

**First Regular Session
Sixty-third General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 01-0490.01 Michael Dohr

SENATE BILL 01-065

SENATE SPONSORSHIP

Hernandez

HOUSE SPONSORSHIP

Coleman

Senate Committees

Health, Environment, Children & Families
Appropriations

House 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 the blind and visually impaired ("the commission") within the department of human services. Specifies the commission shall consist of a blind person, a professional in the field of blindness, a parent of a person who is blind, a teacher of blind persons, and a member of the public.

Requires the commission to:

- Act as a liaison between the blind and visually impaired community and state government;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

- Act as an informational resource for the blind and visually impaired community;
- Serve as a referral agency for blind and visually impaired persons and institutions providing services;
- Assess how technology has affected the equipment needs of blind and visually impaired persons; and
- Assess how the state can provide better and more efficient access to governmental services for blind and visually impaired persons.

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 governor.

Creates the Colorado commission for the blind and visually impaired cash fund ("the fund"). Authorizes the commission to approve expenditures from the fund, prepare budgets, and accept and expend gifts, grants, and donations to be deposited in the fund.

Makes conforming amendments.

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

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

4 **ARTICLE 8.7**

5 **Colorado Commission for the Blind and Visually Impaired**

6 **26-8.7-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY
 7 **BE CITED AS THE "COLORADO COMMISSION FOR THE BLIND AND VISUALLY**
 8 **IMPAIRED ACT"**.

9 **26-8.7-102. Legislative declaration.** THE GENERAL ASSEMBLY
 10 **RECOGNIZES SERVICES FOR THE BLIND AND VISUALLY IMPAIRED ARE**
 11 **FRAGMENTED, AND MAY NOT BE ADMINISTERED IN THE MOST EFFICIENT**
 12 **MANNER. THE GENERAL ASSEMBLY FURTHER RECOGNIZES THE NEED FOR**
 13 **THE BLIND AND VISUALLY IMPAIRED TO HAVE EASY AND SINGULAR ACCESS**
 14 **TO SERVICES BENEFITTING THE BLIND AND VISUALLY IMPAIRED. THE**
 15 **GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT A**
 16 **COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED WOULD FACILITATE**

1 THE PROVISION OF GENERAL GOVERNMENT SERVICES, MAKING
2 GOVERNMENT MORE EFFICIENT.

3 **26-8.7-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
4 CONTEXT OTHERWISE REQUIRES:

5 (1) "COMMISSION" MEANS THE COLORADO COMMISSION FOR THE
6 BLIND AND VISUALLY IMPAIRED CREATED IN SECTION 26-8.7-104.

7 (2) "DIRECTOR" MEANS THE DIRECTOR OF THE COLORADO
8 COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED.

9 **26-8.7-104. Commission created - appointments - repeal.**

10 (1) EFFECTIVE JULY 1, 2001, THERE IS HEREBY CREATED THE COLORADO
11 COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED IN THE STATE
12 DEPARTMENT. THE POWERS, DUTIES, AND FUNCTIONS OF THE COLORADO
13 COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED SHALL TRANSFERRED
14 BY A **TYPE 2** TRANSFER UNDER THE PROVISIONS OF THE "ADMINISTRATIVE
15 ORGANIZATION ACT OF 1968".

16 (2) (a) THE COMMISSION SHALL CONSIST OF FIVE MEMBERS
17 APPOINTED BY THE GOVERNOR, WITH THE CONSENT OF THE SENATE, AND
18 QUALIFIED TO SERVE BASED ON KNOWLEDGE AND EXPERIENCE IN
19 REHABILITATION AND RELATED SERVICES FOR THE BLIND AND VISUALLY
20 IMPAIRED. A MAJORITY OF THE MEMBERS SHALL BE BLIND OR VISUALLY
21 IMPAIRED. NO MEMBER OF THE COMMISSION SHALL BE EMPLOYED BY THE
22 COMMISSION DURING THE TERM OF SUCH MEMBERSHIP. THE GOVERNOR
23 SHALL CONSULT WITH RECOGNIZED CONSUMER GROUPS OF BLIND AND
24 VISUALLY IMPAIRED PEOPLE IN THE STATE TO OBTAIN THEIR
25 RECOMMENDATIONS OF INDIVIDUALS TO BE APPOINTED.

26 (b) BEGINNING JULY 1, 2001, THREE OF THESE COMMISSION
27 MEMBERS DESIGNATED BY THE GOVERNOR SHALL SERVE INITIAL TERMS OF

1 TWO YEARS, AND TWO SHALL SERVE INITIAL TERMS OF THREE YEARS.
2 AFTER THE INITIAL APPOINTMENTS OF THE COMMISSION MEMBERS, ALL
3 SUBSEQUENT APPOINTEES SHALL SERVE TERMS OF THREE YEARS.

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

7 (3) THIS SECTION IS REPEALED EFFECTIVE JULY 1, 2006.

8 **26-8.7-105. Procedures of the commission - director - meetings.**

9 (1) THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT SHALL APPOINT
10 A DIRECTOR TO PROVIDE STAFF SERVICES TO THE COMMISSION. THE
11 DIRECTOR SHALL HAVE KNOWLEDGE AND EXPERIENCE IN REHABILITATION
12 AND RELATED SERVICES FOR THE BLIND AND VISUALLY IMPAIRED. THE
13 COMMISSION MAY INTERVIEW CANDIDATES FOR THE DIRECTOR POSITION
14 AND PROVIDE COMMENT AND INPUT ON THE HIRING OF THE DIRECTOR.
15 PREFERENCE SHALL BE GIVEN TO EMPLOYING AN INDIVIDUAL WHO IS BLIND
16 OR VISUALLY IMPAIRED AND MEETS THE QUALIFICATIONS SPECIFIED BY THE
17 COMMISSION.

18 (2) (a) THE COMMISSION SHALL CONVENE ITS FIRST MEETING NO
19 LATER THAN SEPTEMBER 1, 2001. AT THE FIRST MEETING AND ANNUALLY
20 THEREAFTER, THE COMMISSION SHALL ELECT A CHAIR FROM AMONG ITS
21 MEMBERS.

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

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

27 (d) THE COMMISSION SHALL ADOPT NO OFFICIAL POSITION,

1 RECOMMENDATION, OR ACTION EXCEPT BY THE CONCURRENCE OF A
2 MAJORITY OF THE MEMBERS.

3 **26-8.7-106. Powers, functions, and duties of the commission.**

4 (1) THE POWERS, FUNCTIONS, AND DUTIES OF THE COMMISSION SHALL
5 INCLUDE, BUT SHALL NOT BE LIMITED TO, THE FOLLOWING:

6 (a) DEVELOPING AND CARRYING OUT A STATE PLAN FOR
7 VOCATIONAL REHABILITATION SERVICES FOR INDIVIDUALS WHO ARE BLIND
8 OR VISUALLY IMPAIRED PURSUANT TO SECTION 101 OF THE FEDERAL
9 "REHABILITATION ACT OF 1973", AS AMENDED;

10 (b) PROVIDING INDEPENDENT LIVING SERVICES FOR BLIND AND
11 VISUALLY IMPAIRED INDIVIDUALS, INCLUDING SERVICES FOR OLDER
12 INDIVIDUALS WHO ARE BLIND PURSUANT TO TITLE VII OF THE FEDERAL
13 "REHABILITATION ACT OF 1973", AS AMENDED;

14 (c) ESTABLISHING, EQUIPPING, AND MAINTAINING AN ORIENTATION
15 AND ADJUSTMENT CENTER OR CENTERS TO PROVIDE PREVOCATIONAL AND
16 OTHER TRAINING SUCH AS, BUT NOT LIMITED TO, INSTRUCTION IN BRAILLE,
17 USE OF THE LONG WHITE CANE FOR INDEPENDENT TRAVEL, HOMEMAKING
18 AND HOME-MANAGEMENT SKILLS, AND COMMUNICATION SKILLS,
19 INCLUDING THE USE OF COMPUTER TECHNOLOGY, TO PREPARE BLIND AND
20 VISUALLY IMPAIRED PERSONS FOR VOCATIONAL TRAINING, JOB PLACEMENT,
21 AND INDEPENDENCE;

22 (d) ESTABLISHING AND CARRYING OUT A BUSINESS ENTERPRISE
23 PROGRAM AND SERVING AS THE STATE LICENSING AGENCY FOR BLIND AND
24 VISUALLY IMPAIRED INDIVIDUALS PURSUANT TO THE FEDERAL
25 "RANDOLPH-SHEPPARD ACT";

26 (e) ESTABLISHING AND ADMINISTERING A STATEWIDE PROGRAM TO
27 CERTIFY INDIVIDUALS WHO ARE QUALIFIED TO TEACH BRAILLE TO BLIND OR

1 VISUALLY IMPAIRED INDIVIDUALS, INCLUDING STUDENTS IN SCHOOL, USING
2 PERFORMANCE CRITERIA BASED ON THE NATIONAL LITERARY BRAILLE
3 COMPETENCY EXAMINATION ADMINISTERED BY THE LIBRARY OF CONGRESS;

4 (f) PURCHASING AND DISTRIBUTING SPECIALIZED EQUIPMENT,
5 DEVICES, AND TECHNOLOGY, INCLUDING LOW-VISION AIDES, OBTAINED
6 DIRECTLY FROM SPECIALITY VENDORS WITHOUT STATE CENTRALIZED
7 PURCHASING PROCEDURES;

8 (g) PROVIDING LIBRARY SERVICES TO PERSONS WHO ARE BLIND OR
9 VISUALLY IMPAIRED AND PERSONS WITH PHYSICAL DISABILITIES IN
10 COOPERATION WITH THE LIBRARY OF CONGRESS;

11 (h) CREATING AND MAINTAINING AN INSTRUCTIONAL MEDIA
12 CENTER FOR THE PRODUCTION, PURCHASE, DISTRIBUTION AND
13 REALLOCATION, AND WAREHOUSING OF ACCESSIBLE MATERIALS FOR BLIND
14 OR VISUALLY IMPAIRED CHILDREN AND ADULTS;

15 (i) PROVIDING TECHNICAL ASSISTANCE IN COOPERATION WITH
16 OTHER APPROPRIATE AGENCIES IN THE PROVISION OF AUXILIARY AIDS AND
17 SERVICES TO BLIND AND VISUALLY IMPAIRED STUDENTS AND THEIR
18 PARENTS TO COMPLY WITH THE FEDERAL "AMERICANS WITH DISABILITIES
19 ACT OF 1990" AND THE FEDERAL "INDIVIDUALS WITH DISABILITIES
20 EDUCATION ACT", AS AMENDED;

21 (j) PARTICIPATING, THROUGH THE DESIGNATION OF THE DIRECTOR,
22 ON BOARDS, COMMISSIONS, OR BODIES WHICH MAY EXIST OR BE
23 ESTABLISHED WITHIN THE STATE FOR THE PURPOSE OF COORDINATION AND
24 PLANNING OF SERVICES;

25 (k) CONDUCTING A REVIEW OF CONSUMER SATISFACTION
26 PROGRAMS OF THE COMMISSION AND PERFORMING OTHER FUNCTIONS OF
27 THE STATEWIDE REHABILITATION COUNCIL SPECIFIED IN SECTION 105 (c) OF

1 THE FEDERAL "REHABILITATION ACT OF 1973", AS AMENDED;

2 (l) PROMULGATING RULES, IN ACCORDANCE WITH SECTION
3 24-4-103, C.R.S., TO CARRY OUT PROGRAMS OF THE COMMISSION;

4 (m) APPLYING FOR, RECEIVING, AND EXPENDING MONEYS FROM
5 ANY STATE OR FEDERAL AGENCY TO SUPPORT THE PROGRAMS OF THE
6 COMMISSION AND RECEIVING ON BEHALF OF THE STATE ANY GIFTS, GRANTS,
7 DONATIONS, OR REQUESTS FROM ANY SOURCE, TO BE USED IN CARRYING
8 OUT THE COMMISSION'S DUTIES AS DESCRIBED IN THIS SUBSECTION (1);
9 EXCEPT THAT NO GIFT, GRANT, DONATION, OR REQUEST MAY BE ACCEPTED
10 BY THE COMMISSION IF IT IS SUBJECT TO CONDITIONS INCONSISTENT WITH
11 THIS ARTICLE, THE UNITED STATES OR COLORADO CONSTITUTION, OR ANY
12 OTHER LAWS OF THIS STATE; ALL MONEYS RECEIVED SHALL BE DEPOSITED
13 IN THE COLORADO COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED
14 CASH FUND CREATED IN SECTION 26-8.7-108; AND

15 (n) DEVELOPING AND ADMINISTERING ANY OTHER PROGRAM WHICH
16 WILL FURTHER THE PROVISION OF SERVICES TO THE BLIND AND VISUALLY
17 IMPAIRED AND WHICH IS DETERMINED BY THE COMMISSION TO FALL WITHIN
18 ITS SCOPE OF RESPONSIBILITY.

19 (2) THE COMMISSION MAY CARRY OUT ANY OF THE POWERS,
20 FUNCTIONS, OR DUTIES ENUMERATED IN THIS SECTION BY CONTRACT OR
21 COOPERATIVE AGREEMENT OR BY THE DIRECT ADMINISTRATION OF ANY
22 PROGRAM.

23 (3) THE COMMISSION SHALL ANNUALLY REPORT AND PUBLISH A
24 REPORT INCLUDING ITS ACCOMPLISHMENTS, FINDINGS, AND
25 RECOMMENDATIONS FOR IMPROVEMENT BASED ON THE AGENCY'S
26 PERFORMANCE DURING THE YEAR. THE REPORT SHALL CONTAIN
27 INFORMATION NEEDED TO EVALUATE THE PROGRESS OF THE COMMISSION

1 IN MEETING THE NEEDS OF BLIND OR VISUALLY IMPAIRED INDIVIDUALS IN
2 THE STATE.

3 26-8.7-107. Dispute resolution. (1) ANY APPLICANT FOR OR
4 RECIPIENT OF SERVICES FROM THE COMMISSION WHO IS DISSATISFIED WITH
5 ANY ACTION TAKEN OR DECISION MADE REGARDING SUCH SERVICES MAY
6 FILE A COMPLAINT WITH THE DIRECTOR SETTING FORTH THE BASIS FOR THE
7 DISSATISFACTION AND THE REMEDY SOUGHT. UPON RECEIPT OF THE
8 COMPLAINT, THE DIRECTOR SHALL INFORM THE INDIVIDUAL OF THE
9 VOLUNTARY PROCESS AVAILABLE FOR MEDIATION OF THE DISPUTE. THE
10 MEDIATION, IF CHOSEN BY THE INDIVIDUAL, SHALL BE CONDUCTED BY A
11 QUALIFIED AND IMPARTIAL MEDIATOR, AND THE COSTS SHALL BE PAID BY
12 THE COMMISSION.

13 (2) IF THE DISPUTE CANNOT BE RESOLVED BY MEDIATION OR OTHER
14 INFORMAL MEANS, OR THE COMPLAINANT ELECTS NOT TO PURSUE
15 MEDIATION, THE DIRECTOR SHALL, UPON THE REQUEST OF THE INDIVIDUAL,
16 CONVENE AN ARBITRATION PANEL, WHICH PANEL SHALL GIVE NOTICE TO
17 THE COMPLAINANT AND DIRECTOR, CONDUCT A HEARING, AND RENDER A
18 DECISION. THE ARBITRATION PANEL SHALL BE COMPOSED OF THREE
19 MEMBERS APPOINTED AS FOLLOWS:

20 (a) ONE INDIVIDUAL DESIGNATED BY THE INDIVIDUAL FILING THE
21 COMPLAINT;

22 (b) ONE INDIVIDUAL DESIGNATED BY THE DIRECTOR; AND

23 (c) ONE INDIVIDUAL CHOSEN BY THE OTHER TWO ARBITRATION
24 PANEL DESIGNEES WHO IS AN IMPARTIAL HEARING OFFICER AS DEFINED IN
25 SECTION 102 OF THE FEDERAL "REHABILITATION ACT OF 1973", AS
26 AMENDED, AND WHO SHALL SERVE AS CHAIR OF THE ARBITRATION PANEL
27 AND ISSUE THE DECISION.

1 (3) THE COMMISSION SHALL PROMULGATE RULES , IN ACCORDANCE
2 WITH SECTION 24-4-103, C.R.S., REGULATING THE PROCEDURES OF THIS
3 SECTION.

4 **26-8.7-108. Colorado commission for the blind and visually**
5 **impaired cash fund - creation - reimbursement.** (1) ALL MONEYS
6 APPROPRIATED TO ADMINISTER THIS ARTICLE SHALL BE DEPOSITED IN THE
7 COLORADO COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED CASH
8 FUND, WHICH IS HEREBY CREATED IN THE STATE TREASURY, AND ALL
9 MONEYS CREDITED TO THE FUND SHALL BE USED EXCLUSIVELY FOR THE
10 ADMINISTRATION AND DISCHARGE OF THIS ARTICLE. INTEREST EARNED ON
11 THE FUND SHALL REMAIN IN THE FUND. ANY MONEYS CREDITED TO THE
12 FUND AND UNEXPENDED AT THE END OF ANY GIVEN FISCAL YEAR SHALL
13 REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND OR
14 ANY OTHER FUND.

15 (2) COMMISSION MEMBERS SHALL BE REIMBURSED FOR ACTUAL
16 AND NECESSARY EXPENSES INCURRED IN THE DISCHARGE OF THEIR
17 OFFICIAL DUTIES, INCLUDING AN ALLOWANCE FOR MILEAGE AS PROVIDED
18 IN SECTION 24-9-104 (2), C.R.S. THE COMMISSION MAY ESTABLISH A
19 STANDARDIZED PER DIEM DESIGNED TO COVER THE ACTUAL EXPENSES OF
20 THE MEMBERS PURSUANT TO THIS SUBSECTION (2).

21 **26-8.7-109. Transfer provisions.** (1) ALL APPROPRIATIONS, REAL
22 AND PERSONAL PROPERTY, EQUIPMENT, SUPPLIES, PERSONNEL, POSITIONS,
23 AND MONEY, WHICH, PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE, WERE
24 OWNED OR CONTROLLED BY ANY OTHER STATE AGENCY PROVIDING
25 SERVICES TO THE BLIND OR VISUALLY IMPAIRED ARE HEREBY TRANSFERRED
26 TO THE COMMISSION.

27 (2) ALL EXISTING CONTRACTS AND AGREEMENTS IN EFFECT

1 CONCERNING SERVICES FOR THE BLIND OR VISUALLY IMPAIRED SHALL BE
2 BINDING UPON THE COMMISSION TO THE SAME EXTENT THAT SUCH
3 CONTRACTS OR AGREEMENTS WERE BINDING UPON THE AGENCY FROM
4 WHICH THEY WERE TRANSFERRED.

5 (3) ALL PROCEEDS FROM CLAIMS FILED WITH ANY AGENCY,
6 INCLUDING THE SOCIAL SECURITY ADMINISTRATION, WHICH RELATE TO THE
7 PROVISION OF SERVICES FOR THE BLIND OR VISUALLY IMPAIRED SHALL BE
8 TRANSFERRED TO THE COMMISSION FROM ANY AGENCY RECEIVING SUCH
9 PROCEEDS.

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

12 24-1-120. Department of human services - creation. (5) The
13 department of human services shall include the following:

14 (i) THE COLORADO COMMISSION FOR THE BLIND AND VISUALLY
15 IMPAIRED, CREATED IN ARTICLE 8.7 OF TITLE 26, C.R.S. THE COMMISSION
16 SHALL EXERCISE ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE
17 DEPARTMENT AS IF TRANSFERRED BY A TYPE 2 TRANSFER.

18 SECTION 3. Effective date - applicability. This act shall take
19 effect on the first day of the fiscal year following the enactment of this
20 act.

21 SECTION 4. Safety clause. The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.