

CHAPTER 79

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 21-216

BY SENATOR(S) Rankin, Hansen, Moreno, Buckner, Donovan, Ginal, Hisey, Holbert, Kirkmeyer, Kolker, Lundeen, Pettersen, Priola, Simpson, Sonnenberg, Story, Woodward, Zenzinger, Garcia;
 also REPRESENTATIVE(S) Herod, McCluskie, Ransom, Bacon, Bennett, Bockenfeld, Cutter, Esgar, Exum, Gonzales-Gutierrez, Hooton, Jackson, Jodeh, Kipp, Lontine, McCormick, McLachlan, Michaelson Jenet, Mullica, Ortiz, Ricks, Roberts, Titone, Van Beber, Young.

AN ACT

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

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

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

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

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

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

(d) To help level the playing field for all persons who are deaf, hard of hearing, or deafblind in the state, it is imperative that the state develop a statewide program to help organize, dispatch, and finance the provision of auxiliary services

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

throughout rural areas of the state.

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

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

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

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

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

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

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

(VI) AWARDED SCHOLARSHIPS FOR POTENTIAL AUXILIARY SERVICES PROVIDERS' EDUCATION, INTERNSHIPS, AND CERTIFICATION TESTING FOR QUALIFIED PROGRAMS;

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

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

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

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

(b) THE EXECUTIVE DIRECTOR SHALL PROMULGATE RULES IN CONSULTATION WITH, OR AS PROPOSED BY, THE COMMISSION AND THE DEAF, HARD OF HEARING, AND

DEAFBLIND COMMUNITY, REGARDING IMPLEMENTATION OF THIS SUBSECTION (9). THE RULES MUST DEFINE THE TERM "RURAL AREA".

(c) (I) ON OR BEFORE NOVEMBER 1, 2022, AND ON OR BEFORE NOVEMBER 1 OF EACH YEAR THEREAFTER, THE COMMISSION SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE SUMMARIZING THE COMMISSION'S IMPLEMENTATION OF THE PROGRAM DESCRIBED IN THIS SUBSECTION (9) OVER THE PREVIOUS TWELVE MONTHS.

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

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

26-21-107.5. Colorado commission for the deaf, hard of hearing, and deafblind grant program - creation - standards - applications - definition.

(5) For purposes of AS USED IN this section, "entity" means a local government, state agency, state-operated program, or private nonprofit or not-for-profit community-based organization.

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

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

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

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

(F) Provide support for library services as authorized by section 24-90-105 (1)(e); AND

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

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

Approved: April 30, 2021