

§ 26-21-101. Short title.

Colorado Statutes

Title 26. HUMAN SERVICES CODE

Article 21. Colorado Commission for the Deaf and Hard of Hearing

Current through Chapter 199 and Chapters 500-522 of the 2015 Legislative Session

§ 26-21-101. Short title

This article shall be known and may be cited as the "Colorado Commission for the Deaf and Hard of Hearing Act".

Cite as C.R.S. § 26-21-101

History. L. 2000: Entire article added, p. 1624, § 1, effective June 1.

§ 26-21-102. Legislative declaration.

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Article 21. Colorado Commission for the Deaf and Hard of Hearing

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§ 26-21-102. Legislative declaration

The general assembly hereby finds, determines, and declares that a commission for the deaf and hard of hearing would facilitate the provision of general governmental services to the deaf and hard of hearing community while making government more efficient. Under the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101, Colorado has a duty to provide to the deaf and hard of hearing equivalent access to governmental services. This duty requires state departments and agencies to provide auxiliary services, telecommunications equipment, and other resources in order to enable access for the deaf and hard of hearing community. Centralizing and unifying such resources under a commission has the potential to create cost savings for both the state and the deaf and hard of hearing community. In addition, such consolidation of resources will facilitate quality control, and thus increase the quality of governmental services while increasing access by the deaf and hard of hearing community to those services.

Cite as C.R.S. § 26-21-102

History. L. 2000: Entire article added, p. 1624, § 1, effective June 1. L. 2009: Entire section amended, (SB09-144), ch. 219, p. 985, §1, effective August 5.

§ 26-21-103. Definitions.

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§ 26-21-103. Definitions

As used in this article, 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) "Auxiliary services" means qualified interpreters, communication access realtime translation providers, assistive listening devices or systems, and other effective methods of making spoken or written information available to deaf or hard of hearing individuals.
- (3) "Commission" means the Colorado commission for the deaf and hard of hearing.
- (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.
- (4) "Fund" means the Colorado commission for the deaf and hard of hearing cash fund created in section 26-21-107.
- (5) "Grant program" means the Colorado commission for the deaf and hard of hearing grant program created in section 26-21-107.5.
- (6) "Late deafened" means a person whose hearing loss began in late childhood, adolescence, or adulthood, after the person acquired oral language skills.

- (7) "State court system" means the system of courts, or any part thereof, established pursuant to articles 1 to 9 of title 13, C.R.S., and article VI of the state constitution. "State court system" shall not include the municipal courts or any part thereof.
- (8) "Telecommunications" means the science and technology of transmitting voice, audio, facsimile, image, video, computer data, and multimedia information over significant distances by the use of electromagnetic energy in the form of electricity, radio, or fiber optics.

Cite as C.R.S. § 26-21-103

History. Amended by 2015 Ch. 151, §3, eff. 7/1/2015.

L. 2000: Entire article added, p. 1625, § 1, effective June 1. L. 2009: Entire section amended, (SB09-144), ch. 219, p. 985, §2, effective August 5. L. 2011: (7) amended, (HB11-1303), ch. 264, p. 1171, §79, effective August 10.

§ 26-21-104. Commission created - appointments.

Colorado Statutes

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Article 21. Colorado Commission for the Deaf and Hard of Hearing

Current through Chapter 199 and Chapters 500-522 of the 2015 Legislative Session

§ 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 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 department by a **type 2** transfer under the provisions of the "Administrative Organization Act of 1968".
- (2) The commission shall consist of seven members as follows:
- (a) One member who is deaf;
 - (b) One member who is hard of hearing;
 - (c) One member who is a professional working with individuals in the deaf or hard of hearing community;
 - (d) One member who is a parent of a deaf or hard of hearing person;

- (e) One member who is late deafened;
 - (f) One member who is an 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 deaf-blind.
- (3) (a) The governor 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.
- (b) The governor shall appoint a qualified person to fill any vacancy on the commission for the remainder of any unexpired term.
- (4) At least ninety days prior to the expiration of a member's term of office, the commission shall create a list of nominees. The nominees' names shall be submitted to the governor at least forty-five days prior to the expiration of the preceding term for which the nominees are being considered. If the governor approves the nominees, the governor shall appoint one of the nominees for each open position within ninety days after the date of each vacancy; otherwise, the governor shall appoint qualified persons in consultation with the commission.

Cite as C.R.S. § 26-21-104

History. Amended by 2015 Ch. 151, §4, eff. 7/1/2015.

L. 2000: Entire article added, p. 1625, § 1, effective June 1. L. 2009: (2)©, (2)(f), and (4) amended, (SB09-144), ch. 219, p. 986, §3, effective August 5.

§ 26-21-105. Procedures of the commission.

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Current through Chapter 199 and Chapters 500-522 of the 2015 Legislative Session

§ 26-21-105. Procedures of the commission

- (1) The executive director of the department of human services or his or her designee shall appoint the administrator of the Colorado commission for the deaf and hard of hearing. The members of commission may interview candidates for administrator and provide comment and input to the executive director on hiring of a candidate.
- (2)
 - (a) The commission shall convene for its first meeting no later than September 1, 2000. At the first meeting, a chair shall be elected by the commission.
 - (b) The commission may adopt such policies as are necessary to facilitate orderly conduct of its business.
 - (c) The commission shall meet at least quarterly. Meetings shall also be held on call of the chair or at the request of at least three members of the commission.
 - (d) The commission shall adopt no official position, recommendation, or action except by the concurrence of a majority of the members.
 - (e) The commission shall encourage development and coordination of public and private agencies that provide assistance to deaf and hard of hearing citizens.
- (4) (Deleted by amendment, L. 2009, (SB 09-144), ch. 219, p. 987, § 4, effective August 5, 2009.)

Cite as C.R.S. § 26-21-105

History. L. 2000: Entire article added, p. 1626, § 1, effective June 1. L. 2009: Entire section amended, (SB09-144), ch. 219, p. 987, §4, effective August 5.

§ 26-21-106. Powers, functions, and duties of the commission – equipment distribution program.

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Article 21. Colorado Commission for the Deaf and Hard of Hearing

Current through Chapter 199 and Chapters 500-522 of the 2015 Legislative Session

§ 26-21-106. Powers, functions, and duties of the commission - equipment distribution 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 the general assembly, governor, and Colorado departments and agencies.
 - (b) Serving as an informational resource to the state, the deaf and hard of hearing community, private agencies, and other entities.

- (c) 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, private agencies, and other entities.
 - (d) 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.
 - (e) Assessing the needs of the deaf and hard of hearing community 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. 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) 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 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.
- (3) The commission shall establish a telecommunications equipment distribution program that is consistent with the findings of subsection (1) of this section to obtain and distribute interactive telecommunications equipment needed by deaf and hard of hearing 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.
- (5) Arranging auxiliary services for the state court system includes, but is not limited to:
 - (a) Coordinating statewide and day-to-day scheduling of auxiliary services for the proceedings as defined by statute;
 - (b) Creating and managing a process by which requests from the state court system for auxiliary services may be filled;
 - (c) Identifying, coordinating, and placing the appropriate auxiliary services with all concerned parties;
 - (d) Coordinating the purchase, shipment, and receipt of assistive listening devices and systems pursuant to applicable state rules;
 - (e) Creating and managing efficient and consistent processes through which auxiliary service providers may submit required documentation and receive payment for services; and
 - (f) Communicating among auxiliary service users and providers and the state court system to resolve any issues that may arise.
- (6) The commission shall establish and maintain an active 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 outreach consultant for technical assistance shall perform the following duties:
 - (a) Respond to and assist individuals who have encountered barriers in obtaining accommodation and access in their efforts to receive necessary auxiliary services;
 - (b) Assist individuals in understanding and accessing auxiliary services that may be available to them;
 - (c) Consult with state agencies and private entities so that they are equipped to provide accommodations to deaf and hard of hearing individuals;
 - (d) Increase public awareness of the needs and issues facing deaf and hard of hearing individuals; and

- (e) Develop and maintain a comprehensive resource directory of auxiliary services and programs that may be of use to deaf and hard of hearing citizens and to agencies that serve them.

Cite as C.R.S. § 26-21-106

History. Amended by 2015 Ch. 151, §5, eff. 7/1/2015.

L. 2000: Entire article added, p. 1626, § 1, effective June 1. L. 2002: (3) added, p. 776, § 1, effective May 30. L. 2006: (4) added, p. 1090, § 10, effective May 25. L. 2009: Entire section amended, (SB09-144), ch. 219, p. 987, §5, effective August 5.

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

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Current through Chapter 199 and Chapters 500-522 of the 2015 Legislative Session

§ 26-21-107. Colorado commission for the deaf and hard of hearing 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 cash fund, and all moneys credited to the fund shall be used exclusively for the administration and discharge of this article. All moneys credited to the fund and any interest earned on the fund shall remain in the fund and shall not revert to the general fund or any other fund at the end of any fiscal year.
- (2) The commission, subject to spending authority granted by the general assembly, is authorized to receive and expend gifts, grants, and donations from individuals, private organizations, foundations, or any governmental unit; except that no gift, grant, or donation may be accepted by the commission if it is subject to conditions that are inconsistent with this article or any other law of this state.
- (3) Commission members shall be reimbursed for actual and necessary expenses incurred in the discharge of their official duties, including an allowance for mileage as provided in section 24-9-104(2), C.R.S. The commission may establish a standardized per diem designed to cover the actual expenses of the members pursuant to this subsection (3).

Cite as C.R.S. § 26-21-107

History. L. 2000: Entire article added, p. 1627, § 1, effective June 1. L. 2002: (1) amended, p. 776, § 2, effective May 30. L. 2009: (1) and (2) amended, (SB09-144), ch. 219, p. 990, §6, effective August 5.

§ 26-21-107.5. Colorado commission for the deaf and hard of hearing grant program - creation - standards - applications - definitions.

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Current through Chapter 199 and Chapters 500-522 of the 2015 Legislative Session

§ 26-21-107.5. Colorado commission for the deaf and hard of hearing grant program - creation - standards - applications - definitions

- (1) The Colorado commission for the deaf and hard of hearing grant program is hereby established to provide funding for entities to address the needs of Colorado's deaf and hard of hearing community.
- (2)
 - (a) The Colorado commission for the deaf and hard of hearing grant program subcommittee appointed pursuant to section 26-21-107.7 shall administer the grant program as provided in section 26-21-107.7.
 - (2)
 - (a) The Colorado commission for the deaf and hard of hearing grant program subcommittee appointed pursuant to section 26-21-107.7 shall administer the grant program as provided in section 26-21-107.7.
 - (b) The commission shall pay the grants awarded through the grant program from moneys appropriated by the general assembly.
 - (c) Beginning in the 2009-10 fiscal year, and for each fiscal year thereafter subject to available moneys, the general assembly shall appropriate to the commission no more than fifty thousand dollars annually to administer the grant program.
- (3) The state department shall adopt rules addressing timelines and guidelines for the grant program and establishing criteria for approving or disapproving grant applications.
- (4) An entity seeking to provide services to deaf or hard of hearing persons or to enhance existing deaf or hard of hearing programs may apply for a grant through the grant program.
- (5) For purposes of this section, "entity" means a local government, state agency, state operated program, or private nonprofit or not-for-profit community-based organization.

- (6) Grants shall be awarded as provided in section 26-21-107.7(3) and in compliance with applicable state rules.
- (7) Grantees shall comply with reporting requirements established by the commission.

Cite as C.R.S. § 26-21-107.5

History. L. 2009: Entire section added, (SB09-144), ch. 219, p. 990, §7, effective August 5.

§ 26-21-107.7. Colorado commission for the deaf and hard of hearing grant program subcommittee - members - duties - fund - creation.

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Current through Chapter 199 and Chapters 500-522 of the 2015 Legislative Session

§ 26-21-107.7. Colorado commission for the deaf and hard of hearing grant program subcommittee – members – duties – fund – creation.

- (1) (a) There is hereby created the Colorado commission for the deaf and hard of hearing grant program subcommittee, referred to in this section as the “subcommittee”, consisting of five members, for the purpose of recommending to the commission approval or disapproval of applications for the grant program. The commission shall appoint four members to the subcommittee as follows:
 - (I) One person who has knowledge and awareness of the issues faced by deaf persons;
 - (II) One person who has knowledge and awareness of the issues faced by hard of hearing persons; and
 - (III) Two representatives from the deaf and hard of hearing community.
- (b) In addition to the appointed subcommittee members, the administrator of the commission shall serve as an ex-officio member of the subcommittee.
- (c) In appointing members to the subcommittee, the commission shall choose persons who have knowledge and awareness of innovative strategies that address challenges faced by the deaf and hard of hearing community.
- (d) The appointed members of the subcommittee shall serve three-year terms; except that, of the members first appointed, one of the members shall serve a

two-year term and two of the members shall serve one-year terms. The commission shall choose those members who shall serve the initial shortened terms. If a vacancy arises in one of the appointed positions, the commission shall fill the vacancy and appoint a replacement to fill the vacancy for the remainder of the term.

- (e) Members of the subcommittee shall serve without compensation but shall be reimbursed out of available appropriations for all actual and necessary expenses incurred in the performance of their duties.
 - (f) The subcommittee may meet via telecommunications when necessary.
- (2) The subcommittee shall review all applications received pursuant to section 26-21-107.5. Based on criteria established by the commission, the subcommittee shall recommend to the commission those applications to approve, with recommended grant amounts, and those to disapprove.
- (3) The commission shall review and may follow the recommendations of the subcommittee for approval or disapproval of applications for the grant program and for grant amounts. If the commission disagrees with the recommendations of the subcommittee, the executive director of the department shall have final decision-making authority to approve or disapprove the applications and to set the grant amounts.

Cite as C.R.S. § 26-21-107.7

History. L. 2009: Entire section added, (SB09-144), ch. 219, p. 991, §7, effective August 5.

§ 26-21-108. Repeal of article - sunset review.

Colorado Statutes

Title 26. HUMAN SERVICES CODE

Article 21. Colorado Commission for the Deaf and Hard of Hearing

Current through Chapter 199 and Chapters 500-522 of the 2015 Legislative Session

§ 26-21-108. Repeal of article - sunset review

- (1) This article is repealed, effective September 1, 2024.
- (2) Prior to the repeal, the commission shall be reviewed as provided for in section 24-34-104, C.R.S.

Cite as C.R.S. § 26-21-108

History. Amended by 2015 Ch. 151, §1, eff. 7/1/2015.