

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

March 20, 2024
Date

Committee on Transportation, Housing & Local Government.

After consideration on the merits, the Committee recommends the following:

HB24-1168 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1. Legislative declaration.** (1) The general
4 assembly hereby finds and declares that:

5 (a) The federal "Americans with Disabilities Act of 1990" has
6 been law for over three decades;

7 (b) The federal "Americans with Disabilities Act of 1990"
8 mandates equal access to everyday activities for individuals with
9 disabilities;

10 (c) Many places of public business continue to be inaccessible to
11 individuals with disabilities; and

12 (d) It is the right of every individual to participate in public
13 discourse, and it is imperative to a healthy and functional democracy that
14 all citizens have access to their government.

15 (2) The general assembly further finds and declares that it is
16 necessary to codify the right to accessible and transparent governance to
17 protect citizens' access to their government and promote greater equity.

18 **SECTION 2.** In Colorado Revised Statutes, **add 24-6-403** as
19 follows:

20 **24-6-403. Meetings - accessibility for individuals with**
21 **disabilities.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
22 OTHERWISE REQUIRES:

23 (a) "AUXILIARY SERVICES" HAS THE SAME MEANING AS SET FORTH
24 IN SECTION 26-21-103 (1).

25 (b) "LOCAL PUBLIC BODY" HAS THE SAME MEANING AS SET FORTH
26 IN SECTION 24-6-402 (1)(a).

27 (c) "MEETING" HAS THE SAME MEANING AS SET FORTH IN SECTION

1 24-6-402 (1)(b).
2 (d) "REMOTE METHOD" MEANS THE SIMULTANEOUS
3 COMMUNICATION OR TRANSMISSION OF A PUBLIC MEETING BY A
4 TELEPHONIC, ELECTRONIC, OR SIMILAR REMOTE METHOD.
5 (e) "SMALL COMMUNITY" MEAN ANY AUTHORITY, DISTRICT, OR
6 OTHER POLITICAL SUBDIVISION OF THE STATE WITH FEWER THAN ONE
7 THOUSAND ELIGIBLE ELECTORS AT THE LAST ELECTION OF THE AUTHORITY,
8 DISTRICT, OR OTHER POLITICAL SUBDIVISION OF THE STATE.
9 (d) "STATE PUBLIC BODY" HAS THE SAME MEANING AS SET FORTH
10 IN SECTION 24-6-402 (1)(d).
11 (2) BEGINNING JULY 1, 2025, A STATE PUBLIC BODY OR A LOCAL
12 PUBLIC BODY THAT IS NOT A SMALL COMMUNITY IS SUBJECT TO THE
13 FOLLOWING REQUIREMENTS:
14 (a) ANY MEETING OF A STATE PUBLIC BODY OR LOCAL PUBLIC
15 BODY THAT IS NOT A SMALL COMMUNITY FOR WHICH NOTICE IS REQUIRED
16 TO BE PROVIDED PURSUANT TO SECTION 24-6-402 (2)(c)(I) AND AT WHICH
17 THE ADOPTION OF ANY PROPOSED POLICY, POSITION, RESOLUTION, RULE,
18 REGULATION, OR FORMAL ACTION WILL OCCUR, OR WHERE THE STATE
19 PUBLIC BODY OR LOCAL PUBLIC BODY THAT IS NOT A SMALL COMMUNITY
20 WILL BE HEARING PUBLIC TESTIMONY OR COMMENT, MUST BE MADE
21 ACCESSIBLE IN REAL TIME BY LIVE-STREAMING VIDEO OR AUDIO;
22 (b) ANY DOCUMENT THAT IS IN THE POSSESSION OF A STATE PUBLIC
23 BODY OR A LOCAL PUBLIC BODY THAT IS NOT A SMALL COMMUNITY AND
24 WILL BE MADE AVAILABLE TO THE PUBLIC DURING A MEETING MUST BE
25 POSTED AT LEAST TWENTY-FOUR HOURS BEFORE THE MEETING, OR IF
26 POSTING TWENTY-FOUR HOURS BEFORE THE MEETING IS NOT POSSIBLE,
27 MUST BE POSTED AS SOON AS PRACTICABLE; AND
28 (c) FOR A MEETING AT WHICH A STATE PUBLIC BODY OR A LOCAL
29 PUBLIC BODY THAT IS NOT A SMALL COMMUNITY WILL HEAR PUBLIC
30 TESTIMONY OR COMMENT, THE STATE PUBLIC BODY OR LOCAL PUBLIC
31 BODY THAT IS NOT A SMALL COMMUNITY MUST ALLOW INDIVIDUALS WHO
32 WISH TO PARTICIPATE REMOTELY TO PROVIDE PUBLIC COMMENT
33 VIRTUALLY. IT IS IN THE DISCRETION OF THE STATE PUBLIC BODY OR LOCAL
34 PUBLIC BODY THAT IS NOT A SMALL COMMUNITY TO PROMULGATE RULES
35 FOR THE ADMINISTERING OF PUBLIC COMMENT SO LONG AS SUCH RULES
36 APPLY EQUITABLY TO INDIVIDUALS SEEKING TO MAKE PUBLIC COMMENT
37 THROUGH A REMOTE METHOD AND INDIVIDUALS SEEKING TO MAKE PUBLIC
38 COMMENT IN PERSON.
39 (3) BEGINNING JULY 1, 2025, A LOCAL PUBLIC BODY THAT IS A
40 SMALL COMMUNITY IS SUBJECT TO THE FOLLOWING REQUIREMENTS:
41 (a) FOR ANY MEETING OF A LOCAL PUBLIC BODY THAT IS A SMALL
42 COMMUNITY FOR WHICH NOTICE IS REQUIRED TO BE PROVIDED PURSUANT
43 TO SECTION 24-6-402 (2)(c)(I) AND AT WHICH THE ADOPTION OF ANY

1 PROPOSED POLICY, POSITION, RESOLUTION, RULE, REGULATION, OR
2 FORMAL ACTION WILL OCCUR, OR WHERE THE LOCAL PUBLIC BODY THAT
3 IS A SMALL COMMUNITY WILL BE HEARING PUBLIC TESTIMONY OR
4 COMMENT, THE LOCAL PUBLIC BODY THAT IS A SMALL COMMUNITY, UPON
5 RECEIPT OF A TIMELY REQUEST, SHALL:

6 (I) PROVIDE A REMOTE METHOD FOR INDIVIDUALS TO ATTEND A
7 MEETING;

8 (II) ALLOW REMOTE ACCESS TO OR ELECTRONIC TRANSMISSION OF
9 ANY DOCUMENTS DISTRIBUTED TO THE GENERAL PUBLIC ATTENDING A
10 MEETING IN PERSON; AND

11 (III) AT A MEETING AT WHICH FORMAL TESTIMONY OR COMMENT
12 FROM THE PUBLIC WILL BE HEARD, ALLOW A REMOTE METHOD OF
13 PROVIDING TESTIMONY OR COMMENT.

14 (b) A REQUEST IS TIMELY FOR PURPOSES OF SUBSECTION (3)(a) OF
15 THIS SECTION IF THE REQUEST IS MADE AT LEAST TWO BUSINESS DAYS
16 PRIOR TO A MEETING FOR WHICH A REMOTE METHOD OF ATTENDING IS
17 REQUESTED.

18 (4) A STATE PUBLIC BODY OR A LOCAL PUBLIC BODY MAY, IN ITS
19 DISCRETION, RECORD AND MAKE AVAILABLE ANY AUDIO OR VIDEO
20 RECORDING OF A MEETING FOR ON-DEMAND USE. THE GENERAL ASSEMBLY
21 ENCOURAGES ANY SUCH PUBLIC BODY TO RECORD AND MAKE AVAILABLE
22 ANY AUDIO OR VIDEO RECORDING OF A MEETING FOR ON-DEMAND USE.

23 (5) (a) A MEETING THAT IS HELD IN AN UNSERVED AREA, AS
24 DEFINED IN SECTION 40-15-102 (32), IS NOT SUBJECT TO THE
25 REQUIREMENTS OF THIS SECTION.

26 (b) A STATE PUBLIC BODY OR A LOCAL PUBLIC BODY HOLDING A
27 MEETING THAT IS EXEMPT FROM THE REQUIREMENTS OF THIS SECTION
28 PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION SHALL MAKE A GOOD
29 FAITH EFFORT TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION,
30 SUCH AS USING TELECONFERENCING OR OTHER ALTERNATIVE METHODS OF
31 REAL-TIME LIVE STREAMING, BUT IS NOT SUBJECT TO CIVIL SUIT PURSUANT
32 TO SUBSECTION (10) OF THIS SECTION.

33 (6) AN INTERRUPTION IN THE REAL-TIME LIVE STREAMED VIDEO OR
34 AUDIO OF A MEETING DUE TO IRREGULAR TECHNICAL OR OTHER ISSUES IS
35 NOT A VIOLATION OF THIS SECTION SO LONG AS THE STATE PUBLIC BODY
36 OR LOCAL PUBLIC BODY MAKES A GOOD FAITH EFFORT TO ENSURE THE
37 TIMELY RESTORATION OF THE REAL-TIME LIVE STREAM.

38 (7) BEGINNING JULY 1, 2025, A STATE PUBLIC BODY OR A LOCAL
39 PUBLIC BODY SHALL PROVIDE AUXILIARY SERVICES UPON TIMELY REQUEST
40 OF AN INDIVIDUAL WITH A DISABILITY WHO REQUIRES SUCH SERVICES TO
41 ATTEND A MEETING. A TIMELY REQUEST INCLUDES A REQUEST MADE AT
42 LEAST SEVEN DAYS PRIOR TO THE MEETING. NOTHING IN THIS SECTION
43 REQUIRES A STATE PUBLIC BODY OR A LOCAL PUBLIC BODY TO PROVIDE

1 HARDWARE OR SOFTWARE OR INTERNET OR PHONE ACCESS AT AN
2 INDIVIDUAL'S HOME.

3 (8) THIS SECTION DOES NOT APPLY TO A MEETING OR DOCUMENT
4 IF THE MEETING IS NOT OPEN TO THE PUBLIC OR THE DOCUMENT IS NOT
5 MADE AVAILABLE TO THE PUBLIC, INCLUDING MEETINGS HELD IN
6 EXECUTIVE SESSION PURSUANT TO SECTION 24-6-402 (3) OR (4).

7 (9) THE FAILURE OF A STATE PUBLIC BODY OR A LOCAL PUBLIC
8 BODY TO COMPLY WITH ANY REQUIREMENT OF THIS SECTION IS NOT A
9 DENIAL OF ANY OF THE RIGHTS THAT ARE CONFERRED ON THE PUBLIC FOR
10 THE PURPOSE OF SECTION 24-6-402 (9).

11 (10) (a) AN INDIVIDUAL WITH A DISABILITY, AS DEFINED IN
12 SECTION 24-34-301, WHO IS SUBJECT TO A VIOLATION OF THIS SECTION BY
13 A STATE PUBLIC BODY OR LOCAL PUBLIC BODY BASED ON THE
14 INDIVIDUAL'S DISABILITY MAY BRING A CIVIL SUIT IN A COURT OF
15 COMPETENT JURISDICTION. IF THE COURT FINDS THAT A VIOLATION OF THIS
16 SECTION OCCURRED, THE STATE PUBLIC BODY OR LOCAL PUBLIC BODY
17 THAT VIOLATED THIS SECTION IS SUBJECT TO EITHER A STATUTORY FINE OF
18 THREE THOUSAND DOLLARS OR AN AMOUNT EQUAL TO ONE PERCENT OF
19 THE STATE PUBLIC BODY'S OR LOCAL PUBLIC BODY'S PRIOR FISCAL YEAR
20 REVENUE, WHICHEVER IS LESS. THE FINE IS PAYABLE TO EACH INDIVIDUAL
21 SUBJECT TO A VIOLATION OF THIS SECTION OR THE COLORADO
22 COMMISSION FOR THE DEAF, HARD OF HEARING, AND DEAFBLIND CASH
23 FUND ESTABLISHED IN SECTION 26-21-107, AT THE INDIVIDUAL'S
24 CHOOSING.

25 (b) ALLEGED VIOLATIONS OF SUBSECTION (5)(b) OF THIS SECTION
26 ARE NOT SUBJECT TO THIS SUBSECTION (10).

27 (11) ANY INFORMATION TECHNOLOGY SYSTEM THAT A STATE
28 PUBLIC BODY OR A LOCAL PUBLIC BODY USES PURSUANT TO THIS SECTION
29 MUST COMPLY WITH THE RULES FOR ACCESSIBILITY STANDARDS
30 ESTABLISHED IN SECTION 24-85-103.

31 (12) THIS SECTION DOES NOT APPLY TO A STATE PUBLIC BODY OR
32 A LOCAL PUBLIC BODY THAT IS SUBJECT TO STATE OR FEDERAL ANTITRUST
33 AND COMPETITION LAWS AND REGULATIONS.

34 **SECTION 3. Act subject to petition - effective date.** This act
35 takes effect at 12:01 a.m. on the day following the expiration of the
36 ninety-day period after final adjournment of the general assembly; except
37 that, if a referendum petition is filed pursuant to section 1 (3) of article V
38 of the state constitution against this act or an item, section, or part of this
39 act within such period, then the act, item, section, or part will not take
40 effect unless approved by the people at the general election to be held in
41 November 2024 and, in such case, will take effect on the date of the
42 official declaration of the vote thereon by the governor."

- 1 Page 1, line 101, strike "EQUAL ACCESS TO PUBLIC MEETINGS." and
- 2 substitute "ACCESSIBILITY TO PUBLIC MEETINGS FOR INDIVIDUALS WITH
- 3 DISABILITIES."

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