

CHAPTER 288

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 07-1274

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also SENATOR(S) Williams, Boyd, Hagedorn, and Windels.

AN ACT

CONCERNING THE CREATION OF A COMMISSION FOR THE VISUALLY IMPAIRED, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 8.7
Colorado Commission for Individuals
Who Are Blind or Visually Impaired

26-8.7-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO COMMISSION FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED ACT".

26-8.7-102. Legislative declaration. THE GENERAL ASSEMBLY RECOGNIZES THE NEED FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED TO HAVE ACCESS TO SERVICES BENEFITTING INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED. THE GENERAL ASSEMBLY THEREFORE DECLARES THAT THE ESTABLISHMENT OF A COMMISSION TO MAKE RECOMMENDATIONS CONCERNING THE PROVISION OF SERVICES TO AID INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED IS IN THE BEST INTERESTS OF THE CITIZENS OF COLORADO.

26-8.7-103. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- (1) "ADMINISTRATOR" MEANS AN INDIVIDUAL HIRED BY THE DEPARTMENT,

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SUBJECT TO AVAILABLE APPROPRIATIONS, TO PROVIDE ADMINISTRATIVE SUPPORT TO THE COMMISSION AND TO ENSURE THAT THE COMMISSION'S ACTIVITIES ARE CONSISTENT WITH APPLICABLE STATE STATUTES, REGULATIONS, AND POLICIES.

(2) "BLIND OR VISUALLY IMPAIRED" MEANS AN INDIVIDUAL WHO:

(a) HAS A VISUAL ACUITY OF 20/200 OR LESS IN THE BETTER EYE WITH CORRECTIVE LENSES OR HAS A LIMITED FIELD OF VISION SO THAT THE WIDEST DIAMETER OF THE VISUAL FIELD SUBTENDS AN ANGLE NO GREATER THAN TWENTY DEGREES; OR

(b) HAS A MEDICALLY DIAGNOSED LIMITATION IN VISUAL FUNCTIONING THAT RESTRICTS THE INDIVIDUAL'S ABILITY TO READ AND WRITE STANDARD PRINT AT LEVELS EXPECTED OF INDIVIDUALS OF COMPARABLE ABILITY.

(3) "COMMISSION" MEANS THE COLORADO COMMISSION FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED CREATED IN SECTION 26-8.7-104.

(4) "DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN SERVICES.

26-8.7-104. Commission created - appointments. (1) EFFECTIVE SEPTEMBER 1, 2007, THERE IS HEREBY CREATED IN THE STATE DEPARTMENT THE COLORADO COMMISSION FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED THAT SHALL SERVE AS AN ADVISORY COMMITTEE. THE COMMISSION SHALL EXERCISE ITS POWERS, DUTIES, AND FUNCTIONS UNDER A **TYPE 2** TRANSFER UNDER THE PROVISIONS OF THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

(2) THE COMMISSION SHALL CONSIST OF NO MORE THAN FIFTEEN MEMBERS, INCLUDING:

(a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR HIS OR HER DESIGNEE;

(b) AN INDIVIDUAL WHO IS BLIND OR VISUALLY IMPAIRED AND WHO IS ALSO DEAF;

(c) THREE MEMBERS WHO REPRESENT ORGANIZATIONS FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED, NO MORE THAN ONE OF WHOM SHALL BE FROM THE SAME ORGANIZATION. AT LEAST TWO MEMBERS SHALL REPRESENT NATIONAL ORGANIZATIONS THAT ARE PART OF ADVOCACY GROUPS FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED AND AT LEAST ONE MEMBER SHALL REPRESENT VETERANS WHO ARE BLIND OR VISUALLY IMPAIRED.

(d) AN INDIVIDUAL WHO IS A LICENSED BLIND MANAGER INVOLVED IN THE FEDERAL RANDOLPH-SHEPPARD PROGRAM;

(e) AN INDIVIDUAL WHO IS BLIND OR VISUALLY IMPAIRED AND WHO USES A SERVICE DOG;

(f) A REPRESENTATIVE OF AN INDEPENDENT LIVING CENTER AS DEFINED IN SECTION 26-8.1-102;

(g) A PROFESSIONAL FROM EACH OF THE FOLLOWING PROFESSIONS WHO SPECIALIZES IN LOW-VISION AND WHO WORKS WITH INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED:

(I) AN OPHTHALMOLOGIST, LOW-VISION OPTOMETRIST, OR OTHER QUALIFIED LOW-VISION SPECIALIST;

(II) A VOCATIONAL REHABILITATION COUNSELOR WHO WORKS WITH INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED; AND

(III) A PROFESSIONAL WHO WORKS DIRECTLY WITH SENIORS WHO ARE BLIND OR VISUALLY IMPAIRED, SUCH AS A GERONTOLOGIST, GERIATRIC SPECIALIST, OCCUPATIONAL THERAPIST, OR AN OTHERWISE-QUALIFIED PROFESSIONAL WHO SPECIALIZES IN AGING AND WHO WORKS WITH INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED;

(h) A YOUNG ADULT WHO IS AT LEAST EIGHTEEN YEARS OF AGE AND WHO IS ALSO BLIND OR VISUALLY IMPAIRED;

(i) A PARENT OF A CHILD WHO IS BLIND OR VISUALLY IMPAIRED;

(j) A SENIOR WHO IS BLIND OR VISUALLY IMPAIRED; AND

(k) AN INDIVIDUAL WHO IS BLIND OR VISUALLY IMPAIRED AND WHO IS LIVING INDEPENDENTLY.

(3) (a) THE GOVERNOR SHALL APPOINT THE COMMISSION MEMBERS, WHO SHALL REPRESENT DIFFERENT REGIONS OF THE STATE, DESCRIBED IN SUBSECTION (2) OF THIS SECTION. THE GOVERNOR SHALL MAKE THE INITIAL APPOINTMENTS ON OR BEFORE SEPTEMBER 1, 2007. SEVEN OF THE COMMISSION MEMBERS DESIGNATED BY THE GOVERNOR SHALL SERVE INITIAL TERMS OF TWO YEARS, AND EIGHT MEMBERS SHALL SERVE INITIAL TERMS OF THREE YEARS. AFTER THE INITIAL APPOINTMENTS OF THE COMMISSION MEMBERS DESCRIBED IN SUBSECTION (2) OF THIS SECTION, ALL SUBSEQUENT MEMBERS SHALL SERVE TERMS OF FOUR YEARS. UPON THE EXPIRATION OF A COMMISSION MEMBER'S TERM OF OFFICE, THE COMMISSION MEMBER SHALL CONTINUE TO SERVE UNTIL A SUCCESSOR IS APPOINTED AS PROVIDED IN SUBSECTION (4) OF THIS SECTION.

(b) IN MAKING APPOINTMENTS TO THE COMMISSION, THE GOVERNOR SHALL ENSURE THAT:

(I) AT LEAST EIGHT MEMBERS OF THE COMMISSION ARE BLIND OR VISUALLY IMPAIRED; AND

(II) NO GROUP, PROVIDER, OR ORGANIZATION SHALL HAVE MORE THAN TWO REPRESENTATIVES ON THE COMMISSION.

(c) THE GOVERNOR SHALL APPOINT A QUALIFIED PERSON TO FILL ANY VACANCY ON THE COMMISSION FOR THE REMAINDER OF ANY UNEXPIRED TERM. IF THE GOVERNOR DOES NOT APPOINT A PERSON TO FILL THE VACANCY WITHIN SIXTY DAYS AFTER THE DATE THE VACANCY ARISES, THE SPEAKER OF THE HOUSE OF

REPRESENTATIVES AND THE PRESIDENT OF THE SENATE, WITHIN NINETY DAYS AFTER THE DATE THE VACANCY ARISES, SHALL JOINTLY APPOINT A QUALIFIED PERSON TO FILL THE VACANCY. IF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE DO NOT APPOINT A PERSON TO FILL THE VACANCY WITHIN THE NINETY-DAY PERIOD, THE COMMISSION, BY A MAJORITY VOTE, SHALL APPOINT A QUALIFIED PERSON TO FILL THE VACANCY.

(4) AT LEAST NINETY DAYS PRIOR TO THE EXPIRATION OF A MEMBER'S TERM OF OFFICE, THE COMMISSION SHALL CREATE A LIST OF CANDIDATES THAT INCLUDES AT LEAST THREE CANDIDATES FOR EACH OPEN POSITION PURSUANT TO SUBSECTION (2) OF THIS SECTION. THE CANDIDATES' NAMES SHALL BE SUBMITTED TO THE GOVERNOR AT LEAST FORTY-FIVE DAYS PRIOR TO THE EXPIRATION OF THE PRECEDING TERM FOR WHICH THE CANDIDATES ARE BEING CONSIDERED. IF THE GOVERNOR APPROVES THE CANDIDATES, THE GOVERNOR SHALL APPOINT ONE OF THE CANDIDATES FROM EACH LIST FOR EACH OPEN POSITION WITHIN NINETY DAYS AFTER THE DATE OF EACH VACANCY; IF THE GOVERNOR DOES NOT APPROVE ANY OF THE CANDIDATES FROM THE LISTS FOR THE OPEN POSITION, THEN THE GOVERNOR SHALL APPOINT QUALIFIED PERSONS.

26-8.7-105. Procedures of the commission. (1) (a) AT THE FIRST MEETING, AND ANNUALLY THEREAFTER, THE COMMISSION SHALL ELECT A CHAIR AND VICE-CHAIR FROM AMONG ITS MEMBERS.

(b) THE COMMISSION MAY ADOPT SUCH RULES OF PROCEDURE AS ARE NECESSARY TO FACILITATE ORDERLY CONDUCT OF ITS BUSINESS.

(c) THE COMMISSION SHALL MEET AT LEAST QUARTERLY. MEETINGS SHALL BE HELD ON THE CALL OF THE CHAIR OR AT THE REQUEST OF AT LEAST FIVE MEMBERS OF THE COMMISSION.

(d) THE COMMISSION SHALL ADOPT NO OFFICIAL POSITION, RECOMMENDATION, OR ACTION EXCEPT BY THE CONCURRENCE OF A MAJORITY OF THE MEMBERS.

(2) THE DEPARTMENT SHALL APPOINT AN ADMINISTRATOR TO PROVIDE STAFF SERVICES TO THE COMMISSION. THE COMMISSION MAY INTERVIEW CANDIDATES AND PROVIDE COMMENTS ON THE HIRING OF THE ADMINISTRATOR.

(3) MEMBERS OF THE COMMISSION SHALL RECEIVE A PER DIEM REIMBURSEMENT NOT TO EXCEED FIFTY DOLLARS PER DAY AND DIRECT REIMBURSEMENT FOR ANY TRAVEL EXPENSES INCURRED TO ATTEND COMMISSION MEETINGS.

26-8.7-106. Powers, functions, and duties of the commission. (1) THE POWERS, FUNCTIONS, AND DUTIES OF THE COMMISSION SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING:

(a) TO MAKE RECOMMENDATIONS CONCERNING THE PROVISION OF VOCATIONAL REHABILITATION SERVICES FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED, PURSUANT TO SECTION 101 OF THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701, ET SEQ.;

(b) TO MAKE RECOMMENDATIONS CONCERNING THE PROVISION OF INDEPENDENT

LIVING SERVICES FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED, INCLUDING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED, PURSUANT TO TITLE VII OF THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701, ET SEQ., AND ARTICLE 8.1 OF THIS TITLE CONCERNING INDEPENDENT LIVING SERVICES;

(c) TO MAKE RECOMMENDATIONS CONCERNING PRE-VOCATIONAL AND OTHER TRAINING TO PREPARE INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED FOR VOCATIONAL TRAINING, JOB PLACEMENT, AND INDEPENDENCE;

(d) TO MAKE RECOMMENDATIONS CONCERNING RESPONSIBILITIES OF AND EVALUATIONS OF BUSINESS ENTERPRISE PROGRAMS FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED, PURSUANT TO THE FEDERAL "RANDOLPH-SHEPPARD ACT", 20 U.S.C. SEC. 107, AND ARTICLE 8.5 OF THIS TITLE;

(e) TO MAKE RECOMMENDATIONS CONCERNING RESPONSIBILITIES FOR DEVELOPING AND ADMINISTERING ANY OTHER PROGRAM THAT WILL FURTHER THE PROVISIONS OF SERVICES TO INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED;

(f) TO SERVE AS A LIAISON BETWEEN THE BLIND AND VISUALLY IMPAIRED COMMUNITY AND THE GENERAL ASSEMBLY, THE GOVERNOR, AND COLORADO STATE DEPARTMENTS AND AGENCIES; AND

(g) TO SERVE AS AN INFORMATION RESOURCE TO THE STATE AND THE BLIND AND VISUALLY IMPAIRED COMMUNITY.

(2) WHEN MAKING ITS RECOMMENDATIONS, THE COMMISSION SHALL ADDRESS FISCAL IMPACT, POSSIBLE FUNDING MECHANISMS, AND THE MAXIMIZATION AND DISTRIBUTION OF FEDERAL AND STATE DOLLARS.

(3) ON OR BEFORE DECEMBER 1, 2008, AND ON OR BEFORE EACH DECEMBER 1 THEREAFTER, THE COMMISSION SHALL SUBMIT A REPORT WITH ITS RECOMMENDATIONS INCLUDING PROPOSED LEGISLATION, IF NECESSARY, TO THE GOVERNOR, HEALTH AND HUMAN SERVICES COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES, AND THE STATE INDEPENDENT LIVING COUNCIL WITHIN THE DIVISION OF VOCATIONAL REHABILITATION IN THE DEPARTMENT OF HUMAN SERVICES.

26-8.7-107. Repeal of article. (1) THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2012.

(2) PRIOR TO THE REPEAL, THE COMMISSION SHALL BE REVIEWED AS PROVIDED IN SECTION 2-3-1203, C.R.S.

SECTION 2. 24-1-120 (5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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

(1) (I) THE COLORADO COMMISSION FOR INDIVIDUALS WHO ARE BLIND OR

VISUALLY IMPAIRED, CREATED IN ARTICLE 8.7 OF TITLE 26, C.R.S. THE COMMISSION AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES.

(II) THIS PARAGRAPH (I) IS REPEALED, EFFECTIVE JULY 1, 2012.

SECTION 3. 2-3-1203 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(y) JULY 1, 2012: THE COLORADO COMMISSION FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED, CREATED IN ARTICLE 8.7 OF TITLE 26, C.R.S.

SECTION 4. 40-17-104 (4), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

40-17-104. Colorado disabled telephone users fund - creation - purpose.

(4) (d) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, THE GENERAL ASSEMBLY SHALL MAKE ANNUAL APPROPRIATIONS FROM THE COLORADO DISABLED TELEPHONE USERS FUND TO COVER AUTHORIZED EXPENSES ASSOCIATED WITH THE COLORADO COMMISSION FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED, CREATED IN ARTICLE 8.7 OF TITLE 26, C.R.S. ANY ANNUAL APPROPRIATION MADE FROM THE COLORADO DISABLED TELEPHONE USERS FUND BY THE GENERAL ASSEMBLY SHALL NOT EXCEED AN AMOUNT OF ONE HUNDRED TWELVE THOUSAND SIXTY-SEVEN DOLLARS.

SECTION 5. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado disabled telephone users cash fund created in section 40-17-104, Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, public utilities commission, for the fiscal year beginning July 1, 2007, the sum of ninety-five thousand one hundred fifty-two dollars (\$95,152), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of human services, for allocation to the division of vocational rehabilitation, for the fiscal year beginning July 1, 2007, the sum of ninety-five thousand one hundred fifty-two dollars (\$95,152), cash funds exempt, and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from cash funds exempt received from the department of regulatory agencies, public utilities commission out of the appropriation made in subsection (1) of this section.

SECTION 6. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 8, 2007, if adjournment sine die is on May 9, 2007); except that, if a referendum petition is filed against this act

or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 24, 2007