



Agency Legislative Proposal - 2020 Session

Document Name: 100120_ADS_TechRevisions

(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: Department of Aging and Disability Services (ADS)

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Lead agency division requesting this proposal: Full agency

Agency Analyst/Drafter of Proposal: Andrew Norton

Title of Proposal: An Act Concerning Minor and Technical Revisions to the General Statutes Affecting the Department of Aging and Disability Services

Statutory Reference: 17b-660 ; 10-298 ; 17b-607 ; 9-20 ; 46a-27 ; 46a-28 ; 46a-29 ; 17a-301b ; 46a-30.

Proposal Summary: The proposal makes certain technical and minor changes to statutes covering or charging the Department of Aging and Disability Services (ADS) to 1) delete an out-of-date reference to DSS regarding the former Department on Aging, 2) remove duplicative provisions within the ADS statutes, 3) make changes to the Connecticut Tech Act Project to improve the lending process for persons with disabilities to purchase needed assistive technology 4) modernize a reference to "videotape" to "video" in the Elections statutes, 5) clarify the responsibilities of the Advisory Board for Persons Who are Deaf or Hard of Hearing (DHOH) and 6) streamline the process of appointments to the DHOH Board.

PROPOSAL BACKGROUND

◇ Reason for Proposal

Please consider the following, if applicable:

(1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*

No federal or state law or regulation requires the changes in this proposed bill. It should be noted that Regarding Section 3, the federal Assistive Technology Act [see specifically 29 USC 3003 (e)(2)(A)(ii)(IV)] allows states to choose among different lending mechanisms including the one in this proposed change. The loan guarantee mechanism in this proposal was suggested to our agency by the federal Technical Assistance Center. Section 3 seeks changes to the Assistive Technology Revolving Fund to enable a more effective financing mechanism. This change allows the agency to partner with a bank to make direct loans to people with disabilities while the state acts as guarantor. This change 1) allows the program to leverage more lending dollars than would be available using only state funds to lend, 2) allows persons with disabilities who are the loan recipients to build credit which the current statute's guarantee mechanism does not and 3) uses the superior lending expertise of banking institutions for improved operational



efficiency. Regarding Sections 1, 2, 8 and 9, owing to state legislation resulting in both the creation of the Department of Rehabilitation Services – now Aging and Disability Services - and the subsequent merger therein of the Department on Aging leaves, residual statutory language remains that should be re-organized, streamlined or deleted. Section 1 rewrites a section of the statutes that allows for the deletion of two other duplicative statutory sections about accepting gifts to the agency which are then deleted in bill Sections 2 and 9. Section 4 modernizes a reference to “videotape” which is no longer the standard medium for video. Section 5 deletes language that tells the DHOH Advisory Board to refer complaints about sign language interpreter qualifications to Disability Rights-Connecticut (DR-CT) at that agency’s request. Section 6 deletes a requirement that those 8 members of DHOH Advisory Board who are members by virtue of their office be appointed by the Governor. This will allow persons newly appointed or elected to those positions to immediately assume their membership on the DHOH Board. Section 7 is a very technical adjustment. Section 8 deletes an out-of-date reference to the Department of Social Services being linked to the Department on Aging.

- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?*

The changes to the Connecticut Tech Act Project and lending program in Section 3 mirrors the lending structure used by many other states.

- (3) *Have certain constituencies called for this action?*

The Connecticut Tech Act Program Advisory Council reviewed and recommended the changes to the program proposed in Section 3 of the bill. The Advisory Council is made up of various stakeholders in the program including persons with disabilities. In addition, the administrator of the Connecticut Tech Project reports that the pilot change to the loan program memorialized in this proposal has already produced the program benefits outlined in our response to #1 above.

The membership of the Advisory Board for Persons Who Are Deaf or Hard of Hearing supports changing the requirement (Section 4) for a “videotape” that explains voter registration to people who are deaf or hard of hearing to a “video” and, in fact, have helped to create a new video for this purpose.

Disability Rights-Connecticut (DR-CT) has requested the removal of the section of the statutes (see bill Section 5) that directs complaints about the qualifications of sign language interpreters to their agency. They hold that this subject matter lies outside of their core competencies.

- (4) *What would happen if this was not enacted in law this session?*

In the case of Section 3, the language of C.G.S. Sec. 17b-607, covering the Assistive Technology Revolving Fund, would remain out of date. The benefits of the organizational and clarifying changes in Sections 1, 2, 4, 6, 7, 8 and 9 would not be attained. If Section 5 were not passed the statutes would still call for the referral of cases to an agency (DR-CT) that believes it is not best equipped to process those cases.

Origin of Proposal

New Proposal

Resubmission



If this is a resubmission, please share:

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
- (4) What was the last action taken during the past legislative session?

This bill (formerly HB 5305 -2020 session), except for Section 6 which is new, had a public hearing and was scheduled for a Human Services Committee vote on March 17, 2020, just before the COVID-19 shutdown. The bill we submitted to the Human Services Committee chairs at the beginning of the session was fine-tuned and improved by LCO. Also, Section 5 on sign language interpreter referrals to DR-Connecticut was added by Rep. Abercrombie after we submitted the bill.

PROPOSAL IMPACT

◇ **AGENCIES AFFECTED** (please list for each affected agency)

Agency Name: Department of Social Services (DSS) / Secretary of the State (SOTS)
Agency Contact (name, title, phone): David Seifel - DSS / Jesse Hubbard - SOTS
Date Contacted: October 11 and 18, 2019 DSS / February 2020 SOTS

Approve of Proposal **YES** **NO** **Talks Ongoing**

Summary of Affected Agency's Comments

DSS - Section 8 of the bill deletes C.G.S. Sec. 17a-301b which has been superseded by subsequent legislation and its deletion will have no effect on DSS. SOTS - The SOTS supports Section 4 of the bill which changes the word "videotape" to "video" and, at the request of the SOTS, adds "in consultation with the Secretary of the State."

Will there need to be further negotiation? **YES** **NO**

◇ **FISCAL IMPACT** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)
No municipal fiscal impact.

State
No state fiscal impact.



Federal No federal fiscal impact.
Additional notes on fiscal impact Section 3 of the bill proposes to change the Assistive Technology Revolving Fund from a loan model to a loan guarantee model. This will allow the agency to leverage more dollars for loans without requiring an increase in any federal or state appropriations or bonding. Sections 1, 2 and 3-9 have no financial or cost implications or consequences whatsoever.

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

Section 3 of the bill changes the Assistive Technology Revolving Fund from a loan model to a loan guarantee model. The agency has adopted this model upon advice of the federal Technical Assistance Center. This change has three benefits – it allows the program to leverage more dollars to lend, it provides persons with disabilities the opportunity to establish credit and it provides the program with the expertise of a bank partner in loan issuance and management. Sections 1, 2 and 4-9 will have little to no programmatic impact.

◇ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First [evidence definitions](#) can help you to establish the evidence-base for your program and their [Clearinghouse](#) allows for easy access to information about the evidence base for a variety of programs. The Connecticut Tech Act Project, within the Department of Aging and Disability Services, oversees the Assistive Technology lending program. That office does and will continue to collect and archive data on loan recipients, loan amounts, equipment purchased and loan re-payment.

Insert fully drafted bill here

AN ACT CONCERNING THE DEPARTMENT OF AGING AND DISABILITY SERVICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:



Section 1. Section 17b-660 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof:

The Commissioner of Aging and Disability Services is authorized to accept and use gifts, grants, reimbursements or bequests made **[unconditionally]** by will or otherwise for carrying out the purposes of the donor or of the general statutes concerning the Department of Aging and Disability Services. Gifts, grants, reimbursements or bequests made under such conditions as in the judgment of the Commissioner of Aging and Disability Services are proper and, consistent with the provisions of **[said sections]** state and federal law, may be so accepted and shall be held, invested, reinvested and used in accordance with the conditions of the gift, grant, reimbursement or bequest.

Sec. 2. Section 10-298 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof:

(a) The Commissioner of Aging and Disability Services shall prepare and maintain a register of persons who are blind in this state which shall describe their condition, cause of blindness and capacity for education and rehabilitative training. The commissioner may register cases of persons who are liable to become visually impaired or blind, and may take such measures in cooperation with other authorities as the commissioner deems advisable for the prevention of blindness or conservation of eyesight and, in appropriate cases, for the education of children and for the vocational guidance of adults whose eyesight approaches visual impairment or blindness. The commissioner shall establish criteria for low vision care and maintain a list of ophthalmologists and optometrists that are exclusively authorized to receive agency funds through established and existing state fee schedules for the delivery of specifically defined low vision services that increase the capacity of eligible recipients of such services to maximize the use of their remaining vision.

[(b) The Commissioner of Aging and Disability Services may accept and receive any bequest or gift of money or personal property and, subject to the consent of the Governor and Attorney General as provided in section 4b-22, any devise or gift of real property made to the Commissioner of Aging and Disability Services, and may hold and use such money or property for the purposes, if any, specified in connection with such bequest, devise or gift.]

[(c)] (b) The Commissioner of Aging and Disability Services shall provide the Department of Motor Vehicles with the names of all individuals sixteen years of age or older who, on or after October 1, 2005, have been determined to be blind by a physician, an advanced practice registered nurse or an optometrist, as provided in section 10-305. The Commissioner of Aging and Disability Services shall provide simultaneous written notification to any individual whose name is being transmitted by the Commissioner of Aging and Disability Services to the Department of Motor Vehicles. The Commissioner of Aging and Disability Services shall update the list of names provided to the Department of Motor Vehicles on a quarterly basis. The list shall also contain the address and date of birth for each individual reported, as shown on the records of the Department of Aging and Disability Services. The Department of Motor Vehicles shall maintain such list on a confidential basis, in accordance with the provisions of section 14-46d. The Commissioner of Aging and Disability



Services shall enter into a memorandum of understanding with the Commissioner of Motor Vehicles to effectuate the purposes of this subsection.

Sec. 3. Section 17b-607 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof:

- (a) The Commissioner of Aging and Disability Services is authorized to establish and administer [\[a fund\] state financing activities as outlined in the federal Assistive Technology Act of 2004, P.L. 108-364, as amended from time to time](#), to be known as the Assistive Technology [\[Revolving Fund. Said fund\] Loan Program](#). The program shall be used by [\[said\] the](#) commissioner to make [and guarantee](#) loans to persons with disabilities, [\[senior citizens\] older adults](#) or the family members of persons with disabilities or [\[senior citizens\] older adults](#) for the purchase of assistive technology and adaptive equipment and services. Each such loan shall be made for a term of not more than ten years. Any loans made under this section [\[after July 1, 2013,\]](#) shall bear interest at a fixed rate not to exceed six per cent. [\[Said\] The](#) commissioner is authorized to expend any funds necessary for the reasonable direct expenses relating to the administration of [\[said fund. Said\] the program](#). The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to implement the purposes of this section.
- (b) The State Bond Commission shall have power from time to time to authorize the issuance of bonds of the state in one or more series in accordance with section 3-20 and in a principal amount necessary to carry out the purposes of this section, but not in excess of an aggregate amount of one million dollars. All of [\[said\] the](#) bonds shall [\(1\)](#) be payable at such place or places as may be determined by the Treasurer pursuant to section 3-19, [\[and shall\] \(2\)](#) bear such date or dates, [\(3\)](#) mature at such time or times, not exceeding five years from their respective dates, [\(4\)](#) bear interest at such rate or different or varying rates and payable at such time or times, [\(5\)](#) be in such denominations, [\(6\)](#) be in such form with or without interest coupons attached, [\(7\)](#) carry such registration and transfer privileges, [\(8\)](#) be payable in such medium of payment, and [\(9\)](#) be subject to such terms of redemption with or without premium as, irrespective of the provisions of [\[said\]](#) section 3-20, may be provided by the authorization of the State Bond Commission or fixed in accordance therewith. The proceeds of the sale of such bonds shall be deposited in the Assistive Technology [\[Revolving Fund\] Loan Program](#) created by this section. Such bonds shall be general obligations of the state and the full faith and credit of the state of Connecticut are pledged for the payment of the principal of and interest on such bonds as the same become due. Accordingly, and as part of the contract of the state with the holders of such bonds, appropriation of all amounts necessary for punctual payment of such principal and interest is hereby made and the Treasurer shall pay such principal and interest as the same become due. Net earnings on investments or reinvestments of proceeds, accrued interest and premiums on the issuance of such bonds, after payment therefrom of expenses incurred by the Treasurer or State Bond Commission in connection with their issuance, shall be deposited in the General Fund of the state.
- (c) The Connecticut Tech Act Project, within the Department of Aging and Disability Services and as authorized by 29 USC 3001, [as amended from time to time](#), may provide assistive technology evaluation and training services upon the request of any person or any public or private entity, to the extent persons who provide assistive technology services are available. The project may charge a fee to any person or entity receiving such assistive technology evaluation and training services to reimburse



the department for its costs. The Commissioner of Aging and Disability Services shall establish fees at reasonable rates that will cover the department's direct and indirect costs.

Sec. 4. Subsection (c) of section 9-20 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof:

(c) The application for admission as an elector shall include a statement that (1) specifies each eligibility requirement, (2) contains an attestation that the applicant meets each such requirement, and (3) requires the signature of the applicant under penalty of perjury. Each registrar of voters and town clerk shall maintain a copy of such statement in braille, large print and audio form. The Department of Aging and Disability Services shall, in consultation with the Secretary of the State, produce a [videotape] video presenting such statement in voice and sign language and provide the [videotape] video to the Secretary of the State who shall make [copies of the videotape and provide a copy] the video available to the registrars of voters of any municipality. [, upon request and at a cost equal to the cost of making the copy.] If a person applies for admission as an elector in person to an admitting official, such admitting official shall, upon the request of the applicant, administer the elector's oath.

Sec. 5. Section 46a-27 of the general statutes is repealed and the following is substituted in lieu thereof:

The Advisory Board for Persons Who are Deaf or Hard of Hearing is hereby created to advocate, strengthen and advise the Governor and the General Assembly concerning state policies affecting persons who are deaf or hard of hearing and their relationship to the public, industry, health care and educational opportunity. The board shall:

(1) Monitor services for persons who are deaf or hard of hearing;

(2) Periodically meet with the Commissioners of Public Health, Social Services, Mental Health and Addiction Services, Education, Developmental Services, and Children and Families and the Labor Commissioner, or the commissioners' designees, to discuss best practices and gaps in services for persons who are deaf or hard of hearing; and

[(3) Refer persons with complaints concerning the qualification and registration of interpreters for persons who are deaf or hard of hearing to the entity designated pursuant to section 46a-10b;]

[(4) (3) Make recommendations for (A) technical assistance and resources for state agencies in order to serve persons who are deaf or hard of hearing; (B) public policy and legislative changes needed to address gaps in services; and (C) the qualifications and registration of interpreters pursuant to section 46a-33a. The board shall submit such recommendations, in accordance with section 11-4a, to the Governor and the joint standing committee of the General Assembly having cognizance of matters relating to human services.

Sec. 6. Subsection (a) of section 46a-28 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof:



(a) The Advisory Board for Persons Who are Deaf or Hard of Hearing shall consist of **[the following]** sixteen members **as follows: [appointed by the Governor:]** (1) The consultant appointed by the State Board of Education in accordance with section 10-316a, or the consultant's designee; (2) the president of the Connecticut Council of Organizations Serving the Deaf, or the president's designee; (3) the president of the Connecticut Association of the Deaf, or the president's designee; (4) the president of the Connecticut Registry of Interpreters for the Deaf, or the president's designee; (5) the Commissioner of Rehabilitation Services, or the commissioner's designee; (6) the executive director of the American School for the Deaf, or the executive director's designee; (7) the Governor's liaison to the disability community [a parent of a student in a predominantly oral education program]; (8) the director of the Connecticut Chapter of We the Deaf People; and eight members appointed by the Governor, [a parent of a student at the American School for the Deaf;] (9) a person who is deaf; (10) a person who is hard of hearing; (11) a person who is deaf and blind; (12) an interpreting professional who serves deaf or hard of hearing persons; (13) a healthcare professional who works with persons who are deaf or hard of hearing; (14) a parent of a student in a predominantly oral education program [the Governor's liaison to the disability community]; (15) an educator who works with children who are deaf or hard of hearing; and (16) a parent of a student at the American School for the Deaf [the director of the Connecticut Chapter of We the Deaf People]. The Commissioner of Rehabilitation Services, the Governor's liaison to the disability community and a member chosen by the majority of the board shall be the chairpersons of the advisory board.

Sec. 7. Subsection (a) of section 46a-29 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof:

(a) The Commissioner of Aging and Disability Services may request and shall receive from any department, division, board, bureau, commission or agency of the state or of any political subdivision thereof such assistance and data as will enable the Department of Aging and Disability Services to properly carry out its activities under sections 17b 650e and **[46a-30] 46a-33** to 46a-33b, inclusive, and to effectuate the purposes therein set forth.

Sec. 8. Section 17a-301b of the general statutes is repealed.

Sec. 9. Section 46a-30 of the 2020 supplement to the general statutes is repealed.