First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 07-0644.01 Jane Ritter **HOUSE BILL 07-1274**

HOUSE SPONSORSHIP

Rice,

SENATE SPONSORSHIP

Williams,

House Committees
Health and Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A COMMISSION FOR THE VISUALLY**
102 **IMPAIRED.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Creates the Colorado commission for individuals who are blind or visually impaired ("commission") within the department of human services. Specifies the membership of the commission.

Requires the commission to:

Make recommendations on the provision of vocational rehabilitation services, job placement services, and vocational training for individuals who are blind or visually

impaired;

Provide independent living services for individuals who are blind or visually impaired;

Make recommendations concerning responsibilities for establishing and carrying out a business enterprise program for individuals who are blind or visually impaired; and

Make recommendations concerning responsibilities for developing and administering any other program that will further the provision of services to individuals who are blind or visually impaired.

Sets the procedures for operation of the commission and appointment of its members. Authorizes the commission to issue a report with recommended legislation to the general assembly and the governor.

Makes conforming amendments.

Provides for the review of the commission.

Provides for sunset review of the article prior to repeal of the article, effective July 1, 2017.

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

SECTION 1. Title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 8.7

Colorado Commission for Individuals

Who Are Blind or Visually Impaired

26-8.7-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO COMMISSION FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED ACT".

26-8.7-102. Legislative declaration. THE GENERAL ASSEMBLY RECOGNIZES THAT SERVICES FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED ARE FRAGMENTED AND MAY NOT BE ADMINISTERED IN THE MOST EFFICIENT MANNER. THE GENERAL ASSEMBLY FURTHER RECOGNIZES THE NEED FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED TO HAVE ACCESS TO SERVICES BENEFITTING INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED. THE GENERAL ASSEMBLY THEREFORE

DECLARES THAT THE ESTABLISHMENT OF A COMMISSION TO MAKE RECOMMENDATIONS CONCERNING THE PROVISION OF SERVICES TO AID INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED IS IN THE BEST INTERESTS OF THE CITIZENS OF COLORADO.

26-8.7-103. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COMMISSION" MEANS THE COLORADO COMMISSION FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED CREATED IN SECTION 26-8.7-104.

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN SERVICES.

26-8.7-104. Commission created - appointments. (1) EFFECTIVE SEPTEMBER 1, 2007, THERE IS HEREBY CREATED IN THE STATE DEPARTMENT THE COLORADO COMMISSION FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED THAT SHALL SERVE AS AN ADVISORY COMMITTEE. THE COMMISSION SHALL EXERCISE ITS POWERS, DUTIES, AND FUNCTIONS UNDER A **TYPE 2** TRANSFER UNDER THE PROVISIONS OF THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

(2) THE COMMISSION SHALL CONSIST OF NO MORE THAN ELEVEN MEMBERS, INCLUDING AT LEAST:

(a) ONE MEMBER WHO IS BLIND;

(b) ONE MEMBER WHO IS VISUALLY IMPAIRED;

(c) TWO MEMBERS WHO REPRESENT GROUPS THAT ADVOCATE FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED, NO MORE THAN ONE OF WHOM SHALL BE FROM THE SAME ADVOCACY GROUP;

(d) ONE MEMBER WHO IS A PARENT OF AN INDIVIDUAL WHO IS BLIND OR VISUALLY IMPAIRED;

(e) ONE MEMBER WHO IS A BLIND SENIOR;

(f) ONE MEMBER WHO BECAME BLIND OR VISUALLY IMPAIRED LATER IN LIFE; AND

(g) ONE MEMBER WHO IS A MEMBER OF THE PUBLIC.

(3) (a) THE GOVERNOR, WITH THE CONSENT OF THE SENATE, SHALL APPOINT THE COMMISSION MEMBERS DESCRIBED IN SUBSECTION (2) OF THIS SECTION. THE GOVERNOR SHALL MAKE THE INITIAL APPOINTMENTS ON OR BEFORE SEPTEMBER 1, 2007. FIVE OF THE COMMISSION MEMBERS DESIGNATED BY THE GOVERNOR SHALL SERVE INITIAL TERMS OF FOUR YEARS, AND SIX MEMBERS SHALL SERVE INITIAL TERMS OF SIX YEARS. AFTER THE INITIAL APPOINTMENTS OF THE COMMISSION MEMBERS DESCRIBED IN SUBSECTION (2) OF THIS SECTION, ALL SUBSEQUENT MEMBERS SHALL SERVE TERMS OF FOUR YEARS.

(b) THE GOVERNOR SHALL APPOINT A QUALIFIED PERSON TO FILL ANY VACANCY ON THE COMMISSION FOR THE REMAINDER OF ANY UNEXPIRED TERM.

(4) AT LEAST NINETY DAYS PRIOR TO THE EXPIRATION OF A MEMBER'S TERM OF OFFICE, THE COMMISSION SHALL CREATE A LIST OF CANDIDATES THAT INCLUDES AT LEAST THREE CANDIDATES FOR EACH OPEN POSITION PURSUANT TO SUBSECTION (2) OF THIS SECTION. THE CANDIDATES' NAMES SHALL BE SUBMITTED TO THE GOVERNOR AT LEAST FORTY-FIVE DAYS PRIOR TO THE EXPIRATION OF THE PRECEDING TERM FOR WHICH THE CANDIDATES ARE BEING CONSIDERED. IF THE GOVERNOR APPROVES THE CANDIDATES, THE GOVERNOR SHALL APPOINT ONE OF THE CANDIDATES FROM EACH LIST FOR EACH OPEN POSITION WITHIN NINETY DAYS AFTER THE DATE OF EACH VACANCY; IF THE GOVERNOR DOES NOT APPROVE ANY OF THE CANDIDATES FROM THE LISTS FOR THE OPEN

POSITION, THEN THE GOVERNOR SHALL APPOINT QUALIFIED PERSONS.

26-8.7-105. Procedures of the commission. (1) (a) AT THE FIRST MEETING, AND ANNUALLY THEREAFTER, THE COMMISSION SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS.

(b) THE COMMISSION MAY ADOPT SUCH RULES OF PROCEDURE AS ARE NECESSARY TO FACILITATE ORDERLY CONDUCT OF ITS BUSINESS.

(c) THE COMMISSION SHALL MEET AT LEAST QUARTERLY. MEETINGS SHALL BE HELD ON THE CALL OF THE CHAIR OR AT THE REQUEST OF AT LEAST FIVE MEMBERS OF THE COMMISSION.

(d) THE COMMISSION SHALL ADOPT NO OFFICIAL POSITION, RECOMMENDATION, OR ACTION EXCEPT BY THE CONCURRENCE OF A MAJORITY OF THE MEMBERS.

(2) THE COMMISSION SHALL HAVE ACCESS TO STAFF SUPPORT THROUGH THE DEPARTMENT, SUBJECT TO AVAILABLE APPROPRIATIONS.

26-8.7-106. Powers, functions, and duties of the commission. (1) THE POWERS, FUNCTIONS, AND DUTIES OF THE COMMISSION SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING:

(a) TO MAKE RECOMMENDATIONS CONCERNING THE PROVISION OF VOCATIONAL REHABILITATION SERVICES FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED, PURSUANT TO SECTION 101 OF THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701, ET SEQ.;

(b) TO MAKE RECOMMENDATIONS CONCERNING THE PROVISION OF INDEPENDENT LIVING SERVICES FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED, INCLUDING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED, PURSUANT TO TITLE VII OF THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701, ET SEQ.;

(c) TO MAKE RECOMMENDATIONS CONCERNING ESTABLISHING,

EQUIPPING, AND MAINTAINING AN ORIENTATION AND ADJUSTMENT CENTER OR CENTERS TO PROVIDE PRE-VOCATIONAL AND OTHER TRAINING TO PREPARE INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED FOR VOCATIONAL TRAINING, JOB PLACEMENT, AND INDEPENDENCE;

(d) TO MAKE RECOMMENDATIONS CONCERNING RESPONSIBILITIES OF AND EVALUATIONS OF BUSINESS ENTERPRISE PROGRAMS FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED, PURSUANT TO THE FEDERAL "RANDOLPH-SHEPPARD ACT", 20 U.S.C. SEC. 107, AND FOR SERVING AS THE STATE LICENSING AGENCY FOR THE PROGRAM;

(e) TO MAKE RECOMMENDATIONS CONCERNING RESPONSIBILITIES FOR PURCHASING AND DISTRIBUTING SPECIALIZED EQUIPMENT, DEVICES, AND TECHNOLOGY, INCLUDING LOW-VISION AIDES, OBTAINED DIRECTLY FROM SPECIALITY VENDORS;

(f) TO MAKE RECOMMENDATIONS CONCERNING RESPONSIBILITIES FOR DEVELOPING AND ADMINISTERING ANY OTHER PROGRAM THAT WILL FURTHER THE PROVISIONS OF SERVICES TO INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED.

(2) WHEN MAKING ITS RECOMMENDATIONS, THE COMMISSION SHALL ADDRESS FISCAL IMPACT, FUNDING MECHANISMS, AND ADMINISTRATIVE RESPONSIBILITIES.

(3) THE COMMISSION SHALL SUBMIT AN ANNUAL REPORT WITH ITS RECOMMENDATIONS INCLUDING PROPOSED LEGISLATION, IF NECESSARY, TO THE GOVERNOR AND THE GENERAL ASSEMBLY.

(4) THE COMMISSION MAY CONTRACT WITH PRIVATE PARTIES FOR THE PROVISION OF ANY SERVICES REQUIRED BY THE COMMISSION AND MAY TAKE SUCH OTHER ACTIONS AS THE COMMISSION DEEMS NECESSARY TO FULFILL ITS RESPONSIBILITIES UNDER THIS ARTICLE.

26-8.7-107. Repeal of article. (1) THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2017.

(2) PRIOR TO THE REPEAL, THE COMMISSION SHALL BE REVIEWED AS PROVIDED IN SECTION 2-3-1203, C.R.S.

SECTION 2. 24-1-120 (5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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

(k) (I) THE COLORADO COMMISSION FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED, CREATED IN ARTICLE 8.7 OF TITLE 26, C.R.S. THE COMMISSION AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES.

(II) THIS PARAGRAPH (k) IS REPEALED, EFFECTIVE JULY 1, 2017.

SECTION 3. 2-3-1203 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(dd) JULY 1, 2017: THE COLORADO COMMISSION FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED, CREATED IN ARTICLE 8.7 OF TITLE 26, C.R.S.

SECTION 4. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 8, 2007, if adjournment sine die is on May 9, 2007);

except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.