

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation & Energy.

SB20-151 be amended as follows:

1 Amend printed bill, page 8, line 18, strike "**oversight**" and substitute
2 "**oversight - Americans with Disabilities Act advisory council**".

3 Page 9, after line 4 insert:

4 "(3)(a) THERE IS ESTABLISHED AN AMERICANS WITH DISABILITIES
5 ACT ADVISORY COUNCIL TO THE SENATE JUDICIARY COMMITTEE,
6 REFERRED TO IN THIS SUBSECTION (3) AS THE COUNCIL. THE COUNCIL'S
7 PURPOSE IS TO EVALUATE AND MAKE RECOMMENDATIONS TO THE SENATE
8 JUDICIARY COMMITTEE ON THE DISTRICT'S COMPLIANCE WITH THE
9 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. 12101
10 ET SEQ., AND ITS RELATED AMENDMENTS AND IMPLEMENTING
11 REGULATIONS, OPPORTUNITIES FOR THE DISTRICT TO REDUCE ITS RISK OF
12 LITIGATION RELATED TO COMPLIANCE, AND OTHER CONCERNs ABOUT THE
13 ACCESSIBILITY OF THE DISTRICT'S FACILITIES AND SERVICES AS IDENTIFIED
14 BY THE CHAIR OF THE COUNCIL.

15 (b) THE COUNCIL CONSISTS OF THE FOLLOWING SEVEN MEMBERS:

16 (I) THE CHAIR OF THE SENATE JUDICIARY COMMITTEE, OR A
17 LEGISLATOR APPOINTED BY THE CHAIR;

18 (II) A REPRESENTATIVE OF THE COLORADO CROSS-DISABILITY
19 COALITION, SELECTED BY ITS BOARD;

20 (III) A REPRESENTATIVE OF THE COLORADO DEVELOPMENTAL
21 DISABILITIES COUNCIL, SELECTED BY THE COUNCIL;

22 (IV) A REPRESENTATIVE OF THE NATIONAL FEDERATION OF THE
23 BLIND OF COLORADO, SELECTED BY ITS BOARD;

24 (V) A MEMBER WHO IS AN ATTORNEY EXPERIENCED IN
25 REPRESENTING DEFENDANTS IN LITIGATION RELATED TO THE FEDERAL
26 "AMERICANS WITH DISABILITIES ACT", APPOINTED BY THE CHAIR OF THE
27 HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE; AND

28 (VI) TWO MEMBERS APPOINTED BY THE CHAIR OF THE
29 TRANSPORTATION LEGISLATION REVIEW COMMITTEE, AS FOLLOWS:

30 (A) ONE MEMBER WHO IS AN ATTORNEY EXPERIENCED IN
31 REPRESENTING PLAINTIFFS IN LITIGATION RELATED TO THE FEDERAL
32 "AMERICANS WITH DISABILITIES ACT"; AND

33 (B) ONE MEMBER WHO IS A PARATRANSIT RIDER IN THE DISTRICT.

34 (c) (I) (A) THE CHAIR OF THE SENATE JUDICIARY COMMITTEE
35 SHALL DESIGNATE THE CHAIR AND VICE CHAIR OF THE COUNCIL. THE
36 COUNCIL SHALL MEET AT LEAST TWICE EACH MONTH BEGINNING IN
37 AUGUST 2020 THROUGH JANUARY 2021. A MEMBER OF THE COUNCIL MAY
38 PARTICIPATE IN ANY MEETING OF THE COUNCIL THROUGH REMOTE
39 TECHNOLOGY.

40 (B) NONLEGISLATIVE MEMBERS OF THE COUNCIL ARE ENTITLED TO

1 A STIPEND OF FOUR HUNDRED DOLLARS PER MONTH DURING THAT TIME.
2 NONLEGISLATIVE MEMBERS ARE ALSO ENTITLED TO REIMBURSEMENT FOR
3 ACTUAL AND NECESSARY TRAVEL EXPENSES INCURRED IN THE
4 PERFORMANCE OF THEIR DUTIES AS MEMBERS OF THE COUNCIL.

5 (C) THE LEGISLATIVE MEMBER OF THE COUNCIL APPOINTED
6 PURSUANT TO (3)(b)(I) OF THIS SECTION IS ENTITLED TO RECEIVE PAYMENT
7 OF PER DIEM AND REIMBURSEMENT FOR ACTUAL AND NECESSARY
8 EXPENSES AS AUTHORIZED IN SECTION 2-2-326.

9 (II) THE COUNCIL MAY, BY A MAJORITY VOTE, DESIGNATE
10 ADDITIONAL NONVOTING MEMBERS WITH EXPERTISE OR EXPERIENCE THAT
11 MAY ASSIST THE COUNCIL'S WORK. NONVOTING MEMBERS DESIGNATED
12 UNDER THIS SUBSECTION (3)(c)(II) ARE NOT ELIGIBLE FOR THE
13 COMPENSATION DESCRIBED IN SUBSECTION (3)(c)(I)(B) OF THIS SECTION.

14 (d) (I) ON OR BEFORE OCTOBER 31, 2020, THE COUNCIL SHALL
15 PROVIDE AN INITIAL REPORT WITH ITS FINDINGS AND RECOMMENDATIONS
16 TO THE DISTRICT, THE SENATE JUDICIARY COMMITTEE, THE HOUSE OF
17 REPRESENTATIVES JUDICIARY COMMITTEE, AND THE EXECUTIVE
18 COMMITTEE OF THE LEGISLATIVE COUNCIL.

19 (II) ON OR BEFORE NOVEMBER 30, 2020, THE DISTRICT SHALL
20 PROVIDE A RESPONSE TO THE COUNCIL AND TO THE COMMITTEES THAT
21 RECEIVED THE COUNCIL'S REPORT THAT RESPONDS TO THE FINDINGS OF
22 THE COUNCIL, IDENTIFIES WHICH RECOMMENDATIONS IT PLANS TO ADOPT,
23 AND IDENTIFIES WHICH RECOMMENDATIONS IT DOES NOT PLAN TO ADOPT
24 WITH AN EXPLANATION OF WHY IT DOES NOT PLAN TO DO SO.

25 (III) ON OR BEFORE JANUARY 31, 2021, THE COUNCIL SHALL
26 PRESENT ITS FINAL REPORT AND RECOMMENDATIONS AT A MEETING OF THE
27 SENATE JUDICIARY COMMITTEE AND SHALL SUBMIT COPIES OF ITS FINAL
28 REPORT AND RECOMMENDATIONS TO THE ENTITIES DESCRIBED IN
29 SUBSECTION (3)(d)(I) OF THIS SECTION. THE COUNCIL MAY MAKE
30 ADDITIONAL REPORTS AT THE DISCRETION OF THE CHAIR OR AT THE
31 REQUEST OF THE SENATE JUDICIARY COMMITTEE.

32 (e) THE DISTRICT SHALL ALLOW THE COUNCIL MEMBERS ACCESS TO
33 ITS FACILITIES AND TO ALL RELEVANT FILES, RECORDS, AND
34 DOCUMENTATION, ON A TIMELY BASIS AND WITHOUT COST, AS NECESSARY
35 TO ALLOW THE COUNCIL TO CONDUCT ITS RESEARCH AND MAKE ITS
36 FINDINGS AND RECOMMENDATIONS PURSUANT TO THIS SUBSECTION (3).
37 THE DISTRICT MAY REQUIRE COUNCIL MEMBERS TO ENTER INTO A
38 NONDISCLOSURE AGREEMENT BEFORE REVIEWING DOCUMENTS OR
39 RECORDS THAT WOULD BE EXEMPT FROM PUBLIC INSPECTION UNDER PART
40 2 OF ARTICLE 72 OF TITLE 24. THE DISTRICT MAY IMPOSE REQUIREMENTS
41 FOR A SITE VISIT AS ARE NECESSARY TO PROTECT THE SAFETY AND
42 SECURITY OF COUNCIL MEMBERS, DISTRICT EMPLOYEES, AND DISTRICT
43 FACILITIES.

44 (f) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE SEPTEMBER 1,
45 2021.".

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