

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0571.01 Jane Ritter x4342

HOUSE BILL 24-1276

HOUSE SPONSORSHIP

Young and Bradfield, Amabile, Bird, Boesenecker, Brown, Clifford, Daugherty, Duran, Epps, Froelich, Hamrick, Jodeh, Joseph, Kipp, Lieder, Lukens, Marshall, Mauro, McCluskie, McLachlan, Story, Vigil, Woodrow

SENATE SPONSORSHIP

Zenzinger and Lundeen,

House Committees

Health & Human Services
Finance
Appropriations

Senate Committees

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Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE COLORADO COMMISSION**
102 **FOR THE DEAF, HARD OF HEARING, AND DEAFBLIND, AND, IN**
103 **CONNECTION THEREWITH, IMPLEMENTING THE**
104 **RECOMMENDATIONS CONTAINED IN THE 2023 SUNSET REPORT**
105 **BY THE DEPARTMENT OF REGULATORY AGENCIES AND MAKING**
106 **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://leg.colorado.gov/>.)

Sunset Process - House Health and Human Services

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

HOUSE
3rd Reading Unamended
April 11, 2024

HOUSE
Amended 2nd Reading
April 10, 2024

Committee. The bill implements the recommendations in the department of regulatory agencies' 2023 sunset review and report on the Colorado commission for the deaf, hard of hearing, and deafblind (commission) by:

- Continuing the commission for 7 years, until 2031;
- Establishing a permanent state auxiliary services program; and
- Changing the name of the deafblind citizens council to the deafblind advisory council.

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

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

4 (a) The Colorado commission for the deaf, hard of hearing, and
5 deafblind was established to facilitate the provision of state and local
6 government services to the deaf, hard of hearing, and deafblind, while
7 making government more efficient;

8 (b) Under the federal "Americans with Disabilities Act of 1990",
9 42 U.S.C. sec. 12101 et seq., as amended, Colorado has a duty to provide
10 equivalent access to state government and public accommodations to the
11 deaf, hard of hearing, and deafblind;

12 (c) This duty requires state departments and agencies to provide
13 auxiliary services, communications technology equipment, and other
14 resources to ensure access;

15 (d) Auxiliary services include sign language interpretation
16 services, real-time captioning services, and other vital communication
17 aids and access services;

18 (e) These services are necessary for people who are deaf, hard of
19 hearing, and deafblind to communicate effectively with one another; and

20 (f) The state of Colorado does not have a centralized, statewide
21 system to provide communication access services for the deaf, hard of

1 hearing, and deafblind.

2 (2) Therefore, the general assembly declares that the Colorado
3 commission for the deaf, hard of hearing, and deafblind in the department
4 of human services, in collaboration with the department of personnel and
5 administration and the department of labor and employment, shall consult
6 and make recommendations to the general assembly and the governor's
7 office on how to establish a centralized, statewide auxiliary services
8 program to arrange for the provision of auxiliary services for state
9 departments and agencies, including the governor's office, that employ or
10 serve individuals who are deaf, hard of hearing, or deafblind.

11 **SECTION 2.** In Colorado Revised Statutes, 26-21-108, **amend**
12 (1) as follows:

13 **26-21-108. Repeal of article - sunset review.** (1) This article
14 ARTICLE 21 is repealed, effective September 1, 2024 2031.

15 **SECTION 3.** In Colorado Revised Statutes, 24-34-104, **repeal**
16 (25)(a)(XII); and **add** (32)(a)(XI) as follows:

17 **24-34-104. General assembly review of regulatory agencies**
18 **and functions for repeal, continuation, or reestablishment - legislative**
19 **declaration - repeal.** (25) (a) The following agencies, functions, or both,
20 are scheduled for repeal on September 1, 2024:

21 (XII) ~~The Colorado commission for the deaf, hard of hearing, and~~
22 ~~deafblind created in article 21 of title 26;~~

23 (32) (a) The following agencies, functions, or both, are scheduled
24 for repeal on September 1, 2031:

25 (XI) THE COLORADO COMMISSION FOR THE DEAF, HARD OF
26 HEARING, AND DEAFBLIND CREATED IN ARTICLE 21 OF TITLE 26.

27 **SECTION 4.** In Colorado Revised Statutes, 26-21-103, **amend**

1 (1); **repeal** (2); and **add** (1.5) as follows:

2 **26-21-103. Definitions.** As used in this article 21, unless the
3 context otherwise requires:

4 (1) ~~"Auxiliary services" means those aids and services that assist~~
5 ~~in effective communication with a person who is deaf, hard of hearing,~~
6 ~~or deafblind, including but not limited to:~~

7 (a) ~~The services of a qualified interpreter as defined by section~~
8 ~~13-90-202 (8);~~

9 (b) ~~The provision of a qualified communication access realtime~~
10 ~~translation (CART) reporter;~~

11 (c) ~~The provision of an assistive listening device; or~~

12 (d) ~~The acquisition or modification of equipment or devices to~~
13 ~~assist in effective communication with a person who is deaf, hard of~~
14 ~~hearing, or deafblind. "ADVISORY COUNCIL" MEANS THE COLORADO~~
15 ~~DEAFBLIND ADVISORY COUNCIL APPOINTED BY THE COMMISSION IN~~
16 ~~ACCORDANCE WITH SECTION 26-21-105 (2)(f).~~

17 (1.5) "AUXILIARY SERVICES" MEANS THOSE AIDS AND SERVICES
18 THAT ASSIST IN EFFECTIVE COMMUNICATION WITH A PERSON WHO IS DEAF,
19 HARD OF HEARING, OR DEAFBLIND. "AUXILIARY SERVICES" ARE ALSO
20 KNOWN AS "COMMUNICATION ACCESS SERVICES" AND MAY INCLUDE BUT
21 ARE NOT LIMITED TO:

22 (a) THE SERVICES OF A QUALIFIED INTERPRETER AS DEFINED IN
23 SECTION 13-90-202 (8);

24 (b) THE PROVISION OF A QUALIFIED COMMUNICATION ACCESS
25 REALTIME TRANSLATION (CART) REPORTER;

26 (c) THE PROVISION OF AN ASSISTIVE LISTENING DEVICE; OR

27 (d) THE ACQUISITION OR MODIFICATION OF EQUIPMENT OR DEVICES

1 TO ASSIST IN EFFECTIVE COMMUNICATION WITH A PERSON WHO IS DEAF,
2 HARD OF HEARING, OR DEAFBLIND.

3 (2) "~~Citizens council~~" means the Colorado deafblind citizens
4 council appointed by the commission in accordance with section
5 26-21-105 (2)(f).

6 **SECTION 5.** In Colorado Revised Statutes, 26-21-105, **amend**
7 (2)(e), (2)(f)(I), (2)(f)(II), and (2)(f)(III) introductory portion as follows:

8 **26-21-105. Appointment of commission director - commission**
9 **procedures - advisory council - creation.** (2) (e) The commission shall
10 encourage development and coordination of public and private agencies
11 providing assistance to deaf, hard-of-hearing, and deafblind ~~citizens~~
12 PERSONS.

13 (f) (I) There is ~~hereby~~ created the Colorado deafblind ~~citizens~~
14 ADVISORY council consisting of seven members.

15 (II) The ~~citizens~~ ADVISORY council ~~will~~ SHALL advise the
16 commission, state and local governments, and other relevant entities on
17 how to increase competitive integrated employment as defined by IN
18 section 8-84-301, enlarge economic opportunities, enhance independence
19 and self-sufficiency, and improve services for deafblind persons.

20 (III) The commission shall appoint initial members to the ~~citizens~~
21 ADVISORY council by July 1, 2019. The commission shall designate four
22 members to serve an initial four-year term and three members to serve an
23 initial six-year term. After the initial terms, all subsequent appointees ~~will~~
24 serve four-year terms. The commission shall appoint a qualified person
25 to fill any vacancy on the ~~citizens~~ ADVISORY council for the remainder of
26 any unexpired term. The ~~citizens~~ ADVISORY council ~~must have~~ HAS the
27 following appointees:

1 **SECTION 6.** In Colorado Revised Statutes, 26-21-106, **repeal**
2 (5); and **add** (5.5) as follows:

3 **26-21-106. Powers, functions, and duties of commission -**
4 **auxiliary services program - community access program - report -**
5 **rules - definitions.** (5) ~~On or before January 1, 2019, the commission~~
6 ~~shall establish a one-year pilot program to provide auxiliary services to~~
7 ~~state departments and agencies. The commission may continue the pilot~~
8 ~~program in subsequent years if the commission has adequate funding to~~
9 ~~provide auxiliary services through the pilot program. The commission~~
10 ~~shall:~~

11 ~~(a) Identify at least two state departments or agencies to~~
12 ~~participate in the pilot program during calendar year 2019;~~

13 ~~(b) Create a process for participating state departments or agencies~~
14 ~~to request auxiliary services from the commission;~~

15 ~~(c) Collect data on the utilization of auxiliary services through the~~
16 ~~pilot program; and~~

17 ~~(d) Hire an independent contractor to evaluate the pilot program~~
18 ~~and make recommendations regarding whether to expand the program to~~
19 ~~additional state departments and agencies. The evaluation must be based~~
20 ~~on utilization data from the first year of the program. The evaluation must~~
21 ~~be included in the September 1, 2020, annual report required by section~~
22 ~~26-21-106 (1)(c).~~

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24 **SECTION 7. Appropriation.** (1) For the 2024-25 state fiscal
25 year, \$203,163 is appropriated to the Colorado commission for the deaf,
26 hard of hearing, and deafblind cash fund created in section 26-21-107 (1),
27 C.R.S. This appropriation is from the Colorado telephone users with

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

4 (2) For the 2024-25 state fiscal year, \$203,163 is appropriated to
5 the department of human services for use by the office of adults, aging,
6 and disability services. This appropriation is from reappropriated funds
7 in the Colorado commission for the deaf, hard of hearing, and deafblind
8 cash fund under subsection (1) of this section, and is based on the
9 assumption that the office will require an additional 1.6 FTE. To
10 implement this act, the office may use the appropriation for the Colorado
11 commission for the deaf, hard of hearing, and deafblind.

12 **SECTION 8. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly; except
15 that, if a referendum petition is filed pursuant to section 1 (3) of article V
16 of the state constitution against this act or an item, section, or part of this
17 act within such period, then the act, item, section, or part will not take
18 effect unless approved by the people at the general election to be held in
19 November 2024 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.