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An Act

SENATE BILL 15-178

BY SENATOR(S) Newell, Aguilar, Crowder, Donovan, Guzman, Heath, Jahn, Johnston, Jones, Kefalas, Kerr, Martinez Humenik, Merrifield, Steadman, Todd;

also REPRESENTATIVE(S) Danielson, Arndt, Esgar, Fields, Ginal, Kraft-Tharp, Lebsock, Lontine, Melton, Moreno, Pettersen, Primavera, Rosenthal, Ryden, Salazar, Williams, Winter, Young, Hulinghorst.

CONCERNING THE CONTINUATION OF THE COLORADO COMMISSION FOR THE DEAF AND HARD OF HEARING, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS OF THE 2014 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.

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

SECTION 1. In Colorado Revised Statutes **amend** 26-21-108 as follows:

26-21-108. Repeal of article - sunset review. (1) This article is repealed, effective ~~July 1, 2015~~ SEPTEMBER 1, 2024.

(2) Prior to ~~such~~ THE repeal, the commission shall be reviewed as provided for in section 24-34-104, C.R.S.

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

SECTION 2. In Colorado Revised Statutes, 24-34-104, **repeal** (46) (m); and **add** (55) (l) as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (46) The following agencies, functions, or both shall terminate on July 1, 2015:

(m) ~~The Colorado commission for the deaf and hard of hearing, created by article 21 of title 26, C.R.S.;~~

(55) The following agencies, functions, or both, terminate on September 1, 2024:

(l) THE COLORADO COMMISSION FOR THE DEAF AND HARD OF HEARING, CREATED IN ARTICLE 21 OF TITLE 26, C.R.S.

SECTION 3. In Colorado Revised Statutes, 26-21-103, **add** (3.3) and (3.6) as follows:

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

(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 DEGREE 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.

SECTION 4. In Colorado Revised Statutes, 26-21-104, **amend** (2) introductory portion, (2) (c), (2) (f), (2) (g), and (3) (a) as follows:

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

(c) One member who is a professional ~~in the field of deafness~~ WORKING WITH INDIVIDUALS IN THE DEAF AND HARD OF HEARING COMMUNITY;

(f) One member who is an ~~interpreter~~ AUXILIARY SERVICE PROVIDER for the deaf or hard of hearing and who is qualified to use at least one of the titles listed in section 6-1-707 (1) (e), C.R.S.; and

(g) One member who is a ~~member of the public~~ DEAF-BLIND.

(3) (a) The governor ~~with the consent of the senate~~, shall appoint the commission members referenced in subsection (2) of this section. Beginning July 1, 2000, four of these commission members shall serve initial terms of four years, and three shall serve initial terms of six years. After the initial appointments of the commission members referenced in subsection (2) of this section, all subsequent appointees shall serve terms of four years; EXCEPT THAT A MEMBER SHALL NOT SERVE MORE THAN TWO CONSECUTIVE FOUR-YEAR TERMS.

SECTION 5. In Colorado Revised Statutes, 26-21-106, **amend** (1), (2), (6), (7) introductory portion, and (7) (c) as follows:

26-21-106. Powers, functions, and duties of the commission - equipment distribution program. (1) The powers, functions, and duties of the commission shall include: ~~but not be limited to, the following:~~

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

(b) ~~The commission shall serve~~ SERVING as an informational resource to the state, the deaf and hard of hearing community, private agencies, and other entities.

(c) ~~The commission shall serve~~ SERVING as a referral agency for the deaf and hard of hearing community to the state agencies and institutions providing services to the community, local GOVERNMENT agencies, ~~of government~~, private agencies, and other entities.

(d) ~~The commission shall assess~~ ASSESSING how technology has

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

(e) ~~The commission shall assess~~ ASSESSING the needs of the deaf and hard of hearing community and ~~recommend~~ 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 ~~and~~ OR streamline the provision of general ~~governmental~~ GOVERNMENT services to the deaf and hard of hearing community. NOTWITHSTANDING SECTION 24-1-136 (11), C.R.S., THE COMMISSION'S DUTY TO REPORT ANNUALLY PURSUANT TO THIS PARAGRAPH (e) DOES NOT EXPIRE. IN PREPARING ITS ANNUAL REPORT AND RECOMMENDATIONS, the commission shall consider the following:

(I) ~~Implementing~~ WHETHER ANY EXISTING STATUTORY OR ADMINISTRATIVE PROVISIONS IMPEDE the ABILITY OF THE commission TO ACT as a statewide coordinating agency that advocates for deaf and hard of hearing citizens of Colorado;

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

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

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

(2) The commission shall consider the findings of any study authorized under this section and may approve, disapprove, or amend ~~such~~ THE findings. Upon approval of the findings, the commission shall submit a report with recommendations including proposed legislation, if necessary, to the governor and to the general assembly. THIS REPORT IS EXEMPT FROM SECTION 24-1-136(11), C.R.S., AND MAY BE COMBINED WITH, OR INCLUDED

AS A PART OF, THE ANNUAL REPORT PREPARED UNDER PARAGRAPH (e) OF SUBSECTION (1) OF THIS SECTION.

(6) The commission shall establish and maintain an active ~~system navigator specialist~~ OUTREACH CONSULTANT for technical assistance to improve and ensure equivalent access to auxiliary services by critical state and local government agencies, private agencies, and other entities and to increase awareness of the programs for and rights of deaf and hard of hearing individuals from moneys appropriated by the general assembly from the Colorado disabled telephone users fund established pursuant to section 40-17-104, C.R.S.

(7) The ~~system navigator specialist~~ OUTREACH CONSULTANT for technical assistance shall perform the following duties:

(c) ~~Ensure that~~ CONSULT WITH state agencies and private entities SO THAT THEY are equipped to provide accommodations to deaf and hard of hearing individuals;

SECTION 6. In Colorado Revised Statutes, 40-17-102, **amend** (4) as follows:

40-17-102. Definitions. As used in this article, unless the context otherwise requires:

(4) "Telephone access line" means the access to the local exchange network ~~as defined in tariffs approved by the commission~~, from the premises of an end user customer of a local exchange company to the telecommunications network to effect the transfer of information.

SECTION 7. Effective date. This act takes effect July 1, 2015.

SECTION 8. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Bill L. Cadman
PRESIDENT OF
THE SENATE

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO