

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 18-0365.01 Kip Kolkmeier x4510

HOUSE BILL 18-1108

HOUSE SPONSORSHIP

Danielson,

SENATE SPONSORSHIP

Todd,

House Committees

Public Health Care & Human Services
Appropriations

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.

HOUSE
3rd Reading Unamended
April 20, 2018

HOUSE
Amended 2nd Reading
April 19, 2018

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

1 to be present and assist a juror who is deaf, ~~or~~ hard of hearing, OR
2 DEAFBLIND during the deliberations of the jury. In the presence of the
3 jury, the court shall instruct the qualified ~~interpreter~~ AUXILIARY SERVICES
4 PROVIDER to refrain from participating in any manner in the deliberation
5 of the jury and to refrain from having any communications with any
6 member of the jury regarding deliberation, except for true and complete
7 translations of jurors' remarks made during deliberation. A jury verdict
8 reached in the presence of a qualified ~~interpreter~~ AUXILIARY SERVICES
9 PROVIDER, during deliberation, ~~shall be~~ IS valid.

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

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

20 **SECTION 3.** In Colorado Revised Statutes, 13-90-202, **amend**
21 (3), (4), (5), (6), (7), and (9) as follows:

22 **13-90-202. Definitions.** As used in this part 2, unless the context
23 otherwise requires:

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

27 (a) THE SERVICES OF A QUALIFIED INTERPRETER;

1 (a) (b) The provision of a QUALIFIED ~~computer-aided~~
2 ~~COMMUNICATION ACCESS~~ realtime ~~translations~~ TRANSLATION (CART)
3 reporter;

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

5 (c) (d) The acquisition or modification of equipment or devices to
6 assist in effective communication with a person who is deaf, or hard of
7 hearing, OR DEAFBLIND.

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

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

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

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

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

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

27 **13-90-204. Appointment of auxiliary services providers.** (1) A

1 ~~qualified interpreter or auxiliary service shall be provided by~~ An
2 appointing authority SHALL PROVIDE A QUALIFIED AUXILIARY SERVICES
3 PROVIDER to interpret the proceedings to a person who is deaf, ~~or~~ hard of
4 hearing, OR DEAFBLIND and to interpret the statements of the person who
5 is deaf, ~~or~~ hard of hearing, OR DEAFBLIND in the following instances:

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

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

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

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

26 (f) When effective communication cannot be established without
27 an auxiliary service and when an alleged victim or witness is a person

1 who is deaf, ~~or~~ hard of hearing, OR DEAFBLIND, who uses sign language
2 for effective communication, and who is questioned or otherwise
3 interviewed by a person having a law enforcement or prosecutorial
4 function in any criminal investigation, except where the length,
5 importance, or complexity of the communication does not warrant
6 provision of an auxiliary service. Assessment of whether the length,
7 importance, or complexity of the communication warrants provision of
8 an auxiliary service shall be made in accordance with United States
9 department of justice regulations effectuating Title II of the federal
10 "Americans with Disabilities Act of 1990", as from time to time may be
11 amended, Pub.L. 101-336, codified at 42 U.S.C. sec. 12101 et seq.,
12 including regulations, analysis, and technical assistance.

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

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

25 (2) Whenever a qualified interpreter or auxiliary service is required
26 pursuant to section 13-90-204, the appointing authority shall secure ~~such~~
27 ~~interpreter or~~ THE auxiliary service through the list of available resources

1 made available and coordinated by the commission IN ACCORDANCE WITH
2 SUBSECTION (1) OF THIS SECTION.

3 (3) THE COMMISSION SHALL PROVIDE AUXILIARY SERVICES FOR A
4 PROCEEDING DESCRIBED BY SECTION 13-90-204 (1)(a), (1)(b), OR (1)(c).

5 THE COMMISSION DOES NOT HAVE ADDITIONAL RESPONSIBILITIES
6 BEYOND THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION FOR A
7 PROCEEDING DESCRIBED IN SECTION 13-90-204 (1)(d) OR (1)(f).

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

10 **13-90-207. Requirements to be met prior to commencing**
11 **proceedings.** (1) Prior to commencing any proceedings pursuant to
12 section 13-90-204 requiring a qualified ~~interpreter or auxiliary service~~
13 SERVICES PROVIDER, the following conditions shall be met:

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

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

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

24 **13-90-208. Waiver.** The right of a person who is deaf, ~~or~~ hard of
25 hearing, OR DEAFBLIND to a qualified ~~interpreter or auxiliary service~~ may
26 not be waived except in writing by the person who is deaf, ~~or~~ hard of
27 hearing, OR DEAFBLIND. Prior to executing ~~such~~ a waiver, a person who

1 is deaf, ~~or~~ hard of hearing, OR DEAFBLIND may have access to counsel for
2 advice and shall have actual, full knowledge of the right to effective
3 communication. ~~Such~~ THE waiver is subject to the approval of counsel,
4 if any, to the person who is deaf, ~~or~~ hard of hearing, OR DEAFBLIND and
5 is also subject to the approval of the appointing authority. In no event is
6 the failure of the person who is deaf, ~~or~~ hard of hearing, OR DEAFBLIND
7 to request a qualified interpreter ~~or~~ auxiliary service deemed a waiver of
8 this right.

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

11 **18-1.3-701. Judgment for costs and fines - definitions.**

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

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

20 **24-1-120. Department of human services - creation.** (5) The
21 department of human services shall include the following:

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

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

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

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

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

9 **26-21-101. Short title.** ~~This article shall be known and may be~~
10 ~~cited as~~ THE SHORT TITLE OF THIS ARTICLE 21 IS the "Colorado
11 Commission for the Deaf, ~~and~~ Hard of Hearing, AND DEAFBLIND Act".

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

14 **26-21-102. Legislative declaration.** The general assembly hereby
15 finds, determines, and declares that a commission for the deaf, ~~and~~ hard
16 of hearing, ~~would facilitate~~ AND DEAFBLIND FACILITATES the provision of
17 ~~general governmental~~ STATE AND LOCAL GOVERNMENT services to the
18 deaf, ~~and~~ hard of hearing, ~~community~~ AND DEAFBLIND while making
19 government more efficient. Under the federal "Americans with
20 Disabilities Act of 1990", 42 U.S.C. sec. 12101 ET SEQ., AS AMENDED,
21 Colorado has a duty to provide EQUIVALENT ACCESS TO STATE
22 GOVERNMENT AND PUBLIC ACCOMMODATIONS to the deaf, ~~and~~ hard of
23 hearing, ~~equivalent access to governmental services~~ AND DEAFBLIND. This
24 duty requires state departments and agencies to provide auxiliary services,
25 ~~telecommunications~~ COMMUNICATIONS TECHNOLOGY equipment, and
26 other resources ~~in order to enable~~ ENSURE access. ~~for the deaf and hard~~
27 ~~of hearing community.~~ Centralizing and unifying such resources under a

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

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

9 **26-21-103. Definitions.** As used in this ~~article~~ ARTICLE 21, unless
10 the context otherwise requires:

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

14 (2) (1) "Auxiliary services" means ~~qualified interpreters,~~
15 ~~communication access realtime translation providers, assistive listening~~
16 ~~devices or systems, and other effective methods of making spoken or~~
17 ~~written information available to deaf or hard of hearing individuals~~ THOSE
18 AIDS AND SERVICES THAT ASSIST IN EFFECTIVE COMMUNICATION WITH A
19 PERSON WHO IS DEAF, HARD OF HEARING, OR DEAFBLIND, INCLUDING BUT
20 NOT LIMITED TO:

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

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

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

26 (d) THE ACQUISITION OR MODIFICATION OF EQUIPMENT OR DEVICES
27 TO ASSIST IN EFFECTIVE COMMUNICATION WITH A PERSON WHO IS DEAF,

1 HARD OF HEARING, OR DEAFBLIND.

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

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

7 ~~(3.3) "Deaf-blind" or "deaf-blind community" includes persons
8 whose varying degrees of hearing and visual acuity limit total aural and
9 visual comprehension.~~

10 ~~(3.6) "Deaf or hard of hearing" or "deaf and hard of hearing
11 community" includes:~~

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

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

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

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

26 ~~(6)~~ (5) "Late deafened" means a person whose hearing loss began
27 in late childhood, adolescence, or adulthood, after the person acquired

1 oral language skills.

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

4 (7) "LOW VISION" MEANS AN EYE CONDITION WHERE VISUAL
5 ACUITY IS 20/70 OR POORER IN THE BETTER EYE AND THE CONDITION
6 CANNOT BE CORRECTED OR IMPROVED WITH OPTICAL CORRECTIVE
7 DEVICES.

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

12 ~~(7)~~ (9) "State court system" means the system of courts, or any
13 part thereof, established pursuant to articles 1 to 9 of title 13 C.R.S., and
14 article VI of the state constitution. "State court system" ~~shall~~ DOES not
15 include the municipal courts or any part thereof.

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

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

24 **SECTION 14.** In Colorado Revised Statutes, 26-21-104, **amend**
25 (1), (2)(c), (2)(d), (2)(f), and (2)(g) as follows:

26 **26-21-104. Commission created - appointments.** (1) Effective
27 ~~July 1, 2000, there is hereby created~~ The Colorado commission for the

1 deaf, ~~and~~ hard of hearing, AND DEAFBLIND IS CREATED in the department
2 of human services. The ~~Colorado~~ commission for the deaf and hard of
3 hearing shall exercise its powers, duties, and functions under the
4 department of human services as if it were transferred to ~~said~~ THE
5 department by a **type 2** transfer under the provisions of the
6 "Administrative Organization Act of 1968", ARTICLE 1 OF TITLE 24.

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

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

11 (d) One member who is a parent of a deaf, ~~or hard of hearing~~
12 ~~HARD-OF-HEARING, OR DEAFBLIND~~ person;

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

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

17 **SECTION 15.** In Colorado Revised Statutes, 26-21-105, **amend**
18 (1), (2)(a), and (2)(e); and **add** (2)(f) as follows:

19 **26-21-105. Appointment of commission director - commission**
20 **procedures - citizens council - creation.** (1) The executive director of
21 the department of human services or ~~his or her~~ THE EXECUTIVE
22 DIRECTOR'S designee shall appoint ~~the administrator~~ A DIRECTOR of the
23 Colorado commission. ~~for the deaf and hard of hearing.~~ The members of
24 the commission may interview candidates for administrator and
25 EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL provide comment and
26 input to the ~~executive director~~ COMMISSION on the hiring of a candidate
27 THE DIRECTOR.

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

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

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

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

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

- 23 (A) ONE MEMBER WHO IS DEAF AND BLIND;
- 24 (B) ONE MEMBER WHO IS DEAF AND LOW VISION;
- 25 (C) ONE MEMBER WHO IS HARD OF HEARING AND BLIND;
- 26 (D) ONE MEMBER WHO IS HARD OF HEARING AND LOW VISION;
- 27 (E) ONE MEMBER WHO IS LATENT DEAFBLIND;

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

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

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

6 **26-21-106. Powers, functions, and duties of commission -**
7 **community access program.** (1) The powers, functions, and duties of
8 the commission include:

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

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

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

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

26 (e) Assessing the needs of ~~the~~ deaf, ~~and~~ hard of hearing,
27 ~~community~~ AND DEAFBLIND and reporting annually to the governor and

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

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

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

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

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

25 (2) The commission shall consider the findings of any study
26 authorized under this section and may approve, disapprove, or amend the
27 findings. ~~Upon approval~~ AFTER CONSIDERATION of the findings, the

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

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

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

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

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

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

27 (d) COORDINATING THE PURCHASE, SHIPMENT, AND RECEIPT OF

1 ASSISTIVE LISTENING DEVICES AND SYSTEMS PURSUANT TO APPLICABLE
2 STATE RULES;

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

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

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

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

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

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

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

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

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

27 (c) ~~Identifying, coordinating, and placing the appropriate auxiliary~~

1 ~~services with all concerned parties;~~

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

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

7 ~~(f) Communicating among auxiliary service users and providers~~
8 ~~and the state court system to resolve any issues that may arise~~ ON OR

9 BEFORE JANUARY 1, 2019, THE COMMISSION SHALL ESTABLISH A
10 ONE-YEAR PILOT PROGRAM TO PROVIDE AUXILIARY SERVICES TO STATE
11 DEPARTMENTS AND AGENCIES. THE COMMISSION MAY CONTINUE THE
12 PILOT PROGRAM IN SUBSEQUENT YEARS IF THE COMMISSION HAS
13 ADEQUATE FUNDING TO PROVIDE AUXILIARY SERVICES THROUGH THE
14 PILOT PROGRAM. THE COMMISSION SHALL:

15 (a) IDENTIFY AT LEAST TWO STATE DEPARTMENTS OR AGENCIES TO
16 PARTICIPATE IN THE PILOT PROGRAM DURING CALENDAR YEAR 2019;

17 (b) CREATE A PROCESS FOR PARTICIPATING STATE DEPARTMENTS
18 OR AGENCIES TO REQUEST AUXILIARY SERVICES FROM THE COMMISSION;

19 (c) COLLECT DATA ON THE UTILIZATION OF AUXILIARY SERVICES
20 THROUGH THE PILOT PROGRAM; AND

21 (d) HIRE AN INDEPENDENT CONTRACTOR TO EVALUATE THE PILOT
22 PROGRAM AND MAKE RECOMMENDATIONS REGARDING WHETHER TO
23 EXPAND THE PROGRAM TO ADDITIONAL STATE DEPARTMENTS AND
24 AGENCIES. THE EVALUATION MUST BE BASED ON UTILIZATION DATA FROM
25 THE FIRST YEAR OF THE PROGRAM. THE EVALUATION MUST BE INCLUDED
26 IN THE SEPTEMBER 1, 2020, ANNUAL REPORT REQUIRED BY SECTION
27 26-21-106 (1)(e).

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

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

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

15 (b) Assist individuals in understanding and accessing auxiliary
16 services that may be available to them;

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

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

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

27 (8) THE COMMISSION SHALL MAINTAIN A COMMUNITY ACCESS

1 PROGRAM FOR ONE-ON-ONE SYSTEM NAVIGATING SERVICES TO ENSURE
2 RESOURCES ARE AVAILABLE TO INDIVIDUALS AND TO PROTECT EACH
3 PERSON'S RIGHT TO EFFECTIVE COMMUNICATION AND ACCESS TO
4 ENVIRONMENTAL INFORMATION. THE COMMUNITY ACCESS PROGRAM MUST
5 INCLUDE THE FOLLOWING:

- 6 (a) SUPPORT SERVICE PROVIDERS FOR DEAFBLIND INDIVIDUALS;
- 7 (b) ORIENTATION AND MOBILITY SPECIALISTS FOR DEAFBLIND
8 INDIVIDUALS; AND
- 9 (c) PEER SYSTEM NAVIGATION FOR DEAF, HARD-OF-HEARING, AND
10 DEAFBLIND INDIVIDUALS WHO ENCOUNTER BARRIERS ACCESSING
11 PROGRAMS, ACTIVITIES, OR SERVICES.

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

14 **26-21-107. Colorado commission for the deaf, hard of hearing,**
15 **and deafblind cash fund - creation - gifts, grants, and donations -**
16 **reimbursement.** (1) There is hereby created in the state treasury the
17 Colorado commission for the deaf, ~~and~~ hard of hearing, AND DEAFBLIND
18 cash fund. ~~and All moneys~~ MONEY credited to the fund ~~shall~~ MUST be
19 used exclusively for the administration and discharge of this ~~article~~
20 ARTICLE 21. All ~~moneys~~ MONEY credited to the fund and any interest
21 earned ~~on~~ FROM THE INVESTMENT OF MONEY IN the fund ~~shall remain~~
22 REMAINS in the fund and ~~shall~~ DOES not revert to the general fund or any
23 other fund at the end of any fiscal year.

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

26 **26-21-107.5. Colorado commission for the deaf, hard of**
27 **hearing, and deafblind grant program - creation - standards -**

1 **applications.** (1) The Colorado commission for the deaf, ~~and~~ hard of
2 hearing, AND DEAFBLIND grant program is hereby established to provide
3 funding for entities to address the needs of Colorado's deaf, ~~and hard of~~
4 ~~hearing community~~ HARD-OF-HEARING, AND DEAFBLIND INDIVIDUALS.

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

9 (b) The commission shall pay the grants awarded through the
10 grant program from ~~moneys~~ MONEY appropriated by the general
11 assembly.

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

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

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

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

24 **26-21-107.7. Colorado commission for the deaf, hard of**
25 **hearing, and deafblind grant program committee - creation -**
26 **members - duties - repeal.** (1) (a) (I) There is hereby created the
27 Colorado commission for the deaf and hard of hearing grant program

1 subcommittee, referred to in this section as the "subcommittee",
2 consisting of five members, for the purpose of recommending to the
3 commission approval or disapproval of applications for the grant
4 program. The commission shall appoint four members to the
5 subcommittee as follows:

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

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

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

12 (II) THIS SUBSECTION (1)(a) IS REPEALED, EFFECTIVE SEPTEMBER
13 1, 2018.

14 (a.5) (I) THERE IS HEREBY CREATED THE COLORADO COMMISSION
15 FOR THE DEAF, HARD OF HEARING, AND DEAFBLIND GRANT PROGRAM
16 COMMITTEE, REFERRED TO IN THIS SECTION AS THE "COMMITTEE",
17 CONSISTING OF FIVE MEMBERS, FOR THE PURPOSE OF RECOMMENDING TO
18 THE COMMISSION APPROVAL OR DISAPPROVAL OF APPLICATIONS FOR THE
19 GRANT PROGRAM.

20 (II) THE COMMISSION SHALL APPOINT FOUR MEMBERS TO THE
21 COMMITTEE AS FOLLOWS:

22 (A) ONE PERSON WHO IS DEAF;

23 (B) ONE PERSON WHO IS DEAFBLIND;

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

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

26 (III) THIS SUBSECTION (1)(a.5) IS EFFECTIVE SEPTEMBER 1, 2018,
27 AND APPLIES TO APPOINTMENTS TO THE COMMITTEE ON OR AFTER

1 SEPTEMBER 1, 2018. ALL INITIAL APPOINTMENTS IN ACCORDANCE WITH
2 THIS SUBSECTION (1)(a.5) MUST BE MADE BY SEPTEMBER 30, 2018.

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

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

10 (d) The appointed members of the ~~subcommittee~~ COMMITTEE shall
11 serve three-year terms; except that, of the members first appointed, one
12 of the members shall serve a two-year term and two of the members shall
13 serve one-year terms. The commission shall choose those members who
14 shall serve the initial shortened terms. If a vacancy arises in one of the
15 appointed positions, the commission shall ~~fill the vacancy~~ and appoint a
16 replacement to fill the vacancy for the remainder of the term.

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

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

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

1 (3) The commission shall review and may follow the
2 recommendations of the ~~subcommittee~~ COMMITTEE for approval or
3 disapproval of applications for the grant program and for grant amounts.
4 If the commission disagrees with the recommendations of the
5 ~~subcommittee~~ COMMITTEE, the executive director of the department shall
6 have final decision-making authority to approve or disapprove the
7 applications and to set the grant amounts.

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

11 **40-17-103. Commission - powers and duties - rules.** (3) The
12 commission shall, through the promulgation of rules, develop and
13 implement a mechanism to recover its costs and the cost to voice service
14 providers in implementing and administering telecommunications relay
15 services required by this ~~article~~ ARTICLE 17. The mechanism must, at a
16 minimum, provide for the following:

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

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

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

25 **40-17-104. Colorado telephone users with disabilities fund -**
26 **creation - purpose.** (1) Except as otherwise authorized to be retained by
27 section 40-17-103 (3)(e), all money collected by the voice service

1 providers in accordance with section 40-17-103 shall be transmitted to the
2 state treasurer, who shall credit the money to the Colorado telephone
3 users with disabilities fund, which fund is hereby created and is referred
4 to in this ~~article~~ ARTICLE 17 as the "fund". The general assembly shall
5 make annual appropriations out of the fund for the administration of the
6 fund and shall make annual appropriations to the reading services for the
7 blind cash fund, created in section 24-90-105.5 (5), ~~C.R.S.~~, for use by the
8 state librarian in support of privately operated reading services for people
9 who are blind. The money in the fund not used for administration of the
10 fund, not used for the reading services for the blind cash fund, and not
11 used for the Colorado commission for the deaf, ~~and~~ hard of hearing, AND
12 DEAFBLIND cash fund created in section 26-21-107, ~~C.R.S.~~, is hereby
13 continuously appropriated to the public utilities commission for the
14 reimbursement of providers who render telecommunications services
15 authorized by this ~~article~~ ARTICLE 17.

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

21 **SECTION 22. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2018 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.