

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 24-0571.01 Jane Ritter x4342

HOUSE BILL 24-1276

HOUSE SPONSORSHIP

Young and Bradfield,

SENATE SPONSORSHIP

Zenzinger and Lundeen,

House Committees

Health & Human Services
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE COLORADO COMMISSION**
102 **FOR THE DEAF, HARD OF HEARING, AND DEAFBLIND, AND, IN**
103 **CONNECTION THEREWITH, IMPLEMENTING THE**
104 **RECOMMENDATIONS CONTAINED IN THE 2023 SUNSET REPORT**
105 **BY THE DEPARTMENT OF REGULATORY AGENCIES AND MAKING**
106 **AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does 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/>.)

Sunset Process - House Health and Human Services

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
Amended 2nd Reading
April 10, 2024

Committee. The bill implements the recommendations in the department of regulatory agencies' 2023 sunset review and report on the Colorado commission for the deaf, hard of hearing, and deafblind (commission) by:

- Continuing the commission for 7 years, until 2031;
- Establishing a permanent state auxiliary services program; and
- Changing the name of the deafblind citizens council to the deafblind advisory council.

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

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

4 **26-21-108. Repeal of article - sunset review.** (1) This article
5 ARTICLE 21 is repealed, effective September 1, ~~2024~~ 2031.

6 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**
7 (25)(a)(XII); and **add** (32)(a)(XI) as follows:

8 **24-34-104. General assembly review of regulatory agencies**
9 **and functions for repeal, continuation, or reestablishment - legislative**
10 **declaration - repeal.** (25) (a) The following agencies, functions, or both,
11 are scheduled for repeal on September 1, 2024:

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

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

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

18 **SECTION 3.** In Colorado Revised Statutes, 26-21-103, **amend**
19 (1); **repeal** (2); and **add** (1.5) as follows:

20 **26-21-103. Definitions.** As used in this article 21, unless the
21 context otherwise requires:

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

4 ~~(a) The services of a qualified interpreter as defined by section~~
5 ~~13-90-202 (8);~~

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

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

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

14 (1.5) "AUXILIARY SERVICES" MEANS THOSE AIDS AND SERVICES
15 THAT ASSIST IN EFFECTIVE COMMUNICATION WITH A PERSON WHO IS DEAF,
16 HARD OF HEARING, OR DEAFBLIND. "AUXILIARY SERVICES" ARE ALSO
17 KNOWN AS "COMMUNICATION ACCESS SERVICES" AND MAY INCLUDE BUT
18 ARE NOT LIMITED TO:

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

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

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

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

27 (2) ~~"Citizens council" means the Colorado deafblind citizens~~

1 ~~council appointed by the commission in accordance with section~~
2 ~~26-21-105 (2)(f).~~

3 **SECTION 4.** In Colorado Revised Statutes, 26-21-105, **amend**
4 (2)(e), (2)(f)(I), (2)(f)(II), and (2)(f)(III) introductory portion as follows:

5 **26-21-105. Appointment of commission director - commission**
6 **procedures - advisory council - creation.** (2) (e) The commission shall
7 encourage development and coordination of public and private agencies
8 providing assistance to deaf, hard-of-hearing, and deafblind ~~citizens~~
9 PERSONS.

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

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

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

25 **SECTION 5.** In Colorado Revised Statutes, 26-21-106, **repeal**
26 (5); and **add** (5.5) as follows:

27 **26-21-106. Powers, functions, and duties of commission -**

1 **auxiliary services program - community access program - report -**
2 **rules - definitions. (5) ~~On or before January 1, 2019, the commission~~**

3 ~~shall establish a one-year pilot program to provide auxiliary services to~~
4 ~~state departments and agencies. The commission may continue the pilot~~
5 ~~program in subsequent years if the commission has adequate funding to~~
6 ~~provide auxiliary services through the pilot program. The commission~~
7 ~~shall:~~

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

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

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

14 ~~(d) Hire an independent contractor to evaluate the pilot program~~
15 ~~and make recommendations regarding whether to expand the program to~~
16 ~~additional state departments and agencies. The evaluation must be based~~
17 ~~on utilization data from the first year of the program. The evaluation must~~
18 ~~be included in the September 1, 2020, annual report required by section~~
19 ~~26-21-106 (1)(c).~~

20 (5.5) (a) THE COMMISSION SHALL ESTABLISH AND MAKE
21 PERMANENT THE OPERATIONS OF THE STATE AUXILIARY SERVICES
22 PROGRAM CREATED IN SUBSECTION (5) OF THIS SECTION AS IT EXISTED
23 PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION (5.5). THE
24 COMMISSION SHALL:

25 (I) ARRANGE FOR THE PROVISION OF AUXILIARY SERVICES FOR
26 STATE DEPARTMENTS AND AGENCIES, INCLUDING THE GOVERNOR'S OFFICE,
27 THAT EMPLOY OR SERVE INDIVIDUALS WHO ARE DEAF, HARD OF HEARING,

1 OR DEAFBLIND BY PERFORMING THE FOLLOWING FUNCTIONS:

2 (A) COORDINATING, ON A STATEWIDE BASIS, THE DAILY
3 SCHEDULING OF AUXILIARY SERVICES PROVIDED TO STATE DEPARTMENTS
4 AND AGENCIES;

5 (B) CREATING AND MANAGING EFFICIENT AND CONSISTENT
6 PROCESSES THROUGH WHICH AN AUXILIARY SERVICES PROVIDER MAY
7 SUBMIT REQUIRED DOCUMENTATION AND RECEIVE PAYMENT FOR
8 AUXILIARY SERVICES PROVIDED;

9 (C) CREATING AND MANAGING A PROCESS FOR THE INTAKE AND
10 FULFILLMENT OF REQUESTS BY STATE DEPARTMENTS AND AGENCIES FOR
11 AUXILIARY SERVICES, INCLUDING THE IDENTIFICATION, COORDINATION,
12 AND APPOINTMENT OF AUXILIARY SERVICES PROVIDERS TO MEET THE
13 NEEDS OF ALL PARTIES INVOLVED IN THE PROCEEDING, EVENT, OR
14 CIRCUMSTANCE FOR WHICH A REQUEST IS MADE;

15 (D) RESOLVING ANY ISSUES THAT MAY ARISE WITH REGARD TO
16 AUXILIARY SERVICES IN THE STATE DEPARTMENT OR AGENCY FOR WHICH
17 AUXILIARY SERVICES ARE PROVIDED PURSUANT TO THIS SUBSECTION (5.5);

18 (E) COMMUNICATING WITH AUXILIARY SERVICES USERS,
19 AUXILIARY SERVICES PROVIDERS, AND APPOINTING AUTHORITIES, AS
20 DEFINED IN SECTION 13-90-202, IN THE STATE DEPARTMENT OR AGENCY
21 FOR WHICH AUXILIARY SERVICES ARE PROVIDED PURSUANT TO THIS
22 SUBSECTION (5.5);

23 (F) ESTABLISHING, MONITORING, AND PUBLISHING A LIST OF CART
24 PROVIDERS AND QUALIFIED INTERPRETERS, AS DEFINED IN SUBSECTIONS
25 (4)(g)(II)(A) AND (4)(g)(II)(B) OF THIS SECTION, ON THE COMMISSION'S
26 PUBLIC WEBSITE; AND

27 (G) GATHERING DATA ON THE FUNCTIONS DESCRIBED IN

1 SUBSECTIONS (5.5)(a)(I)(A) TO (5.5)(a)(I)(F) OF THIS SECTION; AND
2 (II) CREATE AN ADVISORY COUNCIL TO MAKE RECOMMENDATIONS
3 TO THE COMMISSION CONCERNING THE PROVISION OF AUXILIARY SERVICES
4 TO STATE DEPARTMENTS AND AGENCIES.

5 (b) THE EXECUTIVE DIRECTOR SHALL PROMULGATE RULES FOR THE
6 IMPLEMENTATION OF THIS SUBSECTION (5.5) IN CONSULTATION WITH, OR
7 AS PROPOSED BY, THE COMMISSION AND THE DEAF, HARD OF HEARING, AND
8 DEAFBLIND COMMUNITY.

9 (c) THE COMMISSION SHALL INCLUDE DATA GATHERED PURSUANT
10 TO SUBSECTION (5.5)(a)(I)(G) OF THIS SECTION IN ITS ANNUAL REPORT
11 REQUIRED BY SUBSECTION (1)(e) OF THIS SECTION.

12 **SECTION 6. Appropriation.** (1) For the 2024-25 state fiscal
13 year, \$203,163 is appropriated to the Colorado commission for the deaf,
14 hard of hearing, and deafblind cash fund created in section 26-21-107 (1),
15 C.R.S. This appropriation is from the Colorado telephone users with
16 disabilities fund created in section 40-17-104 (1)(a), C.R.S. The public
17 utilities commission in the department of regulatory agencies is
18 responsible for the accounting related to this appropriation.

19 (2) For the 2024-25 state fiscal year, \$203,163 is appropriated to
20 the department of human services for use by the office of adults, aging,
21 and disability services. This appropriation is from reappropriated funds
22 in the Colorado commission for the deaf, hard of hearing, and deafblind
23 cash fund under subsection (1) of this section, and is based on the
24 assumption that the office will require an additional 1.6 FTE. To
25 implement this act, the office may use the appropriation for the Colorado
26 commission for the deaf, hard of hearing, and deafblind.

27 **SECTION 7. Act subject to petition - effective date.** This act

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