

CHAPTER 219

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 09-144

BY SENATOR(S) Kester, Boyd, Carroll M., Foster, Gibbs, Groff, Heath, Hodge, Hudak, Morse, Newell, Sandoval, Schwartz, Shaffer B., Spence, Williams, Isgar, Keller, Romer, Tochtrop;
also REPRESENTATIVE(S) Gagliardi, Court, Ferrandino, Fischer, Frangas, Green, Hullinghorst, Kefalas, McCann, McFadyen, Merrifield, Pommer, Primavera, Riesberg, Ryden, Schafer S., Summers, Todd.

AN ACT

CONCERNING THE COLORADO COMMISSION FOR THE DEAF AND HARD OF HEARING AND PROGRAMS ADMINISTERED IN CONNECTION THEREWITH, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 26-21-102, Colorado Revised Statutes, is amended to read:

26-21-102. Legislative declaration. The general assembly hereby finds, determines, and declares that a commission for the deaf and hard of hearing would facilitate the provision of general governmental services to the deaf and hard of hearing community while making government more efficient. Under the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101, Colorado has a duty to provide to the deaf and hard of hearing equivalent access to governmental services. This duty requires state departments and agencies to provide ~~interpreters, teletype machines (commonly known as TTY)~~ AUXILIARY SERVICES, TELECOMMUNICATIONS EQUIPMENT, and other resources IN ORDER to enable ~~such~~ access FOR THE DEAF AND HARD OF HEARING COMMUNITY. Centralizing and unifying such resources under a commission has the potential to create cost savings for both the state and the deaf and hard of hearing community. In addition, such consolidation of resources will facilitate quality control, and thus increase the quality of governmental services while increasing access by the deaf and hard of hearing community to those services.

SECTION 2. 26-21-103, Colorado Revised Statutes, is amended to read:

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

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

(1) ~~"Commission" means the Colorado commission for the deaf and hard of hearing.~~ "ADMINISTRATOR" MEANS THE PERSON WHO IS RESPONSIBLE FOR THE OVERALL MANAGEMENT AND DEVELOPMENT OF THE COMMISSION OFFICE AND OF PROGRAMS INCLUDED IN THE COMMISSION'S STATUTORY DUTIES.

(2) ~~"Director" means the executive director of the Colorado commission for the deaf and hard of hearing.~~ "AUXILIARY SERVICES" MEANS QUALIFIED INTERPRETERS, COMMUNICATION ACCESS REALTIME TRANSLATION PROVIDERS, ASSISTIVE LISTENING DEVICES OR SYSTEMS, AND OTHER EFFECTIVE METHODS OF MAKING SPOKEN OR WRITTEN INFORMATION AVAILABLE TO DEAF OR HARD OF HEARING INDIVIDUALS.

(3) ~~"Fund" means the Colorado commission for the deaf and hard of hearing cash fund created in section 26-21-107.~~ "COMMISSION" MEANS THE COLORADO COMMISSION FOR THE DEAF AND HARD OF HEARING.

(4) ~~"Late deafened" means a person who had normal hearing before an illness or accident caused such person to become functionally deaf.~~ "FUND" MEANS THE COLORADO COMMISSION FOR THE DEAF AND HARD OF HEARING CASH FUND CREATED IN SECTION 26-21-107.

(5) "GRANT PROGRAM" MEANS THE COLORADO COMMISSION FOR THE DEAF AND HARD OF HEARING GRANT PROGRAM CREATED IN SECTION 26-21-107.5.

(6) "LATE DEAFENED" MEANS A PERSON WHOSE HEARING LOSS BEGAN IN LATE CHILDHOOD, ADOLESCENCE, OR ADULTHOOD, AFTER THE PERSON ACQUIRED ORAL LANGUAGE SKILLS.

(7) "STATE COURT SYSTEM" MEANS THE SYSTEM OF COURTS, OR ANY PART THEREOF, ESTABLISHED PURSUANT TO ARTICLES 1 TO 9 OF THIS TITLE AND ARTICLE VI OF THE STATE CONSTITUTION. "STATE COURT SYSTEM" SHALL NOT INCLUDE THE MUNICIPAL COURTS OR ANY PART THEREOF.

(8) "TELECOMMUNICATIONS" MEANS THE SCIENCE AND TECHNOLOGY OF TRANSMITTING VOICE, AUDIO, FACSIMILE, IMAGE, VIDEO, COMPUTER DATA, AND MULTIMEDIA INFORMATION OVER SIGNIFICANT DISTANCES BY THE USE OF ELECTROMAGNETIC ENERGY IN THE FORM OF ELECTRICITY, RADIO, OR FIBEROPTICS.

SECTION 3. 26-21-104 (2) (c), (2) (f), and (4), Colorado Revised Statutes, are amended to read:

26-21-104. Commission created - appointments. (2) The commission shall consist of seven members as follows:

(c) One member who is a professional in the field of deafness; ~~who is knowledgeable in and has experience with other types of disabilities;~~

(f) One member who is an interpreter for the deaf or hard of hearing AND WHO IS QUALIFIED TO USE AT LEAST ONE OF THE TITLES LISTED IN SECTION 6-1-707 (1) (e), C.R.S.; and

(4) At least ninety days prior to THE expiration of a member's term of office, the commission shall create a list of nominees. ~~that includes at least three candidates for each open position pursuant to subsection (2) of this section. Such~~ THE nominees' names shall be submitted to the governor at least forty-five days prior to the expiration of the preceding term for which ~~such~~ THE nominees are being considered. If the governor approves the nominees, the governor shall appoint one of the nominees ~~from each list~~ for each open position within ninety days after the date of each vacancy; otherwise, the governor shall appoint qualified persons in consultation with the commission.

SECTION 4. 26-21-105, Colorado Revised Statutes, is amended to read:

26-21-105. Procedures of the commission. (1) The executive director of the department of human services OR HIS OR HER DESIGNEE shall appoint ~~a director to provide staff services to the commission~~ THE ADMINISTRATOR OF THE COLORADO COMMISSION FOR THE DEAF AND HARD OF HEARING. The MEMBERS OF THE commission may interview candidates for ~~director~~ ADMINISTRATOR and provide comment and input TO THE EXECUTIVE DIRECTOR on the hiring of ~~the director~~ A CANDIDATE.

(2)(a) The commission shall convene for its first meeting no later than September 1, 2000. At the first meeting, a chair shall be elected by the commission.

(b) The commission may adopt such ~~rules of procedure~~ POLICIES as are necessary to facilitate orderly conduct of its business.

(c) The commission shall meet at least quarterly. Meetings shall also be held on call of the chair or at the request of at least three 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.

(e) THE COMMISSION SHALL ENCOURAGE DEVELOPMENT AND COORDINATION OF PUBLIC AND PRIVATE AGENCIES THAT PROVIDE ASSISTANCE TO DEAF AND HARD OF HEARING CITIZENS.

(3)(a) ~~The commission shall have the power to direct the disposition of the fund for the purposes of this article.~~

(b) ~~The commission shall prepare a budget and approve all fund expenditures, except that the commission may by internal rule delegate routine approvals to the director.~~

(4) ~~The commission may contract with private parties for the provision of any services required by the commission, and may take such other actions as the commission may deem necessary to fulfill its responsibilities under this article.~~

SECTION 5. 26-21-106, Colorado Revised Statutes, is amended to read:

26-21-106. Powers, functions, and duties of the commission - equipment distribution program. (1) The powers, functions, and duties of the commission

shall include, but not be limited to, the following:

(a) The commission shall serve as a liaison between the deaf and hard of hearing community and the general assembly, governor, and Colorado departments and agencies.

(b) The commission shall serve as an informational resource to the state, ~~and~~ the deaf and hard of hearing community, PRIVATE AGENCIES, AND OTHER ENTITIES.

(c) The commission shall serve as a referral agency for the deaf and hard of hearing community to the state agencies and institutions providing services to ~~such~~ THE community, ~~and to the~~ local agencies of government, PRIVATE AGENCIES, AND OTHER ENTITIES.

(d) The commission shall assess how technology has affected the needs of the deaf and hard of hearing community. The commission shall assess the type and amount of equipment needed by low-income deaf and hard of hearing persons in order to reasonably interact with society.

(e) The commission shall assess the needs of the deaf and hard of hearing community and recommend to the general assembly any legislation that may facilitate and streamline the provision of general governmental services to the deaf and hard of hearing community. The commission shall consider the following:

(I) ~~The advisability of~~ Implementing the commission as a statewide coordinating agency that advocates for deaf and hard of hearing citizens of Colorado;

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

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

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

(2) The commission shall consider the findings of any study authorized under this section and may approve, disapprove, or amend such findings. Upon approval of the findings, the commission shall submit a report with recommendations including proposed legislation, if necessary, to the governor and to the general assembly.

(3) The commission shall establish a telecommunications equipment distribution program that is consistent with the findings of subsection (1) of this section to obtain and distribute interactive ~~telephone~~ TELECOMMUNICATIONS equipment needed by deaf and hard of hearing persons. ~~and to provide services to the deaf and hard of hearing community.~~

(4) The commission, in collaboration with the judicial department, shall ARRANGE FOR AUXILIARY SERVICES FOR THE STATE COURT SYSTEM, AND establish, monitor, coordinate, and publish a list of available resources regarding communication accessibility for persons who are deaf or hard of hearing. ~~including but not limited to qualified interpreters and auxiliary services for use by an appointing authority pursuant to section 13-90-204, C.R.S.~~

(5) ARRANGING AUXILIARY SERVICES FOR THE STATE COURT SYSTEM INCLUDES, BUT IS NOT LIMITED TO:

(a) COORDINATING STATEWIDE AND DAY-TO-DAY SCHEDULING OF AUXILIARY SERVICES FOR THE PROCEEDINGS AS DEFINED BY STATUTE;

(b) CREATING AND MANAGING A PROCESS BY WHICH REQUESTS FROM THE STATE COURT SYSTEM FOR AUXILIARY SERVICES MAY BE FILLED;

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

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

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

(f) COMMUNICATING AMONG AUXILIARY SERVICE USERS AND PROVIDERS AND THE STATE COURT SYSTEM TO RESOLVE ANY ISSUES THAT MAY ARISE.

(6) THE COMMISSION SHALL ESTABLISH AND MAINTAIN AN ACTIVE SYSTEM NAVIGATOR SPECIALIST FOR TECHNICAL ASSISTANCE TO IMPROVE AND ENSURE EQUIVALENT ACCESS TO AUXILIARY SERVICES BY CRITICAL STATE AND LOCAL GOVERNMENT AGENCIES, PRIVATE AGENCIES, AND OTHER ENTITIES AND TO INCREASE AWARENESS OF THE PROGRAMS FOR AND RIGHTS OF DEAF AND HARD OF HEARING INDIVIDUALS FROM MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY FROM THE COLORADO DISABLED TELEPHONE USERS FUND ESTABLISHED PURSUANT TO SECTION 40-17-104, C.R.S.

(7) THE SYSTEM NAVIGATOR SPECIALIST FOR TECHNICAL ASSISTANCE SHALL PERFORM THE FOLLOWING DUTIES:

(a) RESPOND TO AND ASSISTING INDIVIDUALS WHO HAVE ENCOUNTERED BARRIERS IN OBTAINING ACCOMMODATION AND ACCESS IN THEIR EFFORTS TO RECEIVE NECESSARY AUXILIARY SERVICES;

(b) ASSIST INDIVIDUALS IN UNDERSTANDING AND ACCESSING AUXILIARY SERVICES THAT MAY BE AVAILABLE TO THEM;

(c) ENSURE THAT STATE AGENCIES AND PRIVATE ENTITIES ARE EQUIPPED TO PROVIDE ACCOMMODATIONS TO DEAF AND HARD OF HEARING INDIVIDUALS;

(d) INCREASE PUBLIC AWARENESS OF THE NEEDS AND ISSUES FACING DEAF AND HARD OF HEARING INDIVIDUALS; AND

(e) DEVELOP AND MAINTAIN A COMPREHENSIVE RESOURCE DIRECTORY OF AUXILIARY SERVICES AND PROGRAMS THAT MAY BE OF USE TO DEAF AND HARD OF HEARING CITIZENS AND TO AGENCIES THAT SERVE THEM.

SECTION 6. 26-21-107 (1) and (2), Colorado Revised Statutes, are amended to read:

26-21-107. Colorado commission for the deaf and hard of hearing cash fund - creation - gifts, grants, and donations - reimbursement. (1) ~~All moneys appropriated to administer this article shall be deposited in the Colorado commission for the deaf and hard of hearing cash fund, which fund is hereby created in the state treasury~~ THERE IS HEREBY CREATED IN THE STATE TREASURY THE COLORADO COMMISSION FOR THE DEAF AND HARD OF HEARING CASH FUND, and all moneys credited to the fund shall be used exclusively for the administration and discharge of this article. All moneys credited to the fund and any interest earned on the fund shall remain in the fund and shall not revert to the general fund or any other fund at the end of any fiscal year.

(2) The commission, SUBJECT TO SPENDING AUTHORITY GRANTED BY THE GENERAL ASSEMBLY, is authorized to receive and expend gifts, grants, and donations from individuals, private organizations, foundations, or any governmental unit; except that no gift, grant, or donation may be accepted by the commission if it is subject to conditions that are inconsistent with this article or any other law of this state.

SECTION 7. Article 21 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

26-21-107.5. Colorado commission for the deaf and hard of hearing grant program - creation - standards - applications. (1) THE COLORADO COMMISSION FOR THE DEAF AND HARD OF HEARING GRANT PROGRAM IS HEREBY ESTABLISHED TO PROVIDE FUNDING FOR ENTITIES TO ADDRESS THE NEEDS OF COLORADO'S DEAF AND HARD OF HEARING COMMUNITY.

(2)(a) THE COLORADO COMMISSION FOR THE DEAF AND HARD OF HEARING GRANT PROGRAM SUBCOMMITTEE APPOINTED PURSUANT TO SECTION 26-21-107.7 SHALL ADMINISTER THE GRANT PROGRAM AS PROVIDED IN SECTION 26-21-107.7.

(b) THE COMMISSION SHALL PAY THE GRANTS AWARDED THROUGH THE GRANT PROGRAM FROM MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY.

(c) BEGINNING IN THE 2009-10 FISCAL YEAR, AND FOR EACH FISCAL YEAR THEREAFTER SUBJECT TO AVAILABLE MONEYS, THE GENERAL ASSEMBLY SHALL APPROPRIATE TO THE COMMISSION NO MORE THAN FIFTY THOUSAND DOLLARS ANNUALLY TO ADMINISTER THE GRANT PROGRAM.

(3) THE STATE DEPARTMENT SHALL ADOPT RULES ADDRESSING TIMELINES AND GUIDELINES FOR THE GRANT PROGRAM AND ESTABLISHING CRITERIA FOR APPROVING

OR DISAPPROVING GRANT APPLICATIONS.

(4) AN ENTITY SEEKING TO PROVIDE SERVICES TO DEAF OR HARD OF HEARING PERSONS OR TO ENHANCE EXISTING DEAF OR HARD OF HEARING PROGRAMS MAY APPLY FOR A GRANT THROUGH THE GRANT PROGRAM.

(5) FOR PURPOSES OF THIS SECTION, "ENTITY" MEANS A LOCAL GOVERNMENT, STATE AGENCY, STATE-OPERATED PROGRAM, OR PRIVATE NONPROFIT OR NOT-FOR-PROFIT COMMUNITY-BASED ORGANIZATION.

(6) GRANTS SHALL BE AWARDED AS PROVIDED IN SECTION 26-21-107.7 (3) AND IN COMPLIANCE WITH APPLICABLE STATE RULES.

(7) GRANTEEES SHALL COMPLY WITH REPORTING REQUIREMENTS ESTABLISHED BY THE COMMISSION.

26-21-107.7. Colorado commission for the deaf and hard of hearing grant program subcommittee - members - duties - fund - creation. (1) (a) THERE IS HEREBY CREATED THE COLORADO COMMISSION FOR THE DEAF AND HARD OF HEARING GRANT PROGRAM SUBCOMMITTEE, REFERRED TO IN THIS SECTION AS THE "SUBCOMMITTEE", CONSISTING OF FIVE MEMBERS, FOR THE PURPOSE OF RECOMMENDING TO THE COMMISSION APPROVAL OR DISAPPROVAL OF APPLICATIONS FOR THE GRANT PROGRAM. THE COMMISSION SHALL APPOINT FOUR MEMBERS TO THE SUBCOMMITTEE AS FOLLOWS:

(I) ONE PERSON WHO HAS KNOWLEDGE AND AWARENESS OF THE ISSUES FACED BY DEAF PERSONS;

(II) ONE PERSON WHO HAS KNOWLEDGE AND AWARENESS OF THE ISSUES FACED BY HARD OF HEARING PERSONS; AND

(III) TWO REPRESENTATIVES FROM THE DEAF AND HARD OF HEARING COMMUNITY.

(b) IN ADDITION TO THE APPOINTED SUBCOMMITTEE MEMBERS, THE ADMINISTRATOR OF THE COMMISSION SHALL SERVE AS AN EX-OFFICIO MEMBER OF THE SUBCOMMITTEE.

(c) IN APPOINTING MEMBERS TO THE SUBCOMMITTEE, THE COMMISSION SHALL CHOOSE PERSONS WHO HAVE KNOWLEDGE AND AWARENESS OF INNOVATIVE STRATEGIES THAT ADDRESS CHALLENGES FACED BY THE DEAF AND HARD OF HEARING COMMUNITY.

(d) THE APPOINTED MEMBERS OF THE SUBCOMMITTEE SHALL SERVE THREE-YEAR TERMS; EXCEPT THAT, OF THE MEMBERS FIRST APPOINTED, ONE OF THE MEMBERS SHALL SERVE A TWO-YEAR TERM AND TWO OF THE MEMBERS SHALL SERVE ONE-YEAR TERMS. THE COMMISSION SHALL CHOOSE THOSE MEMBERS WHO SHALL SERVE THE INITIAL SHORTENED TERMS. IF A VACANCY ARISES IN ONE OF THE APPOINTED POSITIONS, THE COMMISSION SHALL FILL THE VACANCY AND APPOINT A REPLACEMENT TO FILL THE VACANCY FOR THE REMAINDER OF THE TERM.

(e) MEMBERS OF THE SUBCOMMITTEE SHALL SERVE WITHOUT COMPENSATION BUT

SHALL BE REIMBURSED OUT OF AVAILABLE APPROPRIATIONS FOR ALL ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

(f) THE SUBCOMMITTEE MAY MEET VIA TELECOMMUNICATIONS WHEN NECESSARY.

(2) THE SUBCOMMITTEE SHALL REVIEW ALL APPLICATIONS RECEIVED PURSUANT TO SECTION 26-21-107.5. BASED ON CRITERIA ESTABLISHED BY THE COMMISSION, THE SUBCOMMITTEE SHALL RECOMMEND TO THE COMMISSION THOSE APPLICATIONS TO APPROVE, WITH RECOMMENDED GRANT AMOUNTS, AND THOSE TO DISAPPROVE.

(3) THE COMMISSION SHALL REVIEW AND MAY FOLLOW THE RECOMMENDATIONS OF THE SUBCOMMITTEE FOR APPROVAL OR DISAPPROVAL OF APPLICATIONS FOR THE GRANT PROGRAM AND FOR GRANT AMOUNTS. IF THE COMMISSION DISAGREES WITH THE RECOMMENDATIONS OF THE SUBCOMMITTEE, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL HAVE FINAL DECISION-MAKING AUTHORITY TO APPROVE OR DISAPPROVE THE APPLICATIONS AND TO SET THE GRANT AMOUNTS.

SECTION 8. 13-90-201, Colorado Revised Statutes, is amended to read:

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

SECTION 9. 13-90-202 (1), Colorado Revised Statutes, is amended, and the said 13-90-202 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

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

(1) "Appointing authority" means the presiding officer or similar official of any court, board, commission, agency, or licensing or law enforcement authority of the state. ~~or any of its political subdivisions.~~

(9) "STATE COURT SYSTEM" MEANS THE SYSTEM OF COURTS, OR ANY PART THEREOF, ESTABLISHED PURSUANT TO ARTICLES 1 TO 9 OF THIS TITLE AND ARTICLE VI OF THE STATE CONSTITUTION. "STATE COURT SYSTEM" SHALL NOT INCLUDE THE MUNICIPAL COURTS OR ANY PART THEREOF.

SECTION 10. 13-90-204 (1) (a), Colorado Revised Statutes, is amended to read:

13-90-204. Appointment of auxiliary services - when. (1) A qualified interpreter or auxiliary service shall be provided by an appointing authority to interpret the proceedings to a person who is deaf or hard of hearing and to interpret the statements of the person who is deaf or hard of hearing in the following instances:

(a) When a person who is deaf or hard of hearing is present and participating as the principal party of interest or a witness at any civil or criminal proceeding, including but not limited to any criminal or civil court proceeding IN THE STATE COURT SYSTEM; a court-ordered or court-provided alternative dispute resolution, mediation, ~~or arbitration, OR TREATMENT~~; an administrative, commission, or agency hearing; or a hearing of a licensing authority of the state; ~~or any of its political subdivisions~~;

SECTION 11. 40-17-104 (1), Colorado Revised Statutes, is amended to read:

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

(1) Except as otherwise authorized to be retained by section 40-17-103 (3) (e), all moneys collected by the local exchange companies in accordance with said section shall be transmitted to the state treasurer, who shall credit the same to the Colorado disabled telephone users fund, which fund is hereby created and is referred to in this article as the "fund". On July 1, 1992, any moneys in the Colorado disabled telephone users fund created by section 40-17-103, as said section existed prior to July 1, 1992, shall be credited to the fund as created by this section. The general assembly shall make annual appropriations out of such fund for the administration of the fund and shall make annual appropriations to the reading services for the blind cash fund, created in section 24-90-105.5 (5), C.R.S., for use by the state librarian in support of privately operated reading services for the blind. The moneys in such fund not used for administration of such fund, not used for the reading services for the blind cash fund, and not used for the Colorado commission for the deaf and hard of hearing cash fund created in section 26-21-107, C.R.S., are hereby continuously appropriated to the public utilities commission for the reimbursement of providers who render telecommunications services authorized by this article.

SECTION 12. 6-1-707 (1) (e), Colorado Revised Statutes, as enacted by House Bill 09-1090, is amended to read:

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 such person's business, vocation, or occupation, such person:

(e) Claims to be a "sign language interpreter", "interpreter for the deaf", "deaf interpreter", "ASL-English interpreter", "American sign language (ASL) interpreter", "transliterator", "certified sign language interpreter", "certified interpreter for the deaf", "certified deaf interpreter", "certified ASL-English interpreter", "certified American sign language (ASL) interpreter", or "certified transliterator", unless ~~such person~~ HE OR SHE holds a current ~~membership card~~ CERTIFICATION issued by the registry of interpreters for the deaf or a successor organization. ~~Each membership card~~ A REGISTRY OF INTERPRETERS FOR THE DEAF, OR SUCCESSOR ORGANIZATION, MEMBERSHIP CARD THAT SHOWS PROOF OF CURRENT MEMBERSHIP AND CERTIFICATION shall be made available for immediate inspection and review by any consumer or agent of the state of Colorado.

SECTION 13. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the disabled telephone users cash fund created in section 40-17-104 (1), Colorado Revised Statutes, not otherwise appropriated, to the Colorado commission for the deaf and hard of hearing cash

fund created in section 26-21-107, Colorado Revised Statutes, for the fiscal year beginning July 1, 2009, the sum of one hundred thirty-five thousand one hundred eighty-nine dollars (\$135,189) cash funds, or so much thereof as may be necessary, for the implementation of this act. Of said sum, one hundred ten thousand one hundred eighty-nine dollars (\$110,189) cash funds and 1.6 FTE, or so much thereof as may be necessary, is further appropriated as reappropriated funds to the department of human services, for allocation to the Colorado commission for the deaf and hard of hearing, and twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary, is further appropriated as reappropriated funds to the department of human services for allocation to the Colorado commission for the deaf and hard of hearing grant program created in section 26-21-107.5, Colorado Revised Statutes.

SECTION 14. Act subject to petition - 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 5, 2009, if adjournment sine die is on May 6, 2009); 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 2, 2009