

CHAPTER 230

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 25-1154

BY REPRESENTATIVE(S) Brown and Froelich, Bacon, Bird, Boesenecker, Clifford, Duran, English, Garcia, Hamrick, Jackson, Joseph, Lieder, Lindsay, Mabrey, Marshall, Martinez, McCormick, Paschal, Phillips, Rutinel, Sirota, Stewart K., Stewart R., Story, Titone, Willford, Zokaie, McCluskie, Camacho, Mauro, Rydin, Velasco;
also SENATOR(S) Jodeh and Amabile, Ball, Cutter, Danielson, Daugherty, Exum, Gonzales J., Kipp, Kolker, Michaelson Jenet, Mullica, Wallace, Winter F., Coleman.

AN ACT

CONCERNING COMMUNICATION SERVICES FOR PEOPLE WITH DISABILITIES, AND, IN CONNECTION THEREWITH, CREATING THE COMMUNICATION SERVICES FOR PEOPLE WITH DISABILITIES ENTERPRISE AND MAKING AND REDUCING AN APPROPRIATION.

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,** 26-21-102 as follows:

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

(a) A COMMUNICATION SERVICES FOR PEOPLE WITH DISABILITIES ENTERPRISE, AS WELL AS THE DIVISION AND COMMISSION, FACILITATES THE PROVISION OF COMMUNICATION SERVICES THAT ENABLE COMMUNICATION BETWEEN INDIVIDUALS WHO ARE DEAF, HARD OF HEARING, AND DEAFBLIND OR WHO HAVE SPEECH DISABILITIES AND INDIVIDUALS WITHOUT COMMUNICATION-RELATED DISABILITIES;

(b) UNDER THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND ITS RELATED AMENDMENTS AND IMPLEMENTING

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

REGULATIONS, COLORADO HAS A DUTY TO PROVIDE EQUIVALENT ACCESS TO STATE GOVERNMENT AND PUBLIC ACCOMMODATIONS TO PEOPLE WITH COMMUNICATION-RELATED DISABILITIES. THIS DUTY REQUIRES THE PROVISION OF AUXILIARY SERVICES, COMMUNICATIONS TECHNOLOGY EQUIPMENT, TELECOMMUNICATIONS RELAY SERVICES, AND OTHER RESOURCES TO ENSURE ACCESS.

(c) CENTRALIZING AND UNIFYING THE RESOURCES CREATES A COST SAVINGS FOR THE STATE, FACILITATES QUALITY CONTROL, AND INCREASES THE EFFECTIVENESS OF SERVICES, WHILE INCREASING ACCESS TO THE SERVICES FOR FEE PAYERS; AND

(d) COMMUNICATION BETWEEN FEE PAYERS, BOTH FEE PAYERS WITH COMMUNICATION-RELATED DISABILITIES AND THOSE WITHOUT, REQUIRES TELECOMMUNICATION AND ELECTRONIC TECHNOLOGIES AND IN-PERSON MEANS TO MEET ALL COMMUNICATION NEEDS.

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

(a) THE COMMUNICATION SERVICES FOR PEOPLE WITH DISABILITIES ENTERPRISE CREATED IN THIS ARTICLE 21 PROVIDES VALUABLE BUSINESS SERVICES TO FEE PAYERS BY:

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

(A) ESTABLISHING AND COORDINATING A COMMUNICATIONS TECHNOLOGY PROGRAM TO OBTAIN AND DISTRIBUTE INTERACTIVE TELECOMMUNICATIONS AND OTHER COMMUNICATIONS TECHNOLOGY EQUIPMENT NEEDED BY INDIVIDUALS WHO HAVE COMMUNICATION NEEDS RELATED TO THEIR DISABILITIES TO ASSIST THEM IN COMMUNICATING WITH INDIVIDUALS WITH AND WITHOUT THE SAME COMMUNICATION-RELATED DISABILITIES;

(B) ESTABLISHING AND COORDINATING A TELECOMMUNICATIONS RELAY SERVICE PROGRAM FOR INDIVIDUALS IN THE STATE WHO ARE DEAF, HARD OF HEARING, DEAFBLIND, OR SPEECH DISABLED TO ASSIST THEM IN COMMUNICATING WITH FEE PAYERS WITH AND WITHOUT COMMUNICATION-RELATED DISABILITIES;

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

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

(II) COORDINATING AND SUPPORTING THE SERVICES AND RESOURCES DESCRIBED IN SUBSECTION (2)(a)(I) OF THIS SECTION. THE ENTERPRISE AND DIVISION HELP FACILITATE THE ENGAGEMENT OF INDIVIDUALS WHO ARE DEAF, HARD OF HEARING, OR DEAFBLIND OR WHO HAVE SPEECH OR OTHER COMMUNICATION-RELATED DISABILITIES IN THE WORKFORCE AND IN COMMERCE, THUS PROVIDING BENEFITS TO

COLORADO BUSINESSES AND THEIR CUSTOMERS THAT BENEFIT FROM THE ECONOMIC DEVELOPMENT STIMULATED BY THE WORKFORCE AND COMMERCIAL ENGAGEMENT.

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

(c) CONSISTENT WITH THE DETERMINATION OF THE COLORADO SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE GENERAL ASSEMBLY CONCLUDES THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS GENERATED BY FEES, NOT TAXES, BECAUSE THE MONEY CREDITED TO THE ENTERPRISE IS:

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

(II) COLLECTED AT RATES THAT ARE REASONABLY RELATED TO THE COSTS OF THE SERVICES AND RESOURCES PROVIDED BY THE ENTERPRISE; AND

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

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

(e) FOR PURPOSES OF THE LIMIT SET FORTH IN SECTION 24-77-108, THE FIRST FISCAL YEAR OF THE ENTERPRISE IS FISCAL YEAR 2024-25.

SECTION 3. In Colorado Revised Statutes, 26-21-103, **amend** (3), (4.7)(b), and (4.8) introductory portion; **repeal** (1); and **add** (2.3), (3.5), (4.4), (4.5), (4.6), (8.5), (11), and (12) as follows:

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

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

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

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

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

(4.4) "DIVISION" MEANS THE DIVISION FOR THE DEAF, HARD OF HEARING, AND DEAFBLIND CREATED IN SECTION 26-21-106 WITHIN THE ENTERPRISE.

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

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

(4.7) "Intervener" means a person who is at least eighteen years of age and:

(b) Has completed or is enrolled in an intervener training OR CERTIFICATION program ~~and has obtained an intervener certificate or provisional intervener certificate~~ THAT IS RECOGNIZED AND ACCEPTED BY THE DIVISION;

(4.8) "Intervener program manager" means a person who ~~has demonstrated intervener abilities and can proficiently communicate in the functional language of children who are deafblind~~ IS KNOWLEDGEABLE ABOUT INTERVENERS, THE DEAFBLIND COMMUNITY, AND PROGRAM MANAGEMENT and:

(8.5) "PREPAID TELEPHONE DISABILITY ACCESS CHARGE" OR "CHARGE" MEANS THE CHARGE IMPOSED BY THE ENTERPRISE PURSUANT TO SECTION 26-21-103.5 (1)(a)(III).

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

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

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

26-21-103.5. Communication services for people with disabilities enterprise - created - board of directors - membership - fees imposed - repeal.

(1)(a) EFFECTIVE JUNE 30, 2025, THE COMMUNICATION SERVICES FOR PEOPLE WITH

DISABILITIES ENTERPRISE IS CREATED IN THE STATE DEPARTMENT FOR THE BUSINESS PURPOSES OF:

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

(II) IMPOSING A TELEPHONE DISABILITY ACCESS SURCHARGE ON SERVICE USERS, AS DEFINED IN SECTION 40-17-101 (9), IN CONSULTATION WITH THE PUBLIC UTILITIES COMMISSION, IN AN AMOUNT NOT TO EXCEED FIFTEEN CENTS PER MONTH PER TELEPHONE ACCESS LINE, AS DEFINED IN SECTION 40-17-101 (10). THE AMOUNT OF THE SURCHARGE SHALL BE REVIEWED AND MAY BE ADJUSTED ONCE PER YEAR. THE AMOUNT OF THE SURCHARGE, IN COMBINATION WITH THE PREPAID TELEPHONE DISABILITY ACCESS CHARGE, SHALL BE SET AT A RATE REASONABLY RELATED TO THE OVERALL COST OF PROVIDING THE SERVICES DESCRIBED IN THIS SUBSECTION (1)(a). THE AMOUNT OF THE SURCHARGE IMPOSED PER TELEPHONE ACCESS LINE MUST BE UNIFORM, REGARDLESS OF THE TECHNOLOGY USED TO PROVIDE THE TELEPHONE ACCESS LINE.

(III) BEGINNING JANUARY 1, 2026, IMPOSING A PREPAID TELEPHONE DISABILITY ACCESS CHARGE ON EACH RETAIL TRANSACTION, AS DEFINED IN SECTION 40-17-101 (6), IN AN AMOUNT TO BE ESTABLISHED ANNUALLY BY THE ENTERPRISE, IN CONSULTATION WITH THE PUBLIC UTILITIES COMMISSION, BUT NOT TO EXCEED FIFTEEN CENTS PER EACH RETAIL TRANSACTION IN WHICH PREPAID WIRELESS SERVICE IS PURCHASED IN COLORADO. THE AMOUNT OF THE CHARGE SHALL BE REVIEWED AND MAY BE ADJUSTED ON JULY 1, 2026, AND ON EACH JULY 1 THEREAFTER. THE ENTERPRISE SHALL NOTIFY THE DEPARTMENT OF REVENUE OF ANY CHANGE MADE TO THE AMOUNT OF THE CHARGE NO LATER THAN MAY 15 OF THE YEAR PRECEDING THE YEAR IN WHICH THE AMOUNT CHANGE WILL BECOME EFFECTIVE. THE AMOUNT OF THE CHARGE, IN COMBINATION WITH THE TELEPHONE DISABILITY ACCESS SURCHARGE, SHALL BE SET AT A RATE REASONABLY RELATED TO THE OVERALL COST OF PROVIDING THE SERVICES DESCRIBED IN THIS SUBSECTION (1)(a).

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

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

(c) THE BOARD SHALL ADMINISTER THE ENTERPRISE IN ACCORDANCE WITH THIS SECTION.

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

(e) THE ENTERPRISE MAY ENGAGE THE SERVICES OF CONTRACTORS AND CONSULTANTS FOR PROFESSIONAL AND TECHNICAL ASSISTANCE AND TO SUPPLY OTHER SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE ENTERPRISE, WITHOUT REGARD TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24. THE ENTERPRISE SHALL ENGAGE THE ATTORNEY GENERAL'S OFFICE FOR LEGAL SERVICES. THE STATE DEPARTMENT MAY PROVIDE OFFICE SPACE AND STAFF TO THE ENTERPRISE PURSUANT TO A FAIR MARKET RATE CONTRACT ENTERED INTO PURSUANT TO THIS SUBSECTION (1)(e).

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

(2) (a) (I) THE ENTERPRISE SHALL BE GOVERNED BY A BOARD OF DIRECTORS APPOINTED BY THE GOVERNOR. THE BOARD MUST NOT EXCEED SEVEN MEMBERS AND MUST ALWAYS CONSIST OF AN ODD NUMBER OF MEMBERS.

(II) MEMBERS OF THE BOARD SERVE THREE-YEAR TERMS; EXCEPT THAT THE TERMS SHALL BE STAGGERED SO THAT NO MORE THAN THREE MEMBERS' TERMS EXPIRE IN THE SAME YEAR. THE GOVERNOR SHALL NOT APPOINT A MEMBER FOR MORE THAN TWO CONSECUTIVE TERMS.

(III) BOARD MEMBERS DO NOT RECEIVE COMPENSATION FOR PERFORMING OFFICIAL DUTIES OF THE BOARD BUT MAY RECEIVE A PER DIEM OR REIMBURSEMENT FOR TRAVEL AND OTHER REASONABLE AND NECESSARY EXPENSES FOR PERFORMING OFFICIAL DUTIES OF THE BOARD. THE PER DIEM OR REIMBURSEMENT IS PAID FROM THE FUND.

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

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

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

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

SECTION 5. In Colorado Revised Statutes, 26-21-104, **amend** (1); and **add** (5) as follows:

26-21-104. Commission created - appointments - repeal. (1) The Colorado commission for the deaf, hard of hearing, and deafblind ADVISORY COUNCIL is

created in the STATE department. ~~of human services.~~ THE DIVISION IS UNDER THE JURISDICTION OF THE COMMUNICATION SERVICES FOR PEOPLE WITH DISABILITIES ENTERPRISE. The commission is a ~~type 2~~ entity, as defined in section 24-1-105, and exercises its powers and performs its duties and functions under the STATE department. ~~of human services.~~ THE DIVISION AND COMMISSION SHALL ADVISE THE ENTERPRISE AND STATE AGENCIES REGARDING THE PROVISION OF SERVICES AND RESOURCES FOR THE DEAF, HARD-OF-HEARING, AND DEAFBLIND COMMUNITY.

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

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

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

~~(2) (f) (H) There is created the Colorado deafblind advisory council consisting of seven members:~~

~~(H) The advisory council shall advise the commission, state and local governments, and other relevant entities on how to increase competitive integrated employment as defined in section 8-84-301, enlarge economic opportunities, enhance independence and self-sufficiency, and improve services for deafblind persons:~~

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

~~(A) One member who is deaf and blind;~~

~~(B) One member who is deaf and low vision;~~

~~(C) One member who is hard of hearing and blind;~~

~~(D) One member who is hard of hearing and low vision;~~

~~(E) One member who is latent deafblind;~~

~~(F) One member who is a professional working with the deafblind community;~~
and

~~(G) One member who is a parent of a deafblind child.~~

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

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

SECTION 7. In Colorado Revised Statutes, 26-21-106, **amend** (1) introductory portion, (1)(d), (1)(e) introductory portion, (1)(e)(I), (1)(e)(II), (1)(f), (2), (3), (4) introductory portion, (4)(g)(II) introductory portion, (4)(g)(II)(B), (6), (7) introductory portion, (7)(a), (7)(b), (8) introductory portion, (8.5), (9)(a) introductory portion, (9)(a)(VIII), (9)(b), and (9)(c)(I); **repeal** (9)(a)(IX); and **add** (1)(g), (1.5), and (1.7) as follows:

26-21-106. Division for the deaf, hard of hearing, and deafblind - creation - powers, functions, and duties - programs - report - rules - definitions. (1) THE DIVISION FOR THE DEAF, HARD OF HEARING, AND DEAFBLIND IS CREATED IN THE COMMUNICATION SERVICES FOR PEOPLE WITH DISABILITIES ENTERPRISE. The powers, functions, and duties of the ~~commission~~ DIVISION include:

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

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

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

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

(f) Approving ~~an entity's certification of~~ A sign language ~~interpreters~~

INTERPRETER'S CERTIFICATIONS AS VALID AND RELIABLE in accordance with section 6-1-707 (1)(e)(I)(B); AND

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

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

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

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

(b) (I) ON AND AFTER JUNE 30, 2025, WHENEVER ANY PROVISION OF LAW REFERS TO THE PUBLIC UTILITIES COMMISSION IN CONNECTION WITH THE FUNCTIONS TRANSFERRED TO THE DIVISION PURSUANT TO THIS SUBSECTION (1.5), THE LAW SHALL BE CONSTRUED AS REFERRING TO THE DIVISION.

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

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

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

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

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

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

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

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

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

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

(a) Provide resources to DEAF, HARD-OF-HEARING, AND DEAFBLIND individuals who have encountered barriers to obtaining necessary services;

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

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

(8.5) **Community intervener program.** (a) ~~On or before October 1, 2023, the~~ ~~commission~~ THE DIVISION shall establish a family and community intervener program. The family and community intervener program shall work with children AND ADULTS who are deafblind WITH ADDITIONAL COGNITIVE DISABILITIES to facilitate critical connections between the ~~child~~ INDIVIDUAL and the ~~child's~~ INDIVIDUAL'S family, community, and environment. The family and community intervener program must include ~~but need not be limited to~~, access to a family and community intervener with specific training in deafblindness, strategies to build language and communication skills, and intervention strategies. The intervener shall:

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

(II) Open channels of communication between the ~~child~~ INDIVIDUALS and others THROUGH AN INDIVIDUALIZED AND MULTIMODAL APPROACH;

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

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

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

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

(I) ~~Works~~ PROVIDES INDIVIDUALIZED SERVICES, WORKING with no more than one ~~child~~ INDIVIDUAL at a GIVEN time;

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

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

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

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

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

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

(c) The intervener program manager shall ~~document the following outcomes for intervener services in the child's record:~~ ANNUALLY ASSESS THE EFFECTIVENESS OF INTERVENER SERVICES FOR EACH INDIVIDUAL. IN ADDITION, THE INTERVENER PROGRAM MANAGER SHALL, AS APPROPRIATE, COLLABORATE WITH OTHER ENTITIES THAT PROVIDE RELATED SERVICES.

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

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

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

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

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

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

(b) The ~~executive director~~ BOARD shall ~~promulgate~~ ADOPT rules in consultation with ~~or as proposed by, the commission~~ DIVISION, WITH INPUT FROM THE COMMISSION and the deaf, hard of hearing, and deafblind community, regarding implementation of this subsection (9). The rules must define the term "rural area".

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

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

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

(1) (a) There is ~~hereby~~ created in the state treasury the Colorado ~~commission~~ DIVISION for the deaf, hard of hearing, and deafblind cash fund. All money credited to the fund must, PURSUANT TO SECTION 26-21-103.5 (1)(a)(IV), be used exclusively for the administration and discharge of THE DUTIES OF THE ENTERPRISE, COMMISSION MEMBERS, AND DIVISION STAFF UNDER this article 21. All UNEXPENDED AND UNENCUMBERED MONEY REMAINING IN THE FUND AT THE END OF A FISCAL YEAR AND ALL money credited to the fund and any interest earned from the investment of money in the fund remains in the fund and does not revert to the general fund or any other fund at the end of any fiscal year.

(b) SUBJECT TO ANNUAL APPROPRIATION FROM THE GENERAL ASSEMBLY, THE ENTERPRISE MAY EXPEND MONEY FROM THE COLORADO DIVISION FOR THE DEAF, HARD OF HEARING, AND DEAFBLIND CASH FUND FOR THE PURPOSES SET FORTH IN

SECTION 26-21-103.5 AND TO PAY THE ENTERPRISE'S REASONABLE AND NECESSARY OPERATING EXPENSES.

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

26-21-107.5. Colorado division for the deaf, hard of hearing, and deafblind grant program - creation - standards - applications - definition. (1) The Colorado ~~commission~~ DIVISION for the deaf, hard of hearing, and deafblind grant program is ~~hereby~~ established to provide funding for entities to ~~address~~ IMPROVE COMMUNICATION BETWEEN FEE PAYERS BY ADDRESSING the needs of Colorado's INDIVIDUALS WHO ARE deaf, ~~hard-of-hearing~~ HARD OF HEARING, and deafblind. ~~individuals.~~

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

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

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

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

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

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

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

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

(c) In appointing members to the committee, the ~~commission~~ DIVISION shall choose ~~persons~~ INDIVIDUALS who have knowledge and awareness of innovative

strategies that address challenges faced by the deaf, hard-of-hearing, and deafblind ~~community~~ AND SPEECH-DISABLED COMMUNITIES.

(d) The appointed members of the committee 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~~ DIVISION shall appoint a replacement to fill the vacancy for the remainder of the term.

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

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

(3) The ~~commission~~ DIVISION shall review and may follow the recommendations of the committee for approval or disapproval of applications for the grant program and for grant amounts. If the ~~commission~~ DIVISION disagrees with the recommendations of the committee, the ~~executive director of the department shall have~~ DIVISION HAS final decision-making authority to approve or disapprove the applications and to set the grant amounts.

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

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

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

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

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

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

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

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

SECTION 14. In Colorado Revised Statutes, 29-11-102.7, **amend** (2)(a); and **add** (6) as follows:

29-11-102.7. Imposition of telecommunications relay service surcharge on prepaid wireless - rules - definitions - repeal. (2) (a) FOR RETAIL TRANSACTIONS MADE PRIOR TO JANUARY 1, 2026, a prepaid wireless TRS charge of one-tenth of one percent of the price of the retail transaction is hereby imposed on each retail transaction.

(6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2028.

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

ARTICLE 17

Telephone Disability Access

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

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

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

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

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

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

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

(7) "SELLER" MEANS A PERSON THAT SELLS PREPAID WIRELESS TELECOMMUNICATIONS SERVICES TO ANOTHER PERSON.

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

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

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

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

40-17-102. Telephone disability access surcharges collected for the enterprise - Colorado telephone users with disabilities fund - created - remittance - rules - repeal. (1) THE COMMISSION SHALL COLLECT, ON BEHALF OF THE COMMUNICATION SERVICES FOR PEOPLE WITH DISABILITIES ENTERPRISE, THE TELEPHONE DISABILITY ACCESS SURCHARGE TO FUND THE ENTERPRISE. THE COMMISSION SHALL COLLABORATE WITH THE ENTERPRISE TO ESTABLISH THE AMOUNT OF THE SURCHARGE ONCE PER YEAR.

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

(b) THE SURCHARGE SHALL BE LISTED AS A SEPARATE ITEM THAT APPEARS ON A SERVICE USER'S MONTHLY BILLING STATEMENT.

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

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

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

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

THAT THE COMMISSION RETAINS PURSUANT TO THIS SUBSECTION (3)(c)(II) SHALL BE CREDITED TO THE COLORADO TELEPHONE USERS WITH DISABILITIES FUND, WHICH FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE FUND PURSUANT TO THIS SUBSECTION (3)(c)(II) AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE COLORADO TELEPHONE USERS WITH DISABILITIES FUND TO THE FUND.

(4) THE SURCHARGE IMPOSED BY THE ENTERPRISE PURSUANT TO SECTION 26-21-103.5 (1)(a)(II) IS THE ONLY DIRECT COMMUNICATION SERVICES FOR PEOPLE WITH DISABILITIES FUNDING OBLIGATION IMPOSED UPON SERVICE USERS IN THE STATE. NO TAX, FEE, SURCHARGE, OR OTHER CHARGE TO FUND THE ENTERPRISE IS IMPOSED BY THE STATE, ANY POLITICAL SUBDIVISION OF THE STATE, OR ANY INTERGOVERNMENTAL AGENCY UPON A SELLER OR CONSUMER WITH RESPECT TO THE SALE, PURCHASE, USE, OR PROVISION OF A TELEPHONE ACCESS LINE IN THE STATE.

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

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

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

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

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

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

(b) IF A SERVICE SUPPLIER FAILS TO TIMELY FILE A REPORT AND REMIT THE SURCHARGE AS REQUIRED BY THIS SECTION, OR IF A SERVICE SUPPLIER FILES AN INCORRECT REPORT OR FAILS TO REMIT THE CORRECT AMOUNT, THE COMMISSION SHALL ESTIMATE THE AMOUNT OF THE REMITTANCE DUE FOR THE PERIOD OR PERIODS FOR WHICH THE SERVICE SUPPLIER IS DELINQUENT. THE COMMISSION SHALL MAKE THE ESTIMATE BASED ON THE INFORMATION AVAILABLE. THE COMMISSION SHALL COMPUTE AND ASSESS A PENALTY EQUAL TO FIFTEEN PERCENT OF THE ESTIMATE OF THE DELINQUENT AMOUNT AND SHALL ASSESS INTEREST ON THE DELINQUENT CHARGES AT THE RATE OF ONE PERCENT EACH MONTH FROM THE DATE WHEN DUE UNTIL THE DATE PAID.

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

(d) If, BEFORE THE EXPIRATION OF THE TIME PRESCRIBED FOR THE ASSESSMENT OF DELINQUENT AMOUNTS IN SUBSECTION (4)(c) OF THIS SECTION, THE COMMISSION AND THE SERVICE SUPPLIER CONSENT IN WRITING TO AN ASSESSMENT AFTER SUCH TIME, THE AMOUNT CALCULATED IN ACCORDANCE WITH SUBSECTION (4)(b) OF THIS SECTION MAY BE ASSESSED AT ANY TIME PRIOR TO THE EXPIRATION OF THE PERIOD AGREED UPON. THE PERIOD AGREED UPON MAY BE EXTENDED BY SUBSEQUENT AGREEMENTS IN WRITING MADE BEFORE THE EXPIRATION OF THE PERIOD PREVIOUSLY AGREED UPON. THE COMMISSION MAY FILE A LIEN AGAINST THE PROPERTY OF THE SERVICE SUPPLIER FOR UP TO ONE YEAR AFTER THE EXPIRATION OF ANY SUCH PERIOD, UNLESS OTHERWISE SPECIFICALLY PROVIDED IN THIS ARTICLE 17.

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

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

40-17-104. Prepaid telephone disability access charges collected for the enterprise - prepaid telephone disability access charge cash fund - created - remittance - rules. (1) (a) ON AND AFTER JANUARY 1, 2026, EVERY SELLER SHALL COLLECT, ON BEHALF OF THE ENTERPRISE, THE PREPAID TELEPHONE DISABILITY ACCESS CHARGE FROM THE CONSUMER ON EACH RETAIL TRANSACTION OCCURRING IN THE STATE. THE AMOUNT OF THE PREPAID TELEPHONE DISABILITY ACCESS CHARGE SHALL BE DISCLOSED TO THE CONSUMER ON AN INVOICE, A RECEIPT, OR OTHER SIMILAR DOCUMENT THAT THE SELLER PROVIDES TO THE CONSUMER. A SELLER SHALL ELECT TO EITHER DISCLOSE OR SEPARATELY STATE THE CHARGE AND NOT CHANGE THE ELECTION WITHOUT THE WRITTEN CONSENT OF THE DEPARTMENT. THE SELLER IS DEEMED TO HAVE COLLECTED THE CHARGE NOTWITHSTANDING THE SELLER'S FAILURE TO SEPARATELY DISCLOSE OR STATE THE CHARGE ON AN INVOICE, A RECEIPT, OR OTHER SIMILAR DOCUMENT THAT THE SELLER PROVIDES THE CONSUMER.

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

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

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

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

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

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

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

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

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

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

(c) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL COLLECT, ADMINISTER, AND ENFORCE THE PREPAID TELEPHONE DISABILITY ACCESS CHARGE PURSUANT TO ARTICLE 21 OF TITLE 39. THE AUDIT AND APPEAL PROCEDURES APPLICABLE TO THE

STATE SALES TAX PURSUANT TO PART 1 OF ARTICLE 26 OF TITLE 39 APPLY TO PREPAID TELEPHONE DISABILITY ACCESS CHARGES.

(d) THE DEPARTMENT SHALL, BY RULE, ESTABLISH PROCEDURES BY WHICH A SELLER MAY DOCUMENT THAT A TRANSACTION IS NOT A RETAIL TRANSACTION, WHICH PROCEDURES MUST SUBSTANTIALLY COINCIDE WITH THE PROCEDURES FOR DOCUMENTING THAT A SALE WAS WHOLESALE FOR PURPOSES OF THE SALES TAX PURSUANT TO PART 1 OF ARTICLE 26 OF TITLE 39.

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

(II) THE DEPARTMENT MAY RETAIN UP TO THREE PERCENT OF THE COLLECTED CHARGES NECESSARY TO REIMBURSE THE DEPARTMENT FOR ITS DIRECT COSTS OF ADMINISTERING THE COLLECTION AND REMITTANCE OF PREPAID TELEPHONE DISABILITY ACCESS CHARGES. MONEY THAT THE DEPARTMENT RETAINS PURSUANT TO THIS SUBSECTION (2)(e)(II) SHALL BE CREDITED TO THE PREPAID TELEPHONE DISABILITY ACCESS CHARGE CASH FUND, WHICH FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE FUND PURSUANT TO THIS SUBSECTION (2)(e)(II) AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE PREPAID TELEPHONE DISABILITY ACCESS CHARGE CASH FUND TO THE FUND.

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

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

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

2-3-1203. Sunset review of advisory committees - legislative declaration - definition - repeal. (22) (a) The following statutory authorizations for the designated advisory committees will repeal on September 1, 2031:

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

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

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

(e) (I) Claims to be a "sign language interpreter", "interpreter for the deaf", "deaf interpreter", "ASL-English interpreter", "American sign language (ASL) interpreter", "translator" for sign language, "transliterator", "certified sign language interpreter", "certified translator" for sign language, "certified interpreter for the deaf", "certified deaf interpreter", "certified ASL-English interpreter", "certified American sign language (ASL) interpreter", or "certified transliterator", unless the person holds:

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

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

13-71-137. Duties and responsibilities of auxiliary services providers for jurors who are deaf, hard of hearing, or deafblind. (1) The court may provide, through the list of available resources coordinated through the ~~Colorado commission~~ DIVISION for the deaf, hard of hearing, and deafblind pursuant to section 26-21-106 (4), a qualified PROVIDER OF auxiliary services, ~~provider~~, as defined in section 13-90-202 (8) (3), to assist during a trial a juror who is deaf, hard of hearing, or deafblind. In the presence of the jury, the court shall instruct the qualified auxiliary services provider to make true and complete translations of all court proceedings to the juror who is deaf, hard of hearing, or deafblind to the best of the qualified auxiliary services provider's ability.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18-1.3-701. Judgment of costs and fines - definitions. (1) (c) Judgments collected pursuant to this section for fees for auxiliary services provided pursuant to section 13-90-204, and reimbursed pursuant to section 13-90-210, shall be remitted to the ~~Colorado commission~~ DIVISION for the deaf, hard of hearing, and deafblind ~~in the department of human services~~ CASH FUND created in section ~~26-21-104~~ 26-21-107.

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

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

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

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

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

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

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (32) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2031:

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

SECTION 26. In Colorado Revised Statutes, 39-21-102, **add** (9) as follows:

39-21-102. Scope. (9) THIS ARTICLE 21 APPLIES TO THE FEE IMPOSED PURSUANT TO SECTION 40-17-104, BUT ONLY TO THE EXTENT THAT THIS ARTICLE 21 IS NOT INCONSISTENT WITH SECTION 40-17-104.

SECTION 27. In Colorado Revised Statutes, 29-2-201, **amend as it will become effective July 1, 2025**, (8)(e) as follows:

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

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

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

SECTION 28. In Colorado Revised Statutes, 29-2-202, **amend as it will become effective July 1, 2025**, (1)(b)(V) as follows:

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

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

SECTION 29. In Colorado Revised Statutes, 39-21-119.5, **amend** (2)(t) as follows:

39-21-119.5. Mandatory electronic filing of returns - mandatory electronic payment - penalty - waiver - definitions. (2) Except as provided in subsection (6) of this section, the executive director may, as specified in subsection (3) of this section, require the electronic filing of returns and require the payment of any tax or fee due by electronic funds transfer for the following:

(t) Any prepaid ~~wireless telecommunications relay service~~ TELEPHONE DISABILITY ACCESS charge report required to be filed and payment required to be made pursuant to ~~section 29-11-102.7 (3)~~ SECTION 40-17-104; and

SECTION 30. In Colorado Revised Statutes, 40-2-112, **amend** (1)(a) as follows:

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

SECTION 31. In Colorado Revised Statutes, 40-17-102, **add with amended and relocated provisions, as added by Senate Bill 25-264, 40-17-104 (7), (7)** as follows:

40-17-102. Telephone disability access surcharges collected for the enterprise - Colorado telephone users with disabilities fund - created - remittance - rules - repeal. (7) (a) ON JUNE 25, 2025, THE STATE TREASURER SHALL TRANSFER TWO HUNDRED THOUSAND DOLLARS FROM THE FUND TO THE GENERAL FUND.

(b) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2026.

SECTION 32. Appropriation - adjustments to 2025 long bill. (1) To implement this act, the general fund appropriation made in the annual general appropriation act for the 2025-26 state fiscal year to the department of education for use by library programs for reading services for the blind is decreased by \$250,000.

(2) To implement this act, the cash funds appropriation from the Colorado telephone users with disabilities fund created in section 40-17-102 (3)(c)(II), C.R.S., made in the annual general appropriation act for the 2025-26 state fiscal year to the department of regulatory agencies for use by the public utilities commission is decreased as follows:

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

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

(3) To implement this act, the reappropriated funds appropriation made in the annual general appropriation act for the 2025-26 state fiscal year to the department of human services for use by the Colorado commission for the deaf, hard of hearing, and deafblind is decreased by \$3,413,703. This appropriation is from reappropriated funds received from the department of regulatory agencies for use by the public utilities commission for the Colorado commission for the deaf, hard of hearing, and deafblind cash fund.

SECTION 33. Appropriation. (1) For the 2025-26 state fiscal year, \$250,000 is appropriated to the department of regulatory agencies for use by the public utilities commission. This appropriation is from the Colorado telephone users with disabilities fund created in section 40-17-102 (3)(c)(II), C.R.S. To implement this act, the commission may use this appropriation for transfer to the reading services for the blind cash fund.

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

(3) For the 2025-26 state fiscal year, \$4,958,625 is appropriated to the department

of human services. This appropriation is from the Colorado division for the deaf, hard of hearing, and deafblind cash fund created in section 26-21-107 (1), C.R.S. To implement this act, the department may use this appropriation as follows:

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

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

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

(5) For the 2025-26 state fiscal year, \$21,467 is appropriated to the department of revenue. This appropriation is from the prepaid wireless trust cash fund created in section 40-17-104 (2)(e)(II), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$10,892 for tax administration IT system (GenTax) support;

(b) \$2,176 for use by the taxation business group for personal services related to taxation services;

(c) \$ 4,725 for use by the executive director's office for personal services related to administration and support; and

(d) \$3,674 for the purchase of document management services.

(6) For the 2025-26 state fiscal year, \$3,674 is appropriated to the department of personnel. This appropriation is from reappropriated funds received from the department of revenue under subsection (5)(d) of this section. To implement this act, the department of personnel may use this appropriation to provide document management services for the department of revenue.

SECTION 34. Effective date. (1) Except as otherwise provided in this section, this act takes effect upon passage.

(2) Sections 39-21-102, 29-2-201, 29-2-202, and 39-21-119.5, Colorado Revised Statutes, as amended in sections 26, 27, 28, and 29 of this act, respectively, take effect January 1, 2026.

(3) Section 40-17-102 (7), Colorado Revised Statutes, as added in section 31 of this act, takes effect only if Senate Bill 25-264 becomes law, in which case section 40-17-102 (7) takes effect on the effective date of this act or Senate Bill 25-264, whichever is later.

SECTION 35. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: May 22, 2025