

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

HB25-1154 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1.** In Collorado Revised Statutes, **amend** 26-21-101
4 as follows:

5 **26-21-101. Short title.** The short title of this article 21 is the
6 ~~"Colorado Commission for the Deaf, Hard of Hearing, and Deafblind~~
7 "COMMUNICATION SERVICES FOR PEOPLE WITH DISABILITIES ENTERPRISE
8 Act".

9 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact**,
10 **with amendments**, section 26-21-102 as follows:

11 **26-21-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY
12 FINDS AND DECLARES THAT:

13 (a) A COMMUNICATIONS SERVICES FOR PEOPLE WITH DISABILITIES
14 ENTERPRISE, AS WELL AS THE DIVISION AND COMMISSION, FACILITATES THE
15 PROVISION OF STATE AND LOCAL GOVERNMENT SERVICES FOR INDIVIDUALS
16 WHO ARE DEAF, HARD OF HEARING, AND DEAFBLIND, WHILE MAKING
17 GOVERNMENT MORE EFFICIENT;

18 (b) UNDER THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF
19 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND ITS RELATED AMENDMENTS AND
20 IMPLEMENTING REGULATIONS, COLORADO HAS A DUTY TO PROVIDE
21 EQUIVALENT ACCESS TO STATE GOVERNMENT AND PUBLIC
22 ACCOMMODATIONS TO PEOPLE WITH COMMUNICATION-RELATED
23 DISABILITIES. THIS DUTY REQUIRES STATE DEPARTMENTS AND AGENCIES
24 TO PROVIDE AUXILIARY SERVICES, COMMUNICATIONS TECHNOLOGY
25 EQUIPMENT, TELECOMMUNICATIONS RELAY SERVICES, AND OTHER
26 RESOURCES TO ENSURE ACCESS.

27 (c) CENTRALIZING AND UNIFYING THE RESOURCES CREATES A COST
28 SAVINGS FOR THE STATE, FACILITATES QUALITY CONTROL, AND INCREASES
29 THE EFFECTIVENESS OF SERVICES, WHILE INCREASING ACCESS TO THE
30 SERVICES.

31 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

32 (a) THE COMMUNICATIONS SERVICES FOR PEOPLE WITH
33 DISABILITIES ENTERPRISE CREATED IN THIS ARTICLE 21 PROVIDES
34 VALUABLE BUSINESS SERVICES TO INDIVIDUALS WHO HAVE
35 COMMUNICATION NEEDS RELATED TO THEIR DISABILITIES BY:

36 (I) COORDINATING THE PROVISION OF, AND ACCESS TO, EFFICIENT
37 AND EFFECTIVE SERVICES AND RESOURCES FOR INDIVIDUALS WHO HAVE
38 COMMUNICATION NEEDS RELATED TO THEIR DISABILITIES, INCLUDING BY:

39 (A) ESTABLISHING AND COORDINATING A COMMUNICATIONS

1 TECHNOLOGY PROGRAM TO OBTAIN AND DISTRIBUTE INTERACTIVE
2 TELECOMMUNICATIONS AND OTHER COMMUNICATIONS TECHNOLOGY
3 EQUIPMENT NEEDED BY INDIVIDUALS WHO HAVE COMMUNICATION NEEDS
4 RELATED TO THEIR DISABILITIES;

5 (B) ESTABLISHING AND COORDINATING A TELECOMMUNICATIONS
6 RELAY SERVICE PROGRAM FOR INDIVIDUALS IN THE STATE WHO ARE DEAF,
7 HARD OF HEARING, DEAFBLIND, OR SPEECH DISABLED;

8 (C) ARRANGING FOR QUALIFIED AUXILIARY SERVICES FOR THE
9 STATE COURT SYSTEM AND FOR RURAL AREAS OF THE STATE FOR
10 INDIVIDUALS WHO ARE DEAF, HARD OF HEARING, OR DEAFBLIND; AND

11 (D) APPROVING SIGN LANGUAGE INTERPRETER CERTIFICATIONS AS
12 VALID AND RELIABLE IN THE STATE, THEREBY ENABLING APPROPRIATE
13 COMMUNICATION ACCESS SERVICES IN RELATION TO THE WORKFORCE AND
14 IN COMMERCE; AND

15 (II) COORDINATING AND SUPPORTING THE SERVICES AND
16 RESOURCES DESCRIBED IN SUBSECTION (2)(a)(I) OF THIS SECTION. THE
17 ENTERPRISE AND DIVISION HELP FACILITATE THE ENGAGEMENT OF
18 INDIVIDUALS WHO ARE DEAF, HARD OF HEARING, OR DEAFBLIND OR WHO
19 HAVE SPEECH OR OTHER COMMUNICATION-RELATED DISABILITIES IN THE
20 WORKFORCE AND IN COMMERCE, THUS PROVIDING BENEFITS TO COLORADO
21 BUSINESSES AND EMPLOYERS THAT BENEFIT FROM THE ECONOMIC
22 DEVELOPMENT STIMULATED BY THE WORKFORCE AND COMMERCIAL
23 ENGAGEMENT.

24 (b) BY PROVIDING THE SERVICES AND RESOURCES DESCRIBED IN
25 SUBSECTION (2)(a) OF THIS SECTION, THE ENTERPRISE ENGAGES IN AN
26 ACTIVITY THAT IS CONDUCTED IN THE PURSUIT OF A BENEFIT, GAIN, OR
27 LIVELIHOOD;

28 (c) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
29 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
30 P.2D 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
31 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
32 X OF THE STATE CONSTITUTION, THE GENERAL ASSEMBLY CONCLUDES
33 THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS GENERATED BY
34 FEES, NOT TAXES, BECAUSE THE MONEY CREDITED TO THE ENTERPRISE IS:

35 (I) FOR THE SPECIFIC PURPOSE OF ALLOWING THE ENTERPRISE TO
36 DEFRAY THE COSTS OF PROVIDING THE SERVICES AND RESOURCES
37 DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION;

38 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED
39 BASED ON THE COSTS OF THE SERVICES AND RESOURCES PROVIDED BY THE
40 ENTERPRISE; AND

41 (III) NOT STATE FISCAL YEAR SPENDING, AS DEFINED IN SECTION
42 24-77-102(17), OR STATE REVENUES, AS DEFINED IN SECTION 24-77-103.6
43 (6)(c), AND DOES NOT COUNT AGAINST EITHER THE STATE FISCAL YEAR
44 SPENDING LIMIT IMPOSED BY SECTION 20 OF ARTICLE X OF THE STATE
45 CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS DEFINED IN

1 SECTION 24-77-103.6 (6)(b), SO LONG AS THE ENTERPRISE QUALIFIES AS
2 AN ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE
3 CONSTITUTION;

4 (d) NO OTHER ENTERPRISE CREATED SIMULTANEOUSLY OR WITHIN
5 THE PRECEDING FIVE YEARS SERVES PRIMARILY THE SAME PURPOSE AS THE
6 ENTERPRISE, AND THE ENTERPRISE WILL GENERATE REVENUE FROM FEES
7 AND SURCHARGES OF LESS THAN ONE HUNDRED MILLION DOLLARS TOTAL
8 IN ITS FIRST FIVE FISCAL YEARS. ACCORDINGLY, THE CREATION OF THE
9 ENTERPRISE DOES NOT REQUIRE VOTER APPROVAL PURSUANT TO SECTION
10 24-77-108.

11 (e) FOR PURPOSES OF THE LIMIT SET FORTH IN SECTION 24-77-108,
12 THE START DATE OF THE ENTERPRISE IS IN FISCAL YEAR 2024-25.

13 **SECTION 3.** In Colorado Revised Statutes, 26-21-103, **amend**
14 (3); **repeal** (1); and **add** (2.3), (3.5), (4.4), (4.5), (4.6), (8.5), (11), and
15 (12) as follows:

16 **26-21-103. Definitions.** As used in this article 21, unless the
17 context otherwise requires:

18 (1) ~~"Advisory council"~~ means the Colorado deafblind advisory
19 council appointed by the commission in accordance with section
20 26-21-105 (2)(f).

21 (2.3) "BOARD" MEANS THE BOARD OF DIRECTORS OF THE
22 ENTERPRISE APPOINTED PURSUANT TO SECTION 26-21-103.5 (2).

23 (3) "Commission" means the Colorado commission for the deaf,
24 hard of hearing, and deafblind ADVISORY COUNCIL CREATED PURSUANT
25 TO SECTION 26-21-104 (1).

26 (3.5) "COMMUNICATION ACCESS REALTIME TRANSLATION" OR
27 "CART" HAS THE SAME MEANING AS "COMMUNICATION ACCESS REALTIME
28 TRANSLATION (CART) REPORTER", AS SET FORTH IN SECTION 13-90-202
29 (5).

30 (4.4) "DIVISION" MEANS THE DIVISION FOR THE DEAF, HARD OF
31 HEARING, AND DEAFBLIND CREATED IN SECTION 26-21-106 AND CONSISTS
32 OF STAFF OF THE STATE DEPARTMENT.

33 (4.5) "ENTERPRISE" MEANS THE COMMUNICATION SERVICES FOR
34 PEOPLE WITH DISABILITIES ENTERPRISE CREATED IN SECTION 26-21-103.5.

35 (4.6) "FUND" MEANS THE COLORADO DIVISION FOR THE DEAF,
36 HARD OF HEARING, AND DEAFBLIND CASH FUND CREATED IN SECTION
37 26-21-107.

38 (8.5) "PREPAID TELEPHONE DISABILITY ACCESS CHARGE" OR
39 "CHARGE" MEANS THE CHARGE IMPOSED BY THE ENTERPRISE PURSUANT
40 TO SECTION 26-21-103.5 (1)(a)(III).

41 (11) "TELECOMMUNICATIONS RELAY SERVICES" MEANS ANY
42 TELECOMMUNICATIONS SERVICES THROUGH A THIRD PARTY THAT ALLOW
43 AN INDIVIDUAL WHO IS DEAF, HARD OF HEARING, OR DEAFBLIND OR WHO
44 HAS A SPEECH DISABILITY TO COMMUNICATE BY ANY COMPATIBLE
45 TELECOMMUNICATIONS SERVICE WITH ONE OR MORE INDIVIDUALS IN A

1 MANNER THAT IS FUNCTIONALLY EQUIVALENT TO THE ABILITY OF AN
2 INDIVIDUAL WHO DOES NOT HAVE A HEARING OR SPEECH DISABILITY.

3 (12) "TELEPHONE DISABILITY ACCESS SURCHARGE" OR
4 "SURCHARGE" MEANS THE SURCHARGE IMPOSED BY THE ENTERPRISE
5 PURSUANT TO SECTION 26-21-103.5 (1)(a)(II).

6 **SECTION 4.** In Colorado Revised Statutes, **add** 26-21-103.5 as
7 follows:

8 **26-21-103.5. Communication services for people with
9 disabilities enterprise - created - board of directors - membership -
10 fees imposed - repeal.** (1) (a) THE COMMUNICATION SERVICES FOR
11 PEOPLE WITH DISABILITIES ENTERPRISE IS CREATED IN THE STATE
12 DEPARTMENT FOR THE BUSINESS PURPOSES OF:

13 (I) COORDINATING THE PROVISION OF, AND ACCESS TO, EFFICIENT
14 AND EFFECTIVE SERVICES AND RESOURCES FOR INDIVIDUALS WHO HAVE
15 COMMUNICATION NEEDS RELATED TO THEIR DISABILITIES, INCLUDING
16 FUNDING THE DIVISION'S DUTIES, AS DESCRIBED IN SECTION 26-21-106;

17 (II) IMPOSING A TELEPHONE DISABILITY ACCESS SURCHARGE ON
18 SERVICE USERS, AS DEFINED IN SECTION 40-17-101 (11), IN
19 COLLABORATION WITH THE PUBLIC UTILITIES COMMISSION, IN AN AMOUNT
20 NOT TO EXCEED FIFTEEN CENTS PER MONTH PER TELEPHONE ACCESS LINE,
21 AS DEFINED IN SECTION 40-17-101 (10). THE AMOUNT OF THE SURCHARGE
22 SHALL BE REVIEWED AND MAY BE ADJUSTED ONCE PER YEAR. THE
23 AMOUNT OF THE SURCHARGE, IN COMBINATION WITH THE PREPAID
24 TELEPHONE DISABILITY ACCESS CHARGE, SHALL BE SET AT A RATE
25 SUFFICIENT TO FUND THE ACTIVITIES DESCRIBED IN THIS SUBSECTION
26 (1)(a). THE AMOUNT OF THE SURCHARGE IMPOSED PER TELEPHONE ACCESS
27 LINE MUST BE UNIFORM, REGARDLESS OF THE TECHNOLOGY USED TO
28 PROVIDE THE TELEPHONE ACCESS LINE.

29 (III) IMPOSING A PREPAID TELEPHONE DISABILITY ACCESS CHARGE
30 ON EACH RETAIL TRANSACTION, AS DEFINED IN SECTION 40-17-101 (6), IN
31 AN AMOUNT TO BE ESTABLISHED ANNUALLY BY THE ENTERPRISE, IN
32 COLLABORATION WITH THE PUBLIC UTILITIES COMMISSION, BUT NOT TO
33 EXCEED FIFTEEN CENTS PER EACH RETAIL TRANSACTION IN WHICH PREPAID
34 WIRELESS SERVICE IS PURCHASED IN COLORADO. THE AMOUNT OF THE
35 CHARGE SHALL BE REVIEWED AND MAY BE ADJUSTED ONCE PER YEAR. THE
36 AMOUNT OF THE CHARGE, IN COMBINATION WITH THE TELEPHONE
37 DISABILITY ACCESS SURCHARGE, SHALL BE SET AT A RATE SUFFICIENT TO
38 FUND THE ACTIVITIES DESCRIBED IN THIS SUBSECTION (1)(a).

39 (IV) IN COLLABORATION WITH THE PUBLIC UTILITIES COMMISSION
40 AND THE DEPARTMENT OF EDUCATION, ONCE PER YEAR, ADJUSTING THE
41 PERCENTAGE OF THE TELEPHONE DISABILITY ACCESS SURCHARGE AND THE
42 PREPAID TELEPHONE DISABILITY ACCESS CHARGE TO BE USED FOR THE
43 COLORADO DIVISION FOR THE DEAF, HARD OF HEARING, AND DEAFBLIND
44 CASH FUND AND THE READING SERVICES FOR THE BLIND CASH FUND
45 CREATED IN SECTION 24-90-105.5 AND BY THE STATE LIBRARIAN FOR THE

1 TALKING BOOK LIBRARY WITHIN THE DEPARTMENT OF EDUCATION.

2 (b) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES
3 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, SO LONG AS
4 THE ENTERPRISE RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND
5 RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN
6 GRANTS FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS
7 COMBINED. SO LONG AS IT CONSTITUTES AN ENTERPRISE PURSUANT TO
8 THIS SUBSECTION (1)(b), THE ENTERPRISE IS NOT SUBJECT TO SECTION 20
9 OF ARTICLE X OF THE STATE CONSTITUTION.

10 (c) THE BOARD, WITH THE ADVICE OF THE DIVISION AND THE
11 COMMISSION, SHALL ADMINISTER THE ENTERPRISE IN ACCORDANCE WITH
12 THIS SECTION.

13 (d) THE ENTERPRISE MAY ISSUE REVENUE BONDS TO PAY FOR THE
14 EXPENSES OF THE ENTERPRISE, WHICH BONDS ARE SECURED BY REVENUE
15 OF THE ENTERPRISE.

16 (e) THE ENTERPRISE SHALL NOT INCREASE THE AMOUNTS OF THE
17 TELEPHONE DISABILITY ACCESS SURCHARGE OR THE PREPAID TELEPHONE
18 DISABILITY ACCESS CHARGE IN AN AMOUNT THAT CAUSES THE
19 CUMULATIVELY COLLECTED FEES TO EXCEED ONE HUNDRED MILLION
20 DOLLARS IN THE FIRST FIVE YEARS OF THE ENTERPRISE'S EXISTENCE.

21 (2) (a) THE ENTERPRISE SHALL BE GOVERNED BY A BOARD OF
22 DIRECTORS APPOINTED BY THE GOVERNOR.

23 (b) (I) THE GOVERNOR SHALL APPOINT MEMBERS OF THE BOARD ON
24 OR BEFORE JUNE 30, 2025.

25 (II) THIS SUBSECTION (2)(b) IS REPEALED, EFFECTIVE JULY 1, 2026.

26 (c) (I) THE GOVERNOR SHALL CALL THE FIRST MEETING OF THE
27 BOARD ON OR BEFORE OCTOBER 1, 2025.

28 (II) THIS SUBSECTION (2)(c) IS REPEALED, EFFECTIVE JULY 1, 2026.

29 **SECTION 5.** In Colorado Revised Statutes, 26-21-104, **amend**
30 (1); and **add** (5) as follows:

31 **26-21-104. Commission created - appointments - repeal.**

32 (1) The Colorado commission for the deaf, hard of hearing, and
33 deafblind ADVISORY COUNCIL is created in the STATE department. of
34 human services. The commission is a ~~type 2 entity, as defined in section~~
35 ~~24-1-105, and~~ exercises its powers and performs its duties and functions
36 under the STATE department. ~~of human services.~~ THE DIVISION AND
37 COMMISSION SHALL ADVISE THE ENTERPRISE AND STATE AGENCIES
38 REGARDING THE PROVISION OF SERVICES AND RESOURCES FOR THE DEAF,
39 HARD-OF-HEARING, AND DEAFBLIND COMMUNITY.

40 (5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2031.
41 BEFORE THE REPEAL, THIS SECTION IS SCHEDULED FOR REVIEW IN
42 ACCORDANCE WITH SECTION 2-3-1203.

43 **SECTION 6.** In Colorado Revised Statutes, 26-21-105, **amend**
44 (1); **repeal** (2)(f); and **add** (2)(g) and (5) as follows:

45 **26-21-105. Appointment of division director - division**

1 **procedures - commission's advisory role - repeal.** (1) The executive
2 director of the department of human services or the executive director's
3 designee shall appoint a director of the ~~commission~~ DIVISION. The
4 ~~executive director of the department~~ COMMISSION shall provide comment
5 and input to the ~~commission~~ on the hiring of the DIVISION director.

6 (2) (f) (I) There is created the Colorado deafblind advisory council
7 consisting of seven members.

8 (II) The advisory council shall advise the commission, state and
9 local governments, and other relevant entities on how to increase
10 competitive integrated employment as defined in section 8-84-301,
11 enlarge economic opportunities, enhance independence and
12 self-sufficiency, and improve services for deafblind persons.

13 (III) The commission shall appoint initial members to the advisory
14 council by July 1, 2019. The commission shall designate four members
15 to serve an initial four-year term and three members to serve an initial
16 six-year term. After the initial terms, all subsequent appointees serve
17 four-year terms. The commission shall appoint a qualified person to fill
18 any vacancy on the advisory council for the remainder of any unexpired
19 term. The advisory council has the following appointees:

20 (A) One member who is deaf and blind;
21 (B) One member who is deaf and low vision;
22 (C) One member who is hard of hearing and blind;
23 (D) One member who is hard of hearing and low vision;
24 (E) One member who is latent deafblind;
25 (F) One member who is a professional working with the deafblind
26 community, and
27 (G) One member who is a parent of a deafblind child.

28 (g) THE COMMISSION SHALL ADVISE THE DIVISION ON ITS
29 FUNCTIONS AND DUTIES AS SET FORTH IN SECTION 26-21-106.

30 (5) SUBSECTION (2) OF THIS SECTION AND THIS SUBSECTION (5)
31 ARE REPEALED, EFFECTIVE SEPTEMBER 1, 2031. BEFORE THE REPEAL,
32 SUBSECTION (2) OF THIS SECTION AND THIS SUBSECTION (5) ARE
33 SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

34 **SECTION 7.** In Colorado Revised Statutes, 26-21-106, **amend**
35 (1) introductory portion, (1)(d), (1)(e)(I), (1)(e)(II), (1)(f), (2), (3), (4)
36 introductory portion, (4)(g)(II) introductory portion, (4)(g)(II)(B), (6), (7)
37 introductory portion, (7)(a), (7)(b), (8) introductory portion, (8.5), (9)(a)
38 introductory portion, (9)(a)(VIII), (9)(b), and (9)(c)(I); **repeal** (9)(a)(IX);
39 and **add** (1)(g), (1.5), and (1.7) as follows:

40 **26-21-106. Division for the deaf, hard of hearing, and**
41 **deafblind - creation - powers, functions, and duties - programs -**
42 **report - rules - definitions.** (1) THE DIVISION FOR THE DEAF, HARD OF
43 HEARING, AND DEAFBLIND IS CREATED IN THE STATE DEPARTMENT. The
44 powers, functions, and duties of the ~~commission~~ DIVISION include:

45 (d) Assessing how communications technology has affected the

1 needs of THE deaf, hard of hearing, and deafblind, ~~The commission shall~~
2 ~~assess~~ INCLUDING the type and amount of equipment needed by THE deaf,
3 hard-of-hearing, and deafblind ~~persons~~ COMMUNITY AND
4 SPEECH-DISABLED INDIVIDUALS who qualify under the federal poverty
5 guidelines established in accordance with the "Omnibus Budget
6 Reconciliation Act of 1981", 42. U.S.C. 9902 (2);

7 (e) Assessing the needs of THE deaf, hard-of-hearing, and
8 deafblind COMMUNITY and reporting annually to the governor and the
9 general assembly any recommendations for legislation ~~or~~ and
10 administrative changes that may facilitate or streamline the provision of
11 ~~general~~ government services to INDIVIDUALS WHO ARE deaf, hard of
12 hearing, ~~and~~ OR deafblind. Notwithstanding section 24-1-136 (11)(a)(I),
13 on or before September 1 of each year, the ~~commission must~~ DIVISION
14 SHALL file the report required by this subsection (1)(e). In preparing the
15 annual report and recommendations, the ~~commission~~ DIVISION shall
16 consider the following:

17 (I) Whether any existing statutory or administrative provisions
18 impede the ability of the ~~commission~~ DIVISION to act as a statewide
19 coordinating agency advocating for INDIVIDUALS WHO ARE deaf, hard of
20 hearing, ~~and~~ OR deafblind ~~individuals~~ in Colorado; AND

21 (II) Any methods, programs, or policies that may improve
22 communication AND ENVIRONMENTAL accessibility and quality of existing
23 services, promote or deliver necessary new services, and assist state
24 agencies in the delivery of services to deaf, hard-of-hearing, and
25 deafblind INDIVIDUALS;

26 (f) Approving ~~an entity's certification of~~ a sign language
27 ~~interpreters~~ INTERPRETER'S CERTIFICATIONS AS VALID AND RELIABLE in
28 accordance with section 6-1-707 (1)(e)(I)(B); AND

29 (g) COORDINATING THE PROVISION OF A TELECOMMUNICATIONS
30 RELAY SERVICE PROGRAM FOR INDIVIDUALS IN THE STATE WHO ARE DEAF,
31 HARD OF HEARING, OR DEAFBLIND OR SPEECH-DISABLED. IN DOING SO,
32 THIS SERVICE SHALL:

33 (I) CONFORM WITH SECTION 401 OF THE FEDERAL "AMERICANS
34 WITH DISABILITIES ACT OF 1990", 47 U.S.C. SEC. 225, INCLUDING THE
35 PROVISION FOR STATE APPLICATION TO THE FEDERAL COMMUNICATIONS
36 COMMISSION FOR CERTIFICATION;

37 (II) MEET OR EXCEED ALL OPERATIONAL, TECHNICAL, AND
38 FUNCTIONAL MINIMUM STANDARDS IN FEDERAL COMMUNICATIONS
39 COMMISSION REGULATIONS GOVERNING TELECOMMUNICATION RELAY
40 SERVICES UNDER 47 CFR 64 SUBPART F AND 47 CFR 9 SUBPART E.

41 (1.5) (a) ON AND AFTER JUNE 30, 2025, THE RIGHTS, POWERS,
42 DUTIES, AND FUNCTIONS REGARDING THE TELECOMMUNICATIONS RELAY
43 SERVICES VESTED IN THE PUBLIC UTILITIES COMMISSION PRIOR TO THAT
44 DATE ARE TRANSFERRED FROM THE PUBLIC UTILITIES COMMISSION TO THE
45 DIVISION FOR THE DIVISION TO PERFORM THE FUNCTIONS DESCRIBED IN

1 SUBSECTION (1)(g) OF THIS SECTION.

2 (b) (I) ON AND AFTER JUNE 30, 2025, WHENEVER ANY PROVISION
3 OF LAW REFERS TO THE PUBLIC UTILITIES COMMISSION IN CONNECTION
4 WITH THE FUNCTIONS TRANSFERRED TO THE DIVISION PURSUANT TO THIS
5 SUBSECTION (1.5), THE LAW SHALL BE CONSTRUED AS REFERRING TO THE
6 DIVISION.

7 (II) ANY CONTRACT ENTERED INTO BY THE PUBLIC UTILITIES
8 COMMISSION PRIOR TO JUNE 30, 2025, IN CONNECTION WITH THE
9 FUNCTIONS TRANSFERRED TO THE DIVISION PURSUANT TO THIS
10 SUBSECTION (1.5) IS VALIDATED, WITH THE DIVISION SUCCEEDING TO ALL
11 RIGHTS AND OBLIGATIONS UNDER THE CONTRACT.

12 (III) ON AND AFTER JUNE 30, 2025, THE DIVISION SHALL SATISFY
13 ANY OBLIGATIONS INCURRED BY THE PUBLIC UTILITIES COMMISSION, BUT
14 NOT YET PAID, IN CONNECTION WITH THE FUNCTIONS TRANSFERRED TO THE
15 DIVISION PURSUANT TO THIS SUBSECTION (1.5).

16 (1.7) PURSUANT TO A CONTRACT ENTERED INTO BETWEEN THE
17 DIVISION DIRECTOR AND THE BOARD AND WITHOUT REGARD TO THE
18 "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, THE DIVISION
19 SHALL PROVIDE ADMINISTRATIVE, PROFESSIONAL, AND TECHNICAL STAFF
20 TO ASSIST THE BOARD WITH THE CONDUCT OF THE AFFAIRS OF THE
21 ENTERPRISE.

22 (2) The ~~commission~~ DIVISION shall consider the findings of any
23 study authorized under this section and may approve, disapprove, or
24 amend the findings. After consideration of the findings, the ~~commission~~
25 DIVISION shall submit a report with recommendations, including proposed
26 legislation, if necessary, to the governor and to the general assembly. The
27 ~~commission~~ DIVISION shall submit the report annually, notwithstanding
28 section 24-1-136 (11)(a)(I), and may combine the report with, or include
29 the report as a part of, the annual report prepared under subsection (1)(e)
30 of this section.

31 (3) The ~~commission~~ DIVISION shall establish and coordinate a
32 communications technology program that is consistent with the findings
33 of subsection (1) of this section to obtain and distribute interactive
34 telecommunications and other communications technology equipment
35 needed by INDIVIDUALS WHO ARE deaf, hard of hearing, ~~and~~ OR deafblind
36 ~~persons~~ OR SPEECH-DISABLED.

37 (4) The ~~commission~~ DIVISION, in collaboration with the judicial
38 department, shall arrange for auxiliary services FOR DEAF,
39 HARD-OF-HEARING, AND DEAFBLIND INDIVIDUALS for the state court
40 system. Arranging auxiliary services for the state court system includes:

41 (g) (II) ~~For the purposes of~~ AS USED IN this subsection (4)(g):

42 (B) "Qualified interpreter" means ~~a person~~ AN INDIVIDUAL who
43 has a valid certification of competency accepted by the ~~commission~~
44 DIVISION and includes ~~but is not limited to~~; oral interpreters, sign
45 language interpreters, and intermediary interpreters.

11 (a) Provide resources to DEAF, HARD-OF-HEARING, AND DEAFBLIND
12 individuals who have encountered barriers to obtaining necessary
13 services;

14 (b) Assist DEAF, HARD-OF-HEARING, AND DEAFBLIND individuals
15 in understanding and accessing services that may be available to them;

22 (8.5) **Community intervener program.** (a) ~~On or before October~~
23 ~~1, 2023, the commission~~ THE DIVISION shall establish a family and
24 community intervener program. The family and community intervener
25 program shall work with ~~children~~ INDIVIDUALS who are deafblind to
26 facilitate critical connections between the ~~child~~ INDIVIDUAL and the
27 ~~child's~~ INDIVIDUAL'S family, community, and environment. The family
28 and community intervener program must include ~~but need not be limited~~
29 to, access to a family and community intervener with specific training in
30 deafblindness, strategies to build language and communication skills, and
31 intervention strategies. The intervener shall:

32 (I) Work one-on-one with a child AN INDIVIDUAL who is deafblind
33 in order to facilitate critical connections between the child INDIVIDUAL
34 and the child's THEIR community, family, and environment;

35 (II) Open channels of communication between the child
36 INDIVIDUAL and others;

37 (III) Facilitate the development or use of receptive and expressive
38 communication skills by the child INDIVIDUAL;

39 (IV) Develop and maintain a trusting, interactive relationship with
40 the child INDIVIDUAL that promotes social and emotional well-being; and

41 (V) Provide the child INDIVIDUAL with opportunities for learning
42 and development in the community and at home.

43 (b) The commission DIVISION shall hire an A FAMILY AND
44 COMMUNITY intervener program manager to direct services for children
45 INDIVIDUALS who are deafblind WITH ADDITIONAL COGNITIVE

1 DISABILITIES, PHYSICAL DISABILITIES, OR BOTH and ensure that an
2 intervener:

3 (I) Works with no more than one ~~child~~ INDIVIDUAL at a time;

4 (II) Instructs and supports the ~~child~~ INDIVIDUAL in skills related
5 to community involvement;

6 (III) Transports the ~~child~~ INDIVIDUAL to gain access to community
7 services and resources;

8 (IV) Provides communication and information to the ~~child~~
9 INDIVIDUAL concerning the ~~child's~~ INDIVIDUAL'S environment that
10 otherwise would be available through vision and hearing;

11 (V) Uses interpersonal communication, including sign language,
12 speech, tangible communication symbols, gestures, calendars, and
13 augmentative communication devices;

14 (VI) Makes sights, sounds, and activities accessible to the ~~child~~
15 INDIVIDUAL by learning the ~~child's~~ INDIVIDUAL'S specific communication
16 system; and

17 (VII) Forms a working alliance with the deafblind ~~child's~~
18 INDIVIDUAL'S family members, neighbors, community organizations, and
19 professionals with whom the ~~child~~ INDIVIDUAL has contact.

20 (c) The FAMILY AND COMMUNITY intervener program manager
21 shall document the following outcomes for intervener services in the
22 ~~child's~~ INDIVIDUAL'S record:

23 (I) Whether the ~~child~~ INDIVIDUAL is effectively communicating
24 wants and needs to the ~~child's~~ INDIVIDUAL'S intervener; and

25 (II) Whether the ~~child~~ INDIVIDUAL is actively participating in
26 community activities and activities of daily living to the extent of the
27 ~~child's~~ INDIVIDUAL'S ability.

28 (d) The intervener program manager and intervener shall
29 collaborate with other state agencies as appropriate that provide direct or
30 indirect services to ~~children~~ INDIVIDUALS who are deafblind and their
31 families to identify potential additional services or opportunities for
32 ~~children~~ INDIVIDUALS who are deafblind.

33 (9) (a) The ~~commission~~ DIVISION shall arrange for the provision
34 of auxiliary services in rural areas of the state by performing the
35 following functions:

36 (VIII) Establishing, monitoring, and publishing on the
37 commission's public website a list of available CART providers and
38 qualified interpreters, as defined in subsections (4)(g)(II)(A) and
39 (4)(g)(II)(B) of this section, respectively, who are willing to work in rural
40 areas for ~~persons~~ INDIVIDUALS who are deaf, hard of hearing, or
41 deafblind; AND

42 (IX) ~~Creating an advisory council to make recommendations to~~
43 ~~the commission about the provision of auxiliary services in rural areas;~~
44 ~~and~~

45 (b) The ~~executive director~~ BOARD shall ~~promulgate~~ ADOPT rules

1 in consultation with, or as proposed by, the ~~commission~~ DIVISION, WITH
2 INPUT FROM THE COMMISSION and the deaf, hard of hearing, and deafblind
3 community, regarding implementation of this subsection (9). The rules
4 must define the term "rural area".

5 (c) (I) On or before November 1, 2022, and on or before
6 November 1 of each year thereafter, the ~~commission~~ DIVISION shall
7 submit a report to the joint budget committee summarizing the
8 ~~commission's~~ DIVISION's implementation of the program described in this
9 subsection (9) over the previous twelve months.

10 **SECTION 8.** In Colorado Revised Statutes, 26-21-107, **amend**
11 (1); and **add** (4) as follows:

12 **26-21-107. Colorado division for the deaf, hard of hearing,
13 and deafblind cash fund - creation - gifts, grants, and donations -
14 reimbursement.** (1) There is hereby created in the state treasury the
15 Colorado ~~commission~~ DIVISION for the deaf, hard of hearing, and
16 deafblind cash fund. All money credited to the fund must, PURSUANT TO
17 SECTION 26-21-103.5 (1)(a)(IV), be used exclusively for the
18 administration and discharge of THE DUTIES OF THE ENTERPRISE,
19 COMMISSION MEMBERS, AND DIVISION STAFF UNDER this article 21. All
20 money credited to the fund and any interest earned from the investment
21 of money in the fund remains in the fund and does not revert to the
22 general fund or any other fund at the end of any fiscal year.

23 (4) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
24 STATE DEPARTMENT FOR THE PURPOSES SET FORTH IN SECTION 26-21-102.

25 **SECTION 9.** In Colorado Revised Statutes, 26-21-107.5, **amend**
26 (1), (2), and (7) as follows:

27 **26-21-107.5. Colorado division for the deaf, hard of hearing,
28 and deafblind grant program - creation - standards - applications -
29 definition.** (1) The Colorado ~~commission~~ DIVISION for the deaf, hard of
30 hearing, and deafblind grant program is hereby established to provide
31 funding for entities to address the needs of Colorado's INDIVIDUALS WHO
32 ARE deaf, ~~hard-of-hearing, or~~ HARD OF HEARING, AND deafblind.
33 individuals.

34 (2) (a) The Colorado ~~commission~~ DIVISION for the deaf, hard of
35 hearing, and deafblind grant program committee appointed pursuant to
36 section 26-21-107.7 shall administer the grant program as provided in
37 section 26-21-107.7.

38 (b) The ~~commission~~ DIVISION shall pay the grants awarded
39 through the grant program from money appropriated by the general
40 assembly.

41 (c) Subject to available money, the general assembly shall
42 appropriate to the ~~commission~~ DIVISION no more than fifty thousand
43 dollars annually to administer the grant program.

44 (7) Grantees shall comply with reporting requirements established
45 by the ~~commission~~ DIVISION.

1 **SECTION 10.** In Colorado Revised Statutes, 26-21-107.7,
2 ~~amend~~ (1)(a.5)(I), (1)(a.5)(II) introductory portion, (1)(c), (1)(d), (1)(e),
3 (2), and (3); and ~~repeal~~ (1)(a.5)(III) as follows:

4 **26-21-107.7. Colorado division for the deaf, hard of hearing,
5 and deafblind grant program committee - creation - members - duties
6 - reimbursement for expenses.** (1) (a.5) (I) There is ~~hereby~~ created the
7 Colorado ~~commission~~ DIVISION for the deaf, hard of hearing, and
8 deafblind grant program committee, referred to in this section as the
9 "committee", consisting of five members, for the purpose of
10 recommending to the ~~commission~~ DIVISION approval or disapproval of
11 applications for the grant program.

12 (II) The ~~commission~~ DIVISION shall appoint four members to the
13 committee as follows:

14 (III) ~~This subsection (1)(a.5) is effective September 1, 2018, and
15 applies to appointments to the committee on or after September 1, 2018.
16 All initial appointments in accordance with this subsection (1)(a.5) must
17 be made by September 30, 2018.~~

18 (c) In appointing members to the committee, the ~~commission~~
19 DIVISION shall choose ~~persons~~ INDIVIDUALS who have knowledge and
20 awareness of innovative strategies that address challenges faced by the
21 deaf, hard-of-hearing, and deafblind ~~community~~ AND SPEECH-DISABLED
22 COMMUNITIES.

23 (d) The appointed members of the committee shall serve
24 three-year terms. ~~except that, of the members first appointed, one of the
25 members shall serve a two-year term and two of the members shall serve
26 one-year terms. The commission shall choose those members who shall
27 serve the initial shortened terms.~~ If a vacancy arises in one of the
28 appointed positions, the ~~commission~~ DIVISION shall appoint a replacement
29 to fill the vacancy for the remainder of the term.

30 (e) Members of the committee are entitled to be reimbursed ~~out
31 of available appropriations~~ for all actual and necessary expenses incurred
32 in the performance of their duties.

33 (2) The committee shall review all applications received pursuant
34 to section 26-21-107.5. Based on criteria established by the ~~commission~~
35 DIVISION, the committee shall recommend to the commission those
36 applications to approve, with recommended grant amounts, and those to
37 disapprove.

38 (3) The ~~commission~~ DIVISION shall review and may follow the
39 recommendations of the committee for approval or disapproval of
40 applications for the grant program and for grant amounts. If the
41 ~~commission~~ DIVISION disagrees with the recommendations of the
42 committee, the ~~executive~~ director of the ~~department~~ shall have DIVISION
43 HAS final decision-making authority to approve or disapprove the
44 applications and to set the grant amounts.

45 **SECTION 11.** In Colorado Revised Statutes, ~~add~~ 26-21-107.9 as

1 follows:

26-21-107.9. Rules. THE BOARD MAY ADOPT RULES AS NECESSARY
TO IMPLEMENT THIS ARTICLE 21.

4 **SECTION 12.** In Colorado Revised Statutes, **repeal** 26-21-108
5 as follows:

6 26-21-108. Repeal of article - sunset review. (1) This article 21
7 is repealed, effective September 1, 2031.

(2) Prior to the repeal, the commission shall be reviewed as provided for in section 24-34-104, C.R.S.

10 **SECTION 13.** In Colorado Revised Statutes, 24-90-105.5,
11 **amend** (5) as follows:

24-90-105.5. Literacy support services for persons who are blind or print-disabled - authority of state librarian - fund. (5) The general assembly recognizes the importance of privately operated reading services to enable persons who are blind or print-disabled to gain access to otherwise inaccessible print materials. The state librarian has the authority to administer money in the reading services for the blind cash fund, which is created in the state treasury PURSUANT TO SECTION 26-21-103.5 (1)(a)(IV), for the support of privately operated reading services. The fund consists of any public or private money transferred, appropriated, or otherwise credited to the fund. All money credited to the fund and all interest earned on the investment of money in the fund is a part of the fund and must not be transferred or credited to the general fund or to any other fund except as directed by the general assembly acting by bill. ~~The general assembly shall make annual appropriations from the reading services for the blind cash fund to the state librarian to carry out the purposes of this section. MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE STATE LIBRARIAN TO CARRY OUT THE PURPOSES OF THIS SECTION.~~

30 SECTION 14. In Colorado Revised Statutes, **repeal** 29-11-102.7.

31 **SECTION 15.** In Colorado Revised Statutes, **repeal and reenact,**
32 **with amendments,** article 17 of title 40 as follows:

ARTICLE 17

Telephone Disability Access

35 **40-17-101. Definitions.** AS USED IN THIS ARTICLE 17, UNLESS THE
36 CONTEXT OTHERWISE REQUIRES:

37 (1) "COMMISSION" MEANS THE PUBLIC UTILITIES COMMISSION
38 CREATED IN SECTION 40-2-101.

39 (2) "CONSUMER" MEANS A PERSON WHO PURCHASES PREPAID
40 WIRELESS TELECOMMUNICATIONS SERVICE IN A RETAIL TRANSACTION.

41 (3) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.

42 (4) "ENTERPRISE" MEANS THE COMMUNICATION SERVICES FOR
43 PEOPLE WITH DISABILITIES ENTERPRISE CREATED IN SECTION 26-21-103.5.

44 (5) "PREPAID TELEPHONE DISABILITY ACCESS CHARGE" OR
45 "CHARGE" MEANS THE CHARGE IMPOSED BY THE COMMUNICATION

1 SERVICES FOR PEOPLE WITH DISABILITIES ENTERPRISE PURSUANT TO
2 SECTION 26-21-103.5 (1)(a)(III).

3 (6) "RETAIL TRANSACTION" MEANS THE PURCHASE OF PREPAID
4 WIRELESS TELECOMMUNICATIONS SERVICE FROM A SELLER FOR ANY
5 PURPOSE OTHER THAN RESALE.

6 (7) "SELLER" MEANS A PERSON THAT SELLS PREPAID WIRELESS
7 TELECOMMUNICATIONS SERVICES TO ANOTHER PERSON.

8 (8) "SERVICE SUPPLIER" MEANS A PERSON PROVIDING TELEPHONE
9 ACCESS LINES TO ANY SERVICE USER IN THE STATE, EITHER DIRECTLY OR
10 BY RESALE.

11 (9) "SERVICE USER" MEANS A PERSON THAT IS PROVIDED A
12 TELEPHONE ACCESS LINE IN THE STATE.

13 (10) "TELEPHONE ACCESS LINE" MEANS A VOICE GRADE CHANNEL
14 OR ITS EQUIVALENT ASSIGNED TO A RESIDENTIAL OR COMMERCIAL END
15 USER CUSTOMER BY A SERVICE SUPPLIER, REGARDLESS OF THE
16 TECHNOLOGY USED TO PROVIDE THE SERVICE.

17 (11) "TELEPHONE DISABILITY ACCESS SURCHARGE" OR
18 "SURCHARGE" MEANS THE SURCHARGE IMPOSED BY THE COMMUNICATION
19 SERVICES FOR PEOPLE WITH DISABILITIES ENTERPRISE PURSUANT TO
20 SECTION 26-21-103.5 (1)(a)(II).

21 **40-17-102. Telephone disability access surcharges collected for
the enterprise - remittance - rules.** (1) THE COMMISSION SHALL
22 COLLECT, ON BEHALF OF THE COMMUNICATION SERVICES FOR PEOPLE WITH
23 DISABILITIES ENTERPRISE, THE TELEPHONE DISABILITY ACCESS SURCHARGE
24 TO FUND THE ENTERPRISE. THE COMMISSION SHALL COLLABORATE WITH
25 THE ENTERPRISE TO ESTABLISH THE AMOUNT OF THE SURCHARGE ONCE
26 PER YEAR.

27 (2) (a) EACH SERVICE SUPPLIER SHALL COLLECT THE SURCHARGE
28 FROM ITS SERVICE USERS. THE SURCHARGE IS THE LIABILITY OF THE
29 SERVICE USER AND NOT OF THE SERVICE SUPPLIER; EXCEPT THAT THE
30 SERVICE SUPPLIER IS LIABLE TO REMIT ALL SURCHARGES THAT THE
31 SERVICE SUPPLIER COLLECTS FROM SERVICE USERS.

32 (b) THE SURCHARGE SHALL BE LISTED AS A SEPARATE ITEM THAT
33 APPEARS ON A SERVICE USER'S MONTHLY BILLING STATEMENT.

34 (3) (a) THE SERVICE SUPPLIER SHALL REMIT THE COLLECTED
35 SURCHARGES TO THE COMMISSION ON A MONTHLY BASIS IN A MANNER
36 ESTABLISHED BY THE COMMISSION. THE COMMISSION SHALL ESTABLISH
37 REMITTANCE PROCEDURES BY RULE. A SERVICE SUPPLIER IS SUBJECT TO
38 THE PENALTIES AND PROCEDURES SET FORTH IN SECTION 40-17-103 FOR
39 THE FAILURE TO COLLECT OR CORRECTLY REMIT A SURCHARGE IN
40 ACCORDANCE WITH THIS SECTION.

41 (b) A SERVICE SUPPLIER MAY DEDUCT AND RETAIN ONE PERCENT
42 OF THE SURCHARGES THAT ARE COLLECTED BY THE SERVICE SUPPLIER
43 FROM ITS SERVICE USERS.

44 (c) (I) THE STATE TREASURER SHALL CREDIT THE SURCHARGE

1 COLLECTIONS REMITTED TO THE COMMISSION PURSUANT TO SUBSECTION
2 (3)(a) OF THIS SECTION TO THE COLORADO DIVISION FOR THE DEAF, HARD
3 OF HEARING, AND DEAFBLIND CASH FUND CREATED IN SECTION 26-21-107
4 (1). ANY SURCHARGE TRANSMITTED TO THE STATE TREASURER THAT IS
5 COLLECTED ON BEHALF OF THE ENTERPRISE IS EXCLUDED FROM STATE
6 FISCAL YEAR SPENDING.

7 (II) THE COMMISSION MAY RETAIN UP TO FOUR PERCENT OF THE
8 COLLECTED SURCHARGES NECESSARY TO REIMBURSE THE COMMISSION FOR
9 ITS DIRECT AND INDIRECT COSTS OF ADMINISTERING THE COLLECTION AND
10 REMITTANCE OF SURCHARGES FOR THE ENTERPRISE, INCLUDING COSTS
11 RELATED TO CONDUCTING AUDITS OF SERVICE SUPPLIERS IN ACCORDANCE
12 WITH SECTION 40-17-103.

13 (4) THE SURCHARGE IMPOSED BY THE ENTERPRISE PURSUANT TO
14 SECTION 26-21-103.5 (1)(a)(II) IS THE ONLY DIRECT COMMUNICATION
15 SERVICES FOR PEOPLE WITH DISABILITIES FUNDING OBLIGATION IMPOSED
16 UPON SERVICE USERS IN THE STATE. NO TAX, FEE, SURCHARGE, OR OTHER
17 CHARGE TO FUND THE ENTERPRISE IS IMPOSED BY THE STATE, ANY
18 POLITICAL SUBDIVISION OF THE STATE, OR ANY INTERGOVERNMENTAL
19 AGENCY UPON A SELLER OR CONSUMER WITH RESPECT TO THE SALE,
20 PURCHASE, USE, OR PROVISION OF A TELEPHONE ACCESS LINE IN THE
21 STATE.

22 (5) THIS SECTION DOES NOT APPLY TO PREPAID WIRELESS
23 TELECOMMUNICATIONS SERVICES.

24 (6) THE TELEPHONE DISABILITY ACCESS SURCHARGE SHALL NOT BE
25 IMPOSED ON THE SERVICE SUPPLIER OR THE SERVICE USERS WITH RESPECT
26 TO FEDERALLY SUPPORTED LIFELINE SERVICE.

27 **40-17-103. Service supplier obligations - penalties - audits -**
28 **rules.** (1) EVERY SERVICE SUPPLIER SHALL COLLECT THE TELEPHONE
29 DISABILITY ACCESS SURCHARGE FROM ITS SERVICE USERS.

30 (2) A SERVICE SUPPLIER IS LIABLE ONLY FOR THE SURCHARGE
31 COLLECTED PURSUANT TO THIS ARTICLE 17 UNTIL THE SURCHARGE IS
32 REMITTED TO THE COMMISSION. THE AMOUNT REMITTED BY THE SERVICE
33 SUPPLIER MUST REFLECT THE ACTUAL COLLECTIONS BASED ON THE
34 ACTUAL TELEPHONE ACCESS LINE BILLED.

35 (3) A SERVICE SUPPLIER SHALL REMIT THE SURCHARGE IN
36 ACCORDANCE WITH SECTION 40-17-102 AND RULES ADOPTED BY THE
37 COMMISSION.

38 (4) (a) THE SERVICE SUPPLIER SHALL MAINTAIN A RECORD OF THE
39 AMOUNT OF EACH SURCHARGE COLLECTED AND REMITTED BY THE SERVICE
40 USER ADDRESS FOR A PERIOD OF THREE YEARS AFTER THE TIME THE
41 CHARGE IS COLLECTED AND REMITTED.

42 (b) IF A SERVICE SUPPLIER FAILS TO TIMELY FILE A REPORT AND
43 REMIT THE SURCHARGE AS REQUIRED BY THIS SECTION, OR IF A SERVICE
44 SUPPLIER FILES AN INCORRECT REPORT OR FAILS TO REMIT THE CORRECT
45 AMOUNT, THE COMMISSION SHALL ESTIMATE THE AMOUNT OF THE

1 REMITTANCE DUE FOR THE PERIOD OR PERIODS FOR WHICH THE SERVICE
2 SUPPLIER IS DELINQUENT. THE COMMISSION SHALL MAKE THE ESTIMATE
3 BASED ON THE INFORMATION AVAILABLE. THE COMMISSION SHALL
4 COMPUTE AND ASSESS A PENALTY EQUAL TO FIFTEEN PERCENT OF THE
5 ESTIMATE OF THE DELINQUENT AMOUNT AND SHALL ASSESS INTEREST ON
6 THE DELINQUENT CHARGES AT THE RATE OF ONE PERCENT EACH MONTH
7 FROM THE DATE WHEN DUE UNTIL THE DATE PAID.

8 (c) EXCEPT AS PROVIDED IN THIS SECTION AND UNLESS SUCH TIME
9 IS EXTENDED BY AGREEMENT PURSUANT TO SUBSECTION (4)(d) OF THIS
10 SECTION, THE AMOUNT OF A DELINQUENT REMITTANCE AND THE PENALTY
11 AND INTEREST OWED PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION,
12 OTHER THAN INTEREST ACCRUING THEREAFTER, SHALL BE ASSESSED
13 WITHIN THREE YEARS AFTER THE DATE THE INCORRECT REPORT WAS FILED
14 OR THE DELINQUENT REPORT WAS TO BE FILED. THE COMMISSION SHALL
15 NOT FILE A NOTICE OF LIEN, ISSUE A DISTRAINT WARRANT, INSTITUTE A
16 SUIT FOR COLLECTION, OR TAKE OTHER ACTION TO COLLECT THE AMOUNT
17 AFTER THE EXPIRATION OF SUCH PERIOD UNLESS THE COMMISSION ISSUES
18 A NOTICE OF ASSESSMENT FOR THE AMOUNT WITHIN SUCH PERIOD OR
19 WITHIN AN EXTENDED PERIOD PURSUANT TO SUBSECTION (4)(d) OF THIS
20 SECTION.

21 (d) IF, BEFORE THE EXPIRATION OF THE TIME PRESCRIBED FOR THE
22 ASSESSMENT OF DELINQUENT AMOUNTS IN SUBSECTION (4)(c) OF THIS
23 SECTION, THE COMMISSION AND THE SERVICE SUPPLIER CONSENT IN
24 WRITING TO AN ASSESSMENT AFTER SUCH TIME, THE AMOUNT
25 CALCULATED IN ACCORDANCE WITH SUBSECTION (4)(b) OF THIS SECTION
26 MAY BE ASSESSED AT ANY TIME PRIOR TO THE EXPIRATION OF THE PERIOD
27 AGREED UPON. THE PERIOD AGREED UPON MAY BE EXTENDED BY
28 SUBSEQUENT AGREEMENTS IN WRITING MADE BEFORE THE EXPIRATION OF
29 THE PERIOD PREVIOUSLY AGREED UPON. THE COMMISSION MAY FILE A LIEN
30 AGAINST THE PROPERTY OF THE SERVICE SUPPLIER FOR UP TO ONE YEAR
31 AFTER THE EXPIRATION OF ANY SUCH PERIOD, UNLESS OTHERWISE
32 SPECIFICALLY PROVIDED IN THIS ARTICLE 17.

33 (e) THE COMMISSION MAY CONDUCT AN AUDIT OF A SERVICE
34 SUPPLIER'S BOOKS AND RECORDS CONCERNING THE COLLECTION AND
35 REMITTANCE OF THE CHARGES AUTHORIZED UNDER THIS ARTICLE 17. A
36 PUBLIC INSPECTION OF THE AUDIT AND OF DOCUMENTS REVIEWED IN THE
37 AUDIT IS SUBJECT TO SECTION 24-72-204. THE COMMISSION IS
38 RESPONSIBLE FOR EXPENSES THE COMMISSION MAY INCUR TO CONDUCT
39 THE AUDIT. IN CONNECTION WITH AUDITS PERFORMED, SERVICE SUPPLIERS
40 SHALL MAKE RELEVANT RECORDS AVAILABLE TO THE AUDITORS AT NO
41 CHARGE. THE COMMISSION SHALL ADOPT RULES GOVERNING THE AUDIT
42 AND APPEAL PROCEDURES.

43 (f) THE COMMISSION SHALL DEPOSIT ANY PENALTIES COLLECTED
44 OR INTEREST IN THE COLORADO DIVISION FOR THE DEAF, HARD OF
45 HEARING, AND DEAFBLIND CASH FUND CREATED IN SECTION 26-21-107(1).

1 **40-17-104. Prepaid wireless telephone disability access charges**
2 **collected for the enterprise - remittance - rules.** (1) (a) A SELLER
3 SHALL COLLECT, ON BEHALF OF THE ENTERPRISE, THE PREPAID TELEPHONE
4 DISABILITY ACCESS CHARGE FROM THE CONSUMER ON EACH RETAIL
5 TRANSACTION OCCURRING IN THE STATE. THE AMOUNT OF THE PREPAID
6 TELEPHONE DISABILITY ACCESS CHARGE SHALL BE DISCLOSED TO THE
7 CONSUMER ON AN INVOICE, A RECEIPT, OR OTHER SIMILAR DOCUMENT
8 THAT THE SELLER PROVIDES TO THE CONSUMER. A SELLER SHALL ELECT
9 TO EITHER DISCLOSE OR SEPARATELY STATE THE CHARGE AND NOT
10 CHANGE THE ELECTION WITHOUT THE WRITTEN CONSENT OF THE
11 DEPARTMENT. THE SELLER IS DEEMED TO HAVE COLLECTED THE CHARGE
12 NOTWITHSTANDING THE SELLER'S FAILURE TO SEPARATELY DISCLOSE OR
13 STATE THE CHARGE ON AN INVOICE, A RECEIPT, OR OTHER SIMILAR
14 DOCUMENT THAT THE SELLER PROVIDES THE CONSUMER.

15 (b) FOR PURPOSES OF THIS SECTION, A RETAIL TRANSACTION
16 OCCURS IN COLORADO IF:

17 (I) THE CONSUMER EFFECTS THE RETAIL TRANSACTION IN PERSON
18 AT A BUSINESS LOCATION IN COLORADO;

19 (II) IF SUBSECTION (1)(b)(I) OF THIS SECTION DOES NOT APPLY, THE
20 PRODUCT IS DELIVERED TO THE CONSUMER AT A COLORADO ADDRESS
21 PROVIDED TO THE SELLER;

22 (III) IF SUBSECTIONS (1)(b)(I) AND (1)(b)(II) OF THIS SECTION DO
23 NOT APPLY, THE SELLER'S RECORDS, MAINTAINED IN THE ORDINARY
24 COURSE OF BUSINESS, INDICATE THAT THE CONSUMER'S ADDRESS IS IN
25 COLORADO, AND THE RECORDS ARE NOT MADE OR KEPT IN BAD FAITH;

26 (IV) IF SUBSECTIONS (1)(b)(I) TO (1)(b)(III) OF THIS SECTION DO
27 NOT APPLY, THE CONSUMER GIVES A COLORADO ADDRESS DURING THE
28 CONSUMMATION OF THE SALE, INCLUDING THE CONSUMER'S PAYMENT
29 INSTRUMENT IF NO OTHER ADDRESS IS AVAILABLE, AND THERE IS NO
30 INDICATION THAT THE ADDRESS IS GIVEN IN BAD FAITH; OR

31 (V) IF SUBSECTIONS (1)(b)(I) TO (1)(b)(IV) OF THIS SECTION DO
32 NOT APPLY, THE CONSUMER'S MOBILE TELEPHONE NUMBER IS ASSOCIATED
33 WITH A COLORADO LOCATION.

34 (c) THE PREPAID TELEPHONE DISABILITY ACCESS CHARGE IS THE
35 LIABILITY OF THE CONSUMER AND NOT OF THE SELLER; EXCEPT THAT THE
36 SELLER IS LIABLE TO REMIT ALL CHARGES THAT THE SELLER COLLECTS
37 FROM A CONSUMER AS PROVIDED IN SUBSECTION (2) OF THIS SECTION.

38 (d) THE AMOUNT OF THE PREPAID TELEPHONE DISABILITY ACCESS
39 CHARGE THAT IS COLLECTED BY A SELLER FROM A CONSUMER IS NOT
40 INCLUDED IN THE BASE FOR MEASURING ANY TAX, FEE, SURCHARGE, OR
41 OTHER CHARGE THAT IS IMPOSED BY THE STATE, ANY POLITICAL
42 SUBDIVISION OF THE STATE, OR ANY INTERGOVERNMENTAL AGENCY.

43 (2) (a) THE SELLER SHALL REMIT ANY COLLECTED PREPAID
44 TELEPHONE DISABILITY ACCESS CHARGES TO THE DEPARTMENT AT THE
45 TIMES AND IN THE MANNER PROVIDED IN PART 1 OF ARTICLE 26 OF TITLE

1 39. THE DEPARTMENT SHALL ESTABLISH, BY RULE, REGISTRATION AND
2 PAYMENT PROCEDURES THAT SUBSTANTIALLY COINCIDE WITH THE
3 REGISTRATION AND PAYMENT PROCEDURES THAT APPLY UNDER PART 1 OF
4 ARTICLE 26 OF TITLE 39. A SELLER IS SUBJECT TO THE PENALTIES UNDER
5 PART 1 OF ARTICLE 26 OF TITLE 39 FOR FAILURE TO COLLECT OR REMIT A
6 CHARGE IN ACCORDANCE WITH THIS SECTION.

7 (b) A SELLER MAY DEDUCT AND RETAIN THREE AND THREE-TENTHS
8 PERCENT OF THE PREPAID TELEPHONE DISABILITY ACCESS CHARGES THAT
9 ARE COLLECTED BY A SELLER FROM CONSUMERS.

10 (c) THE AUDIT AND APPEAL PROCEDURES APPLICABLE TO THE
11 STATE SALES TAX PURSUANT TO PART 1 OF ARTICLE 26 OF TITLE 39 APPLY
12 TO PREPAID TELEPHONE DISABILITY ACCESS CHARGES.

13 (d) THE DEPARTMENT SHALL, BY RULE, ESTABLISH PROCEDURES BY
14 WHICH A SELLER MAY DOCUMENT THAT A TRANSACTION IS NOT A RETAIL
15 TRANSACTION, WHICH PROCEDURES MUST SUBSTANTIALLY COINCIDE WITH
16 THE PROCEDURES FOR DOCUMENTING THAT A SALE WAS WHOLESALE FOR
17 PURPOSES OF THE SALES TAX PURSUANT TO PART 1 OF ARTICLE 26 OF TITLE
18 39.

19 (e) (I) THE STATE TREASURER SHALL CREDIT THE PREPAID
20 TELEPHONE DISABILITY ACCESS CHARGES REMITTED TO THE DEPARTMENT
21 PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION TO THE COLORADO
22 DIVISION FOR THE DEAF, HARD OF HEARING, AND DEAFBLIND CASH FUND
23 CREATED IN SECTION 26-21-107 (1).

24 (II) THE DEPARTMENT MAY RETAIN UP TO THREE PERCENT OF THE
25 COLLECTED CHARGES NECESSARY TO REIMBURSE THE DEPARTMENT FOR
26 ITS DIRECT COSTS OF ADMINISTERING THE COLLECTION AND REMITTANCE
27 OF PREPAID TELEPHONE DISABILITY ACCESS CHARGES.

28 (3) THE PREPAID TELEPHONE DISABILITY ACCESS CHARGE IS THE
29 ONLY DIRECT DISABILITY COMMUNICATION ACCESS FUNDING OBLIGATION
30 IMPOSED WITH RESPECT TO PREPAID WIRELESS TELECOMMUNICATIONS
31 SERVICE IN THE STATE. NO TAX, FEE, SURCHARGE, OR OTHER CHARGE TO
32 FUND DISABILITY COMMUNICATION ACCESS IS IMPOSED BY THE STATE, ANY
33 POLITICAL SUBDIVISION OF THE STATE, OR ANY INTERGOVERNMENTAL
34 AGENCY UPON A SELLER OR CONSUMER WITH RESPECT TO THE SALE,
35 PURCHASE, USE, OR PROVISION OF PREPAID WIRELESS
36 TELECOMMUNICATIONS SERVICE.

37 (4) THE PREPAID TELEPHONE DISABILITY ACCESS CHARGE SHALL
38 NOT BE IMPOSED ON THE SELLER OR THE CONSUMER WITH RESPECT TO
39 FEDERALLY SUPPORTED LIFELINE SERVICE.

40 **SECTION 16.** In Colorado Revised Statutes, 2-3-1203, **add**
41 (22)(a)(VII) as follows:

42 **2-3-1203. Sunset review of advisory committees - legislative**
43 **declaration - definition - repeal.** (22) (a) The following statutory
44 authorizations for the designated advisory committees will repeal on
45 September 1, 2031:

1 (VII) THE COLORADO COMMISSION FOR THE DEAF, HARD OF
2 HEARING, AND DEAFBLIND ADVISORY COUNCIL, AS SET FORTH IN SECTIONS
3 26-21-104 AND 26-21-105 (2) AND (5).

4 **SECTION 17.** In Colorado Revised Statutes, 6-1-707, amend
5 (1)(e)(I)(B) as follows:

6-1-707. Use of title or degree - deceptive trade practice. (1) A person engages in a deceptive trade practice when, in the course of the person's business, vocation, or occupation, the person:

9 (e) (I) Claims to be a "sign language interpreter", "interpreter for
10 the deaf", "deaf interpreter", "ASL-English interpreter", "American sign
11 language (ASL) interpreter", "translator" for sign language,
12 "transliterator", "certified sign language interpreter", "certified translator"
13 for sign language, "certified interpreter for the deaf", "certified deaf
14 interpreter", "certified ASL-English interpreter", "certified American sign
15 language (ASL) interpreter", or "certified transliterator", unless the
16 person holds:

21 **SECTION 18.** In Colorado Revised Statutes, amend 13-71-137
22 as follows:

23 **13-71-137. Duties and responsibilities of auxiliary services**
24 **providers for jurors who are deaf, hard of hearing, or deafblind.**

25 (1) The court may provide, through the list of available resources
26 coordinated through the ~~Colorado commission~~ DIVISION for the deaf, hard
27 of hearing, and deafblind pursuant to section 26-21-106 (4), a qualified
28 PROVIDER OF auxiliary services, ~~provider~~, as defined in section 13-90-202
29 (8) (3), to assist during a trial a juror who is deaf, hard of hearing, or
30 deafblind. In the presence of the jury, the court shall instruct the qualified
31 auxiliary services provider to make true and complete translations of all
32 court proceedings to the juror who is deaf, hard of hearing, or deafblind
33 to the best of the qualified auxiliary services provider's ability.

45 **SECTION 19.** In Colorado Revised Statutes, 13-90-202, amend

1 (8); **repeal** (4); and **add** (6.3) and (7.3) as follows:

2 **13-90-202. Definitions.** As used in this part 2, unless the context
3 otherwise requires:

4 (4) "**Commission**" means the Colorado commission for the deaf,
5 hard of hearing, and deafblind in the department of human services
6 created in section 26-21-104.

7 (6.3) "**DIVISION**" MEANS THE DIVISION FOR THE DEAF, HARD OF
8 HEARING, AND DEAFBLIND IN THE DEPARTMENT OF HUMAN SERVICES
9 CREATED IN SECTION 26-21-106 (1).

10 (7.3) "**ENTERPRISE**" MEANS THE COMMUNICATION SERVICES FOR
11 PEOPLE WITH DISABILITIES ENTERPRISE CREATED IN SECTION 26-21-103.5.

12 (8) "**Qualified interpreter**" means a person who has a valid
13 certification of competency accepted by the **commission** DIVISION and
14 includes but is not limited to, oral interpreters, sign language interpreters,
15 and intermediary interpreters.

16 **SECTION 20.** In Colorado Revised Statutes, **amend** 13-90-203
17 as follows:

18 **13-90-203. Powers and duties of the enterprise - rules.** The
19 ~~department of human services~~ BOARD OF DIRECTORS OF THE ENTERPRISE
20 shall ~~promulgate~~ ADOPT rules pursuant to article 4 of title 24 C.R.S.,
21 which have been proposed by the **commission** as necessary for the
22 implementation of this part 2. The rule-making process shall be open and
23 available for input from the public, including ~~but not limited to~~
24 interpreters and consumers of interpreter services.

25 **SECTION 21.** In Colorado Revised Statutes, **amend** 13-90-205
26 as follows:

27 **13-90-205. Coordination of auxiliary services requests.** (1) The
28 **commission** DIVISION, in collaboration with the judicial department, shall
29 establish, monitor, coordinate, and publish a list of available resources
30 regarding communication accessibility for ~~persons~~ INDIVIDUALS who are
31 deaf, hard of hearing, or deafblind, including qualified auxiliary services
32 providers, for use by an appointing authority pursuant to section
33 13-90-204. The list must contain the names of private individual
34 providers and agencies that secure qualified auxiliary services for
35 assignment.

36 (2) Whenever a qualified auxiliary service is required pursuant to
37 section 13-90-204, the appointing authority shall secure the auxiliary
38 service through the list of available resources made available and
39 coordinated by the **commission** DIVISION in accordance with subsection
40 (1) of this section.

41 (3) The **commission** DIVISION shall provide auxiliary services for
42 a proceeding described by section 13-90-204 (1)(a), (1)(b), or (1)(c). The
43 **commission** DIVISION does not have additional responsibilities beyond the
44 requirements of subsection (1) of this section for a proceeding described
45 in section 13-90-204 (1)(d) or (1)(f).

1 **SECTION 22.** In Colorado Revised Statutes, **amend** 13-90-210
2 as follows:

3 **13-90-210. Compensation.** Subject to the appropriations PER THE
4 FUNDING available to the commission DIVISION, a qualified interpreter or
5 computer-aided realtime translation reporter AUXILIARY SERVICES
6 PROVIDER provided pursuant to section 13-90-204 shall be entitled to
7 compensation for his or her SHALL BE COMPENSATED FOR THEIR services,
8 including waiting time and necessary travel and subsistence expenses.
9 The amount of compensation shall be based on a fee schedule for
10 qualified interpreters and auxiliary services PROVIDERS established by the
11 commission DIVISION.

12 **SECTION 23.** In Colorado Revised Statutes, 18-1.3-701, **amend**
13 (1)(c) as follows:

14 **18-1.3-701. Judgment of costs and fines - definitions.**
15 (1)(c) Judgments collected pursuant to this section for fees for auxiliary
16 services provided pursuant to section 13-90-204, and reimbursed pursuant
17 to section 13-90-210, shall be remitted to the Colorado commission
18 DIVISION for the deaf, hard of hearing, and deafblind in the department of
19 human services CASH FUND created in section 26-21-104 26-21-107.

20 **SECTION 24.** In Colorado Revised Statutes, 24-1-120, **amend**
21 (5)(h); and **add** (5)(g.5) and (5)(g.7) as follows:

22 **24-1-120. Department of human services - creation.** (5) The
23 department of human services includes the following:

24 (g.5) THE COMMUNICATION SERVICES FOR PEOPLE WITH
25 DISABILITIES ENTERPRISE, CREATED IN ARTICLE 21 OF TITLE 26. THE
26 ENTERPRISE IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND
27 EXERCISES ITS POWERS AND PERFORMS ITS DUTIES AND FUNCTIONS UNDER
28 THE DEPARTMENT.

29 (g.7) THE DIVISION FOR THE DEAF, HARD OF HEARING, AND
30 DEAFBLIND CREATED IN ARTICLE 21 OF TITLE 26. THE DIVISION IS A **TYPE**
31 **2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND EXERCISES ITS POWERS
32 AND FUNCTIONS UNDER THE DEPARTMENT.

33 (h) The Colorado commission for the deaf, hard of hearing, and
34 deafblind ADVISORY COUNCIL, created in article 21 of title 26. The
35 Colorado commission for the deaf, hard of hearing, and deafblind is a
36 **type 2** entity, as defined in section 24-1-105, and exercises its powers and
37 performs its duties and functions under the department.

38 **SECTION 25.** In Colorado Revised Statutes, 24-34-104, **repeal**
39 (32)(a)(XII) as follows:

40 **24-34-104. General assembly review of regulatory agencies
41 and functions for repeal, continuation, or reestablishment - legislative
42 declaration - repeal.**

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

45 (XII) The Colorado commission for the deaf, hard of hearing, and

1 deafblind created in article 21 of title 26;

2 **SECTION 26.** In Colorado Revised Statutes, 29-2-201, **amend**
3 **as it will become effective July 1, 2025,** (8)(e) as follows:

4 **29-2-201. Definitions.** As used in this part 2, unless the context
5 otherwise requires:

6 (8) "Sales or use tax" includes the:

7 (e) Prepaid wireless TRS charge imposed pursuant to section
8 29-11-102.7 SECTION 40-17-104; and

9 **SECTION 27.** In Colorado Revised Statutes, 29-2-202, **amend**
10 **as it will become effective July 1, 2025,** (1)(b)(V) as follows:

11 **29-2-202. Applicability.** (1) Except as provided in sections
12 29-2-209 and 29-2-211, this part 2 applies to:

13 (b) (V) The prepaid wireless TRS charge imposed pursuant to
14 section 29-11-102.7 SECTION 40-17-104; and

15 **SECTION 28.** In Colorado Revised Statutes, 39-21-119.5,
16 **amend** (2)(t) as follows:

17 **39-21-119.5. Mandatory electronic filing of returns -**
18 **mandatory electronic payment - penalty - waiver - definitions.**

19 (2) Except as provided in subsection (6) of this section, the executive
20 director may, as specified in subsection (3) of this section, require the
21 electronic filing of returns and require the payment of any tax or fee due
22 by electronic funds transfer for the following:

23 (t) Any prepaid wireless telecommunications relay service charge
24 report required to be filed and payment required to be made pursuant to
25 section 29-11-102.7 (3) SECTION 40-17-104; and

26 **SECTION 29.** In Colorado Revised Statutes, 40-2-112, **amend**
27 (1)(a) as follows:

28 **40-2-112. Computation of fees.** (1) (a) On or before June 1 of
29 each year, the executive director of the department of revenue shall
30 ascertain the aggregate amount of gross operating revenues of telephone
31 corporations and all other public utilities filing returns as provided in
32 section 40-2-111. Based on appropriations made by the general assembly,
33 the executive director of the department of regulatory agencies shall
34 specify, for the telecommunications utility fund, created in section
35 40-2-114 (1)(b)(I), and the public utilities commission fixed utility fund,
36 created in section 40-2-114 (1)(b)(II), the revenue needed to provide for
37 the direct and indirect costs of the supervision and regulation of telephone
38 corporations and all other public utilities under the jurisdiction of the
39 department of regulatory agencies, excluding the amount of money
40 provided as administrative support from the various telecommunications
41 programs administered by the commission, including the high cost
42 support mechanism, established in section 40-15-208; the 911 surcharge,
43 established in section 29-11-102.3; the 988 surcharge, established in
44 section 40-17.5-102; and the ~~telecommunications relay service~~
45 TELEPHONE DISABILITY ACCESS surcharge, established in section

1 ~~40-17-103~~ SECTION 40-17-102.

2 **SECTION 30. Safety clause.** The general assembly finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, or safety or for appropriations for
5 the support and maintenance of the departments of the state and state
6 institutions.".

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