

CHAPTER 303

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 18-1108

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 also SENATOR(S) Todd, Aguilar, Coram, Court, Crowder, Donovan, Fenberg, Garcia, Guzman, Jahn, Jones, Kagan, Kefalas, Kerr, Lambert, Martinez Humenik, Merrifield, Neville T., Smallwood, Tate, Williams A., Zenzinger, Grantham.

AN ACT

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

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

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

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

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

participating in any manner in the deliberation of the jury and to refrain from having any communications with any member of the jury regarding deliberation, except for true and complete translations of jurors' remarks made during deliberation. A jury verdict reached in the presence of a qualified ~~interpreter~~ AUXILIARY SERVICES PROVIDER, during deliberation, ~~shall be~~ IS valid.

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

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~~ OR DEAFBLIND 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 unless qualified ~~interpreters or~~ auxiliary services are available to assist them.

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

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

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

(a) THE SERVICES OF A QUALIFIED INTERPRETER;

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

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

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

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

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

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

(7) "Effective communication" means those methods of communication that are individualized and culturally appropriate to a person who is deaf, ~~or~~ hard of hearing,

OR DEAFBLIND so that he or she can easily ~~understand~~ ACCESS all auditory information.

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

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

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

(a) When a person who is deaf, ~~or~~ hard of hearing, OR DEAFBLIND 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, arbitration, or treatment; an administrative, commission, or agency hearing; or a hearing of a licensing authority of the state;

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

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

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

(f) When effective communication cannot be established without an auxiliary service and when an alleged victim or witness is a person who is deaf, ~~or~~ hard of hearing, OR DEAFBLIND, who uses sign language for effective communication, and who is questioned or otherwise interviewed by a person having a law enforcement or prosecutorial function in any criminal investigation, except where the length, importance, or complexity of the communication does not warrant provision of an auxiliary service. Assessment of whether the length, importance, or complexity of the communication warrants provision of an auxiliary service shall be made in accordance with United States department of justice regulations effectuating Title II of the federal "Americans with Disabilities Act of 1990", as from time to time may be amended, Pub.L. 101-336, codified at 42 U.S.C. sec. 12101 et seq., including regulations, analysis, and technical assistance.

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

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

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

(3) THE COMMISSION SHALL PROVIDE AUXILIARY SERVICES FOR A PROCEEDING DESCRIBED BY SECTION 13-90-204 (1)(a), (1)(b), OR (1)(c). THE COMMISSION DOES NOT HAVE ADDITIONAL RESPONSIBILITIES BEYOND THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION FOR A PROCEEDING DESCRIBED IN SECTION 13-90-204 (1)(d) OR (1)(f).

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

13-90-207. Requirements to be met prior to commencing proceedings.

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

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

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

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

13-90-208. Waiver. The right of a person who is deaf, ~~or~~ hard of hearing, OR DEAFBLIND to a qualified ~~interpreter or~~ auxiliary service may not be waived except in writing by the person who is deaf, ~~or~~ hard of hearing, OR DEAFBLIND. Prior to executing ~~such~~ a waiver, a person who is deaf, ~~or~~ hard of hearing, OR DEAFBLIND may have access to counsel for advice and shall have actual, full knowledge of the right to effective communication. ~~Such~~ THE waiver is subject to the approval of counsel, if any, to the person who is deaf, ~~or~~ hard of hearing, OR DEAFBLIND and is also subject to the approval of the appointing authority. In no event is the failure of the person who is deaf, ~~or~~ hard of hearing, OR DEAFBLIND to request a qualified ~~interpreter or~~ auxiliary service deemed a waiver of this right.

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

18-1.3-701. Judgment for costs and fines - definitions. (1) (c) Judgments collected pursuant to this section for fees for ~~interpreters or~~ auxiliary services provided pursuant to section 13-90-204, ~~C.R.S.~~, and reimbursed pursuant to section 13-90-210, ~~C.R.S.~~, shall be remitted to the Colorado commission for the deaf, ~~and~~ hard of hearing, AND DEAFBLIND in the department of human services created in section 26-21-104. ~~C.R.S.~~

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

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

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

SECTION 10. In Colorado Revised Statutes, 24-34-104, **amend** (25)(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, ~~and~~ hard of hearing, AND DEAFBLIND created in article 21 of title 26;

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

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

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

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~~ AND DEAFBLIND FACILITATES the provision of ~~general governmental~~ STATE AND LOCAL GOVERNMENT services to the deaf, ~~and~~ hard of hearing, ~~community~~ AND DEAFBLIND while making government more efficient. 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, ~~and~~ hard of hearing, ~~equivalent access to governmental services~~ AND DEAFBLIND. This duty requires state departments and agencies to provide auxiliary services, ~~telecommunications~~ COMMUNICATIONS TECHNOLOGY equipment, and other resources ~~in order to enable~~ ENSURE access. ~~for the deaf and hard of hearing community.~~ Centralizing and unifying such resources

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

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

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

~~(1) "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)(1) "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~~ 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.

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

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

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

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

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

~~(b) Persons whose varying degrees of hearing acuity and visual acuity limit total~~

aural and visual comprehension.

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

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

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

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

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

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

(7) (9) "State court system" means the system of courts, or any part thereof, established pursuant to articles 1 to 9 of title 13 C.R.S., and article VI of the state constitution. "State court system" shall DOES 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 fiber optics.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

(II) THE CITIZENS COUNCIL WILL ADVISE THE COMMISSION, STATE AND LOCAL GOVERNMENTS, AND OTHER RELEVANT ENTITIES ON HOW TO INCREASE COMPETITIVE INTEGRATED EMPLOYMENT AS DEFINED BY 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 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 COUNCIL FOR THE REMAINDER OF ANY UNEXPIRED TERM. THE CITIZENS COUNCIL MUST HAVE THE FOLLOWING APPOINTEES:

- (A) ONE MEMBER WHO IS DEAF AND BLIND;
- (B) ONE MEMBER WHO IS DEAF AND LOW VISION;
- (C) ONE MEMBER WHO IS HARD OF HEARING AND BLIND;
- (D) ONE MEMBER WHO IS HARD OF HEARING AND LOW VISION;
- (E) ONE MEMBER WHO IS LATENT DEAFBLIND;
- (F) ONE MEMBER WHO IS A PROFESSIONAL WORKING WITH THE DEAFBLIND COMMUNITY; AND
- (G) ONE MEMBER WHO IS A PARENT OF A DEAFBLIND CHILD.

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

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

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

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

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

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

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

- (I) Whether any existing statutory or administrative provisions impede the ability

of the commission to act as a statewide coordinating agency ~~that advocates~~ ADVOCATING for deaf, ~~and hard of hearing citizens of~~ HARD-OF-HEARING, AND DEAFBLIND INDIVIDUALS IN 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, AND DEAFBLIND;

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

(IV) Any methods, programs, or policies that may improve implementation of state policies affecting ~~the deaf, and~~ hard of hearing, ~~community~~ AND DEAFBLIND 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 the findings. ~~Upon approval~~ AFTER CONSIDERATION of the findings, the commission shall submit a report with recommendations including proposed legislation, if necessary, to the governor and to the general assembly. ~~This report is exempt from section 24-1-136 (11), C.R.S.~~ THE COMMISSION SHALL SUBMIT THE REPORT ANNUALLY NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), and may ~~be combined~~ COMBINE THE REPORT with, or ~~included~~ INCLUDE THE REPORT as a part of, the annual report prepared under ~~paragraph (e) of subsection (1)~~ SUBSECTION (1)(e) of this section.

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

(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.~~ ARRANGING AUXILIARY SERVICES FOR THE STATE COURT SYSTEM INCLUDES:

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

(b) CREATING AND MANAGING A PROCESS BY WHICH REQUESTS 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 SERVICES PROVIDERS MAY SUBMIT REQUIRED DOCUMENTATION AND RECEIVE PAYMENT FOR SERVICES;

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

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

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

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

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

~~(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~~ 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).

(6) ~~The commission shall establish and maintain an active outreach consultant for technical assistance~~ AND CONSULTING SERVICES TO IMPROVE AND ENSURE EQUIVALENT EFFECTIVE ACCESS TO AUXILIARY SERVICES BY CRITICAL STATE AND LOCAL GOVERNMENT AGENCIES, PRIVATE AGENCIES, AND OTHER ENTITIES. ~~AND THE COMMISSION SHALL ALSO USE THESE SERVICES TO INCREASE AWARENESS OF THE PROGRAMS FOR AND RIGHTS OF INDIVIDUALS WHO ARE DEAF AND HARD-OF-HEARING FROM MONEY APPROPRIATED BY THE GENERAL ASSEMBLY FROM FUNDED BY THE COLORADO TELEPHONE USERS WITH DISABILITIES FUND ESTABLISHED PURSUANT TO SECTION 40-17-104. C.R.S.~~

(7) THE COMMISSION'S OUTREACH ~~CONSULTANT FOR TECHNICAL ASSISTANCE SHALL PERFORM~~ AND CONSULTING SERVICES INCLUDE THE FOLLOWING DUTIES:

(a) ~~Respond~~ PROVIDE RESOURCES TO ~~and assist~~ INDIVIDUALS WHO HAVE ENCOUNTERED BARRIERS ~~in~~ TO 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) CONSULT WITH STATE AND LOCAL GOVERNMENT AGENCIES AND PRIVATE ENTITIES SO THAT THEY ARE EQUIPPED TO PROVIDE DIRECT SERVICES OR SERVICES WITH ACCOMMODATIONS TO DEAF, ~~and hard-of-hearing~~ HARD-OF-HEARING, AND DEAFBLIND INDIVIDUALS;

(d) INCREASE PUBLIC AWARENESS OF THE NEEDS AND ISSUES FACING DEAF, ~~and hard-of-hearing~~ HARD-OF-HEARING, AND DEAFBLIND INDIVIDUALS; AND

(e) DEVELOP AND MAINTAIN A COMPREHENSIVE RESOURCE DIRECTORY OF AUXILIARY SERVICES AND OTHER PROGRAMS THAT MAY BE OF USE TO DEAF, ~~and hard-of-hearing~~ ~~citizens~~ HARD-OF-HEARING, AND DEAFBLIND INDIVIDUALS AND TO AGENCIES THAT SERVE THEM.

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

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

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

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

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

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

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

(2) (a) The Colorado commission for the deaf, ~~and~~ hard of hearing, AND DEAFBLIND grant program ~~subcommittee~~ COMMITTEE 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~~ MONEY appropriated by the general assembly.

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

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

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

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

26-21-107.7. Colorado commission for the deaf, hard of hearing, and deafblind grant program committee - creation - members - duties - repeal.

(1) (a) (I) 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:

(⊕) (A) One person who has knowledge and awareness of the issues faced by deaf persons;

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

(⊕) (C) Two representatives from the deaf and hard-of-hearing community.

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

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

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

(A) ONE PERSON WHO IS DEAF;

(B) ONE PERSON WHO IS DEAFBLIND;

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

(D) ONE REPRESENTATIVE OF THE PUBLIC AT LARGE.

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

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

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

(d) The appointed members of the ~~subcommittee~~ COMMITTEE 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~~ COMMITTEE shall serve without compensation but ~~shall~~ ARE ENTITLED TO be reimbursed out of available appropriations for all actual and necessary expenses incurred in the performance of their duties.

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

(2) The ~~subcommittee~~ COMMITTEE shall review all applications received pursuant to section 26-21-107.5. Based on criteria established by the commission, the ~~subcommittee~~ COMMITTEE 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~~ COMMITTEE for approval or disapproval of applications for the grant program and for grant amounts. If the commission disagrees with the recommendations of the ~~subcommittee~~ COMMITTEE, 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 20. In Colorado Revised Statutes, 40-17-103, **amend** (3) introductory portion, (3)(a)(III) introductory portion, and (3)(a)(III)(D) as follows:

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

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

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

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

40-17-104. Colorado telephone users with disabilities fund - creation - purpose. (1) Except as otherwise authorized to be retained by section 40-17-103 (3)(e), all money collected by the voice service providers in accordance with section 40-17-103 shall be transmitted to the state treasurer, who shall credit the money to the Colorado telephone users with disabilities fund, which fund is hereby created and is referred to in this ~~article~~ ARTICLE 17 as the "fund". The general assembly shall make annual appropriations out of the 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 people who are blind. The money in the fund not used for administration of the 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, ~~AND DEAFBLIND~~ cash fund created in section 26-21-107, ~~C.R.S.~~, is hereby continuously appropriated to the public utilities commission for the reimbursement of providers who render telecommunications services authorized by this ~~article~~ ARTICLE 17.

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

SECTION 22. 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 (August 8, 2018, if adjournment sine die is on May 9, 2018); 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 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 29, 2018