

Colorado Commission for the Deaf and Hard of Hearing Statute

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".

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

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.

Source: L. 2000: Entire article added, p. 1624, § 1, effective June 1. **L. 2009:** Entire section amended, (SB [09-144](#)), ch. 219, p. 985, § 1, effective August 5.

Editor's note: This section was amended in a 2009 act that was passed without a safety clause. The act, or portions thereof, may not take effect if the people exercise their right to petition under article V, section 1 (3) of the state constitution. For further explanation concerning the effective date, see page ix of this volume.

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.
- (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 this title 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 fiberoptics.

Source: **L. 2000:** Entire article added, p. 1625, § 1, effective June 1. **L. 2009:** Entire section amended, (SB [09-144](#)), ch. 219, p. 985, § 2, effective August 5.

Editor's note: This section was amended in a 2009 act that was passed without a safety clause. The act, or portions thereof, may not take effect if the people exercise their right to petition under article V, section 1 (3) of the state constitution. For further explanation concerning the effective date, see page ix of this volume.

[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".

(a) One member who is deaf;

(b) One member who is hard of hearing;

(c) One member who is a professional in the field of deafness;

(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 interpreter 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

(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.

(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.

Source: **L. 2000:** Entire article added, p. 1625, § 1, effective June 1. **L. 2009:** (2)(c), (2)(f), and (4) amended, (SB [09-144](#)), ch. 219, p. 986, § 3, effective August 5.

Editor's note: Subsections (2)(c), (2)(f), and (4) were amended in a 2009 act that was passed without a safety clause. The act, or portions thereof, may not take effect if the people exercise their right to petition under article V, section 1 (3) of the state constitution. For further explanation concerning the effective date, see page ix of this volume.

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 the commission may interview candidates for administrator and provide comment and input to the executive director on the 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.

(3) and (4) (Deleted by amendment, L. 2009, (SB [09-144](#)), ch. 219, p. 987, § 4, effective August 5, 2009.)

Source: **L. 2000:** Entire article added, p. 1626, § 1, effective June 1. **L. 2009:** Entire section amended, (SB [09-144](#)), ch. 219, p. 987, § 4, effective August 5.

Editor's note: This section was amended in a 2009 act that was passed without a safety clause. The act, or portions thereof, may not take effect if the people exercise their right to petition under article V, section 1 (3) of the state constitution. For further explanation concerning the effective date, see page ix of this volume.

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 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 as an informational resource to the state, the deaf and hard of hearing community, private agencies, and other entities.
 - (c) The commission shall serve as a referral agency for the deaf and hard of hearing community to the state agencies and institutions providing services to the community, local agencies of government, private agencies, and other entities.
 - (d) The commission shall assess 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 the needs of the deaf and hard of hearing community and recommend to the general assembly any legislation that may facilitate and streamline the provision of general governmental services to the deaf and hard of hearing community. The commission shall consider the following:
 - (I) Implementing the commission 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;
 - (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 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.
- (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 system navigator specialist 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 for technical assistance shall perform the following duties:

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

(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) Ensure that state agencies and private entities 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.

Source: **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, (SB [09-144](#)), ch. 219, p. 987, § 5, effective August 5.

Editor's note: (1) Section 14 of chapter 238, Session Laws of Colorado 2006, provided that the enactment of subsection (4) is effective upon passage only if Senate Bill 06-218 is enacted and becomes law. Senate Bill 06-218 was signed by the governor May 25, 2006.

(2) This section was amended in a 2009 act that was passed without a safety clause. The act, or portions thereof, may not take effect if the people exercise their right to petition under article V, section 1 (3) of the state constitution. For further explanation concerning the effective date, see page ix of this volume.

[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).

Source: **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, (SB [09-144](#)), ch. 219, p. 990, § 6, effective August 5.

Editor's note: Subsections (1) and (2) were amended in a 2009 act that was passed without a safety clause. The act, or portions thereof, may not take effect if the people exercise their right to petition under article V, section 1 (3) of the state constitution. For further explanation concerning the effective date, see page ix of this volume.

[26-21-107.5. Colorado commission for the deaf and hard of hearing grant program - creation - standards - applications.](#)

(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](#).

(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.

Source: L. 2009: Entire section added, (SB [09-144](#)), ch. 219, p. 990, § 7, effective August 5.

Editor's note: This section was added in a 2009 act that was passed without a safety clause. The act, or portions thereof, may not take effect if the people exercise their right to petition under article V, section 1 (3) of the state constitution. For further explanation concerning the effective date, see page ix of this volume.

[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.

Source: **L. 2009:** Entire section added, (SB [09-144](#)), ch. 219, p. 991, § 7, effective August 5.

Editor's note: This section was added in a 2009 act that was passed without a safety clause. The act, or portions thereof, may not take effect if the people exercise their right to petition under article V, section 1 (3) of the state constitution. For further explanation concerning the effective date, see page ix of this volume.

[26-21-108. Repeal of article - sunset review.](#)

(1) This article is repealed, effective July 1, 2015.

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

Source: **L. 2000:** Entire article added, p. 1628, § 1, effective June 1. **L. 2010:** (1) amended, ([HB 10-1255](#)), ch. 132, p. 438, § 1, effective July 1.