

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0365.01 Kip Kolkmeier x4510

HOUSE BILL 18-1108

HOUSE SPONSORSHIP

Danielson,

SENATE SPONSORSHIP

(None),

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE COLORADO COMMISSION FOR THE DEAF AND HARD
102 OF HEARING, AND, IN CONNECTION THEREWITH, RENAMING THE
103 COMMISSION THE COLORADO COMMISSION FOR THE DEAF, HARD
104 OF HEARING, AND DEAFBLIND; CREATING THE COLORADO
105 DEAFBLIND CITIZENS COUNCIL TO ADVISE THE COMMISSION ON
106 DEAFBLIND ISSUES; CLARIFYING AND EXPANDING THE
107 COMMISSION'S DUTIES TO PROVIDE SERVICES TO THE DEAF,
108 HARD OF HEARING, AND DEAFBLIND; AND CHANGING THE
109 MEMBERSHIP OF THE COMMITTEE CHARGED WITH REVIEWING
110 GRANT APPLICATIONS.

Bill Summary

(Note: This summary applies to this bill as introduced and does

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

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>.)

The bill changes the name of the "Colorado commission for the deaf and hard of hearing" to the "Colorado commission for the deaf, hard of hearing, and deafblind". The bill expands the commission's duties to include establishing a community access program for one-on-one system navigation and changes the membership on the committee reviewing grant applications under the act. The bill creates the deafblind citizens council to advise the commission on assisting the deafblind community.

Currently the laws of the state refer to "deaf or hard of hearing". The bill updates the references to "deaf, hard of hearing, or deafblind".

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 13-71-137 as
3 follows:

4 **13-71-137. Duties and responsibilities of interpreters for**
5 **jurors who are deaf, hard of hearing, or deafblind.** The court may
6 provide, through the list of available resources coordinated through the
7 Colorado commission for the deaf, ~~and~~ hard of hearing, AND DEAFBLIND
8 pursuant to section 26-21-106 (4), ~~C.R.S.~~, a qualified interpreter, as
9 defined in section 13-90-202 (8), to assist during a trial a juror who is
10 deaf, ~~or~~ hard of hearing, OR DEAFBLIND. In the presence of the jury, the
11 court shall instruct the qualified interpreter to make true and complete
12 translations of all court proceedings to the juror who is deaf, ~~or~~ hard of
13 hearing, OR DEAFBLIND to the best of the qualified interpreter's ability.
14 The qualified interpreter ~~shall be~~ IS subject to the same orders and
15 admonitions given to the jurors. The court shall permit a qualified
16 interpreter to be present and assist a juror who is deaf, ~~or~~ hard of hearing,
17 OR DEAFBLIND during the deliberations of the jury. In the presence of the

1 jury, the court shall instruct the qualified interpreter to refrain from
2 participating in any manner in the deliberation of the jury and to refrain
3 from having any communications with any member of the jury regarding
4 deliberation, except for true and complete translations of jurors' remarks
5 made during deliberation. A jury verdict reached in the presence of a
6 qualified interpreter, during deliberation, ~~shall be~~ IS valid.

7 **SECTION 2.** In Colorado Revised Statutes, **amend** 13-90-201 as
8 follows:

9 **13-90-201. Legislative declaration.** The general assembly hereby
10 finds and declares that it is the policy of this state to secure the rights of
11 persons who are deaf, ~~or~~ hard of hearing, OR DEAFBLIND and cannot
12 readily hear or understand or communicate in spoken language and who
13 consequently cannot equally participate in or benefit from proceedings of
14 the courts or any board, commission, agency, or licensing or law
15 enforcement authority of the state unless qualified ~~interpreters~~ or auxiliary
16 services are available to assist them.

17 **SECTION 3.** In Colorado Revised Statutes, 13-90-202, **amend**
18 (3), (4), (5), (6), (7), and (9) as follows:

19 **13-90-202. Definitions.** As used in this part 2, unless the context
20 otherwise requires:

21 (3) "Auxiliary services" means those aids and services that assist
22 in effective communication with a person who is deaf, ~~or~~ hard of hearing,
23 OR DEAFBLIND, including: ~~but not limited to:~~

24 (a) THE SERVICES OF A QUALIFIED INTERPRETER;

25 ~~(a)~~ (b) The provision of a QUALIFIED computer-aided realtime
26 ~~translations~~ TRANSLATION (CART) reporter;

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

1 ~~(e)~~(d) The acquisition or modification of equipment or devices to
2 assist in effective communication with a person who is deaf, ~~or~~ hard of
3 hearing, OR DEAFBLIND.

4 (4) "Commission" means the Colorado commission for the deaf,
5 ~~and~~ hard of hearing, AND DEAFBLIND in the department of human services
6 created in section 26-21-104. ~~C.R.S.~~

7 (5) "Computer-aided realtime translation (CART) reporter" means
8 a word-for-word speech-to-text translation service for ~~people who are~~ THE
9 deaf, ~~or~~ hard of hearing, OR DEAFBLIND.

10 (6) "Deaf, ~~or~~ hard of hearing, OR DEAFBLIND" means a person who
11 has a functional hearing loss of sufficient severity to prevent aural
12 comprehension, even with the assistance of hearing aids.

13 (7) "Effective communication" means those methods of
14 communication that are individualized and culturally appropriate to a
15 person who is deaf, ~~or~~ hard of hearing, OR DEAFBLIND so that he or she
16 can easily understand all auditory information.

17 (9) "State court system" means the system of courts, or any part
18 thereof, established pursuant to articles 1 to 9 of this ~~title~~ TITLE 13 and
19 article VI of the state constitution. "State court system" ~~shall~~ DOES not
20 include the municipal courts or any part thereof.

21 **SECTION 4.** In Colorado Revised Statutes, 13-90-204, **amend**
22 (1) introductory portion, (1)(a), (1)(b), (1)(c), (1)(d), and (1)(f) as follows:

23 **13-90-204. Appointment of auxiliary services providers.** (1) ~~A~~
24 ~~qualified interpreter or auxiliary service shall be provided by~~ An
25 appointing authority SHALL PROVIDE A QUALIFIED AUXILIARY SERVICES
26 PROVIDER to interpret the proceedings to a person who is deaf, ~~or~~ hard of
27 hearing, OR DEAFBLIND and to interpret the statements of the person who

1 is deaf, ~~or~~ hard of hearing, OR DEAFBLIND in the following instances:

2 (a) When a person who is deaf, ~~or~~ hard of hearing, OR DEAFBLIND
3 is present and participating as the principal party of interest or a witness
4 at any civil or criminal proceeding, including but not limited to any
5 criminal or civil court proceeding in the state court system; a
6 court-ordered or court-provided alternative dispute resolution, mediation,
7 arbitration, or treatment; an administrative, commission, or agency
8 hearing; or a hearing of a licensing authority of the state;

9 (b) When a person who is deaf, ~~or~~ hard of hearing, OR DEAFBLIND
10 is involved in any stage of grand jury or jury proceedings as a potential
11 or selected juror;

12 (c) When a juvenile whose parent or parents are deaf, ~~or~~ hard of
13 hearing, OR DEAFBLIND is brought before a court for any reason;

14 (d) When a person who is deaf, ~~or~~ hard of hearing, OR DEAFBLIND
15 is arrested and taken into custody for an alleged violation of a criminal
16 law of the state or any of its political subdivisions. Such appointment
17 shall be made prior to any attempt to notify the arrestee of his or her
18 constitutional rights and prior to any attempt to interrogate or to take a
19 statement from ~~such~~ THE person; except that a person who is deaf, ~~or~~ hard
20 of hearing, OR DEAFBLIND and who is otherwise eligible for release shall
21 not be held pending the arrival of a qualified interpreter.

22 (f) When effective communication cannot be established without
23 an auxiliary service and when an alleged victim or witness is a person
24 who is deaf, ~~or~~ hard of hearing, OR DEAFBLIND, who uses sign language
25 for effective communication, and who is questioned or otherwise
26 interviewed by a person having a law enforcement or prosecutorial
27 function in any criminal investigation, except where the length,

1 importance, or complexity of the communication does not warrant
2 provision of an auxiliary service. Assessment of whether the length,
3 importance, or complexity of the communication warrants provision of
4 an auxiliary service shall be made in accordance with United States
5 department of justice regulations effectuating Title II of the federal
6 "Americans with Disabilities Act of 1990", as from time to time may be
7 amended, Pub.L. 101-336, codified at 42 U.S.C. sec. 12101 et seq.,
8 including regulations, analysis, and technical assistance.

9 **SECTION 5.** In Colorado Revised Statutes, **amend** 13-90-205 as
10 follows:

11 **13-90-205. Coordination of auxiliary services requests.** (1) The
12 commission, in collaboration with the judicial department, shall establish,
13 monitor, coordinate, and publish a list of available resources regarding
14 communication accessibility for persons who are deaf, ~~or~~ hard of hearing,
15 ~~OR DEAFBLIND~~, including ~~but not limited to~~ qualified interpreters and
16 auxiliary services PROVIDERS, for use by an appointing authority pursuant
17 to section 13-90-204. ~~Such~~ THE list shall ~~but not be limited~~
18 ~~to~~, the names of private ~~community programs~~ INDIVIDUAL PROVIDERS and
19 agencies that secure qualified interpreters and auxiliary services for
20 assignment.

21 (2) Whenever a qualified interpreter or auxiliary service is required
22 pursuant to section 13-90-204, the appointing authority shall secure ~~such~~
23 ~~interpreter or~~ THE auxiliary service through the list of available resources
24 made available and coordinated by the commission IN ACCORDANCE WITH
25 SUBSECTION (1) OF THIS SECTION.

26 (3) IN ADDITION TO MAINTAINING THE LIST OF AVAILABLE
27 AUXILIARY SERVICES PROVIDERS REQUIRED BY SUBSECTION (1) OF THIS

1 SECTION, WHEN THE CLERK OF A JUDICIAL DISTRICT REQUESTS THE
2 COMMISSION TO PROVIDE AUXILIARY SERVICES FOR A PROCEEDING
3 DESCRIBED BY SECTION 13-90-204 (1)(a), (1)(b), OR (1)(c), THE
4 COMMISSION IS ALSO RESPONSIBLE FOR ARRANGING THE SERVICES OF A
5 QUALIFIED AUXILIARY SERVICES PROVIDER, ENSURING THE QUALITY OF
6 THE SERVICE PROVIDED, AND ARRANGING ANY NECESSARY FOLLOW-UP
7 SERVICE. THE COMMISSION DOES NOT HAVE ADDITIONAL RESPONSIBILITIES
8 BEYOND THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION FOR A
9 PROCEEDING DESCRIBED IN SECTION 13-90-204 (1)(d) OR (1)(f).

10 **SECTION 6.** In Colorado Revised Statutes, 13-90-207, **amend**
11 (1) introductory portion, (1)(b), and (1)(c) as follows:

12 **13-90-207. Requirements to be met prior to commencing**
13 **proceedings.** (1) Prior to commencing any proceedings pursuant to
14 section 13-90-204 requiring a qualified ~~interpreter or auxiliary service~~
15 SERVICES PROVIDER, the following conditions shall be met:

16 (b) The qualified ~~interpreter or auxiliary service~~ SERVICES
17 PROVIDER shall be in full view and spatially situated to assure effective
18 communication with the person or persons who are deaf, ~~or~~ hard of
19 hearing, OR DEAFBLIND.

20 (c) The appointing authority shall make a reasonable attempt to
21 provide a qualified ~~interpreter or auxiliary service~~ SERVICES PROVIDER
22 that is effective to the person who is deaf, ~~or~~ hard of hearing, OR
23 DEAFBLIND.

24 **SECTION 7.** In Colorado Revised Statutes, **amend** 13-90-208 as
25 follows:

26 **13-90-208. Waiver.** The right of a person who is deaf, ~~or~~ hard of
27 hearing, OR DEAFBLIND to a qualified ~~interpreter or auxiliary service~~ may

1 not be waived except in writing by the person who is deaf, ~~or~~ hard of
2 hearing, OR DEAFBLIND. Prior to executing ~~such~~ a waiver, a person who
3 is deaf, ~~or~~ hard of hearing, OR DEAFBLIND may have access to counsel for
4 advice and shall have actual, full knowledge of the right to effective
5 communication. ~~Such~~ THE waiver is subject to the approval of counsel,
6 if any, to the person who is deaf, ~~or~~ hard of hearing, OR DEAFBLIND and
7 is also subject to the approval of the appointing authority. In no event is
8 the failure of the person who is deaf, ~~or~~ hard of hearing, OR DEAFBLIND
9 to request a qualified ~~interpreter~~ or auxiliary service deemed a waiver of
10 this right.

11 **SECTION 8.** In Colorado Revised Statutes, 18-1.3-701, **amend**
12 (1)(c) as follows:

13 **18-1.3-701. Judgment for costs and fines - definitions.**

14 (1) (c) Judgments collected pursuant to this section for fees for
15 ~~interpreters~~ or auxiliary services provided pursuant to section 13-90-204,
16 ~~C.R.S.~~, and reimbursed pursuant to section 13-90-210, ~~C.R.S.~~, shall be
17 remitted to the Colorado commission for the deaf, ~~and~~ hard of hearing,
18 AND DEAFBLIND in the department of human services created in section
19 26-21-104. ~~C.R.S.~~

20 **SECTION 9.** In Colorado Revised Statutes, 24-1-120, **amend**
21 (5)(h) as follows:

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

24 (h) The Colorado commission for the deaf, ~~and~~ hard of hearing,
25 AND DEAFBLIND, created by article 21 of title 26. ~~C.R.S. Said~~ THE
26 commission shall exercise its powers, duties, and functions under the
27 department as if transferred by a **type 2 1** transfer.

1 **SECTION 10.** In Colorado Revised Statutes, 24-34-104, **amend**
2 (25)(a)(XII) as follows:

3 **24-34-104. General assembly review of regulatory agencies**
4 **and functions for repeal, continuation, or reestablishment - legislative**
5 **declaration - repeal.** (25) (a) The following agencies, functions, or both,
6 are scheduled for repeal on September 1, 2024:

7 (XII) The Colorado commission for the deaf, ~~and~~ hard of hearing,
8 AND DEAFBLIND created in article 21 of title 26;

9 **SECTION 11.** In Colorado Revised Statutes, **amend** 26-21-101
10 as follows:

11 **26-21-101. Short title.** ~~This article shall be known and may be~~
12 ~~cited as~~ THE SHORT TITLE OF THIS ARTICLE 21 IS the "Colorado
13 Commission for the Deaf, ~~and~~ Hard of Hearing, AND DEAFBLIND Act".

14 **SECTION 12.** In Colorado Revised Statutes, **amend** 26-21-102
15 as follows:

16 **26-21-102. Legislative declaration.** The general assembly hereby
17 finds, determines, and declares that a commission for the deaf, ~~and~~ hard
18 of hearing, ~~would facilitate~~ AND DEAFBLIND FACILITATES the provision of
19 ~~general governmental~~ STATE AND LOCAL GOVERNMENT services to the
20 deaf, ~~and~~ hard of hearing, ~~community~~ AND DEAFBLIND while making
21 government more efficient. Under the federal "Americans with
22 Disabilities Act of 1990", 42 U.S.C. sec. 12101 ET SEQ., AS AMENDED,
23 Colorado has a duty to provide EQUIVALENT ACCESS TO STATE AND LOCAL
24 GOVERNMENTS AND PUBLIC ACCOMMODATIONS to the deaf, ~~and~~ hard of
25 hearing, ~~equivalent access to governmental services~~ AND DEAFBLIND. This
26 duty requires state departments and agencies to provide auxiliary services,
27 ~~telecommunications~~ COMMUNICATIONS TECHNOLOGY equipment, and

1 other resources ~~in order to enable~~ ENSURE access. ~~for the deaf and hard~~
2 ~~of hearing community.~~ Centralizing and unifying such resources under a
3 COLORADO commission ~~has the potential to create~~ CREATES cost savings
4 for ~~both the state. and the deaf and hard of hearing community.~~ In
5 addition, ~~such~~ THE consolidation of resources ~~will facilitate~~ FACILITATES
6 quality control and ~~thus increase~~ INCREASES the ~~quality~~ EFFECTIVENESS
7 of ~~governmental~~ services while increasing access TO SERVICES by the
8 deaf, ~~and hard of hearing, community to those services~~ AND DEAFBLIND.

9 **SECTION 13.** In Colorado Revised Statutes, **amend** 26-21-103
10 as follows:

11 **26-21-103. Definitions.** As used in this ~~article~~ ARTICLE 21, unless
12 the context otherwise requires:

13 (1) ~~"Administrator" means the person who is responsible for the~~
14 ~~overall management and development of the commission office and of~~
15 ~~programs included in the commission's statutory duties.~~

16 (2) (1) "Auxiliary services" means ~~qualified interpreters,~~
17 ~~communication access realtime translation providers, assistive listening~~
18 ~~devices or systems, and other effective methods of making spoken or~~
19 ~~written information available to deaf or hard of hearing individuals~~ THOSE
20 AIDS AND SERVICES THAT ASSIST IN EFFECTIVE COMMUNICATION WITH A
21 PERSON WHO IS DEAF, HARD OF HEARING, OR DEAFBLIND, INCLUDING BUT
22 NOT LIMITED TO:

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

25 (b) THE PROVISION OF A QUALIFIED COMPUTER-AIDED REALTIME
26 TRANSLATION (CART) REPORTER;

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

1 (d) THE ACQUISITION OR MODIFICATION OF EQUIPMENT OR DEVICES
2 TO ASSIST IN EFFECTIVE COMMUNICATION WITH A PERSON WHO IS DEAF,
3 HARD OF HEARING, OR DEAFBLIND.

4 (2) "CITIZENS COUNCIL" MEANS THE COLORADO DEAFBLIND
5 CITIZENS COUNCIL APPOINTED BY THE COMMISSION IN ACCORDANCE WITH
6 SECTION 26-21-105 (2)(f).

7 (3) "Commission" means the Colorado commission for the deaf,
8 ~~and~~ hard of hearing, AND DEAFBLIND.

9 ~~(3.3) "Deaf-blind" or "deaf-blind community" includes persons~~
10 ~~whose varying degrees of hearing and visual acuity limit total aural and~~
11 ~~visual comprehension.~~

12 ~~(3.6) "Deaf or hard of hearing" or "deaf and hard of hearing~~
13 ~~community" includes:~~

14 ~~(a) Persons whose varying degrees of hearing acuity limit total~~
15 ~~aural comprehension; and~~

16 ~~(b) Persons whose varying degrees of hearing acuity and visual~~
17 ~~acuity limit total aural and visual comprehension.~~

18 (4) "Fund" means the Colorado commission for the deaf and hard
19 of hearing cash fund created in section 26-21-107 "COMMUNICATIONS
20 TECHNOLOGY" MEANS ANY COMMUNICATION DEVICE OR APPLICATION
21 UTILIZING RADIO, TELEVISION, CELLULAR PHONE, COMPUTER AND
22 NETWORK HARDWARE AND SOFTWARE, SATELLITE, CABLE, BROADBAND
23 SYSTEMS, OR SIMILAR MEDIUM AND THE SERVICES AND APPLICATIONS
24 ASSOCIATED WITH THOSE MEDIUMS, INCLUDING VIDEO AND
25 TELECONFERENCE SERVICES.

26 (5) "Grant program" means the Colorado commission for the deaf
27 and hard of hearing grant program created in section 26-21-107.5.

1 ~~(6)~~ (5) "Late deafened" means a person whose hearing loss began
2 in late childhood, adolescence, or adulthood, after the person acquired
3 oral language skills.

4 (6) "LATENT DEAFBLIND" MEANS A PERSON WHO HAS AN EXISTING
5 EAR AND EYE CONDITION THAT HAS NOT YET MANIFESTED.

6 (7) "LOW VISION" MEANS AN EYE CONDITION WHERE VISUAL
7 ACUITY IS 20/40 OR POORER IN THE BETTER EYE AND THE CONDITION
8 CANNOT BE CORRECTED OR IMPROVED WITH OPTICAL CORRECTIVE
9 DEVICES.

10 (8) "ORIENTATION AND MOBILITY SPECIALIST" MEANS A
11 PROFESSIONAL THAT FOCUSES ON INSTRUCTING INDIVIDUALS WHO ARE
12 DEAFBLIND ON HOW TO EFFECTIVELY AND INDEPENDENTLY TRAVEL
13 THROUGH THEIR ENVIRONMENT.

14 ~~(7)~~ (9) "State court system" means the system of courts, or any
15 part thereof, established pursuant to articles 1 to 9 of title 13 ~~C.R.S.~~, and
16 article VI of the state constitution. "State court system" ~~shall~~ DOES not
17 include the municipal courts or any part thereof.

18 ~~(8)~~ "Telecommunications" means the science and technology of
19 ~~transmitting voice, audio, facsimile, image, video, computer data, and~~
20 ~~multimedia information over significant distances by the use of~~
21 ~~electromagnetic energy in the form of electricity, radio, or fiber optics.~~

22 (10) "SUPPORT SERVICE PROVIDER" MEANS A PERSON WHO
23 PROVIDES VISUAL AND ENVIRONMENTAL INFORMATION, ACTS AS A
24 SIGHTED GUIDE, OR FACILITATES COMMUNICATION FOR DEAFBLIND
25 INDIVIDUALS.

26 **SECTION 14.** In Colorado Revised Statutes, 26-21-104, **amend**
27 (1), (2)(c), (2)(d), (2)(f), and (2)(g) as follows:

1 **26-21-104. Commission created - appointments.** (1) Effective
2 ~~July 1, 2000, there is hereby created~~ The Colorado commission for the
3 deaf, ~~and hard of hearing~~, AND DEAFBLIND IS CREATED in the department
4 of human services. The ~~Colorado commission for the deaf and hard of~~
5 ~~hearing~~ shall exercise its powers, duties, and functions under the
6 department of human services as if it were transferred to ~~said~~ THE
7 department by a **type 2 1** transfer under the provisions of the
8 "Administrative Organization Act of 1968", ARTICLE 1 OF TITLE 24.

9 (2) The commission consists of seven members as follows:

10 (c) One member who is a professional working with individuals
11 in the deaf, ~~and hard of hearing~~ HARD-OF-HEARING, OR DEAFBLIND
12 community;

13 (d) One member who is a parent of a deaf or ~~hard of hearing~~
14 HARD-OF-HEARING person;

15 (f) One member who is an auxiliary ~~service~~ SERVICES provider for
16 the deaf, ~~or hard of hearing~~, OR DEAFBLIND and who is qualified to use at
17 least one of the titles listed in section 6-1-707 (1)(e); ~~C.R.S.~~; and

18 (g) One member who is ~~deaf-blind~~ DEAFBLIND.

19 **SECTION 15.** In Colorado Revised Statutes, 26-21-105, **amend**
20 (1), (2)(a), and (2)(e); and **add** (2)(f) as follows:

21 **26-21-105. Appointment of commission director - commission**
22 **procedures - citizens council - creation.** (1) The ~~executive director of~~
23 ~~the department of human services or his or her designee~~ COMMISSION
24 shall appoint the ~~administrator~~ A DIRECTOR of the ~~Colorado~~ commission.
25 ~~for the deaf and hard of hearing.~~ The ~~members of the commission may~~
26 ~~interview candidates for administrator and~~ EXECUTIVE DIRECTOR OF THE
27 DEPARTMENT SHALL provide comment and input to the ~~executive director~~

1 COMMISSION on the hiring of ~~a candidate~~ THE DIRECTOR.

2 (2) (a) The commission shall convene for its first meeting OF
3 EACH FISCAL YEAR no later than ~~September~~ OCTOBER 1, 2000. ~~At the first~~
4 ~~meeting, a chair shall be elected by the commission.~~

5 (e) The commission shall encourage development and
6 coordination of public and private agencies ~~that provide~~ PROVIDING
7 assistance to deaf, ~~and hard of hearing~~ HARD-OF-HEARING, AND
8 DEAFBLIND citizens.

9 (f) (I) THERE IS HEREBY CREATED THE COLORADO DEAFBLIND
10 CITIZENS COUNCIL CONSISTING OF SEVEN MEMBERS.

11 (II) THE CITIZENS COUNCIL WILL ADVISE THE COMMISSION, STATE
12 AND LOCAL GOVERNMENTS, AND OTHER RELEVANT ENTITIES ON HOW TO
13 INCREASE COMPETITIVE EMPLOYMENT, ENLARGE ECONOMIC
14 OPPORTUNITIES, ENHANCE INDEPENDENCE AND SELF-SUFFICIENCY, AND
15 IMPROVE SERVICES FOR DEAFBLIND PERSONS.

16 (III) THE COMMISSION SHALL APPOINT INITIAL MEMBERS TO THE
17 CITIZENS COUNCIL BY JULY 1, 2019. THE COMMISSION SHALL DESIGNATE
18 FOUR MEMBERS TO SERVE AN INITIAL FOUR-YEAR TERM AND THREE
19 MEMBERS TO SERVE AN INITIAL SIX-YEAR TERM. AFTER THE INITIAL
20 TERMS, ALL SUBSEQUENT APPOINTEES WILL SERVE FOUR-YEAR TERMS. THE
21 COMMISSION SHALL APPOINT A QUALIFIED PERSON TO FILL ANY VACANCY
22 ON THE CITIZENS COUNCIL FOR THE REMAINDER OF ANY UNEXPIRED TERM.
23 THE CITIZENS COUNCIL MUST HAVE THE FOLLOWING APPOINTEES:

24 (A) ONE MEMBER WHO IS DEAF AND BLIND;

25 (B) ONE MEMBER WHO IS DEAF AND LOW VISION;

26 (C) ONE MEMBER WHO IS HARD OF HEARING AND BLIND;

27 (D) ONE MEMBER WHO IS HARD OF HEARING AND LOW VISION;

1 (E) ONE MEMBER WHO IS LATENT DEAFBLIND;

2 (F) ONE MEMBER WHO IS A PROFESSIONAL WORKING WITH THE
3 DEAFBLIND COMMUNITY; AND

4 (G) ONE MEMBER WHO IS A PARENT OF A DEAFBLIND CHILD.

5 **SECTION 16.** In Colorado Revised Statutes, **amend** 26-21-106
6 as follows:

7 **26-21-106. Powers, functions, and duties of commission -**
8 **community access program.** (1) The powers, functions, and duties of
9 the commission include:

10 (a) Serving as a liaison between ~~the~~ deaf, ~~and~~ hard of hearing,
11 ~~community~~ AND DEAFBLIND and the general assembly, governor, and
12 Colorado departments and agencies;

13 (b) Serving as an informational resource to ~~the~~ state ~~the~~ AND
14 LOCAL GOVERNMENTS, deaf, ~~and~~ hard of hearing, ~~community~~ DEAFBLIND,
15 private agencies, and other entities;

16 (c) Serving as a referral agency for ~~the~~ deaf, ~~and~~ hard of hearing,
17 ~~community~~ AND DEAFBLIND to ~~the~~ state agencies and institutions,
18 ~~providing services to the community~~, local government agencies, private
19 agencies, and other entities;

20 (d) Assessing how COMMUNICATIONS technology has affected the
21 needs of ~~the~~ deaf, ~~and~~ hard of hearing, ~~community~~ AND DEAFBLIND. The
22 commission shall assess the type and amount of equipment needed by
23 ~~low-income~~ deaf, ~~and hard of hearing~~ HARD-OF-HEARING, AND DEAFBLIND
24 persons WHO QUALIFY UNDER THE FEDERAL POVERTY GUIDELINES
25 ESTABLISHED IN ACCORDANCE WITH THE "OMNIBUS BUDGET
26 RECONCILIATION ACT OF 1981", 42 U.S.C. 9902 (2).

27 (e) Assessing the needs of ~~the~~ deaf, ~~and~~ hard of hearing,

1 ~~community~~ AND DEAFBLIND and reporting annually to the governor and
2 the general assembly ~~on or before September 1 of each year~~, any
3 recommendations for legislation or administrative changes that may
4 facilitate or streamline the provision of general government services to
5 ~~the deaf, and hard of hearing, community~~ AND DEAFBLIND.
6 Notwithstanding section ~~24-1-136(11)~~, C.R.S. 24-1-136(11)(a)(I), ON OR
7 BEFORE SEPTEMBER 1 OF EACH YEAR, the ~~commission's duty to~~
8 COMMISSION MUST FILE THE report ~~annually pursuant to this paragraph (e)~~
9 ~~does not expire~~ REQUIRED BY THIS SUBSECTION (1)(e). In preparing ~~its~~ THE
10 annual report and recommendations, the commission shall consider the
11 following:

12 (I) Whether any existing statutory or administrative provisions
13 impede the ability of the commission to act as a statewide coordinating
14 agency ~~that advocates~~ ADVOCATING for deaf, ~~and hard of hearing citizens~~
15 ~~of~~ HARD-OF-HEARING, AND DEAFBLIND INDIVIDUALS IN Colorado;

16 (II) Any methods, programs, or policies that may improve
17 communication accessibility and quality of existing services, promote or
18 deliver necessary new services, and assist state agencies in the delivery
19 of services to ~~the deaf, and hard of hearing, AND~~ DEAFBLIND;

20 (III) Any methods, programs, or policies that may make providing
21 access to ~~governmental~~ GOVERNMENT services more efficient; and

22 (IV) Any methods, programs, or policies that may improve
23 implementation of state policies affecting ~~the deaf, and hard of hearing,~~
24 ~~community~~ AND DEAFBLIND and their relationship with the general public,
25 industry, health care, and educational institutions.

26 (2) The commission shall consider the findings of any study
27 authorized under this section and may approve, disapprove, or amend the

1 findings. ~~Upon approval~~ AFTER CONSIDERATION of the findings, the
2 commission shall submit a report with recommendations including
3 proposed legislation, if necessary, to the governor and to the general
4 assembly. ~~This report is exempt from section 24-1-136 (11), C.R.S.~~ THE
5 COMMISSION SHALL SUBMIT THE REPORT ANNUALLY NOTWITHSTANDING
6 SECTION 24-1-136 (11)(a)(I), and may ~~be combined~~ COMBINE THE REPORT
7 with, or ~~included~~ INCLUDE THE REPORT as a part of, the annual report
8 prepared under ~~paragraph (c) of subsection (1)~~ SUBSECTION (1)(e) of this
9 section.

10 (3) The commission shall establish AND COORDINATE a
11 ~~telecommunications equipment distribution~~ COMMUNICATIONS
12 TECHNOLOGY program that is consistent with the findings of subsection
13 (1) of this section to obtain and distribute interactive telecommunications
14 AND OTHER COMMUNICATIONS TECHNOLOGY equipment needed by deaf,
15 ~~and hard of hearing~~ HARD-OF-HEARING, AND DEAFBLIND persons.

16 (4) The commission, in collaboration with the judicial department,
17 shall arrange for auxiliary services for the state court system. ~~and~~
18 ~~establish, monitor, coordinate, and publish a list of available resources~~
19 ~~regarding communication accessibility for persons who are deaf or hard~~
20 ~~of hearing.~~ ARRANGING AUXILIARY SERVICES FOR THE STATE COURT
21 SYSTEM INCLUDES:

22 (a) COORDINATING STATEWIDE AND DAY-TO-DAY SCHEDULING OF
23 AUXILIARY SERVICES;

24 (b) CREATING AND MANAGING A PROCESS BY WHICH REQUESTS
25 FOR AUXILIARY SERVICES MAY BE FILLED;

26 (c) IDENTIFYING, COORDINATING, AND PLACING THE APPROPRIATE
27 AUXILIARY SERVICES WITH ALL CONCERNED PARTIES;

1 (d) COORDINATING THE PURCHASE, SHIPMENT, AND RECEIPT OF
2 ASSISTIVE LISTENING DEVICES AND SYSTEMS PURSUANT TO APPLICABLE
3 STATE RULES;

4 (e) CREATING AND MANAGING EFFICIENT AND CONSISTENT
5 PROCESSES THROUGH WHICH AUXILIARY SERVICES PROVIDERS MAY
6 SUBMIT REQUIRED DOCUMENTATION AND RECEIVE PAYMENT FOR
7 SERVICES;

8 (f) COMMUNICATING WITH AUXILIARY SERVICES USERS,
9 PROVIDERS, AND STATE COURT SYSTEM AGENCIES TO RESOLVE ISSUES
10 BETWEEN THOSE PARTIES; AND

11 (g) (I) ESTABLISHING, MONITORING, AND PUBLISHING A LIST OF
12 AVAILABLE QUALIFIED INTERPRETERS AND CART PROVIDERS FOR DEAF,
13 HARD-OF-HEARING, OR DEAFBLIND PERSONS.

14 (II) FOR THE PURPOSES OF THIS SUBSECTION (4)(g):

15 (A) "CART PROVIDER" MEANS A PERSON PROVIDING A
16 WORD-FOR-WORD SPEECH-TO-TEXT TRANSLATION SERVICE FOR DEAF,
17 HARD OF HEARING, OR DEAFBLIND.

18 (B) "QUALIFIED INTERPRETER" MEANS A PERSON WHO HAS A VALID
19 CERTIFICATION OF COMPETENCY ACCEPTED BY THE COMMISSION AND
20 INCLUDES, BUT IS NOT LIMITED TO, ORAL INTERPRETERS, SIGN LANGUAGE
21 INTERPRETERS, AND INTERMEDIARY INTERPRETERS.

22 (5) ~~Arranging auxiliary services for the state court system~~
23 ~~includes, but is not limited to:~~

24 (a) ~~Coordinating statewide and day-to-day scheduling of auxiliary~~
25 ~~services for the proceedings as defined by statute;~~

26 (b) ~~Creating and managing a process by which requests from the~~
27 ~~state court system for auxiliary services may be filled;~~

1 ~~(c) Identifying, coordinating, and placing the appropriate auxiliary~~
2 ~~services with all concerned parties;~~

3 ~~(d) Coordinating the purchase, shipment, and receipt of assistive~~
4 ~~listening devices and systems pursuant to applicable state rules;~~

5 ~~(e) Creating and managing efficient and consistent processes~~
6 ~~through which auxiliary service providers may submit required~~
7 ~~documentation and receive payment for services; and~~

8 ~~(f) Communicating among auxiliary service users and providers~~
9 ~~and the state court system to resolve any issues that may arise~~ THE
10 COMMISSION, IN COLLABORATION WITH THE EXECUTIVE BRANCH, SHALL
11 ARRANGE FOR AUXILIARY SERVICES FOR STATE DEPARTMENTS AND
12 AGENCIES.

13 (6) The commission shall establish and maintain ~~an active~~
14 ~~outreach consultant for technical assistance~~ AND CONSULTING SERVICES
15 to improve and ensure ~~equivalent~~ EFFECTIVE access to auxiliary services
16 by critical state and local government agencies, private agencies, and
17 other entities. ~~and~~ THE COMMISSION SHALL ALSO USE THESE SERVICES to
18 increase awareness of the programs ~~for and rights of individuals who are~~
19 ~~deaf and hard of hearing from money appropriated by the general~~
20 ~~assembly from~~ FUNDED BY the Colorado telephone users with disabilities
21 fund established pursuant to section 40-17-104. ~~C.R.S.~~

22 (7) The COMMISSION'S outreach ~~consultant for technical assistance~~
23 ~~shall perform~~ AND CONSULTING SERVICES INCLUDE the following duties:

24 (a) ~~Respond~~ PROVIDE RESOURCES to ~~and assist~~ individuals who
25 have encountered barriers ~~in~~ TO obtaining ~~accommodation and access in~~
26 ~~their efforts to receive~~ necessary auxiliary services;

27 (b) Assist individuals in understanding and accessing auxiliary

1 services that may be available to them;

2 (c) Consult with state AND LOCAL GOVERNMENT agencies and
3 private entities so that they are equipped to provide DIRECT SERVICES OR
4 SERVICES WITH accommodations to deaf, ~~and hard of hearing~~
5 HARD-OF-HEARING, AND DEAFBLIND individuals;

6 (d) Increase public awareness of the needs and issues facing deaf,
7 ~~and hard of hearing~~ HARD-OF-HEARING, AND DEAFBLIND individuals; and

8 (e) Develop and maintain a comprehensive resource directory of
9 ~~auxiliary~~ services and OTHER programs that may be of use to deaf, ~~and~~
10 ~~hard of hearing citizens~~ HARD-OF-HEARING, AND DEAFBLIND INDIVIDUALS
11 and to agencies that serve them.

12 (8) THE COMMISSION SHALL ESTABLISH AND MAINTAIN A
13 COMMUNITY ACCESS PROGRAM FOR ONE-ON-ONE SYSTEM NAVIGATING
14 SERVICES TO ENSURE RESOURCES ARE AVAILABLE TO INDIVIDUALS AND TO
15 PROTECT EACH PERSON'S RIGHT TO EFFECTIVE COMMUNICATION AND
16 ACCESS TO ENVIRONMENTAL INFORMATION. THE COMMUNITY ACCESS
17 PROGRAM MUST INCLUDE THE FOLLOWING:

18 (a) SUPPORT SERVICE PROVIDERS FOR DEAFBLIND INDIVIDUALS;

19 (b) ORIENTATION AND MOBILITY SPECIALISTS FOR DEAFBLIND
20 INDIVIDUALS; AND

21 (c) PEER SYSTEM NAVIGATION FOR DEAF, HARD-OF-HEARING, AND
22 DEAFBLIND INDIVIDUALS WHO ENCOUNTER BARRIERS ACCESSING
23 PROGRAMS, ACTIVITIES, OR SERVICES.

24 **SECTION 17.** In Colorado Revised Statutes, 26-21-107, **amend**
25 (1) as follows:

26 **26-21-107. Colorado commission for the deaf, hard of hearing,**
27 **and deafblind cash fund - creation - gifts, grants, and donations -**

1 **reimbursement.** (1) There is hereby created in the state treasury the
2 Colorado commission for the deaf, ~~and~~ hard of hearing, AND DEAFBLIND
3 cash fund. ~~and~~ All ~~moneys~~ MONEY credited to the fund ~~shall~~ MUST be
4 used exclusively for the administration and discharge of this ~~article~~
5 ARTICLE 21. All ~~moneys~~ MONEY credited to the fund and any interest
6 earned ~~on~~ FROM THE INVESTMENT OF MONEY IN the fund ~~shall remain~~
7 REMAINS in the fund and ~~shall~~ DOES not revert to the general fund or any
8 other fund at the end of any fiscal year.

9 **SECTION 18.** In Colorado Revised Statutes, 26-21-107.5,
10 **amend** (1), (2), (4), and (6) as follows:

11 **26-21-107.5. Colorado commission for the deaf, hard of**
12 **hearing, and deafblind grant program - creation - standards -**
13 **applications.** (1) The Colorado commission for the deaf, ~~and~~ hard of
14 hearing, AND DEAFBLIND grant program is hereby established to provide
15 funding for entities to address the needs of Colorado's deaf, ~~and hard of~~
16 ~~hearing community~~ HARD-OF-HEARING, AND DEAFBLIND INDIVIDUALS.

17 (2) (a) The Colorado commission for the deaf, ~~and~~ hard of
18 hearing, AND DEAFBLIND grant program ~~subcommittee~~ COMMITTEE
19 appointed pursuant to section 26-21-107.7 shall administer the grant
20 program as provided in section 26-21-107.7.

21 (b) The commission shall pay the grants awarded through the
22 grant program from ~~moneys~~ MONEY appropriated by the general
23 assembly.

24 (c) ~~Beginning in the 2009-10 fiscal year, and for each fiscal year~~
25 ~~thereafter~~ Subject to available ~~moneys~~ MONEY, the general assembly shall
26 appropriate to the commission no more than fifty thousand dollars
27 annually to administer the grant program.

1 (4) An entity seeking to provide services to deaf, ~~or hard of~~
2 ~~hearing~~ HARD-OF-HEARING, OR DEAFBLIND persons or to enhance existing
3 deaf, ~~or hard of hearing~~ HARD-OF-HEARING, OR DEAFBLIND programs may
4 apply for a grant through the grant program.

5 (6) Grants ~~shall~~ MUST be awarded as provided in section
6 26-21-107.7 (3) and in compliance with applicable state rules.

7 **SECTION 19.** In Colorado Revised Statutes, **amend** 26-21-107.7
8 as follows:

9 **26-21-107.7. Colorado commission for the deaf, hard of**
10 **hearing, and deafblind grant program committee - creation -**
11 **members - duties - repeal.** (1) (a) (I) There is hereby created the
12 Colorado commission for the deaf and hard of hearing grant program
13 subcommittee, referred to in this section as the "subcommittee",
14 consisting of five members, for the purpose of recommending to the
15 commission approval or disapproval of applications for the grant
16 program. The commission shall appoint four members to the
17 subcommittee as follows:

18 ~~(H)~~ (A) One person who has knowledge and awareness of the
19 issues faced by deaf persons;

20 ~~(H)~~ (B) One person who has knowledge and awareness of the
21 issues faced by hard-of-hearing persons; and

22 ~~(HH)~~ (C) Two representatives from the deaf and hard-of-hearing
23 community.

24 (II) THIS SUBSECTION (1)(a) IS REPEALED, EFFECTIVE SEPTEMBER
25 1, 2018.

26 (a.5) (I) THERE IS HEREBY CREATED THE COLORADO COMMISSION
27 FOR THE DEAF, HARD OF HEARING, AND DEAFBLIND GRANT PROGRAM

1 COMMITTEE, REFERRED TO IN THIS SECTION AS THE "COMMITTEE",
2 CONSISTING OF FIVE MEMBERS, FOR THE PURPOSE OF RECOMMENDING TO
3 THE COMMISSION APPROVAL OR DISAPPROVAL OF APPLICATIONS FOR THE
4 GRANT PROGRAM.

5 (II) THE COMMISSION SHALL APPOINT FOUR MEMBERS TO THE
6 COMMITTEE AS FOLLOWS:

7 (A) ONE PERSON WHO IS DEAF;

8 (B) ONE PERSON WHO IS DEAFBLIND;

9 (C) ONE PERSON WHO IS HARD OF HEARING; AND

10 (D) ONE REPRESENTATIVE OF THE PUBLIC AT LARGE.

11 (III) THIS SUBSECTION (1)(a.5) IS EFFECTIVE SEPTEMBER 1, 2018,
12 AND APPLIES TO APPOINTMENTS TO THE COMMITTEE ON OR AFTER
13 SEPTEMBER 1, 2018. ALL INITIAL APPOINTMENTS IN ACCORDANCE WITH
14 THIS SUBSECTION (1)(a.5) MUST BE MADE BY SEPTEMBER 30, 2018.

15 (b) In addition to the appointed ~~subcommittee~~ COMMITTEE
16 members, the ~~administrator of the commission~~ DIRECTOR shall serve as
17 an ex-officio member of the ~~subcommittee~~ COMMITTEE.

18 (c) In appointing members to the ~~subcommittee~~ COMMITTEE, the
19 commission shall choose persons who have knowledge and awareness of
20 innovative strategies that address challenges faced by the deaf, ~~and hard~~
21 ~~of hearing~~ HARD-OF-HEARING, AND DEAFBLIND community.

22 (d) The appointed members of the ~~subcommittee~~ COMMITTEE shall
23 serve three-year terms; except that, of the members first appointed, one
24 of the members shall serve a two-year term and two of the members shall
25 serve one-year terms. The commission shall choose those members who
26 shall serve the initial shortened terms. If a vacancy arises in one of the
27 appointed positions, the commission shall ~~fill the vacancy~~ and appoint a

1 replacement to fill the vacancy for the remainder of the term.

2 (e) Members of the ~~subcommittee~~ COMMITTEE shall serve without
3 compensation but ~~shall~~ ARE ENTITLED TO be reimbursed out of available
4 appropriations for all actual and necessary expenses incurred in the
5 performance of their duties.

6 (f) The ~~subcommittee~~ COMMITTEE may meet via
7 ~~telecommunications~~ ELECTRONIC COMMUNICATION when necessary.

8 (2) The ~~subcommittee~~ COMMITTEE shall review all applications
9 received pursuant to section 26-21-107.5. Based on criteria established by
10 the commission, the ~~subcommittee~~ COMMITTEE shall recommend to the
11 commission those applications to approve, with recommended grant
12 amounts, and those to disapprove.

13 (3) The commission shall review and may follow the
14 recommendations of the ~~subcommittee~~ COMMITTEE for approval or
15 disapproval of applications for the grant program and for grant amounts.
16 If the commission disagrees with the recommendations of the
17 ~~subcommittee~~ COMMITTEE, the ~~executive director of the department shall~~
18 ~~have~~ COMMISSION HAS THE final decision-making authority to approve or
19 disapprove the applications and to set the grant amounts.

20 **SECTION 20.** In Colorado Revised Statutes, 40-17-103, **amend**
21 (3) introductory portion, (3)(a)(III) introductory portion, and
22 (3)(a)(III)(D) as follows:

23 **40-17-103. Commission - powers and duties - rules.** (3) The
24 commission shall, through the promulgation of rules, develop and
25 implement a mechanism to recover its costs and the cost to voice service
26 providers in implementing and administering telecommunications relay
27 services required by this ~~article~~ ARTICLE 17. The mechanism must, at a

1 minimum, provide for the following:

2 (a) (III) Without exceeding the maximum monthly surcharge set
3 forth in ~~subparagraph (I) of this paragraph (a)~~ SUBSECTION (3)(a)(I) OF
4 THIS SECTION, the monthly surcharge must be an amount sufficient to:

5 (D) Pursuant to section 40-17-104, cover annual appropriations to
6 the reading services for the blind cash fund and the Colorado commission
7 for the deaf, ~~and~~ hard of hearing, AND DEAFBLIND cash fund; and

8 **SECTION 21.** In Colorado Revised Statutes, 40-17-104, **amend**
9 (1) and (4)(a) as follows:

10 **40-17-104. Colorado telephone users with disabilities fund -**
11 **creation - purpose.** (1) Except as otherwise authorized to be retained by
12 section 40-17-103 (3)(e), all money collected by the voice service
13 providers in accordance with section 40-17-103 shall be transmitted to the
14 state treasurer, who shall credit the money to the Colorado telephone
15 users with disabilities fund, which fund is hereby created and is referred
16 to in this ~~article~~ ARTICLE 17 as the "fund". The general assembly shall
17 make annual appropriations out of the fund for the administration of the
18 fund and shall make annual appropriations to the reading services for the
19 blind cash fund, created in section 24-90-105.5 (5), ~~C.R.S.~~, for use by the
20 state librarian in support of privately operated reading services for people
21 who are blind. The money in the fund not used for administration of the
22 fund, not used for the reading services for the blind cash fund, and not
23 used for the Colorado commission for the deaf, ~~and~~ hard of hearing, AND
24 DEAFBLIND cash fund created in section 26-21-107, ~~C.R.S.~~, is hereby
25 continuously appropriated to the public utilities commission for the
26 reimbursement of providers who render telecommunications services
27 authorized by this ~~article~~ ARTICLE 17.

1 (4) (a) Notwithstanding any provision of subsection (1) of this
2 section to the contrary, the general assembly shall make annual
3 appropriations from the Colorado telephone users with disabilities fund
4 to the Colorado commission for the deaf, ~~and~~ hard of hearing, AND
5 DEAFBLIND cash fund, created in section 26-21-107. ~~C.R.S.~~

6 **SECTION 22. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly (August
9 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
10 referendum petition is filed pursuant to section 1 (3) of article V of the
11 state constitution against this act or an item, section, or part of this act
12 within such period, then the act, item, section, or part will not take effect
13 unless approved by the people at the general election to be held in
14 November 2018 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.