

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

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.

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, **amend** 40-17-102 as
21 follows:

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

24 (1) "BASIC LOCAL EXCHANGE SERVICE" HAS THE SAME MEANING
25 AS SET FORTH IN SECTION 40-15-102 (3).

26 (2) "COMMERCIAL MOBILE RADIO SERVICE" HAS THE SAME
27 MEANING AS SET FORTH IN SECTION 40-15-102 (4.5).

1 ~~(1)~~(3) "Commission" means the public utilities commission of the
2 state of Colorado.

3 ~~(2)~~ (4) (a) "Local exchange company" means a
4 telecommunications company that provides telephone access lines to
5 members of the general public ~~who~~ THAT are its customers.

6 (b) "LOCAL EXCHANGE COMPANY" INCLUDES A PROVIDER OF:

7 (I) BASIC LOCAL EXCHANGE SERVICE;

8 (II) COMMERCIAL MOBILE RADIO SERVICE; OR

9 (III) VOICE-OVER-INTERNET PROTOCOL SERVICE.

10 ~~(3)~~ (5) "Telecommunications relay services" means any
11 telecommunications transmission services that allow a person who has a
12 hearing or speech disability to communicate ~~by wire or radio~~ in a manner
13 that is functionally equivalent to the ability of a person who does not have
14 a hearing or speech disability. ~~Such~~ THE term includes any service that
15 enables two-way communication between a person who uses a
16 telecommunications device or other nonvoice terminal device and a
17 person who does not use such a device.

18 ~~(4)~~ (6) "Telephone access line" means the access to the local
19 exchange network from the ~~premises~~ LOCATION of an end user customer
20 of a local exchange company to the telecommunications network to effect
21 the transfer of information.

22 (7) "VOICE-OVER-INTERNET PROTOCOL SERVICE" HAS THE SAME
23 MEANING AS SET FORTH IN SECTION 40-15-102 (33).

24 **SECTION 3.** In Colorado Revised Statutes, 40-17-103, **amend**
25 (3) introductory portion, (3) (a), and (3) (e) as follows:

26 **40-17-103. Commission - powers and duties - rules.** (3) The
27 commission shall, through the promulgation of rules, develop and

1 implement a mechanism to recover its costs and the cost to local
2 exchange companies in implementing and administering
3 telecommunications relay services required by this article. The
4 mechanism ~~shall~~ MUST, at a minimum, provide for the following:

5 (a) The assessment of a monthly surcharge on each telephone
6 access line, which surcharge may be adjusted by the commission in
7 accordance with paragraph (d) of this subsection (3). The monthly
8 surcharge ~~shall~~ MUST be an amount sufficient to:

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

13 (II) Reimburse local exchange companies for their administrative
14 costs in imposing and collecting the surcharge; ~~and to~~

15 (III) Cover the costs of providers in rendering the service; AND

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

20 (e) The authority of a local exchange company to deduct and
21 retain as reimbursement for its administrative costs an amount not to
22 exceed three-quarters of one percent of the amount of total monthly
23 surcharges collected by ~~such local exchange~~ THE company. In addition,
24 the mechanism ~~shall~~ MUST include a requirement that any remaining
25 amount of ~~moneys~~ MONEY be transmitted to the state treasurer who shall
26 credit the ~~same~~ MONEY to the Colorado ~~disabled~~ telephone users WITH
27 DISABILITIES fund created by section 40-17-104.

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

3 **40-17-104. Colorado telephone users with disabilities fund -**
4 **creation - purpose.** (1) Except as otherwise authorized to be retained by
5 section 40-17-103 (3) (e), all ~~moneys~~ MONEY collected by the local
6 exchange companies in accordance with ~~said~~ section 40-17-103 shall be
7 transmitted to the state treasurer, who shall credit the ~~same~~ MONEY to the
8 Colorado ~~disabled~~ telephone users WITH DISABILITIES fund, which fund
9 is hereby created and is referred to in this article as the "fund". ~~On July 1,~~
10 ~~1992, any moneys in the Colorado disabled telephone users fund created~~
11 ~~by section 40-17-103, as said section existed prior to July 1, 1992, shall~~
12 ~~be credited to the fund as created by this section.~~ The general assembly
13 shall make annual appropriations out of ~~such~~ THE fund for the
14 administration of the fund and shall make annual appropriations to the
15 reading services for the blind cash fund, created in section 24-90-105.5
16 (5), C.R.S., for use by the state librarian in support of privately operated
17 reading services for ~~the~~ PEOPLE WHO ARE blind. The ~~moneys~~ MONEY in
18 ~~such~~ THE fund not used for administration of ~~such~~ THE fund, not used for
19 the reading services for the blind cash fund, and not used for the Colorado
20 commission for the deaf and hard of hearing cash fund created in section
21 26-21-107, C.R.S., ~~are~~ IS hereby continuously appropriated to the public
22 utilities commission for the reimbursement of providers who render
23 telecommunications services authorized by this article.

24 (4) (a) Notwithstanding any provision of subsection (1) of this
25 section to the contrary, the general assembly shall make annual
26 appropriations from the Colorado ~~disabled~~ telephone users WITH
27 DISABILITIES fund to the Colorado commission for the deaf and hard of

1 hearing cash fund, created in section 26-21-107, C.R.S.

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

4 **24-75-402. Cash funds - limit on uncommitted reserves -**
5 **reduction in amount of fees - exclusions - repeal.** (5) Notwithstanding
6 any provision of this section to the contrary, the following cash funds are
7 excluded from the limitations specified in this section:

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

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

13 **26-21-106. Powers, functions, and duties of the commission -**
14 **equipment distribution program.** (6) The commission shall establish
15 and maintain an active outreach consultant for technical assistance to
16 improve and ensure equivalent access to auxiliary services by critical state
17 and local government agencies, private agencies, and other entities and
18 to increase awareness of the programs for and rights of INDIVIDUALS WHO
19 ARE deaf and hard of hearing ~~individuals~~ from ~~moneys~~ MONEY
20 appropriated by the general assembly from the Colorado ~~disabled~~
21 telephone users WITH DISABILITIES fund established pursuant to section
22 40-17-104, C.R.S.

23 **SECTION 7. Appropriation.** (1) For the 2016-17 state fiscal
24 year, \$172,778 is appropriated to the Colorado commission for the deaf
25 and hard of hearing cash fund created in section 26-21-107 (1), C.R.S.
26 This appropriation is from the Colorado telephone users with disabilities
27 fund created in section 40-17-104 (1), C.R.S. The department of

1 regulatory agencies is responsible for the accounting related to this
2 appropriation.

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

10 **SECTION 8. Act subject to petition - effective date -**
11 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
12 the expiration of the ninety-day period after final adjournment of the
13 general assembly (August 10, 2016, if adjournment sine die is on May 11,
14 2016); except that, if a referendum petition is filed pursuant to section 1
15 (3) of article V of the state constitution against this act or an item, section,
16 or part of this act within such period, then the act, item, section, or part
17 will not take effect unless approved by the people at the general election
18 to be held in November 2016 and, in such case, will take effect on the
19 date of the official declaration of the vote thereon by the governor.

20 (2) This act applies to surcharges assessed on or after the
21 applicable effective date of this act.