblind (commission) to arrange for the provision of auxiliary services in rural areas of the state, including the provision of training and outreach regarding the auxiliary services. The commission is required to report annually on the program to the joint budget committee.

Section 3 amends the definition of "entity" regarding entities eligible to apply to the commission for grant money to remove the requirement that a not-for-profit organization must be a community-based organization to be eligible to apply for grant money.

Section 4 directs the public utilities commission to implement a cost-recovery mechanism to support the provision of auxiliary services in rural areas of the state.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Auxiliary services are aids and services that assist in effective
5 communication with a person who is deaf, hard of hearing, or deafblind;

6 (b) There is a severe shortage of auxiliary services available in
7 rural parts of the state;

8 (c) While the federal "Americans with Disabilities Act of 1990",
9 42 U.S.C. sec. 12101 et seq., requires governmental entities and private
10 businesses to provide auxiliary services free of charge to auxiliary
11 services users, it is difficult for local governments and businesses in rural
12 areas to cover the extensive costs associated with providing auxiliary
13 services, including travel, to rural areas; and

14 (d) To help level the playing field for all persons who are deaf,
15 hard of hearing, or deafblind in the state, it is imperative that the state

1 develop a statewide program to help organize, dispatch, and finance the
2 provision of auxiliary services throughout rural areas of the state.

3 **SECTION 2.** In Colorado Revised Statutes, 26-21-106, **add** (9)
4 as follows:

5 **26-21-106. Powers, functions, and duties of commission -**
6 **community access program - report - definitions - rules.** (9) (a) THE
7 COMMISSION SHALL ARRANGE FOR THE PROVISION OF AUXILIARY SERVICES
8 IN RURAL AREAS OF THE STATE BY PERFORMING THE FOLLOWING
9 FUNCTIONS:

10 (I) COORDINATING ON A STATEWIDE BASIS THE DAY-TO-DAY
11 SCHEDULING FOR AUXILIARY SERVICES TO BE PROVIDED IN RURAL AREAS;

12 (II) CREATING AND MANAGING A PROCESS FOR THE INTAKE AND
13 FULFILLMENT OF REQUESTS FOR AUXILIARY SERVICES IN RURAL AREAS,
14 INCLUDING THE IDENTIFICATION, COORDINATION, AND APPOINTMENT OF
15 AUXILIARY SERVICES PROVIDERS TO MEET THE NEEDS OF ALL PARTIES
16 INVOLVED IN THE PROCEEDING, EVENT, OR CIRCUMSTANCE FOR WHICH A
17 REQUEST IS MADE;

18 (III) CREATING AND MANAGING EFFICIENT AND CONSISTENT
19 PROCESSES THROUGH WHICH AN AUXILIARY SERVICES PROVIDER MAY
20 SUBMIT REQUIRED DOCUMENTATION AND RECEIVE PAYMENT FOR
21 AUXILIARY SERVICES PROVIDED;

22 (IV) TO RESOLVE ANY ISSUES THAT ARISE WITH REGARD TO
23 AUXILIARY SERVICES, COMMUNICATING WITH AUXILIARY SERVICES USERS,
24 AUXILIARY SERVICES PROVIDERS, AND APPOINTING AUTHORITIES, AS
25 DEFINED IN SECTION 13-90-202 (1), IN THE RURAL AREAS IN WHICH
26 AUXILIARY SERVICES ARE REQUESTED OR ARE BEING PROVIDED PURSUANT
27 TO THIS SUBSECTION (9);

1 (V) PROVIDING TRAINING OPPORTUNITIES FOR POTENTIAL
2 AUXILIARY SERVICES PROVIDERS WHO ARE WILLING TO ACCEPT
3 ASSIGNMENTS IN RURAL AREAS;

4 (VI) AWARDING SCHOLARSHIPS FOR POTENTIAL AUXILIARY
5 SERVICES PROVIDERS' EDUCATION, INTERNSHIPS, AND CERTIFICATION
6 TESTING FOR QUALIFIED PROGRAMS;

7 (VII) CONDUCTING OUTREACH TO RURAL USERS IN NEED OF
8 AUXILIARY SERVICES AND AUXILIARY SERVICES PROVIDERS;

9 (VIII) ESTABLISHING, MONITORING, AND PUBLISHING ON THE
10 COMMISSION'S PUBLIC WEBSITE A LIST OF AVAILABLE CART PROVIDERS
11 AND QUALIFIED INTERPRETERS, AS DEFINED IN SUBSECTIONS (4)(g)(II)(A)
12 AND (4)(g)(II)(B) OF THIS SECTION, RESPECTIVELY, WHO ARE WILLING TO
13 WORK IN RURAL AREAS FOR PERSONS WHO ARE DEAF, HARD OF HEARING,
14 OR DEAFBLIND;

15 (IX) CREATING AN ADVISORY COUNCIL TO MAKE
16 RECOMMENDATIONS TO THE COMMISSION ABOUT THE PROVISION OF
17 AUXILIARY SERVICES IN RURAL AREAS; AND

18 (X) DEVELOPING AND IMPLEMENTING OTHER STRATEGIES TO
19 INCREASE CAPACITY FOR AUXILIARY SERVICES IN RURAL AREAS.

20 (b) THE EXECUTIVE DIRECTOR SHALL PROMULGATE RULES IN
21 CONSULTATION WITH, OR AS PROPOSED BY, THE COMMISSION AND THE
22 DEAF, HARD OF HEARING, AND DEAFBLIND COMMUNITY, REGARDING
23 IMPLEMENTATION OF THIS SUBSECTION (9). THE RULES MUST DEFINE THE
24 TERM "RURAL AREA".

25 (c) (I) ON OR BEFORE NOVEMBER 1, 2022, AND ON OR BEFORE
26 NOVEMBER 1 OF EACH YEAR THEREAFTER, THE COMMISSION SHALL
27 SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE SUMMARIZING THE

1 COMMISSION'S IMPLEMENTATION OF THE PROGRAM DESCRIBED IN THIS
2 SUBSECTION (9) OVER THE PREVIOUS TWELVE MONTHS.

3 (II) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
4 REPORTING REQUIREMENT SET FORTH IN SUBSECTION (9)(c)(I) OF THIS
5 SECTION CONTINUES INDEFINITELY.

6 **SECTION 3.** In Colorado Revised Statutes, 26-21-107.5, **amend**
7 (5) as follows:

8 **26-21-107.5. Colorado commission for the deaf, hard of**
9 **hearing, and deafblind grant program - creation - standards -**
10 **applications - definition.** (5) ~~For purposes of AS USED IN~~ this section,
11 "entity" means a local government, state agency, state-operated program,
12 or private nonprofit or not-for-profit ~~community-based~~ organization.

13 **SECTION 4.** In Colorado Revised Statutes, 40-17-103, **amend**
14 (3)(a)(III)(E) and (3)(a)(III)(F); and **add** (3)(a)(III)(G) as follows:

15 **40-17-103. Commission - powers and duties - rules.** (3) The
16 commission shall, through the promulgation of rules, develop and
17 implement a mechanism to recover its costs and the cost to voice service
18 providers in implementing and administering telecommunications relay
19 services required by this article 17. The mechanism must, at a minimum,
20 provide for the following:

21 (a) (III) Without exceeding the maximum monthly surcharge set
22 forth in subsection (3)(a)(I) of this section, the monthly surcharge must
23 be an amount sufficient to:

24 (E) Reimburse the department of revenue for its administrative
25 costs in collecting prepaid wireless TRS charges on prepaid wireless
26 phones pursuant to section 29-11-102.7; and

27 (F) Provide support for library services as authorized by section

1 24-90-105 (1)(e); AND

2 (G) PROVIDE SUPPORT FOR AUXILIARY SERVICES IN RURAL AREAS
3 AS AUTHORIZED BY SECTION 26-21-106 (9).

4 **SECTION 5. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, or safety.