

CHAPTER 267

GOVERNMENT - STATE

HOUSE BILL 24-1276

BY REPRESENTATIVE(S) Young and Bradfield, Amabile, Bird, Boesenecker, Brown, Clifford, Daugherty, Duran, Epps, Froelich, Hamrick, Jodeh, Joseph, Kipp, Lieder, Lukens, Marshall, Mauro, McLachlan, Story, Vigil, Woodrow, McCluskie, English, Lindsay, Snyder, Titone, Velasco, Willford;
also SENATOR(S) Zenzinger and Lundeen, Buckner, Cutter, Exum, Fields, Ginal, Gonzales, Hansen, Jaquez Lewis, Kirkmeyer, Kolker, Liston, Marchman, Michaelson Jenet, Pelton B., Pelton R., Priola, Roberts, Will, Winter F.

AN ACT

CONCERNING THE CONTINUATION OF THE COLORADO COMMISSION FOR THE DEAF, HARD OF HEARING, AND DEAFBLIND, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS CONTAINED IN THE 2023 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 4. In Colorado Revised Statutes, 26-21-103, **amend** (1); **repeal** (2); and **add** (1.5) as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 6. In Colorado Revised Statutes, 26-21-106, **repeal** (5) as follows:

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

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

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

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

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

SECTION 7. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 28, 2024