

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 25-0129.02 Jennifer Berman x3286

HOUSE BILL 25-1154

HOUSE SPONSORSHIP

Brown and Froelich,

SENATE SPONSORSHIP

(None),

House Committees

Health & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING COMMUNICATION SERVICES FOR PEOPLE WITH**
102 **DISABILITIES, AND, IN CONNECTION THEREWITH, CREATING THE**
103 **COMMUNICATION SERVICES FOR PEOPLE WITH DISABILITIES**
104 **ENTERPRISE AND MAKING AND REDUCING 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>.)

Under current law, the state librarian administers the reading services for the blind program by supporting privately operated reading services for individuals who are blind or print-disabled, and the Colorado

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.

commission for the deaf, hard of hearing, and deafblind coordinates and advocates for the provision of, and access to, services and resources for individuals who are deaf, hard of hearing, or deafblind (services and resources). **Sections 2 through 14** of the bill create the communication services for people with disabilities enterprise (enterprise) to provide these services and resources through imposition of an enterprise fee and administration of the communication services for people with hearing disabilities enterprise cash fund (communication services fund) and the reading services for the blind enterprise cash fund (reading fund).

Section 1 repeals the reading services for the blind function of the state librarian, which function is transferred to the enterprise in **section 8**.

Telecommunications relay services (TRS) are provided for individuals who are deaf, hard of hearing, or deafblind in the state through a monthly surcharge that wireline voice service providers collect from their telephone customers. **Sections 16 and 17** transfer 77% of the money collected from the TRS monthly surcharge to the communication services fund and the reading fund based on the enterprise's imposition of the enterprise fee to finance the services and resources that the enterprise provides.

Sections 15 and 18 through 27 make conforming amendments.

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

SECTION 1. In Colorado Revised Statutes, **amend** 26-21-101 as follows:

26-21-101. Short title. The short title of this article 21 is the "~~Colorado Commission for the Deaf, Hard of Hearing, and Deafblind~~ COMMUNICATION SERVICES FOR PEOPLE WITH DISABILITIES ENTERPRISE Act".

SECTION 2. In Colorado Revised Statutes, **repeal and reenact, with amendments**, section 26-21-102 as follows:

26-21-102. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) A COMMUNICATIONS SERVICES FOR PEOPLE WITH DISABILITIES ENTERPRISE, AS WELL AS THE DIVISION AND COMMISSION, FACILITATES THE

1 PROVISION OF STATE AND LOCAL GOVERNMENT SERVICES FOR INDIVIDUALS
2 WHO ARE DEAF, HARD OF HEARING, AND DEAFBLIND, WHILE MAKING
3 GOVERNMENT MORE EFFICIENT;

4 (b) UNDER THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF
5 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND ITS RELATED AMENDMENTS AND
6 IMPLEMENTING REGULATIONS, COLORADO HAS A DUTY TO PROVIDE
7 EQUIVALENT ACCESS TO STATE GOVERNMENT AND PUBLIC
8 ACCOMMODATIONS TO PEOPLE WITH COMMUNICATION-RELATED
9 DISABILITIES. THIS DUTY REQUIRES STATE DEPARTMENTS AND AGENCIES
10 TO PROVIDE AUXILIARY SERVICES, COMMUNICATIONS TECHNOLOGY
11 EQUIPMENT, TELECOMMUNICATIONS RELAY SERVICES, AND OTHER
12 RESOURCES TO ENSURE ACCESS.

13 (c) CENTRALIZING AND UNIFYING THE RESOURCES CREATES A COST
14 SAVINGS FOR THE STATE, FACILITATES QUALITY CONTROL, AND INCREASES
15 THE EFFECTIVENESS OF SERVICES, WHILE INCREASING ACCESS TO THE
16 SERVICES.

17 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

18 (a) THE COMMUNICATIONS SERVICES FOR PEOPLE WITH
19 DISABILITIES ENTERPRISE CREATED IN THIS ARTICLE 21 PROVIDES
20 VALUABLE BUSINESS SERVICES TO INDIVIDUALS WHO HAVE
21 COMMUNICATION NEEDS RELATED TO THEIR DISABILITIES BY:

22 (I) COORDINATING THE PROVISION OF, AND ACCESS TO, EFFICIENT
23 AND EFFECTIVE SERVICES AND RESOURCES FOR INDIVIDUALS WHO HAVE
24 COMMUNICATION NEEDS RELATED TO THEIR DISABILITIES, INCLUDING BY:

25 (A) ESTABLISHING AND COORDINATING A COMMUNICATIONS
26 TECHNOLOGY PROGRAM TO OBTAIN AND DISTRIBUTE INTERACTIVE
27 TELECOMMUNICATIONS AND OTHER COMMUNICATIONS TECHNOLOGY

1 EQUIPMENT NEEDED BY INDIVIDUALS WHO HAVE COMMUNICATION NEEDS
2 RELATED TO THEIR DISABILITIES;

3 (B) ESTABLISHING AND COORDINATING A TELECOMMUNICATIONS
4 RELAY SERVICE PROGRAM FOR INDIVIDUALS IN THE STATE WHO ARE DEAF,
5 HARD OF HEARING, DEAFBLIND, OR SPEECH DISABLED;

6 (C) ARRANGING FOR QUALIFIED AUXILIARY SERVICES FOR THE
7 STATE COURT SYSTEM AND FOR RURAL AREAS OF THE STATE FOR
8 INDIVIDUALS WHO ARE DEAF, HARD OF HEARING, OR DEAFBLIND; AND

9 (D) APPROVING SIGN LANGUAGE INTERPRETER CERTIFICATIONS AS
10 VALID AND RELIABLE IN THE STATE, THEREBY ENABLING APPROPRIATE
11 COMMUNICATION ACCESS SERVICES IN RELATION TO THE WORKFORCE AND
12 IN COMMERCE; AND

13 (II) COORDINATING AND SUPPORTING THE SERVICES AND
14 RESOURCES DESCRIBED IN SUBSECTION (2)(a)(I) OF THIS SECTION. THE
15 ENTERPRISE AND DIVISION HELP FACILITATE THE ENGAGEMENT OF
16 INDIVIDUALS WHO ARE DEAF, HARD OF HEARING, OR DEAFBLIND OR WHO
17 HAVE SPEECH OR OTHER COMMUNICATION-RELATED DISABILITIES IN THE
18 WORKFORCE AND IN COMMERCE, THUS PROVIDING BENEFITS TO COLORADO
19 BUSINESSES AND EMPLOYERS THAT BENEFIT FROM THE ECONOMIC
20 DEVELOPMENT STIMULATED BY THE WORKFORCE AND COMMERCIAL
21 ENGAGEMENT.

22 (b) BY PROVIDING THE SERVICES AND RESOURCES DESCRIBED IN
23 SUBSECTION (2)(a) OF THIS SECTION, THE ENTERPRISE ENGAGES IN AN
24 ACTIVITY THAT IS CONDUCTED IN THE PURSUIT OF A BENEFIT, GAIN, OR
25 LIVELIHOOD;

26 (c) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
27 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896

1 P.2D 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
2 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
3 X OF THE STATE CONSTITUTION, THE GENERAL ASSEMBLY CONCLUDES
4 THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS GENERATED BY
5 FEES, NOT TAXES, BECAUSE THE MONEY CREDITED TO THE ENTERPRISE IS:

6 (I) FOR THE SPECIFIC PURPOSE OF ALLOWING THE ENTERPRISE TO
7 DEFRAID THE COSTS OF PROVIDING THE SERVICES AND RESOURCES
8 DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION;

9 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED
10 BASED ON THE COSTS OF THE SERVICES AND RESOURCES PROVIDED BY THE
11 ENTERPRISE; AND

12 (III) NOT STATE FISCAL YEAR SPENDING, AS DEFINED IN SECTION
13 24-77-102 (17), OR STATE REVENUES, AS DEFINED IN SECTION 24-77-103.6
14 (6)(c), AND DOES NOT COUNT AGAINST EITHER THE STATE FISCAL YEAR
15 SPENDING LIMIT IMPOSED BY SECTION 20 OF ARTICLE X OF THE STATE
16 CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS DEFINED IN
17 SECTION 24-77-103.6 (6)(b), SO LONG AS THE ENTERPRISE QUALIFIES AS
18 AN ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE
19 CONSTITUTION;

20 (d) NO OTHER ENTERPRISE CREATED SIMULTANEOUSLY OR WITHIN
21 THE PRECEDING FIVE YEARS SERVES PRIMARILY THE SAME PURPOSE AS THE
22 ENTERPRISE, AND THE ENTERPRISE WILL GENERATE REVENUE FROM FEES
23 AND SURCHARGES OF LESS THAN ONE HUNDRED MILLION DOLLARS TOTAL
24 IN ITS FIRST FIVE FISCAL YEARS. ACCORDINGLY, THE CREATION OF THE
25 ENTERPRISE DOES NOT REQUIRE VOTER APPROVAL PURSUANT TO SECTION
26 24-77-108.

27 (e) FOR PURPOSES OF THE LIMIT SET FORTH IN SECTION 24-77-108,

1 THE START DATE OF THE ENTERPRISE IS IN FISCAL YEAR 2024-25.

2 **SECTION 3.** In Colorado Revised Statutes, 26-21-103, **amend**
3 **(3); repeal (1); and add (2.3), (3.5), (4.4), (4.5), (4.6), (8.5), (11), and**
4 **(12) as follows:**

5 **26-21-103. Definitions.** As used in this article 21, unless the
6 context otherwise requires:

7 (1) ~~"Advisory council" means the Colorado deafblind advisory~~
8 ~~council appointed by the commission in accordance with section~~
9 ~~26-21-105 (2)(f).~~

10 (2.3) "BOARD" MEANS THE BOARD OF DIRECTORS OF THE
11 ENTERPRISE APPOINTED PURSUANT TO SECTION 26-21-103.5 (2).

12 (3) "Commission" means the Colorado commission for the deaf,
13 hard of hearing, and deafblind ADVISORY COUNCIL CREATED PURSUANT
14 TO SECTION 26-21-104 (1).

15 (3.5) "COMMUNICATION ACCESS REALTIME TRANSLATION" OR
16 "CART" HAS THE SAME MEANING AS "COMMUNICATION ACCESS REALTIME
17 TRANSLATION (CART) REPORTER", AS SET FORTH IN SECTION 13-90-202
18 (5).

19 (4.4) "DIVISION" MEANS THE DIVISION FOR THE DEAF, HARD OF
20 HEARING, AND DEAFBLIND CREATED IN SECTION 26-21-106 AND CONSISTS
21 OF STAFF OF THE STATE DEPARTMENT.

22 (4.5) "ENTERPRISE" MEANS THE COMMUNICATION SERVICES FOR
23 PEOPLE WITH DISABILITIES ENTERPRISE CREATED IN SECTION 26-21-103.5.

24 (4.6) "FUND" MEANS THE COLORADO DIVISION FOR THE DEAF,
25 HARD OF HEARING, AND DEAFBLIND CASH FUND CREATED IN SECTION
26 26-21-107.

27 (8.5) "PREPAID TELEPHONE DISABILITY ACCESS CHARGE" OR

1 "CHARGE" MEANS THE CHARGE IMPOSED BY THE ENTERPRISE PURSUANT
2 TO SECTION 26-21-103.5 (1)(a)(III).

3 (11) "TELECOMMUNICATIONS RELAY SERVICES" MEANS ANY
4 TELECOMMUNICATIONS SERVICES THROUGH A THIRD PARTY THAT ALLOW
5 AN INDIVIDUAL WHO IS DEAF, HARD OF HEARING, OR DEAFBLIND OR WHO
6 HAS A SPEECH DISABILITY TO COMMUNICATE BY ANY COMPATIBLE
7 TELECOMMUNICATIONS SERVICE WITH ONE OR MORE INDIVIDUALS IN A
8 MANNER THAT IS FUNCTIONALLY EQUIVALENT TO THE ABILITY OF AN
9 INDIVIDUAL WHO DOES NOT HAVE A HEARING OR SPEECH DISABILITY.

10 (12) "TELEPHONE DISABILITY ACCESS SURCHARGE" OR
11 "SURCHARGE" MEANS THE SURCHARGE IMPOSED BY THE ENTERPRISE
12 PURSUANT TO SECTION 26-21-103.5 (1)(a)(II).

13 **SECTION 4.** In Colorado Revised Statutes, **add** 26-21-103.5 as
14 follows:

15 **26-21-103.5. Communication services for people with**
16 **disabilities enterprise - created - board of directors - membership -**
17 **fees imposed - repeal.** (1) (a) THE COMMUNICATION SERVICES FOR
18 PEOPLE WITH DISABILITIES ENTERPRISE IS CREATED IN THE STATE
19 DEPARTMENT FOR THE BUSINESS PURPOSES OF:

20 (I) COORDINATING THE PROVISION OF, AND ACCESS TO, EFFICIENT
21 AND EFFECTIVE SERVICES AND RESOURCES FOR INDIVIDUALS WHO HAVE
22 COMMUNICATION NEEDS RELATED TO THEIR DISABILITIES, INCLUDING
23 FUNDING THE DIVISION'S DUTIES, AS DESCRIBED IN SECTION 26-21-106;

24 (II) IMPOSING A TELEPHONE DISABILITY ACCESS SURCHARGE ON
25 SERVICE USERS, AS DEFINED IN SECTION 40-17-101 (11), IN
26 COLLABORATION WITH THE PUBLIC UTILITIES COMMISSION, IN AN AMOUNT
27 NOT TO EXCEED FIFTEEN CENTS PER MONTH PER TELEPHONE ACCESS LINE,

1 AS DEFINED IN SECTION 40-17-101 (10). THE AMOUNT OF THE SURCHARGE
2 SHALL BE REVIEWED AND MAY BE ADJUSTED ONCE PER YEAR. THE
3 AMOUNT OF THE SURCHARGE, IN COMBINATION WITH THE PREPAID
4 TELEPHONE DISABILITY ACCESS CHARGE, SHALL BE SET AT A RATE
5 SUFFICIENT TO FUND THE ACTIVITIES DESCRIBED IN THIS SUBSECTION
6 (1)(a). THE AMOUNT OF THE SURCHARGE IMPOSED PER TELEPHONE ACCESS
7 LINE MUST BE UNIFORM, REGARDLESS OF THE TECHNOLOGY USED TO
8 PROVIDE THE TELEPHONE ACCESS LINE.

9 (III) IMPOSING A PREPAID TELEPHONE DISABILITY ACCESS CHARGE
10 ON EACH RETAIL TRANSACTION, AS DEFINED IN SECTION 40-17-101 (6), IN
11 AN AMOUNT TO BE ESTABLISHED ANNUALLY BY THE ENTERPRISE, IN
12 COLLABORATION WITH THE PUBLIC UTILITIES COMMISSION, BUT NOT TO
13 EXCEED FIFTEEN CENTS PER EACH RETAIL TRANSACTION IN WHICH PREPAID
14 WIRELESS SERVICE IS PURCHASED IN COLORADO. THE AMOUNT OF THE
15 CHARGE SHALL BE REVIEWED AND MAY BE ADJUSTED ONCE PER YEAR. THE
16 AMOUNT OF THE CHARGE, IN COMBINATION WITH THE TELEPHONE
17 DISABILITY ACCESS SURCHARGE, SHALL BE SET AT A RATE SUFFICIENT TO
18 FUND THE ACTIVITIES DESCRIBED IN THIS SUBSECTION (1)(a).

19 (IV) IN COLLABORATION WITH THE PUBLIC UTILITIES COMMISSION
20 AND THE DEPARTMENT OF EDUCATION, ONCE PER YEAR, ADJUSTING THE
21 PERCENTAGE OF THE TELEPHONE DISABILITY ACCESS SURCHARGE AND THE
22 PREPAID TELEPHONE DISABILITY ACCESS CHARGE TO BE USED FOR THE
23 COLORADO DIVISION FOR THE DEAF, HARD OF HEARING, AND DEAFBLIND
24 CASH FUND AND THE READING SERVICES FOR THE BLIND CASH FUND
25 CREATED IN SECTION 24-90-105.5 AND BY THE STATE LIBRARIAN FOR THE
26 TALKING BOOK LIBRARY WITHIN THE DEPARTMENT OF EDUCATION.

27 (b) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES

1 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, SO LONG AS
2 THE ENTERPRISE RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND
3 RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN
4 GRANTS FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS
5 COMBINED. SO LONG AS IT CONSTITUTES AN ENTERPRISE PURSUANT TO
6 THIS SUBSECTION (1)(b), THE ENTERPRISE IS NOT SUBJECT TO SECTION 20
7 OF ARTICLE X OF THE STATE CONSTITUTION.

8 (c) THE BOARD, WITH THE ADVICE OF THE DIVISION AND THE
9 COMMISSION, SHALL ADMINISTER THE ENTERPRISE IN ACCORDANCE WITH
10 THIS SECTION.

11 (d) THE ENTERPRISE MAY ISSUE REVENUE BONDS TO PAY FOR THE
12 EXPENSES OF THE ENTERPRISE, WHICH BONDS ARE SECURED BY REVENUE
13 OF THE ENTERPRISE.

14 (e) THE ENTERPRISE SHALL NOT INCREASE THE AMOUNTS OF THE
15 TELEPHONE DISABILITY ACCESS SURCHARGE OR THE PREPAID TELEPHONE
16 DISABILITY ACCESS CHARGE IN AN AMOUNT THAT CAUSES THE
17 CUMULATIVELY COLLECTED FEES TO EXCEED ONE HUNDRED MILLION
18 DOLLARS IN THE FIRST FIVE YEARS OF THE ENTERPRISE'S EXISTENCE.

19 (2) (a) THE ENTERPRISE SHALL BE GOVERNED BY A BOARD OF
20 DIRECTORS APPOINTED BY THE GOVERNOR.

21 (b) (I) THE GOVERNOR SHALL APPOINT MEMBERS OF THE BOARD ON
22 OR BEFORE JUNE 30, 2025.

23 (II) THIS SUBSECTION (2)(b) IS REPEALED, EFFECTIVE JULY 1, 2026.

24 (c) (I) THE GOVERNOR SHALL CALL THE FIRST MEETING OF THE
25 BOARD ON OR BEFORE OCTOBER 1, 2025.

26 (II) THIS SUBSECTION (2)(c) IS REPEALED, EFFECTIVE JULY 1, 2026.

27 **SECTION 5.** In Colorado Revised Statutes, 26-21-104, **amend**

1 (1); and **add** (5) as follows:

2 **26-21-104. Commission created - appointments - repeal.**

3 (1) The Colorado commission for the deaf, hard of hearing, and
4 deafblind ADVISORY COUNCIL is created in the STATE department. of
5 human services. The commission is a **type 2** entity, as defined in section
6 ~~24-1-105~~, and exercises its powers and performs its duties and functions
7 under the STATE department. ~~of human services.~~ THE DIVISION AND
8 COMMISSION SHALL ADVISE THE ENTERPRISE AND STATE AGENCIES
9 REGARDING THE PROVISION OF SERVICES AND RESOURCES FOR THE DEAF,
10 HARD-OF-HEARING, AND DEAFBLIND COMMUNITY.

11 (5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2031.
12 BEFORE THE REPEAL, THIS SECTION IS SCHEDULED FOR REVIEW IN
13 ACCORDANCE WITH SECTION 2-3-1203.

14 **SECTION 6.** In Colorado Revised Statutes, 26-21-105, **amend**
15 (1); **repeal** (2)(f); and **add** (2)(g) and (5) as follows:

16 **26-21-105. Appointment of division director - division**
17 **procedures - commission's advisory role - repeal.** (1) The executive
18 director ~~of the department of human services~~ or the executive director's
19 designee shall appoint a director of the ~~commission~~ DIVISION. The
20 ~~executive director of the department~~ COMMISSION shall provide comment
21 and input ~~to the commission~~ on the hiring of the DIVISION director.

22 (2) (f) ~~(f) There is created the Colorado deafblind advisory council~~
23 ~~consisting of seven members.~~

24 ~~(H) The advisory council shall advise the commission, state and~~
25 ~~local governments, and other relevant entities on how to increase~~
26 ~~competitive integrated employment as defined in section 8-84-301,~~
27 ~~enlarge economic opportunities, enhance independence and~~

1 self-sufficiency, and improve services for deafblind persons.

2 (H) The commission shall appoint initial members to the advisory
3 council by July 1, 2019. The commission shall designate four members
4 to serve an initial four-year term and three members to serve an initial
5 six-year term. After the initial terms, all subsequent appointees serve
6 four-year terms. The commission shall appoint a qualified person to fill
7 any vacancy on the advisory council for the remainder of any unexpired
8 term. The advisory council has the following appointees:

9 (A) One member who is deaf and blind;
10 (B) One member who is deaf and low vision;
11 (C) One member who is hard of hearing and blind;
12 (D) One member who is hard of hearing and low vision;
13 (E) One member who is latent deafblind;
14 (F) One member who is a professional working with the deafblind
15 community; and
16 (G) One member who is a parent of a deafblind child.

17 (g) THE COMMISSION SHALL ADVISE THE DIVISION ON ITS
18 FUNCTIONS AND DUTIES AS SET FORTH IN SECTION 26-21-106.

19 (5) SUBSECTION (2) OF THIS SECTION AND THIS SUBSECTION (5)
20 ARE REPEALED, EFFECTIVE SEPTEMBER 1, 2031. BEFORE THE REPEAL,
21 SUBSECTION (2) OF THIS SECTION AND THIS SUBSECTION (5) ARE
22 SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

23 **SECTION 7.** In Colorado Revised Statutes, 26-21-106, **amend**
24 (1) introductory portion, (1)(d), (1)(e)(I), (1)(e)(II), (1)(f), (2), (3), (4)
25 introductory portion, (4)(g)(II) introductory portion, (4)(g)(II)(B), (6), (7)
26 introductory portion, (7)(a), (7)(b), (8) introductory portion, (8.5), (9)(a)
27 introductory portion, (9)(a)(VIII), (9)(b), and (9)(c)(I); **repeal** (9)(a)(IX);

1 and **add** (1)(g), (1.5), and (1.7) as follows:

2 **26-21-106. Division for the deaf, hard of hearing, and**
3 **deafblind - creation - powers, functions, and duties - programs -**
4 **report - rules - definitions.** (1) THE DIVISION FOR THE DEAF, HARD OF
5 HEARING, AND DEAFBLIND IS CREATED IN THE STATE DEPARTMENT. The
6 powers, functions, and duties of the ~~commission~~ DIVISION include:

7 (d) Assessing how communications technology has affected the
8 needs of THE deaf, hard of hearing, and deafblind, ~~The commission shall~~
9 ~~assess~~ INCLUDING the type and amount of equipment needed by THE deaf,
10 hard-of-hearing, and deafblind ~~persons~~ COMMUNITY AND
11 SPEECH-DISABLED INDIVIDUALS who qualify under the federal poverty
12 guidelines established in accordance with the "Omnibus Budget
13 Reconciliation Act of 1981", 42. U.S.C. 9902 (2);

14 (e) Assessing the needs of THE deaf, hard-of-hearing, and
15 deafblind COMMUNITY and reporting annually to the governor and the
16 general assembly any recommendations for legislation ~~or~~ and
17 administrative changes that may facilitate or streamline the provision of
18 ~~general~~ government services to INDIVIDUALS WHO ARE deaf, hard of
19 hearing, ~~and~~ OR deafblind. Notwithstanding section 24-1-136 (11)(a)(I),
20 on or before September 1 of each year, the ~~commission must~~ DIVISION
21 SHALL file the report required by this subsection (1)(e). In preparing the
22 annual report and recommendations, the ~~commission~~ DIVISION shall
23 consider the following:

24 (I) Whether any existing statutory or administrative provisions
25 impede the ability of the ~~commission~~ DIVISION to act as a statewide
26 coordinating agency advocating for INDIVIDUALS WHO ARE deaf, hard of
27 hearing, ~~and~~ OR deafblind ~~individuals~~ in Colorado; AND

1 (II) Any methods, programs, or policies that may improve
2 communication AND ENVIRONMENTAL accessibility and quality of existing
3 services, promote or deliver necessary new services, and assist state
4 agencies in the delivery of services to deaf, hard-of-hearing, and
5 deafblind INDIVIDUALS;

6 (f) Approving ~~an entity's certification of~~ A sign language
7 ~~interpreters~~ INTERPRETER'S CERTIFICATIONS AS VALID AND RELIABLE in
8 accordance with section 6-1-707 (1)(e)(I)(B); AND

9 (g) COORDINATING THE PROVISION OF A TELECOMMUNICATIONS
10 RELAY SERVICE PROGRAM FOR INDIVIDUALS IN THE STATE WHO ARE DEAF,
11 HARD OF HEARING, OR DEAFBLIND OR SPEECH-DISABLED. IN DOING SO,
12 THIS SERVICE SHALL:

13 (I) CONFORM WITH SECTION 401 OF THE FEDERAL "AMERICANS
14 WITH DISABILITIES ACT OF 1990", 47 U.S.C. SEC. 225, INCLUDING THE
15 PROVISION FOR STATE APPLICATION TO THE FEDERAL COMMUNICATIONS
16 COMMISSION FOR CERTIFICATION;

17 (II) MEET OR EXCEED ALL OPERATIONAL, TECHNICAL, AND
18 FUNCTIONAL MINIMUM STANDARDS IN FEDERAL COMMUNICATIONS
19 COMMISSION REGULATIONS GOVERNING TELECOMMUNICATION RELAY
20 SERVICES UNDER 47 CFR 64 SUBPART F AND 47 CFR 9 SUBPART E.

21 (1.5) (a) ON AND AFTER JUNE 30, 2025, THE RIGHTS, POWERS,
22 DUTIES, AND FUNCTIONS REGARDING THE TELECOMMUNICATIONS RELAY
23 SERVICES VESTED IN THE PUBLIC UTILITIES COMMISSION PRIOR TO THAT
24 DATE ARE TRANSFERRED FROM THE PUBLIC UTILITIES COMMISSION TO THE
25 DIVISION FOR THE DIVISION TO PERFORM THE FUNCTIONS DESCRIBED IN
26 SUBSECTION (1)(g) OF THIS SECTION.

27 (b) (I) ON AND AFTER JUNE 30, 2025, WHENEVER ANY PROVISION

1 OF LAW REFERS TO THE PUBLIC UTILITIES COMMISSION IN CONNECTION
2 WITH THE FUNCTIONS TRANSFERRED TO THE DIVISION PURSUANT TO THIS
3 SUBSECTION (1.5), THE LAW SHALL BE CONSTRUED AS REFERRING TO THE
4 DIVISION.

5 (II) ANY CONTRACT ENTERED INTO BY THE PUBLIC UTILITIES
6 COMMISSION PRIOR TO JUNE 30, 2025, IN CONNECTION WITH THE
7 FUNCTIONS TRANSFERRED TO THE DIVISION PURSUANT TO THIS
8 SUBSECTION (1.5) IS VALIDATED, WITH THE DIVISION SUCCEEDING TO ALL
9 RIGHTS AND OBLIGATIONS UNDER THE CONTRACT.

10 (III) ON AND AFTER JUNE 30, 2025, THE DIVISION SHALL SATISFY
11 ANY OBLIGATIONS INCURRED BY THE PUBLIC UTILITIES COMMISSION, BUT
12 NOT YET PAID, IN CONNECTION WITH THE FUNCTIONS TRANSFERRED TO THE
13 DIVISION PURSUANT TO THIS SUBSECTION (1.5).

14 (1.7) PURSUANT TO A CONTRACT ENTERED INTO BETWEEN THE
15 DIVISION DIRECTOR AND THE BOARD AND WITHOUT REGARD TO THE
16 "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, THE DIVISION
17 SHALL PROVIDE ADMINISTRATIVE, PROFESSIONAL, AND TECHNICAL STAFF
18 TO ASSIST THE BOARD WITH THE CONDUCT OF THE AFFAIRS OF THE
19 ENTERPRISE.

20 (2) The ~~commission~~ DIVISION shall consider the findings of any
21 study authorized under this section and may approve, disapprove, or
22 amend the findings. After consideration of the findings, the ~~commission~~
23 DIVISION shall submit a report with recommendations, including proposed
24 legislation, if necessary, to the governor and to the general assembly. The
25 ~~commission~~ DIVISION shall submit the report annually, notwithstanding
26 section 24-1-136 (11)(a)(I), and may combine the report with, or include
27 the report as a part of, the annual report prepared under subsection (1)(e)

1 of this section.

2 (3) The ~~commission~~ DIVISION shall establish and coordinate a
3 communications technology program that is consistent with the findings
4 of subsection (1) of this section to obtain and distribute interactive
5 telecommunications and other communications technology equipment
6 needed by INDIVIDUALS WHO ARE deaf, hard of hearing, ~~and~~ OR deafblind
7 ~~persons~~ OR SPEECH-DISABLED.

8 (4) The ~~commission~~ DIVISION, in collaboration with the judicial
9 department, shall arrange for auxiliary services FOR DEAF,
10 HARD-OF-HEARING, AND DEAFBLIND INDIVIDUALS for the state court
11 system. Arranging auxiliary services for the state court system includes:

12 (g) (II) ~~For the purposes of~~ AS USED IN this subsection (4)(g):

13 (B) "Qualified interpreter" means ~~a person~~ AN INDIVIDUAL who
14 has a valid certification of competency accepted by the ~~commission~~
15 DIVISION and includes ~~but is not limited to~~, oral interpreters, sign
16 language interpreters, and intermediary interpreters.

17 (6) The ~~commission~~ DIVISION shall establish and maintain
18 outreach and consulting services to improve and ensure effective access
19 to auxiliary services by critical state and local government agencies,
20 private agencies, and other entities. The ~~commission~~ DIVISION shall also
21 use these services to increase awareness of the programs ~~funded by the~~
22 ~~Colorado telephone users with disabilities fund established pursuant to~~
23 ~~section 40-17-104~~ THAT THE DIVISION FUNDS AND ADMINISTERS FOR THE
24 PUBLIC.

25 (7) The ~~commission's~~ DIVISION'S outreach and consulting services
26 include the following duties:

27 (a) Provide resources to DEAF, HARD-OF-HEARING, AND DEAFBLIND

1 individuals who have encountered barriers to obtaining necessary
2 services;

3 (b) Assist DEAF, HARD-OF-HEARING, AND DEAFBLIND individuals
4 in understanding and accessing services that may be available to them;

5 (8) The ~~commission~~ DIVISION shall maintain a community access
6 program for one-on-one system navigating services to ensure resources
7 are available to DEAF, HARD-OF-HEARING, AND DEAFBLIND individuals and
8 to protect each ~~person's~~ INDIVIDUAL'S right to effective communication
9 and access to environmental information. The community access program
10 must include the following:

11 (8.5) **Community intervener program.** (a) ~~On or before October~~
12 ~~1, 2023, the commission~~ THE DIVISION shall establish a family and
13 community intervener program. The family and community intervener
14 program shall work with ~~children~~ INDIVIDUALS who are deafblind to
15 facilitate critical connections between the ~~child~~ INDIVIDUAL and the
16 ~~child's~~ INDIVIDUAL'S family, community, and environment. The family
17 and community intervener program must include ~~but need not be limited~~
18 ~~to,~~ access to a family and community intervener with specific training in
19 deafblindness, strategies to build language and communication skills, and
20 intervention strategies. The intervener shall:

21 (I) Work one-on-one with ~~a child~~ AN INDIVIDUAL who is deafblind
22 in order to facilitate critical connections between the ~~child~~ INDIVIDUAL
23 and ~~the child's~~ THEIR community, family, and environment;

24 (II) Open channels of communication between the ~~child~~
25 INDIVIDUAL and others;

26 (III) Facilitate the development or use of receptive and expressive
27 communication skills by the ~~child~~ INDIVIDUAL;

1 (IV) Develop and maintain a trusting, interactive relationship with
2 the ~~child~~ INDIVIDUAL that promotes social and emotional well-being; and

3 (V) Provide the ~~child~~ INDIVIDUAL with opportunities for learning
4 and development in the community and at home.

5 (b) The ~~commission~~ DIVISION shall hire ~~an~~ A FAMILY AND
6 COMMUNITY intervener program manager to direct services for ~~children~~
7 INDIVIDUALS who are deafblind WITH ADDITIONAL COGNITIVE
8 DISABILITIES, PHYSICAL DISABILITIES, OR BOTH and ensure that an
9 intervener:

10 (I) Works with no more than one ~~child~~ INDIVIDUAL at a time;

11 (II) Instructs and supports the ~~child~~ INDIVIDUAL in skills related
12 to community involvement;

13 (III) Transports the ~~child~~ INDIVIDUAL to gain access to community
14 services and resources;

15 (IV) Provides communication and information to the ~~child~~
16 INDIVIDUAL concerning the ~~child's~~ INDIVIDUAL'S environment that
17 otherwise would be available through vision and hearing;

18 (V) Uses interpersonal communication, including sign language,
19 speech, tangible communication symbols, gestures, calendars, and
20 augmentative communication devices;

21 (VI) Makes sights, sounds, and activities accessible to the ~~child~~
22 INDIVIDUAL by learning the ~~child's~~ INDIVIDUAL'S specific communication
23 system; and

24 (VII) Forms a working alliance with the deafblind ~~child's~~
25 INDIVIDUAL'S family members, neighbors, community organizations, and
26 professionals with whom the ~~child~~ INDIVIDUAL has contact.

27 (c) The FAMILY AND COMMUNITY intervener program manager

1 shall document the following outcomes for intervener services in the
2 ~~child's~~ INDIVIDUAL'S record:

3 (I) Whether the ~~child~~ INDIVIDUAL is effectively communicating
4 wants and needs to the ~~child's~~ INDIVIDUAL'S intervener; and

5 (II) Whether the ~~child~~ INDIVIDUAL is actively participating in
6 community activities and activities of daily living to the extent of the
7 ~~child's~~ INDIVIDUAL'S ability.

8 (d) The intervener program manager and intervener shall
9 collaborate with other state agencies as appropriate that provide direct or
10 indirect services to ~~children~~ INDIVIDUALS who are deafblind and their
11 families to identify potential additional services or opportunities for
12 ~~children~~ INDIVIDUALS who are deafblind.

13 (9) (a) The ~~commission~~ DIVISION shall arrange for the provision
14 of auxiliary services in rural areas of the state by performing the
15 following functions:

16 (VIII) Establishing, monitoring, and publishing on the
17 commission's public website a list of available CART providers and
18 qualified interpreters, as defined in subsections (4)(g)(II)(A) and
19 (4)(g)(II)(B) of this section, respectively, who are willing to work in rural
20 areas for ~~persons~~ INDIVIDUALS who are deaf, hard of hearing, or
21 deafblind; AND

22 ~~(IX) Creating an advisory council to make recommendations to~~
23 ~~the commission about the provision of auxiliary services in rural areas;~~
24 ~~and~~

25 (b) The ~~executive director~~ BOARD shall ~~promulgate~~ ADOPT rules
26 in consultation with, or as proposed by, the ~~commission~~ DIVISION, WITH
27 INPUT FROM THE COMMISSION and the deaf, hard of hearing, and deafblind

1 community, regarding implementation of this subsection (9). The rules
2 must define the term "rural area".

3 (c) (I) On or before November 1, 2022, and on or before
4 November 1 of each year thereafter, the ~~commission~~ DIVISION shall
5 submit a report to the joint budget committee summarizing the
6 ~~commission's~~ DIVISION'S implementation of the program described in this
7 subsection (9) over the previous twelve months.

8 **SECTION 8.** In Colorado Revised Statutes, 26-21-107, **amend**
9 (1) as follows:

10 **26-21-107. Colorado division for the deaf, hard of hearing,**
11 **and deafblind cash fund - creation - gifts, grants, and donations -**
12 **reimbursement.** (1) There is ~~hereby~~ created in the state treasury the
13 Colorado ~~commission~~ DIVISION for the deaf, hard of hearing, and
14 deafblind cash fund. All money credited to the fund must, PURSUANT TO
15 SECTION 26-21-103.5 (1)(a)(IV), be used exclusively for the
16 administration and discharge of THE DUTIES OF THE ENTERPRISE,
17 COMMISSION MEMBERS, AND DIVISION STAFF UNDER this article 21. All
18 money credited to the fund and any interest earned from the investment
19 of money in the fund remains in the fund and does not revert to the
20 general fund or any other fund at the end of any fiscal year.

21 **SECTION 9.** In Colorado Revised Statutes, 26-21-107.5, **amend**
22 (1), (2), and (7) as follows:

23 **26-21-107.5. Colorado division for the deaf, hard of hearing,**
24 **and deafblind grant program - creation - standards - applications -**
25 **definition.** (1) The Colorado ~~commission~~ DIVISION for the deaf, hard of
26 hearing, and deafblind grant program is ~~hereby~~ established to provide
27 funding for entities to address the needs of ~~Colorado's~~ INDIVIDUALS WHO

1 ARE deaf, ~~hard-of-hearing, or~~ HARD OF HEARING, AND deafblind.
2 individuals.

3 (2) (a) The Colorado ~~commission~~ DIVISION for the deaf, hard of
4 hearing, and deafblind grant program committee appointed pursuant to
5 section 26-21-107.7 shall administer the grant program as provided in
6 section 26-21-107.7.

7 (b) The ~~commission~~ DIVISION shall pay the grants awarded
8 through the grant program from money appropriated by the general
9 assembly.

10 (c) Subject to available money, the general assembly shall
11 appropriate to the ~~commission~~ DIVISION no more than fifty thousand
12 dollars annually to administer the grant program.

13 (7) Grantees shall comply with reporting requirements established
14 by the ~~commission~~ DIVISION.

15 **SECTION 10.** In Colorado Revised Statutes, 26-21-107.7,
16 **amend** (1)(a.5)(I), (1)(a.5)(II) introductory portion, (1)(c), (1)(d), (1)(e),
17 (2), and (3); and **repeal** (1)(a.5)(III) as follows:

18 **26-21-107.7. Colorado division for the deaf, hard of hearing,**
19 **and deafblind grant program committee - creation - members - duties**
20 **- reimbursement for expenses.** (1) (a.5) (I) There is ~~hereby~~ created the
21 Colorado ~~commission~~ DIVISION for the deaf, hard of hearing, and
22 deafblind grant program committee, referred to in this section as the
23 "committee", consisting of five members, for the purpose of
24 recommending to the ~~commission~~ DIVISION approval or disapproval of
25 applications for the grant program.

26 (II) The ~~commission~~ DIVISION shall appoint four members to the
27 committee as follows:

1 (III) ~~This subsection (1)(a.5) is effective September 1, 2018, and~~
2 ~~applies to appointments to the committee on or after September 1, 2018.~~
3 ~~All initial appointments in accordance with this subsection (1)(a.5) must~~
4 ~~be made by September 30, 2018.~~

5 (c) In appointing members to the committee, the ~~commission~~
6 ~~DIVISION~~ shall choose ~~persons~~ INDIVIDUALS who have knowledge and
7 awareness of innovative strategies that address challenges faced by the
8 deaf, hard-of-hearing, and deafblind ~~community~~ AND SPEECH-DISABLED
9 COMMUNITIES.

10 (d) The appointed members of the committee shall serve
11 three-year terms. ~~except that, of the members first appointed, one of the~~
12 ~~members shall serve a two-year term and two of the members shall serve~~
13 ~~one-year terms. The commission shall choose those members who shall~~
14 ~~serve the initial shortened terms.~~ If a vacancy arises in one of the
15 appointed positions, the ~~commission~~ DIVISION shall appoint a replacement
16 to fill the vacancy for the remainder of the term.

17 (e) Members of the committee are entitled to be reimbursed ~~out~~
18 ~~of available appropriations~~ for all actual and necessary expenses incurred
19 in the performance of their duties.

20 (2) The committee shall review all applications received pursuant
21 to section 26-21-107.5. Based on criteria established by the ~~commission~~
22 ~~DIVISION~~, the committee shall recommend to the commission those
23 applications to approve, with recommended grant amounts, and those to
24 disapprove.

25 (3) The ~~commission~~ DIVISION shall review and may follow the
26 recommendations of the committee for approval or disapproval of
27 applications for the grant program and for grant amounts. If the

1 ~~commission~~ DIVISION disagrees with the recommendations of the
2 committee, the ~~executive~~ director of the ~~department shall have~~ DIVISION
3 HAS final decision-making authority to approve or disapprove the
4 applications and to set the grant amounts.

5 **SECTION 11.** In Colorado Revised Statutes, **add** 26-21-107.9 as
6 follows:

7 **26-21-107.9. Rules.** THE BOARD MAY ADOPT RULES AS NECESSARY
8 TO IMPLEMENT THIS ARTICLE 21.

9 **SECTION 12.** In Colorado Revised Statutes, **repeal** 26-21-108
10 as follows:

11 **26-21-108. Repeal of article - sunset review.** ~~(1) This article 21~~
12 ~~is repealed, effective September 1, 2031.~~

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

15 **SECTION 13.** In Colorado Revised Statutes, 24-90-105.5,
16 **amend** (5) as follows:

17 **24-90-105.5. Literacy support services for persons who are**
18 **blind or print-disabled - authority of state librarian - fund.** (5) The
19 general assembly recognizes the importance of privately operated reading
20 services to enable persons who are blind or print-disabled to gain access
21 to otherwise inaccessible print materials. The state librarian has the
22 authority to administer money in the reading services for the blind cash
23 fund, which is created in the state treasury PURSUANT TO SECTION
24 26-21-103.5 (1)(a)(IV), for the support of privately operated reading
25 services. The fund consists of any public or private money transferred,
26 appropriated, or otherwise credited to the fund. All money credited to the
27 fund and all interest earned on the investment of money in the fund is a

1 part of the fund and must not be transferred or credited to the general
2 fund or to any other fund except as directed by the general assembly
3 acting by bill. The general assembly shall make annual appropriations
4 from the reading services for the blind cash fund to the state librarian to
5 carry out the purposes of this section.

6 **SECTION 14.** In Colorado Revised Statutes, **repeal** 29-11-102.7.

7 **SECTION 15.** In Colorado Revised Statutes, **repeal and reenact,**
8 **with amendments,** article 17 of title 40 as follows:

9 **ARTICLE 17**

10 **Telephone Disability Access**

11 **40-17-101. Definitions.** AS USED IN THIS ARTICLE 17, UNLESS THE
12 CONTEXT OTHERWISE REQUIRES:

13 (1) "COMMISSION" MEANS THE PUBLIC UTILITIES COMMISSION
14 CREATED IN SECTION 40-2-101.

15 (2) "CONSUMER" MEANS A PERSON WHO PURCHASES PREPAID
16 WIRELESS TELECOMMUNICATIONS SERVICE IN A RETAIL TRANSACTION.

17 (3) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.

18 (4) "ENTERPRISE" MEANS THE COMMUNICATION SERVICES FOR
19 PEOPLE WITH DISABILITIES ENTERPRISE CREATED IN SECTION 26-21-103.5.

20 (5) "PREPAID TELEPHONE DISABILITY ACCESS CHARGE" OR
21 "CHARGE" MEANS THE CHARGE IMPOSED BY THE COMMUNICATION
22 SERVICES FOR PEOPLE WITH DISABILITIES ENTERPRISE PURSUANT TO
23 SECTION 26-21-103.5 (1)(a)(III).

24 (6) "RETAIL TRANSACTION" MEANS THE PURCHASE OF PREPAID
25 WIRELESS TELECOMMUNICATIONS SERVICE FROM A SELLER FOR ANY
26 PURPOSE OTHER THAN RESALE.

27 (7) "SELLER" MEANS A PERSON THAT SELLS PREPAID WIRELESS

1 TELECOMMUNICATIONS SERVICES TO ANOTHER PERSON.

2 (8) "SERVICE SUPPLIER" MEANS A PERSON PROVIDING TELEPHONE
3 ACCESS LINES TO ANY SERVICE USER IN THE STATE, EITHER DIRECTLY OR
4 BY RESALE.

5 (9) "SERVICE USER" MEANS A PERSON THAT IS PROVIDED A
6 TELEPHONE ACCESS LINE IN THE STATE.

7 (10) "TELEPHONE ACCESS LINE" MEANS A VOICE GRADE CHANNEL
8 OR ITS EQUIVALENT ASSIGNED TO A RESIDENTIAL OR COMMERCIAL END
9 USER CUSTOMER BY A SERVICE SUPPLIER, REGARDLESS OF THE
10 TECHNOLOGY USED TO PROVIDE THE SERVICE.

11 (11) "TELEPHONE DISABILITY ACCESS SURCHARGE" OR
12 "SURCHARGE" MEANS THE SURCHARGE IMPOSED BY THE COMMUNICATION
13 SERVICES FOR PEOPLE WITH DISABILITIES ENTERPRISE PURSUANT TO
14 SECTION 26-21-103.5 (1)(a)(II).

15 **40-17-102. Telephone disability access surcharges collected for**
16 **the enterprise - remittance - rules.** (1) THE COMMISSION SHALL
17 COLLECT, ON BEHALF OF THE COMMUNICATION SERVICES FOR PEOPLE WITH
18 DISABILITIES ENTERPRISE, THE TELEPHONE DISABILITY ACCESS SURCHARGE
19 TO FUND THE ENTERPRISE. THE COMMISSION SHALL COLLABORATE WITH
20 THE ENTERPRISE TO ESTABLISH THE AMOUNT OF THE SURCHARGE ONCE
21 PER YEAR.

22 (2) (a) EACH SERVICE SUPPLIER SHALL COLLECT THE SURCHARGE
23 FROM ITS SERVICE USERS. THE SURCHARGE IS THE LIABILITY OF THE
24 SERVICE USER AND NOT OF THE SERVICE SUPPLIER; EXCEPT THAT THE
25 SERVICE SUPPLIER IS LIABLE TO REMIT ALL SURCHARGES THAT THE
26 SERVICE SUPPLIER COLLECTS FROM SERVICE USERS.

27 (b) THE SURCHARGE SHALL BE LISTED AS A SEPARATE ITEM THAT

1 APPEARS ON A SERVICE USER'S MONTHLY BILLING STATEMENT.

2 (3) (a) THE SERVICE SUPPLIER SHALL REMIT THE COLLECTED
3 SURCHARGES TO THE COMMISSION ON A MONTHLY BASIS IN A MANNER
4 ESTABLISHED BY THE COMMISSION. THE COMMISSION SHALL ESTABLISH
5 REMITTANCE PROCEDURES BY RULE. A SERVICE SUPPLIER IS SUBJECT TO
6 THE PENALTIES AND PROCEDURES SET FORTH IN SECTION 40-17-103 FOR
7 THE FAILURE TO COLLECT OR CORRECTLY REMIT A SURCHARGE IN
8 ACCORDANCE WITH THIS SECTION.

9 (b) A SERVICE SUPPLIER MAY DEDUCT AND RETAIN ONE PERCENT
10 OF THE SURCHARGES THAT ARE COLLECTED BY THE SERVICE SUPPLIER
11 FROM ITS SERVICE USERS.

12 (c) (I) THE STATE TREASURER SHALL CREDIT THE SURCHARGE
13 COLLECTIONS REMITTED TO THE COMMISSION PURSUANT TO SUBSECTION
14 (3)(a) OF THIS SECTION TO THE COLORADO DIVISION FOR THE DEAF, HARD
15 OF HEARING, AND DEAFBLIND CASH FUND CREATED IN SECTION 26-21-107
16 (1). ANY SURCHARGE TRANSMITTED TO THE STATE TREASURER THAT IS
17 COLLECTED ON BEHALF OF THE ENTERPRISE IS EXCLUDED FROM STATE
18 FISCAL YEAR SPENDING.

19 (II) THE COMMISSION MAY RETAIN UP TO FOUR PERCENT OF THE
20 COLLECTED SURCHARGES NECESSARY TO REIMBURSE THE COMMISSION FOR
21 ITS DIRECT AND INDIRECT COSTS OF ADMINISTERING THE COLLECTION AND
22 REMITTANCE OF SURCHARGES FOR THE ENTERPRISE, INCLUDING COSTS
23 RELATED TO CONDUCTING AUDITS OF SERVICE SUPPLIERS IN ACCORDANCE
24 WITH SECTION 40-17-103.

25 (4) THE SURCHARGE IMPOSED BY THE ENTERPRISE PURSUANT TO
26 SECTION 26-21-103.5 (1)(a)(II) IS THE ONLY DIRECT COMMUNICATION
27 SERVICES FOR PEOPLE WITH DISABILITIES FUNDING OBLIGATION IMPOSED

1 UPON SERVICE USERS IN THE STATE. NO TAX, FEE, SURCHARGE, OR OTHER
2 CHARGE TO FUND THE ENTERPRISE IS IMPOSED BY THE STATE, ANY
3 POLITICAL SUBDIVISION OF THE STATE, OR ANY INTERGOVERNMENTAL
4 AGENCY UPON A SELLER OR CONSUMER WITH RESPECT TO THE SALE,
5 PURCHASE, USE, OR PROVISION OF A TELEPHONE ACCESS LINE IN THE
6 STATE.

7 (5) THIS SECTION DOES NOT APPLY TO PREPAID WIRELESS
8 TELECOMMUNICATIONS SERVICES.

9 (6) THE TELEPHONE DISABILITY ACCESS SURCHARGE SHALL NOT BE
10 IMPOSED ON THE SERVICE SUPPLIER OR THE SERVICE USERS WITH RESPECT
11 TO FEDERALLY SUPPORTED LIFELINE SERVICE.

12 **40-17-103. Service supplier obligations - penalties - audits -**
13 **rules.** (1) EVERY SERVICE SUPPLIER SHALL COLLECT THE TELEPHONE
14 DISABILITY ACCESS SURCHARGE FROM ITS SERVICE USERS.

15 (2) A SERVICE SUPPLIER IS LIABLE ONLY FOR THE SURCHARGE
16 COLLECTED PURSUANT TO THIS ARTICLE 17 UNTIL THE SURCHARGE IS
17 REMITTED TO THE COMMISSION. THE AMOUNT REMITTED BY THE SERVICE
18 SUPPLIER MUST REFLECT THE ACTUAL COLLECTIONS BASED ON THE
19 ACTUAL TELEPHONE ACCESS LINE BILLED.

20 (3) A SERVICE SUPPLIER SHALL REMIT THE SURCHARGE IN
21 ACCORDANCE WITH SECTION 40-17-102 AND RULES ADOPTED BY THE
22 COMMISSION.

23 (4) (a) THE SERVICE SUPPLIER SHALL MAINTAIN A RECORD OF THE
24 AMOUNT OF EACH SURCHARGE COLLECTED AND REMITTED BY THE SERVICE
25 USER ADDRESS FOR A PERIOD OF THREE YEARS AFTER THE TIME THE
26 CHARGE IS COLLECTED AND REMITTED.

27 (b) IF A SERVICE SUPPLIER FAILS TO TIMELY FILE A REPORT AND

1 REMIT THE SURCHARGE AS REQUIRED BY THIS SECTION, OR IF A SERVICE
2 SUPPLIER FILES AN INCORRECT REPORT OR FAILS TO REMIT THE CORRECT
3 AMOUNT, THE COMMISSION SHALL ESTIMATE THE AMOUNT OF THE
4 REMITTANCE DUE FOR THE PERIOD OR PERIODS FOR WHICH THE SERVICE
5 SUPPLIER IS DELINQUENT. THE COMMISSION SHALL MAKE THE ESTIMATE
6 BASED ON THE INFORMATION AVAILABLE. THE COMMISSION SHALL
7 COMPUTE AND ASSESS A PENALTY EQUAL TO FIFTEEN PERCENT OF THE
8 ESTIMATE OF THE DELINQUENT AMOUNT AND SHALL ASSESS INTEREST ON
9 THE DELINQUENT CHARGES AT THE RATE OF ONE PERCENT EACH MONTH
10 FROM THE DATE WHEN DUE UNTIL THE DATE PAID.

11 (c) EXCEPT AS PROVIDED IN THIS SECTION AND UNLESS SUCH TIME
12 IS EXTENDED BY AGREEMENT PURSUANT TO SUBSECTION (4)(d) OF THIS
13 SECTION, THE AMOUNT OF A DELINQUENT REMITTANCE AND THE PENALTY
14 AND INTEREST OWED PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION,
15 OTHER THAN INTEREST ACCRUING THEREAFTER, SHALL BE ASSESSED
16 WITHIN THREE YEARS AFTER THE DATE THE INCORRECT REPORT WAS FILED
17 OR THE DELINQUENT REPORT WAS TO BE FILED. THE COMMISSION SHALL
18 NOT FILE A NOTICE OF LIEN, ISSUE A DISTRAINT WARRANT, INSTITUTE A
19 SUIT FOR COLLECTION, OR TAKE OTHER ACTION TO COLLECT THE AMOUNT
20 AFTER THE EXPIRATION OF SUCH PERIOD UNLESS THE COMMISSION ISSUES
21 A NOTICE OF ASSESSMENT FOR THE AMOUNT WITHIN SUCH PERIOD OR
22 WITHIN AN EXTENDED PERIOD PURSUANT TO SUBSECTION (4)(d) OF THIS
23 SECTION.

24 (d) IF, BEFORE THE EXPIRATION OF THE TIME PRESCRIBED FOR THE
25 ASSESSMENT OF DELINQUENT AMOUNTS IN SUBSECTION (4)(c) OF THIS
26 SECTION, THE COMMISSION AND THE SERVICE SUPPLIER CONSENT IN
27 WRITING TO AN ASSESSMENT AFTER SUCH TIME, THE AMOUNT

1 CALCULATED IN ACCORDANCE WITH SUBSECTION (4)(b) OF THIS SECTION
2 MAY BE ASSESSED AT ANY TIME PRIOR TO THE EXPIRATION OF THE PERIOD
3 AGREED UPON. THE PERIOD AGREED UPON MAY BE EXTENDED BY
4 SUBSEQUENT AGREEMENTS IN WRITING MADE BEFORE THE EXPIRATION OF
5 THE PERIOD PREVIOUSLY AGREED UPON. THE COMMISSION MAY FILE A LIEN
6 AGAINST THE PROPERTY OF THE SERVICE SUPPLIER FOR UP TO ONE YEAR
7 AFTER THE EXPIRATION OF ANY SUCH PERIOD, UNLESS OTHERWISE
8 SPECIFICALLY PROVIDED IN THIS ARTICLE 17.

9 (e) THE COMMISSION MAY CONDUCT AN AUDIT OF A SERVICE
10 SUPPLIER'S BOOKS AND RECORDS CONCERNING THE COLLECTION AND
11 REMITTANCE OF THE CHARGES AUTHORIZED UNDER THIS ARTICLE 17. A
12 PUBLIC INSPECTION OF THE AUDIT AND OF DOCUMENTS REVIEWED IN THE
13 AUDIT IS SUBJECT TO SECTION 24-72-204. THE COMMISSION IS
14 RESPONSIBLE FOR EXPENSES THE COMMISSION MAY INCUR TO CONDUCT
15 THE AUDIT. IN CONNECTION WITH AUDITS PERFORMED, SERVICE SUPPLIERS
16 SHALL MAKE RELEVANT RECORDS AVAILABLE TO THE AUDITORS AT NO
17 CHARGE. THE COMMISSION SHALL ADOPT RULES GOVERNING THE AUDIT
18 AND APPEAL PROCEDURES.

19 (f) THE COMMISSION SHALL DEPOSIT ANY PENALTIES COLLECTED
20 OR INTEREST IN THE COLORADO DIVISION FOR THE DEAF, HARD OF
21 HEARING, AND DEAFBLIND CASH FUND CREATED IN SECTION 26-21-107(1).

22 **40-17-104. Prepaid wireless telephone disability access charges**
23 **collected for the enterprise - remittance - rules.** (1) (a) A SELLER
24 SHALL COLLECT, ON BEHALF OF THE ENTERPRISE, THE PREPAID TELEPHONE
25 DISABILITY ACCESS CHARGE FROM THE CONSUMER ON EACH RETAIL
26 TRANSACTION OCCURRING IN THE STATE. THE AMOUNT OF THE PREPAID
27 TELEPHONE DISABILITY ACCESS CHARGE SHALL BE DISCLOSED TO THE

1 CONSUMER ON AN INVOICE, A RECEIPT, OR OTHER SIMILAR DOCUMENT
2 THAT THE SELLER PROVIDES TO THE CONSUMER. A SELLER SHALL ELECT
3 TO EITHER DISCLOSE OR SEPARATELY STATE THE CHARGE AND NOT
4 CHANGE THE ELECTION WITHOUT THE WRITTEN CONSENT OF THE
5 DEPARTMENT. THE SELLER IS DEEMED TO HAVE COLLECTED THE CHARGE
6 NOTWITHSTANDING THE SELLER'S FAILURE TO SEPARATELY DISCLOSE OR
7 STATE THE CHARGE ON AN INVOICE, A RECEIPT, OR OTHER SIMILAR
8 DOCUMENT THAT THE SELLER PROVIDES THE CONSUMER.

9 (b) FOR PURPOSES OF THIS SECTION, A RETAIL TRANSACTION
10 OCCURS IN COLORADO IF:

11 (I) THE CONSUMER EFFECTS THE RETAIL TRANSACTION IN PERSON
12 AT A BUSINESS LOCATION IN COLORADO;

13 (II) IF SUBSECTION (1)(b)(I) OF THIS SECTION DOES NOT APPLY, THE
14 PRODUCT IS DELIVERED TO THE CONSUMER AT A COLORADO ADDRESS
15 PROVIDED TO THE SELLER;

16 (III) IF SUBSECTIONS (1)(b)(I) AND (1)(b)(II) OF THIS SECTION DO
17 NOT APPLY, THE SELLER'S RECORDS, MAINTAINED IN THE ORDINARY
18 COURSE OF BUSINESS, INDICATE THAT THE CONSUMER'S ADDRESS IS IN
19 COLORADO, AND THE RECORDS ARE NOT MADE OR KEPT IN BAD FAITH;

20 (IV) IF SUBSECTIONS (1)(b)(I) TO (1)(b)(III) OF THIS SECTION DO
21 NOT APPLY, THE CONSUMER GIVES A COLORADO ADDRESS DURING THE
22 CONSUMMATION OF THE SALE, INCLUDING THE CONSUMER'S PAYMENT
23 INSTRUMENT IF NO OTHER ADDRESS IS AVAILABLE, AND THERE IS NO
24 INDICATION THAT THE ADDRESS IS GIVEN IN BAD FAITH; OR

25 (V) IF SUBSECTIONS (1)(b)(I) TO (1)(b)(IV) OF THIS SECTION DO
26 NOT APPLY, THE CONSUMER'S MOBILE TELEPHONE NUMBER IS ASSOCIATED
27 WITH A COLORADO LOCATION.

1 (c) THE PREPAID TELEPHONE DISABILITY ACCESS CHARGE IS THE
2 LIABILITY OF THE CONSUMER AND NOT OF THE SELLER; EXCEPT THAT THE
3 SELLER IS LIABLE TO REMIT ALL CHARGES THAT THE SELLER COLLECTS
4 FROM A CONSUMER AS PROVIDED IN SUBSECTION (2) OF THIS SECTION.

5 (d) THE AMOUNT OF THE PREPAID TELEPHONE DISABILITY ACCESS
6 CHARGE THAT IS COLLECTED BY A SELLER FROM A CONSUMER IS NOT
7 INCLUDED IN THE BASE FOR MEASURING ANY TAX, FEE, SURCHARGE, OR
8 OTHER CHARGE THAT IS IMPOSED BY THE STATE, ANY POLITICAL
9 SUBDIVISION OF THE STATE, OR ANY INTERGOVERNMENTAL AGENCY.

10 (2) (a) THE SELLER SHALL REMIT ANY COLLECTED PREPAID
11 TELEPHONE DISABILITY ACCESS CHARGES TO THE DEPARTMENT AT THE
12 TIMES AND IN THE MANNER PROVIDED IN PART 1 OF ARTICLE 26 OF TITLE
13 39. THE DEPARTMENT SHALL ESTABLISH, BY RULE, REGISTRATION AND
14 PAYMENT PROCEDURES THAT SUBSTANTIALLY COINCIDE WITH THE
15 REGISTRATION AND PAYMENT PROCEDURES THAT APPLY UNDER PART 1 OF
16 ARTICLE 26 OF TITLE 39. A SELLER IS SUBJECT TO THE PENALTIES UNDER
17 PART 1 OF ARTICLE 26 OF TITLE 39 FOR FAILURE TO COLLECT OR REMIT A
18 CHARGE IN ACCORDANCE WITH THIS SECTION.

19 (b) A SELLER MAY DEDUCT AND RETAIN THREE AND THREE-TENTHS
20 PERCENT OF THE PREPAID TELEPHONE DISABILITY ACCESS CHARGES THAT
21 ARE COLLECTED BY A SELLER FROM CONSUMERS.

22 (c) THE AUDIT AND APPEAL PROCEDURES APPLICABLE TO THE
23 STATE SALES TAX PURSUANT TO PART 1 OF ARTICLE 26 OF TITLE 39 APPLY
24 TO PREPAID TELEPHONE DISABILITY ACCESS CHARGES.

25 (d) THE DEPARTMENT SHALL, BY RULE, ESTABLISH PROCEDURES BY
26 WHICH A SELLER MAY DOCUMENT THAT A TRANSACTION IS NOT A RETAIL
27 TRANSACTION, WHICH PROCEDURES MUST SUBSTANTIALLY COINCIDE WITH

1 THE PROCEDURES FOR DOCUMENTING THAT A SALE WAS WHOLESALE FOR
2 PURPOSES OF THE SALES TAX PURSUANT TO PART 1 OF ARTICLE 26 OF TITLE
3 39.

4 (e) (I) THE STATE TREASURER SHALL CREDIT THE PREPAID
5 TELEPHONE DISABILITY ACCESS CHARGES REMITTED TO THE DEPARTMENT
6 PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION TO THE COLORADO
7 DIVISION FOR THE DEAF, HARD OF HEARING, AND DEAFBLIND CASH FUND
8 CREATED IN SECTION 26-21-107 (1).

9 (II) THE DEPARTMENT MAY RETAIN UP TO THREE PERCENT OF THE
10 COLLECTED CHARGES NECESSARY TO REIMBURSE THE DEPARTMENT FOR
11 ITS DIRECT COSTS OF ADMINISTERING THE COLLECTION AND REMITTANCE
12 OF PREPAID TELEPHONE DISABILITY ACCESS CHARGES.

13 (3) THE PREPAID TELEPHONE DISABILITY ACCESS CHARGE IS THE
14 ONLY DIRECT DISABILITY COMMUNICATION ACCESS FUNDING OBLIGATION
15 IMPOSED WITH RESPECT TO PREPAID WIRELESS TELECOMMUNICATIONS
16 SERVICE IN THE STATE. NO TAX, FEE, SURCHARGE, OR OTHER CHARGE TO
17 FUND DISABILITY COMMUNICATION ACCESS IS IMPOSED BY THE STATE, ANY
18 POLITICAL SUBDIVISION OF THE STATE, OR ANY INTERGOVERNMENTAL
19 AGENCY UPON A SELLER OR CONSUMER WITH RESPECT TO THE SALE,
20 PURCHASE, USE, OR PROVISION OF PREPAID WIRELESS
21 TELECOMMUNICATIONS SERVICE.

22 (4) THE PREPAID TELEPHONE DISABILITY ACCESS CHARGE SHALL
23 NOT BE IMPOSED ON THE SELLER OR THE CONSUMER WITH RESPECT TO
24 FEDERALLY SUPPORTED LIFELINE SERVICE.

25 **SECTION 16.** In Colorado Revised Statutes, 2-3-1203, add
26 (22)(a)(VII) as follows:

27 **2-3-1203. Sunset review of advisory committees - legislative**

1 **declaration - definition - repeal.** (22) (a) The following statutory
2 authorizations for the designated advisory committees will repeal on
3 September 1, 2031:

4 (VII) THE COLORADO COMMISSION FOR THE DEAF, HARD OF
5 HEARING, AND DEAFBLIND ADVISORY COUNCIL, AS SET FORTH IN SECTIONS
6 26-21-104 AND 26-21-105 (2) AND (5).

7 **SECTION 17.** In Colorado Revised Statutes, 6-1-707, **amend**
8 (1)(e)(I)(B) as follows:

9 **6-1-707. Use of title or degree - deceptive trade practice.** (1) A
10 person engages in a deceptive trade practice when, in the course of the
11 person's business, vocation, or occupation, the person:

12 (e) (I) Claims to be a "sign language interpreter", "interpreter for
13 the deaf", "deaf interpreter", "ASL-English interpreter", "American sign
14 language (ASL) interpreter", "translator" for sign language,
15 "transliterator", "certified sign language interpreter", "certified translator"
16 for sign language, "certified interpreter for the deaf", "certified deaf
17 interpreter", "certified ASL-English interpreter", "certified American sign
18 language (ASL) interpreter", or "certified transliterator", unless the
19 person holds:

20 (B) ~~Any~~ A currently valid certification for sign language
21 interpretation that is approved by the ~~Colorado commission~~ DIVISION for
22 the deaf, hard of hearing, and deafblind PURSUANT TO SECTION 26-21-106
23 (1)(f).

24 **SECTION 18.** In Colorado Revised Statutes, **amend** 13-71-137
25 as follows:

26 **13-71-137. Duties and responsibilities of auxiliary services**
27 **providers for jurors who are deaf, hard of hearing, or deafblind.**

1 (1) The court may provide, through the list of available resources
2 coordinated through the ~~Colorado commission~~ DIVISION for the deaf, hard
3 of hearing, and deafblind pursuant to section 26-21-106 (4), a qualified
4 PROVIDER OF auxiliary services, ~~provider~~, as defined in section 13-90-202
5 ~~(8)~~ (3), to assist during a trial a juror who is deaf, hard of hearing, or
6 deafblind. In the presence of the jury, the court shall instruct the qualified
7 auxiliary services provider to make true and complete translations of all
8 court proceedings to the juror who is deaf, hard of hearing, or deafblind
9 to the best of the qualified auxiliary services provider's ability.

10 (2) The qualified interpreter is subject to the same orders and
11 admonitions given to the jurors. The court shall permit a qualified
12 auxiliary services provider to be present and assist a juror who is deaf,
13 hard of hearing, or deafblind during the deliberations of the jury. In the
14 presence of the jury, the court shall instruct the qualified auxiliary
15 services provider to refrain from participating in any manner in the
16 deliberation of the jury and to refrain from having any communications
17 with any member of the jury regarding deliberation, except for true and
18 complete translations of jurors' remarks made during deliberation. A jury
19 verdict reached in the presence of a qualified auxiliary services provider,
20 during deliberation, is valid.

21 **SECTION 19.** In Colorado Revised Statutes, 13-90-202, **amend**
22 **(8); repeal (4); and add (6.3) and (7.3) as follows:**

23 **13-90-202. Definitions.** As used in this part 2, unless the context
24 otherwise requires:

25 (4) ~~"Commission" means the Colorado commission for the deaf,~~
26 ~~hard of hearing, and deafblind in the department of human services~~
27 ~~created in section 26-21-104.~~

1 (6.3) "DIVISION" MEANS THE DIVISION FOR THE DEAF, HARD OF
2 HEARING, AND DEAFBLIND IN THE DEPARTMENT OF HUMAN SERVICES
3 CREATED IN SECTION 26-21-106 (1).

4 (7.3) "ENTERPRISE" MEANS THE COMMUNICATION SERVICES FOR
5 PEOPLE WITH DISABILITIES ENTERPRISE CREATED IN SECTION 26-21-103.5.

6 (8) "Qualified interpreter" means a person who has a valid
7 certification of competency accepted by the ~~commission~~ DIVISION and
8 includes ~~but is not limited to~~, oral interpreters, sign language interpreters,
9 and intermediary interpreters.

10 **SECTION 20.** In Colorado Revised Statutes, **amend** 13-90-203
11 as follows:

12 **13-90-203. Powers and duties of the enterprise - rules.** The
13 ~~department of human services~~ BOARD OF DIRECTORS OF THE ENTERPRISE
14 shall ~~promulgate~~ ADOPT rules pursuant to article 4 of title 24 ~~C.R.S.~~,
15 ~~which have been proposed by the commission~~ as necessary for the
16 implementation of this part 2. The rule-making process shall be open and
17 available for input from the public, including ~~but not limited to~~
18 interpreters and consumers of interpreter services.

19 **SECTION 21.** In Colorado Revised Statutes, **amend** 13-90-205
20 as follows:

21 **13-90-205. Coordination of auxiliary services requests.** (1) The
22 ~~commission~~ DIVISION, in collaboration with the judicial department, shall
23 establish, monitor, coordinate, and publish a list of available resources
24 regarding communication accessibility for ~~persons~~ INDIVIDUALS who are
25 deaf, hard of hearing, or deafblind, including qualified auxiliary services
26 providers, for use by an appointing authority pursuant to section
27 13-90-204. The list must contain the names of private individual

1 providers and agencies that secure qualified auxiliary services for
2 assignment.

3 (2) Whenever a qualified auxiliary service is required pursuant to
4 section 13-90-204, the appointing authority shall secure the auxiliary
5 service through the list of available resources made available and
6 coordinated by the ~~commission~~ DIVISION in accordance with subsection
7 (1) of this section.

8 (3) The ~~commission~~ DIVISION shall provide auxiliary services for
9 a proceeding described by section 13-90-204 (1)(a), (1)(b), or (1)(c). The
10 ~~commission~~ DIVISION does not have additional responsibilities beyond the
11 requirements of subsection (1) of this section for a proceeding described
12 in section 13-90-204 (1)(d) or (1)(f).

13 **SECTION 22.** In Colorado Revised Statutes, **amend** 13-90-210
14 as follows:

15 **13-90-210. Compensation.** ~~Subject to the appropriations~~ PER THE
16 FUNDING available to the ~~commission~~ DIVISION, a qualified ~~interpreter or~~
17 ~~computer-aided realtime translation reporter~~ AUXILIARY SERVICES
18 PROVIDER provided pursuant to section 13-90-204 ~~shall be entitled to~~
19 ~~compensation for his or her~~ SHALL BE COMPENSATED FOR THEIR services,
20 including waiting time and necessary travel and subsistence expenses.
21 The amount of compensation shall be based on a fee schedule for
22 qualified ~~interpreters and~~ auxiliary services PROVIDERS established by the
23 ~~commission~~ DIVISION.

24 **SECTION 23.** In Colorado Revised Statutes, 18-1.3-701, **amend**
25 (1)(c) as follows:

26 **18-1.3-701. Judgment of costs and fines - definitions.**
27 (1) (c) Judgments collected pursuant to this section for fees for auxiliary

1 services provided pursuant to section 13-90-204, and reimbursed pursuant
2 to section 13-90-210, shall be remitted to the ~~Colorado commission~~
3 ~~DIVISION~~ for the deaf, hard of hearing, and deafblind ~~in the department of~~
4 ~~human services~~ CASH FUND created in section ~~26-21-104~~ 26-21-107.

5 **SECTION 24.** In Colorado Revised Statutes, 24-1-120, **amend**
6 (5)(h); and **add** (5)(g.5) and (5)(g.7) as follows:

7 **24-1-120. Department of human services - creation.** (5) The
8 department of human services includes the following:

9 (g.5) THE COMMUNICATION SERVICES FOR PEOPLE WITH
10 DISABILITIES ENTERPRISE, CREATED IN ARTICLE 21 OF TITLE 26. THE
11 ENTERPRISE IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND
12 EXERCISES ITS POWERS AND PERFORMS ITS DUTIES AND FUNCTIONS UNDER
13 THE DEPARTMENT.

14 (g.7) THE DIVISION FOR THE DEAF, HARD OF HEARING, AND
15 DEAFBLIND CREATED IN ARTICLE 21 OF TITLE 26. THE DIVISION IS A **TYPE**
16 **2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND EXERCISES ITS POWERS
17 AND FUNCTIONS UNDER THE DEPARTMENT.

18 (h) The Colorado commission for the deaf, hard of hearing, and
19 deafblind ~~ADVISORY COUNCIL~~, created in article 21 of title 26. ~~The~~
20 ~~Colorado commission for the deaf, hard of hearing, and deafblind is a~~
21 ~~type 2 entity, as defined in section 24-1-105, and exercises its powers and~~
22 ~~performs its duties and functions under the department.~~

23 **SECTION 25.** In Colorado Revised Statutes, 24-34-104, **repeal**
24 (32)(a)(XII) as follows:

25 **24-34-104. General assembly review of regulatory agencies**
26 **and functions for repeal, continuation, or reestablishment - legislative**
27 **declaration - repeal.**

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

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

5 **SECTION 26.** In Colorado Revised Statutes, 29-2-201, **amend**
6 **as it will become effective July 1, 2025,** (8)(e) as follows:

7 **29-2-201. Definitions.** As used in this part 2, unless the context
8 otherwise requires:

9 (8) "Sales or use tax" includes the:

10 (e) Prepaid wireless TRS charge imposed pursuant to ~~section~~
11 ~~29-11-102.7~~ SECTION 40-17-104; and

12 **SECTION 27.** In Colorado Revised Statutes, 29-2-202, **amend**
13 **as it will become effective July 1, 2025,** (1)(b)(V) as follows:

14 **29-2-202. Applicability.** (1) Except as provided in sections
15 29-2-209 and 29-2-211, this part 2 applies to:

16 (b) (V) The prepaid wireless TRS charge imposed pursuant to
17 ~~section 29-11-102.7~~ SECTION 40-17-104; and

18 **SECTION 28.** In Colorado Revised Statutes, 39-21-119.5,
19 **amend** (2)(t) as follows:

20 **39-21-119.5. Mandatory electronic filing of returns -**
21 **mandatory electronic payment - penalty - waiver - definitions.**

22 (2) Except as provided in subsection (6) of this section, the executive
23 director may, as specified in subsection (3) of this section, require the
24 electronic filing of returns and require the payment of any tax or fee due
25 by electronic funds transfer for the following:

26 (t) Any prepaid wireless telecommunications relay service charge
27 report required to be filed and payment required to be made pursuant to

1 ~~section 29-11-102.7(3)~~ SECTION 40-17-104; and

2 **SECTION 29.** In Colorado Revised Statutes, 40-2-112, **amend**
3 (1)(a) as follows:

4 **40-2-112. Computation of fees.** (1) (a) On or before June 1 of
5 each year, the executive director of the department of revenue shall
6 ascertain the aggregate amount of gross operating revenues of telephone
7 corporations and all other public utilities filing returns as provided in
8 section 40-2-111. Based on appropriations made by the general assembly,
9 the executive director of the department of regulatory agencies shall
10 specify, for the telecommunications utility fund, created in section
11 40-2-114 (1)(b)(I), and the public utilities commission fixed utility fund,
12 created in section 40-2-114 (1)(b)(II), the revenue needed to provide for
13 the direct and indirect costs of the supervision and regulation of telephone
14 corporations and all other public utilities under the jurisdiction of the
15 department of regulatory agencies, excluding the amount of money
16 provided as administrative support from the various telecommunications
17 programs administered by the commission, including the high cost
18 support mechanism, established in section 40-15-208; the 911 surcharge,
19 established in section 29-11-102.3; the 988 surcharge, established in
20 section 40-17.5-102; and the ~~telecommunications relay service~~
21 ~~TELEPHONE DISABILITY ACCESS~~ surcharge, established in ~~section~~
22 ~~40-17-103~~ SECTION 40-17-102.

23 **SECTION 30. Appropriation - adjustments to 2025 long bill.**

24 (1) Except as provided in subsection (4) of this section, to implement this
25 act, the general fund appropriation made in the annual general
26 appropriation act for the 2025-26 state fiscal year to the department of
27 education for use by library programs for reading services for the blind

1 is decreased by \$250,000.

2 (2) Except as provided in subsection (5) of this section, to
3 implement this act, the cash funds appropriation from the Colorado
4 telephone users with disabilities fund created in section 40-17-104 (1),
5 C.R.S., made in the annual general appropriation act for the 2025-26 state
6 fiscal year to the department of regulatory agencies for use by the public
7 utilities commission is decreased as follows:

8 (a) \$265,965 for personal services, and the related FTE is
9 decreased by 2.0 FTE; and

10 (c) \$3,413,703 for the Colorado commission for the deaf, hard of
11 hearing, and deafblind cash fund.

12 (3) Except as provided in subsection (6) of this section, to
13 implement this act, the reappropriated funds appropriation made in the
14 annual general appropriation act for the 2025-26 state fiscal year to the
15 department of human services for use by the Colorado commission for the
16 deaf, hard of hearing, and deafblind is decreased by \$3,413,703. This
17 appropriation is from reappropriated funds received from the department
18 of regulatory agencies for use by the public utilities commission for the
19 Colorado commission for the deaf, hard of hearing, and deafblind cash
20 fund.

21 (4) Subsection (1) of this section does not require a reduction of
22 an appropriation in the annual general appropriation act for the 2025-26
23 state fiscal year if:

24 (a) The amount of the general fund appropriation made in the
25 annual general appropriation act for the 2025-26 state fiscal year to the
26 department of education for use by library programs for reading services
27 for the blind is less than the amount of the adjustment required in

1 subsection (1) of this section; or

2 (b) The annual general appropriation act for the 2025-26 state
3 fiscal year does not include an appropriation to the department of
4 department of education for use by library programs for reading services
5 for the blind.

6 (5) Subsection (2) of this section does not require a reduction of
7 an appropriation in the annual general appropriation act for the 2025-26
8 state fiscal year if:

9 (a) The amount of cash funds appropriation made in the annual
10 general appropriation act for the 2025-26 state fiscal year to the
11 department of regulatory agencies for use by the public utilities
12 commission is less than the amount of the adjustment required in
13 subsection (2) of this section; or

14 (b) The annual general appropriation act for the 2025-26 state
15 fiscal year does not include an appropriation to the department of
16 regulatory agencies for use by the public utilities commission.

17 (6) Subsection (3) of this section does not require a reduction of
18 an appropriation in the annual general appropriation act for the 2025-26
19 state fiscal year if:

20 (a) The amount of reappropriated funds appropriation made in the
21 annual general appropriation act for the 2025-26 state fiscal year to the
22 department of human services for use by the Colorado commission for the
23 deaf, hard of hearing, and deafblind is less than the amount of the
24 adjustment required in subsection (3) of this section; or

25 (b) The annual general appropriation act for the 2025-26 state
26 fiscal year does not include an appropriation to the department of
27 regulatory agencies for use by the public utilities commission.

1 **SECTION 31. Appropriation.** (1) For the 2025-26 state fiscal
2 year, \$250,000 is appropriated to the department of regulatory agencies
3 for use by the public utilities commission. This appropriation is from the
4 Colorado telephone users with disabilities fund created in section
5 40-17-104 (1), C.R.S. To implement this act, the commission may use this
6 appropriation for transfer to the reading services for the blind cash fund.

7 (2) For the 2025-26 state fiscal year, \$250,000 is appropriated to
8 the department of education for use by library programs. This
9 appropriation is from reappropriated funds received from the department
10 of regulatory agencies under subsection (1) of this section. To implement
11 this act, library programs may use this appropriation for reading services
12 for the blind.

13 (3) For the 2025-26 state fiscal year, \$4,958,625 is appropriated
14 to the department of human services. This appropriation is from the
15 Colorado division for the deaf, hard of hearing, and deafblind cash fund
16 created in section 26-21-107 (1), C.R.S. To implement this act, the
17 department may use this appropriation as follows:

18 (a) \$4,891,755 for the communication services for people with
19 disabilities enterprise, which amount is based on an assumption that the
20 enterprise will require an additional 3.0 FTE; and

21 (b) \$66,870 for the purchase of legal services.

22 (4) For the 2025-26 state fiscal year, \$66,870 is appropriated to
23 the department of law. This appropriation is from reappropriated funds
24 received from the department of human services under subsection (3)(b)
25 of this section and is based on an assumption that the department of law
26 will require an additional 0.3 FTE. To implement this act, the department
27 of law may use this appropriation to provide legal services for the

1 department of human services.

2 **SECTION 32. Effective date.** This act takes effect upon passage;
3 except that section 30 of this act takes effect only if the annual general
4 appropriation act for the 2025-26 state fiscal year becomes law, in which
5 case section 30 takes effect upon the effective date of this act or of the
6 annual general appropriation act for state fiscal year 2025-26, whichever
7 is later.

8 **SECTION 33. Safety clause.** The general assembly finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, or safety or for appropriations for
11 the support and maintenance of the departments of the state and state
12 institutions.