

CHAPTER 324

LABOR AND INDUSTRY

HOUSE BILL 24-1360

BY REPRESENTATIVE(S) Ortiz and Clifford, Bacon, deGruy Kennedy, Hernandez, Herod, Joseph, Mabrey, Martinez, McLachlan, Rutinel, Velasco, Willford, Epps, Amabile, Bird, Boesenecker, Brown, Daugherty, Duran, English, Garcia, Hamrick, Jodeh, Kipp, Lieder, Lindsay, Lukens, Marshall, Marvin, Mauro, Parenti, Ricks, Sirota, Story, Titone, Valdez, Weissman, Woodrow, Young, McCluskie;
also SENATOR(S) Rodriguez, Bridges, Coleman, Exum, Ginal, Gonzales, Hansen, Jaquez Lewis, Kolker, Marchman, Michaelson Jenet, Mullica, Priola, Roberts, Sullivan, Winter F., Fenberg.

AN ACT

CONCERNING MECHANISMS TO SUPPORT THE INTEGRATION OF COLORADANS WITH DISABILITIES INTO THEIR COMMUNITIES, AND, IN CONNECTION THEREWITH, CREATING THE COLORADO DISABILITY OPPORTUNITY OFFICE IN THE DEPARTMENT OF LABOR AND EMPLOYMENT, MOVING THE COLORADO DISABILITY FUNDING COMMITTEE AND ITS FUNCTIONS FROM THE DEPARTMENT OF PERSONNEL TO THE COLORADO DISABILITY OPPORTUNITY OFFICE, AND MAKING AND REDUCING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Approximately twenty percent of Coloradans live with one or more disabilities;

(b) The poverty rate of Coloradans with disabilities is approximately twice that of Coloradans without disabilities;

(c) Students with disabilities in Colorado drop out of high school at twice the rate as their peers without disabilities and have a college graduation rate that is half that of students without disabilities;

(d) The employment rate of Coloradans with disabilities is approximately forty percent that of Coloradans without disabilities;

(e) Two-thirds of Colorado's unhoused population have one or more disabilities;

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.

(f) Individuals with disabilities are often subject to discrimination in the areas of telecommunication, public services, public accommodations operated by private entities, and employment;

(g) The federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq., as amended; the federal "Rehabilitation Act of 1973", 29 U.S.C. sec. 701 et seq., as amended; and the "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400 et seq., as amended, establish principles and guidelines regarding individuals with disabilities;

(h) Colorado's disability and aging populations are growing as a proportion of the total population; and

(i) Colorado is committed to:

(I) Protecting the civil rights of individuals with disabilities;

(II) Creating opportunities for individuals with disabilities to thrive; and

(III) Ensuring individuals with disabilities have adequate:

(A) Health care, including community-based long-term services and supports;

(B) Affordable and accessible housing integrated into communities statewide;

(C) Transportation;

(D) Employment supports, including benefits counseling;

(E) Education, from early intervention through higher education;

(F) Emergency and disaster planning and preparedness; ~~and~~

(G) Recreational opportunities; and

(IV) Ensuring that individuals with disabilities have a voice in governing.

(2) Therefore, the general assembly finds that it is in the best interest of the state of Colorado to strive to achieve equality of opportunity, education, health, independent living, mobility, and economic self-sufficiency for individuals with disabilities and that the creation of the Colorado disability opportunity office is vital to achieving these goals.

(3) It is in the best interest of the state to transfer the Colorado disability funding committee (committee) to the Colorado disability opportunity office (office), which is created in this act, given the alignment of the purpose of the committee and the intent of the office, to ensure there is a focus on opportunities for Coloradans with disabilities in the grant and contract work done by the committee. It is the intent of the general assembly for the office to advise the committee on disability issues, to

help state agencies coordinate their efforts concerning disability issues, and to not supplant the work or responsibilities or statutory authority of state agencies.

SECTION 2. In Colorado Revised Statutes, **add with amended and relocated provisions** article 88 to title 8 as follows:

ARTICLE 88
Support of Coloradans with Disabilities

PART 1
COLORADO DISABILITY OPPORTUNITY OFFICE

8-88-101. [Formerly 24-30-2202] Definitions. As used in this part 22, unless the context otherwise requires ARTICLE 88:

(1) "CDOO" MEANS THE COLORADO DISABILITY OPPORTUNITY OFFICE CREATED IN SECTION 8-88-102.

~~(1)~~ (2) "Committee" means the Colorado disability funding committee created in section ~~24-30-2203~~ 8-88-202.

~~(2)~~ (3) "Contract entity" means ~~the~~ AN entity the committee contracts with PURSUANT TO SECTION 8-88-206 (5) to implement ~~sections 24-30-2206 to 24-30-2210~~ SECTION 8-88-206.

(4) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND EMPLOYMENT CREATED IN SECTION 24-1-121.

(5) "DISABILITY" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-34-301 (7).

~~(3)~~ (6) "Disability benefits" means THE FOLLOWING SERVICES PROVIDED TO AN INDIVIDUAL WITH A DISABILITY:

(a) Cash payments from social security disability insurance under Title II of the federal "Social Security Act", 42 U.S.C. sec. 401 et seq., as amended;

(b) Cash payments made by the federal government to persons who are aged, blind, or disabled under Title XVI of the federal "Social Security Act", 42 U.S.C. sec. 401 et seq., as amended; ~~and~~

(c) AID TO THE NEEDY DISABLED PURSUANT TO SECTION 26-2-119;

(d) MEDICAL CARE, INCLUDING long-term care under the "Colorado Medical Assistance Act", articles 4 to 6 of title 25.5, ~~C.R.S.~~ AND THE HOME CARE ALLOWANCE PROGRAM ADMINISTERED PURSUANT TO SECTION 26-2-122.3;

(e) TAX FILING ASSISTANCE;

(f) REBATES FOR PROPERTY TAX, RENT, AND HEAT;

(g) EARNED INCOME TAX CREDITS AND STATE TAX CREDITS APPLICABLE TO INDIVIDUALS WITH DISABILITIES; AND

(h) ANY OTHER FEDERAL, STATE, OR LOCAL BENEFITS THAT IMPROVE THE QUALITY OF LIFE AND INDEPENDENCE OF INDIVIDUALS WITH DISABILITIES AS DETERMINED BY THE COMMITTEE.

(7) "FULL SOCIETAL INTEGRATION" MEANS INCLUSIVE LIVING IN THE COMMUNITY OF AN INDIVIDUAL'S CHOOSING, WITH OPTIONS TO WORK, LIVE, RECREATE, LEARN, TRAVEL, AND RECEIVE SERVICES.

~~(4)~~(8) "Fund" means the disability support fund created in section ~~24-30-2205.5~~ 8-88-205.

~~(5)~~(9) "Nonprofit entity" means an entity incorporated under the "Colorado Revised Nonprofit Corporation Act", articles 121 to 137 of title 7, ~~C.R.S.~~, or a tax-exempt entity under 26 U.S.C. sec. 501 (c)(3) of the federal "Internal Revenue Code of 1986".

~~(6)~~(10) "Recipient" means a person who receives disability benefits. ~~or long-term care services.~~

~~(7)~~(11) "Registration number" means the unique combination of letters and numbers assigned to a vehicle by the department OF REVENUE under section 42-3-201 ~~C.R.S.~~, and required to be displayed on ~~the~~ A license plate by section 42-3-202. ~~C.R.S.~~

~~(8)~~(12) "Vehicle" means a vehicle required to be registered pursuant to part 1 of article 3 of title 42. ~~C.R.S.~~

8-88-102. Colorado disability opportunity office - creation - duties - legislative intent. (1) (a) (I) THERE IS CREATED IN THE DEPARTMENT THE COLORADO DISABILITY OPPORTUNITY OFFICE, THE HEAD OF WHICH IS THE DIRECTOR OF THE COLORADO DISABILITY OPPORTUNITY OFFICE. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, IN CONSULTATION WITH THE OFFICE OF THE GOVERNOR, SHALL APPOINT THE DIRECTOR OF THE CDOO.

(II) THE CDOO 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.

(III) THE DIRECTOR OF THE CDOO HAS REGULAR ACCESS TO THE OFFICE OF THE GOVERNOR AND SHALL COLLABORATE WITH STATE AGENCIES.

(b) THE DIRECTOR OF THE CDOO SHALL STAFF THE CDOO IN ORDER TO EFFECTIVELY MEET THE GOALS AND INTENTIONS SET FORTH IN THIS ARTICLE 88 AND TO MEET THE FUTURE NEEDS OF COLORADO'S DISABILITY COMMUNITY. IN ORDER TO SUCCESSFULLY CARRY OUT THE CDOO'S PURPOSE, IT IS THE GENERAL ASSEMBLY'S INTENT THAT LIVED EXPERIENCE AS AN INDIVIDUAL WITH A DISABILITY BE CONSIDERED WHEN HIRING DECISIONS ARE MADE FOR THE CDOO STAFF. THE CDOO SHALL SERVE AS A RESOURCE FOR STATE AGENCIES, PRIVATE AND NONPROFIT

ORGANIZATIONS, AND THE PUBLIC ABOUT THE FULL SPECTRUM OF DISABILITY ISSUES IN COLORADO.

(2) TO ENSURE THE CDOO'S DISABILITY INTEGRATION GOALS ARE MET, THE CDOO SHALL:

(a) CONVENE AND COORDINATE A DISABILITY TECHNICAL ADVISORY COMMITTEE COMPRISED OF REPRESENTATIVES FROM THE DEPARTMENT, THE OFFICE OF INFORMATION TECHNOLOGY, THE DEPARTMENT OF HUMAN SERVICES, THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, THE DEPARTMENT OF LOCAL AFFAIRS, THE DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF EARLY CHILDHOOD, THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF HIGHER EDUCATION, THE BEHAVIORAL HEALTH ADMINISTRATION, THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS, THE DEPARTMENT OF PUBLIC SAFETY, THE DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AND THE DEPARTMENT OF PERSONNEL TO:

(I) DISCUSS AND MAKE RECOMMENDATIONS TO THE CDOO ON CROSS-AGENCY EFFORTS, INCLUDING REPORTS FROM AGENCIES, IMPACTING COLORADANS WITH DISABILITIES;

(II) UNDERSTAND THE ISSUES IMPACTING STATE AGENCIES' ABILITY TO BEST SERVE INDIVIDUALS WITH DISABILITIES; AND

(III) OBTAIN THE RECOMMENDATIONS OF INDIVIDUALS WITH DISABILITIES ON HOW TO ADDRESS AGENCY ISSUES;

(b) COORDINATE WITH THE DISABILITY TECHNICAL ADVISORY COMMITTEE TO DEVELOP, MAINTAIN, AND MAKE PUBLICLY AVAILABLE ON THE CDOO WEBSITE A COLLECTION OF RESOURCES AVAILABLE TO COLORADANS WITH DISABILITIES AND LINKS TO THE AGENCIES OR OTHER BODIES THAT ADMINISTER THOSE RESOURCES;

(c) COLLABORATE WITH STATE AGENCIES AND THE STATEWIDE EQUITY OFFICE CREATED IN SECTION 24-50-146 TO CREATE AND MAINTAIN AN INDIVIDUALS WITH DISABILITIES EQUITY PLAN FOR THE DEVELOPMENT OF SHARED DASHBOARDS THAT MEASURE PERFORMANCE AGAINST SHARED GOALS WITHIN THOSE PLANS THAT ACHIEVE THE SHARED GOALS AND VISION OF THE CDOO;

(d) COLLABORATE WITH STAKEHOLDERS FROM THE DISABILITY COMMUNITY, INCLUDING REPRESENTATIVES FROM BOARDS AND COMMISSIONS THAT ADVISE ON DISABILITY ISSUES; EXCEPT THAT THE CDOO SHALL NOT COLLABORATE WITH ANY BOARD OR COMMISSION THAT EXERCISES QUASI-JUDICIAL AUTHORITY IN RELATION TO DISABILITY DISCRIMINATION COMPLAINTS, INCLUDING ANY STATE AGENCY THAT CONDUCTS, AND ANY STATE AGENCY PERSONNEL WHO CONDUCT, INVESTIGATIVE OR OTHER ACTIVITIES RELATED TO A BOARD'S OR COMMISSION'S QUASI-JUDICIAL AUTHORITY IN RELATION TO DISABILITY DISCRIMINATION COMPLAINTS. THE COLLABORATION MUST BE ON A RECURRING BASIS TO ALLOW THE CDOO AND THE DISABILITY TECHNICAL ADVISORY COMMITTEE TO UNDERSTAND THE ISSUES COLORADANS WITH DISABILITIES WANT PRIORITIZED AND THEIR RECOMMENDATIONS ON HOW TO ADDRESS THOSE ISSUES.

(e) COLLABORATE WITH THE STATE OFFICE ON AGING IN THE DEPARTMENT OF HUMAN SERVICES AND ADVOCATES FOR THE AGING POPULATION AND MAKE RECOMMENDATIONS FOR ADDRESSING AGING AND DISABILITY INTERSECTING ISSUES TO ENSURE COORDINATION WITH THE DISABILITY TECHNICAL ADVISORY COMMITTEE;

(f) CONSIDER RECOMMENDATIONS MADE IN RELEVANT REPORTS AND AUDITS, INCLUDING:

(I) THE TASK FORCE ON THE RIGHTS OF COLORADANS WITH DISABILITIES, CREATED IN SECTION 24-34-1003;

(II) THE FINAL REPORT OF THE COMMUNITY LIVING ADVISORY GROUP, CREATED IN THE OFFICE OF COMMUNITY LIVING PURSUANT TO THE GOVERNOR'S EXECUTIVE ORDER D 2012-027;

(III) THE COLORADO COMMUNITY LIVING PLAN;

(IV) THE REPORT ISSUED BY THE EMPLOYMENT FIRST ADVISORY PARTNERSHIP IN ACCORDANCE WITH SECTION 8-84-303 (7); AND

(V) THE STRATEGIC ACTION PLANNING GROUP ON AGING FINAL REPORT; AND

(g) ACT AS LEAD COORDINATOR ON MULTIAGENCY REPORTS AND PLANS FOCUSED ON COLORADANS WITH DISABILITIES BY COORDINATING WITH ALL RELEVANT AGENCIES AND STAKEHOLDER GROUPS.

(3) THE CDOO SHALL PROVIDE GUIDANCE TO THE OFFICE OF THE GOVERNOR AND STATE AGENCIES ON MATTERS RELATED TO COLORADANS WITH DISABILITIES, TO:

(a) IMPLEMENT A STATEWIDE STRATEGY TO FACILITATE FULL SOCIETAL INTEGRATION BY INVESTING IN THE SUCCESS OF INDIVIDUALS WITH DISABILITIES IN COLORADO;

(b) FOSTER ENHANCED INCLUSION FOR INDIVIDUALS WITH DISABILITIES;

(c) ENSURE EQUITABLE OPPORTUNITIES AND ACCESS TO SERVICES FOR INDIVIDUALS WITH DISABILITIES;

(d) ELIMINATE BARRIERS TO PROSPERITY FOR INDIVIDUALS WITH DISABILITIES; AND

(e) COORDINATE WITH AND MAKE RECOMMENDATIONS TO THE GOVERNOR AND STATE AGENCIES ON WAYS TO IMPROVE POLICIES, PROGRAMS, AND OPERATIONS TO SUPPORT FULL SOCIETAL INTEGRATION OF INDIVIDUALS WITH DISABILITIES ACROSS THE STATE.

(4) AS FUNDING ALLOWS, THE CDOO SHALL PROMOTE FULL SOCIETAL INTEGRATION OF INDIVIDUALS WITH DISABILITIES, WITH THE GOAL OF IMPLEMENTING DISABILITY SUPPORT THROUGH COMMUNITY-BASED INITIATIVES AND NONPROFIT ORGANIZATIONS THROUGH WHICH INDIVIDUALS WITH DISABILITIES AND THEIR FAMILIES CAN ACCESS FORMAL AND INFORMAL SUPPORT TO PROMOTE THEIR HEALTH,

ECONOMIC WELL-BEING, AND FULL SOCIETAL INTEGRATION. THE PROMOTION MUST INCLUDE:

(a) IMPLEMENTING STUDIES, SYMPOSIA, AND RESEARCH AND THE REVIEW OF FACTUAL REPORTS IN COORDINATION WITH OTHER STATE AGENCIES TO GATHER INSIGHT AND TO FORMULATE AND PRESENT RECOMMENDATIONS TO THE GOVERNOR AND STATE AGENCIES RELATED TO ISSUES OF CONCERN AND IMPORTANCE TO INDIVIDUALS WITH DISABILITIES IN COLORADO;

(b) ANALYZING ECONOMIC AND DEMOGRAPHIC TRENDS IN ORDER TO MAKE POLICY AND PROGRAMMATIC RECOMMENDATIONS TO THE GOVERNOR AND STATE AGENCIES;

(c) CREATING ECONOMIC OPPORTUNITIES, SUCH AS:

(I) WORKFORCE DEVELOPMENT, SKILLS RECOGNITION, AND BARRIER REDUCTION;

(II) INITIATIVES THAT INCREASE ECONOMIC STABILITY; AND

(III) ENTREPRENEURSHIP AND HIGHER EDUCATION ATTAINMENT;

(d) CONNECTING INDIVIDUALS WITH DISABILITIES TO LOCAL, STATE, AND FEDERAL RESOURCES, AND TO OTHER RESOURCES AS THEY ARE AVAILABLE OR RELEVANT, TO MEET THEIR INDIVIDUAL NEEDS; AND

(e) EDUCATING AND REACHING OUT TO PEOPLE IN THE STATE BY:

(I) PROMOTING AND CELEBRATING THE SUCCESS AND CONTRIBUTIONS OF COLORADO'S DISABILITY COMMUNITY; AND

(II) ENGAGING WITH THE COMMUNITY AS A WHOLE IN ORDER TO FOSTER INCLUSIVITY AND INTEGRATION BY BUILDING AWARENESS, PROMOTING MUTUAL UNDERSTANDING, AND INCREASING SOCIAL BRIDGING OPPORTUNITIES.

(5) ON OR BEFORE NOVEMBER 1, 2025, AND ON OR BEFORE NOVEMBER 1 EACH YEAR THEREAFTER, THE DIRECTOR OF THE COLORADO DISABILITY OPPORTUNITY OFFICE, OR THE DIRECTOR'S DESIGNEE, SHALL SUBMIT A REPORT TO THE GOVERNOR. THE REPORT MUST INCLUDE A REVIEW AND SUMMARY OF THE ACTIVITY OF, INFORMATION ON, AND DATA ON THE PROGRAMS THAT THE CDOO ADMINISTERED DURING THE PRIOR STATE FISCAL YEAR.

8-88-103. Appropriation - gifts, grants, and donations. THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY FROM THE FUND OR FROM ANY OTHER AVAILABLE SOURCE TO THE DEPARTMENT FOR USE BY THE CDOO FOR THE PURPOSES SPECIFIED IN THIS ARTICLE 88. THE CDOO MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS ARTICLE 88.

PART 2 DISABILITY SUPPORT

8-88-201. [Formerly 24-30-2201] Short title. The short title of this ~~part 22~~ PART 2 is the "Laura Hershey Disability Support Act".

8-88-202. [Formerly 24-30-2203] Colorado disability funding committee.
(1) (a) ON AND AFTER JULY 1, 2024, THE RIGHTS, POWERS, DUTIES, AND FUNCTIONS REGARDING the Colorado disability funding committee ~~is hereby created within~~ VESTED IN the department of personnel PRIOR TO SAID DATE ARE TRANSFERRED FROM THE DEPARTMENT OF PERSONNEL TO THE COLORADO DISABILITY OPPORTUNITY OFFICE WITHIN THE DEPARTMENT OF LABOR AND EMPLOYMENT.

(b) (I) ON AND AFTER JULY 1, 2024, UNLESS OTHERWISE SPECIFIED, WHENEVER ANY PROVISION OF LAW REFERS TO THE DEPARTMENT OF PERSONNEL IN CONNECTION WITH THE DUTIES AND FUNCTIONS TRANSFERRED TO THE CDOO, SUCH LAW MUST BE CONSTRUED AS REFERRING TO THE CDOO.

(II) AS OF JULY 1, 2024, ALL RULES AND ORDERS OF THE DEPARTMENT OF PERSONNEL ADOPTED IN CONNECTION WITH THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE CDOO CONTINUE TO BE EFFECTIVE UNTIL REVISED, AMENDED, REPEALED, OR NULLIFIED PURSUANT TO LAW.

(III) AS OF JULY 1, 2024, WHENEVER THE DEPARTMENT OF PERSONNEL IS REFERRED TO OR DESIGNATED BY ANY CONTRACT OR OTHER DOCUMENT IN CONNECTION WITH THE DUTIES AND FUNCTIONS TRANSFERRED TO THE CDOO, SUCH REFERENCE OR DESIGNATION IS DEEMED TO APPLY TO THE CDOO. ALL CONTRACTS ENTERED INTO BY THE DEPARTMENT OF PERSONNEL PRIOR TO JULY 1, 2024, IN CONNECTION WITH THE DUTIES AND FUNCTIONS ARE HEREBY VALIDATED, WITH THE CDOO SUCCEEDING TO ALL RIGHTS AND OBLIGATIONS UNDER SUCH CONTRACTS. AS OF JULY 1, 2024, ANY CASH FUNDS, CUSTODIAL FUNDS, TRUSTS, GRANTS, AND APPROPRIATIONS OF FUNDS FROM PRIOR STATE FISCAL YEARS OPEN TO SATISFY OBLIGATIONS INCURRED UNDER SUCH CONTRACTS ARE TRANSFERRED AND APPROPRIATED TO THE DEPARTMENT FOR ALLOCATION TO THE CDOO FOR THE PAYMENT OF SUCH OBLIGATIONS.

(c) The committee consists of thirteen members appointed by the governor, the majority of whom are ~~persons~~ INDIVIDUALS with disabilities, ~~persons~~ INDIVIDUALS with immediate family members who are ~~persons~~ INDIVIDUALS with disabilities, or ~~persons~~ INDIVIDUALS who are caregivers to a family member who is ~~a person~~ AN INDIVIDUAL with ~~disabilities~~ A DISABILITY. In making the appointments, the governor shall ensure that the committee has members with experience in or knowledge of:

(I) Business and business management;

(II) Nonprofit entities and managing nonprofit entities;

(III) Advocacy for ~~persons~~ INDIVIDUALS with disabilities;

(IV) The practice of medicine, WITH EXPERIENCE WORKING WITH INDIVIDUALS WITH DISABILITIES; and

(V) The practice of law, with experience working with ~~persons~~ INDIVIDUALS with disabilities.

(2) Members of the committee serve three-year terms; except that the terms shall be staggered so that no more than five members' terms expire in the same year. The governor shall not appoint a member for more than two consecutive terms.

(3) An act of the committee is void unless a majority of the appointed members has voted in favor of the act.

(4) The committee shall implement this ~~part 22~~ PART 2 using the fund.

(5) The committee is authorized to seek and accept GIFTS, grants, or donations from private or public sources for the purposes of this ~~part 22~~ PART 2; except that the committee shall not accept a gift, grant, or donation that is subject to conditions that are inconsistent with this ~~part 22~~ PART 2 or part 13 of article 75 of ~~this title~~ TITLE 24 regarding the status of GIFTS, grants, and donations made to state agencies.

(6) The committee has the following duties and powers:

(a) To sue and be sued and otherwise assert or defend the committee's legal interests;

(b) To prepare and sign contracts;

(c) To have and exercise all rights and powers necessary or incidental to, or implied from, the specific powers granted in this ~~part 22~~ PART 2;

(d) To fix the time and place at which meetings may be held;

(e) To adopt and use a seal and to alter the same at its pleasure;

~~(f) To authorize an auctioneer or other seller of a registration number to retain a reasonable commission as determined by the committee;~~

~~(g)~~ (f) To make business decisions to implement this ~~part 22~~ PART 2;

~~(h)~~ (g) To create incentives for holders to turn in currently issued registration numbers if any actual costs are reimbursed to the state from the sale;

~~(i)~~ (h) To authorize and sell license plates made of alternative materials if approved by the department of revenue; and

~~(j)~~ (i) To sell the right to use additional license plate options, such as historically issued backgrounds, for a fee if the option is approved by the department of revenue and the Colorado state patrol.

(7) (a) The committee may ~~obtain~~ CONTRACT FOR the services of professional advisors ~~or contract with employees to handle the~~ conduct of all meetings OR carry out its administrative functions for meetings and committee business. ~~or handle the committee's auctions.~~

(b) The department of personnel may hire employees to handle the administrative aspects of supporting the committee. ~~resulting from the committee being within the department of personnel.~~

(8) The attorney general is the legal counsel for the committee.

(9) Committee members do not receive compensation for performing official duties of the committee but may receive a per diem or reimbursement for travel and other reasonable and necessary expenses for performing official duties of the committee. The per diem or reimbursement is paid from the fund.

(10) The department of public safety may prohibit any action of the committee or its agents that concerns the sale of license plates or registration numbers if the decision would affect the policy of the state of Colorado as it relates to the use or display of license plates or registration numbers.

8-88-203. [Formerly 24-30-2204] Program to assist individuals to obtain disability benefits. (1) ~~When adequate funding is available,~~ The committee shall invite nonprofit entities, COUNTY DEPARTMENTS OF HUMAN SERVICES, AND COUNTY DEPARTMENTS OF SOCIAL SERVICES to submit a proposal for a program PROPOSALS FOR PROGRAMS to aid persons INDIVIDUALS with disabilities in accessing disability benefits. To qualify ~~the~~ FOR CONSIDERATION UNDER SUBSECTION (2) OF THIS SECTION, A nonprofit organization must be based in Colorado and:

(a) BE governed by a board: ~~that:~~

~~(a)~~ (I) THAT is composed of persons with a demonstrated commitment to improving the lives of recipients with disabilities;

~~(b)~~ (II) ~~Contains~~ THAT INCLUDES members who understand a range of disabilities; and

~~(c)~~ (III) ~~Contains~~ A majority of THE members ~~who~~ OF WHICH are persons INDIVIDUALS with disabilities, persons INDIVIDUALS with immediate family members who are persons INDIVIDUALS with disabilities, or persons INDIVIDUALS who are caregivers to a family member who is a person AN INDIVIDUAL with disabilities A DISABILITY; or

~~(f) and (H) (Deleted by amendment, L. 2022.)~~

~~(H)~~ (b) ~~Has~~ HAVE a contract with an organization that meets the ~~above~~ criteria IN SUBSECTION (1)(a) OF THIS SECTION to assume the disability perspective APPROVED BY THE COMMITTEE.

(1.5) TO QUALIFY FOR CONSIDERATION UNDER SUBSECTION (2) OF THIS SECTION, A COUNTY DEPARTMENT OF HUMAN SERVICES OR A COUNTY DEPARTMENT OF SOCIAL SERVICES MUST MEET THE REQUIREMENT OF SUBSECTION (1)(b) OF THIS SECTION.

(2) (a) (I) The committee shall review the proposed programs and shall award a contract ~~to one or more entities that best meet the requirements of this section in accordance with the "Procurement Code", articles 101 to 112 of this title 24 OR~~

GRANT TO ONE OR MORE OF THE ENTITIES THAT BEST MEET THE REQUIREMENTS OF THIS SECTION.

(II) The term of each contract OR GRANT is up to three years. The committee shall include evaluation criteria in the contract with metrics that must be met at least once a year to continue funding.

~~(III) (Deleted by amendment, L. 2022.)~~

(b) The committee shall not award a contract OR GRANT unless the proposal includes:

(I) A system for evaluating whether ~~a person~~ AN INDIVIDUAL with a disability is reasonably able to navigate the application process to obtain disability benefits, health care, and employment;

(II) A system for prioritizing the need of applicants based upon the evaluations;

(III) A plan for assisting ~~persons~~ INDIVIDUALS with disabilities in navigating the processes of obtaining and retaining disability benefits, health care, and employment;

(IV) A plan for ~~establishment of~~ ESTABLISHING working relationships with state agencies, county departments of human or social services, health-care providers, the United States social security administration, and the business community;

(V) A policy of preferential hiring of ~~persons~~ INDIVIDUALS with disabilities;

(VI) Reasonable standards for accounting control of expenditures; and

(VII) Metrics to evaluate the program's quality and cost-effectiveness.

~~(VIII) Repealed.~~

(c) The committee shall not discriminate against ~~a contracting entity for~~ AN APPLICANT BASED ON THE APPLICANT'S advocacy concerning ~~persons~~ INDIVIDUALS with disabilities.

(d) To the greatest extent possible, the committee shall ensure, through one or more contracts OR GRANTS pursuant to this section, that ~~persons~~ INDIVIDUALS with disabilities are served statewide.

(3) ~~The~~ AN entity awarded a contract OR GRANT under this section shall make quarterly reports of expenditures to the committee. The committee shall include in the contract OR GRANT a method and format for making the reports.

8-88-204. [Formerly 24-30-2204.5] Program to investigate, fund, and pilot projects or programs to benefit individuals with disabilities. (1) WHEN ADEQUATE FUNDING IS AVAILABLE, the committee shall accept and review proposals to fund projects or programs, or both, that study or pilot new and innovative ideas that will lead to an improved quality of life or increased independence for ~~persons~~

INDIVIDUALS with disabilities. Proposals may be accepted throughout the year, and grants ~~or loans~~ may be made by the committee at its regular meetings. The fund ~~created in section 24-30-2205.5 shall be~~ is the sole source to fund OF MONEY FOR any grants ~~or loans~~ made pursuant to this section.

(2) To be eligible for funding pursuant to this section, a project or program must:

(a) Demonstrate a capability to be self-sustaining or otherwise be able to develop long-term independent funding; AND

(b)(I) Have a governing body, a board, or ownership that is composed of ~~persons~~ INDIVIDUALS with a demonstrated commitment to improving the lives of ~~persons~~ INDIVIDUALS with disabilities, the majority of whom are ~~persons~~ INDIVIDUALS with disabilities, ~~persons~~ INDIVIDUALS with immediate family members who are ~~persons~~ INDIVIDUALS with disabilities, or ~~persons~~ INDIVIDUALS who are caregivers to a family member who is a ~~person~~ AN INDIVIDUAL with disabilities; and A DISABILITY;

(II) FOR ORGANIZATIONS THAT DO NOT MEET THE GOVERNANCE REQUIREMENTS OF SUBSECTION (2)(b)(II) OF THIS SECTION, HAVE A GRANT OVERSIGHT COMMITTEE APPROVED BY THE COMMITTEE, THAT IS RESPONSIBLE FOR ALL OVERSIGHT OF THE GRANT AND IS COMPRISED OF INDIVIDUALS WITH A DEMONSTRATED COMMITMENT TO IMPROVING THE LIVES OF INDIVIDUALS WITH DISABILITIES, THE MAJORITY OF WHOM ARE INDIVIDUALS WITH DISABILITIES, INDIVIDUALS WITH IMMEDIATE FAMILY MEMBERS WHO ARE INDIVIDUALS WITH DISABILITIES, OR INDIVIDUALS WHO ARE CAREGIVERS TO A FAMILY MEMBER WHO IS AN INDIVIDUAL WITH A DISABILITY; OR

(c)(III) In the case of a sole proprietorship, have an owner who is a ~~person with a demonstrated commitment to improving the lives of persons with disabilities~~, who:

(A) Is a ~~person~~ AN INDIVIDUAL with a disability, a ~~person~~ AN INDIVIDUAL with an immediate family member who is a ~~person~~ AN INDIVIDUAL with a disability, or a ~~person~~ AN INDIVIDUAL who is a caregiver to a family member who is a ~~person~~ AN INDIVIDUAL with a disability; AND

(B) HAS DEMONSTRATED COMMITMENT TO IMPROVING THE LIVES OF INDIVIDUALS WITH DISABILITIES.

8-88-205. [Formerly 24-30-2205.5] Disability support fund. (1) There is ~~hereby~~ created in the state treasury the disability support fund, which ~~shall consist~~ CONSISTS of money transferred to the fund in accordance with section 25.5-5-308 (8); ~~C.R.S.~~; MONEY from the sale of registration numbers under this ~~part 22~~, PART 2; any money that may be appropriated OR TRANSFERRED to the fund by the general assembly; and any gifts, grants, or donations received by the department of ~~personnel~~ for the purpose of implementing this ~~part 22~~ PART 2.

(2) The money in the fund is subject to annual appropriation by the general assembly for the direct and indirect costs associated with the implementation of this ~~part 22~~ PART 2. Any money in the fund not expended for the purpose of this section may be invested by the state treasurer as provided by law. All interest and income derived from the investment and deposit of money in the fund must be credited to the fund. Any unexpended and unencumbered money remaining in the fund at the

end of a fiscal year must remain in the fund for use as provided in this ~~part 22~~ PART 2 and MUST not be credited or transferred to the general fund or another fund. If this section is repealed, prior to its repeal, all unexpended and unencumbered money remaining in the fund must be transferred to the general fund.

~~(3) Any money used to implement additional license plate options shall not be transferred to the department of revenue. The committee or contract entity shall transfer the money directly to the division of correctional industries.~~

~~(4) The committee shall evaluate the cost of implementing section 24-30-2204 at least once annually and, if it is financially feasible to implement that section, shall implement section 24-30-2204 before implementing section 24-30-2204.5.~~

8-88-206. Sale of registration numbers for license plates - license to buy and sell - market for - royalty payment - administration - third-party contracting entity. (1) (a) **[Formerly 24-30-2206 (1)]** The state or a person may sell, and the state or a person may purchase, the exclusive right to use a registration number selected by the committee under ~~section 24-30-2208~~ SUBSECTION (2) OF THIS SECTION for the purpose of registering a vehicle under article 3 of title 42. ~~C.R.S.~~

(b) **[Formerly 24-30-2206 (2)]** The right to use a registration number is a license, the use of which is subject to compliance with this ~~part 22~~ PART 2. The duration of the license is determined by the committee.

(2) (a) **[Formerly 24-30-2208 (1)]** The committee shall raise money by selling to a buyer the right to use valuable letter and number combinations for a registration number. ~~The committee shall auction registration numbers that are likely to be worth substantially more than the average value of a registration number.~~

(b) (I) **[Formerly 24-30-2208 (2)(a)]** The committee shall study the market ~~and determine which registration numbers are the most valuable, including both the types of plates currently issued and any type of plate that has been historically issued~~ TO DETERMINE WHICH REGISTRATION NUMBERS ARE THE MOST VALUABLE. Based on the study, the committee shall select the most valuable registration numbers and request the department of revenue to verify whether plates with the registration numbers are currently issued. The committee and the department of revenue shall enter into an agreement establishing a process for requesting registration numbers, ~~that specifies~~ INCLUDING SPECIFYING the frequency of these requests.

(II) **[Formerly 24-30-2208 (2)(b)]** Upon receiving the committee's request, the department of revenue shall verify whether the plates are currently issued. For purposes of this subsection (2)(b), ~~and subsection (2)(c) of this section,~~ a plate that expires due to the operation of section 42-3-115 (5)(a) is considered currently issued until THE EXPIRATION OF the right of the owner of the motor vehicle to which the expired plate was affixed to apply to use the registration number of the expired plate when registering another motor vehicle. ~~expires.~~ If the plate is not currently issued, the department OF REVENUE shall reserve the registration number until the committee notifies the department OF REVENUE to release the registration number.

(III) THE COMMITTEE SHALL ESTABLISH A PROCESS FOR DETERMINING VALUE OF

ALL CONFIGURATIONS OF REGISTRATION NUMBERS RESERVED BY THE COMMITTEE.
THE PRICING AND MANNER OF SALE MUST FOLLOW THE ESTABLISHED PROCESS.

(IV) **[Formerly 24-30-2208 (2)(c)]** If a registration number is not currently issued, the committee may sell the right to use the registration number in a manner calculated to bring the highest price; except that the department of revenue may deny the sale or use of a registration number that is offensive or inappropriate.

(3) (a) **[Formerly 24-30-2209 (1)]** The committee shall raise ~~money~~ REVENUE by creating a market, which may include an online site, for THE RESALE OF LICENSE PLATE CONFIGURATIONS OF registration numbers using methods that are commercially reasonable, account for expenditures, and ensure the collection of the state's approval and transfer royalty.

(b) **[Formerly 24-30-2209 (2)]** The royalty for the state's approval and transfer of the right to use a registration number is twenty-five percent of the sale price of the transfer. At the time of sale, the purchaser shall pay the royalty to the committee. This payment is in addition to and not in lieu of the normal registration fees, sales or use taxes, or specific ownership tax.

(c) **[Formerly 24-30-2209 (3)]** A person shall not sell a registration number, and the department of revenue shall not assign a registration number, as a result of the right to use the number being sold to a vehicle unless the registration number was sold using the market created by the committee.

(4) (a) **[Formerly 24-30-2210 (1)]** The committee shall notify the department of revenue when the right to use a registration number has been sold and the committee has collected the state's sale proceeds or approval and transfer royalty. Upon receiving the notice, the department of revenue shall create a record in Colorado DRIVES, created in section 42-1-211, containing the name of the buyer; the vehicle identification number, if applicable; and the corresponding registration number.

(b) **[Formerly 24-30-2210 (2)]** If the registration number consists of a combination of letters and numbers that is not within the normal format of A license plate currently produced for the department of revenue, the department of revenue shall issue the plates as personalized plates under section 42-3-211; ~~C.R.S.~~; except that, notwithstanding section 42-3-211, ~~C.R.S.~~, the committee may sell, and the buyer or any subsequent buyer may use:

(I) A registration number or letter of one position; or

(II) Any symbol on the standard American keyboard or approved by the committee.

(c) **[Formerly 24-30-2210 (3)]** The committee shall transfer the money collected under this ~~part 22~~ PART 2 to the state treasurer, who shall credit the money to the fund. ~~created in section 24-30-2205.5.~~

(d) **[Formerly 24-30-2210 (4)]** The committee may contract with one or more public or private entities to implement this ~~part 22~~ PART 2.

(e) [Formerly 24-30-2210 (5)] Any ~~money~~ REVENUE received by the committee from the sale of registration numbers shall be deposited in the fund.

8-88-207. [Formerly 24-30-2212] Sunset review - repeal of part. This ~~part 22~~ PART 2 is repealed, effective ~~September 1, 2026~~ SEPTEMBER 1, 2029. Before the repeal, this ~~part 22~~ PART 2 is scheduled for review in accordance with section 24-34-104.

SECTION 3. Repeal of relocated and nonrelocated provisions in this act. In Colorado Revised Statutes, **repeal** part 22 of article 30 of title 24; except that 24-30-2211 is not relocated.

SECTION 4. In Colorado Revised Statutes, 24-34-104, **repeal** (27)(a)(XVIII); and **add** (30)(a)(IX) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (27) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2026:

(XVIII) ~~The assistance program for disability benefits under part 22 of article 30 of this title 24.~~

(30) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2029:

(IX) THE ASSISTANCE PROGRAM FOR DISABILITY BENEFITS UNDER ARTICLE 88 OF TITLE 8.

SECTION 5. In Colorado Revised Statutes, 24-1-121, **add** (3)(n) as follows:

24-1-121. Department of labor and employment - creation. (3) The department of labor and employment consists of the following divisions and programs:

(n) THE COLORADO DISABILITY OPPORTUNITY OFFICE, OR "CDOO", CREATED IN SECTION 8-88-102, THE HEAD OF WHICH IS THE DIRECTOR OF THE CDOO. THE CDOO 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 OF LABOR AND EMPLOYMENT.

SECTION 6. In Colorado Revised Statutes, 24-75-402, **amend** (5)(yy) as follows:

24-75-402. Cash funds - limit on uncommitted reserves - reduction in the amount of fees - exclusions - definitions. (5) Notwithstanding any provision of this section to the contrary, the following cash funds are excluded from the limitations specified in this section:

(yy) The disability support fund created in section ~~24-30-2205.5(1)~~ 8-8-205 (1);

SECTION 7. In Colorado Revised Statutes, 25-1-801, **amend** (5)(c)(II)(A) as follows:

25-1-801. Patient records in custody of health-care facility - definitions. (5) As used in this part 8, unless the context otherwise requires:

(c) (II) Notwithstanding any other provision of this part 8:

(A) If a patient record is requested by a third-party entity that is performing duties under the "Laura Hershey Disability Support Act", ~~part 22 of article 30 of title 24, C.R.S. PART 2 OF ARTICLE 88 OF TITLE 8,~~ the third party may obtain one free copy of the record for the application process or for an appeal or reapplication when required by the disability benefit administrator;

SECTION 8. In Colorado Revised Statutes, 25.5-5-308, **amend** (8)(b.5) as follows:

25.5-5-308. Breast and cervical cancer prevention and treatment program - creation - legislative declaration - definitions - funds - repeal. (8) (b.5) Until section ~~24-30-2204.5~~ 8-88-205 is repealed, the state treasurer shall transfer any interest or income earned on ~~moneys~~ MONEY in the fund to the disability support fund created in section ~~24-30-2205.5~~ 8-88-205.

SECTION 9. In Colorado Revised Statutes, **repeal** 26-2-119.7.

SECTION 10. In Colorado Revised Statutes, 39-22-535, **amend** (1) as follows:

39-22-535. Credit for purchase of uniquely valuable motor vehicle registration numbers. (1) For tax years commencing on or after January 1, 2013, a person who buys the right to use a registration number under section ~~24-30-2206~~ 8-88-206 is allowed a credit against the income taxes imposed by this article 22 for twenty percent of the purchase price of the right to use the registration number that is paid to the Colorado disability funding committee created in section ~~24-30-2203~~ 8-88-202.

SECTION 11. In Colorado Revised Statutes, 42-1-227, **amend** (1) introductory portion as follows:

42-1-227. Disabled parking education program. (1) Subject to the availability of money appropriated to the ~~department of personnel~~ DEPARTMENT OF LABOR AND EMPLOYMENT, pursuant to section 42-1-226, the Colorado disability funding committee, created in section ~~24-30-2203~~ 8-88-202:

SECTION 12. In Colorado Revised Statutes, 42-3-115, **amend** (5)(b)(II) as follows:

42-3-115. Registration upon transfer - rules - definitions. (5) (b) Subsection (5)(a) of this section does not apply to the transfer or assignment of an owner's title or interest in Class B, Class C, and Class D personal property that has number plates:

(II) That have a valuable registration number that has been reserved for use under the "Laura Hershey Disability Support Act", ~~part 22 of article 30 of title 24~~ PART 2 OF ARTICLE 88 OF TITLE 8.

SECTION 13. In Colorado Revised Statutes, 42-3-206.5, **amend** (1); and **add** (7) as follows:

42-3-206.5. Issuance of plates in a retired style authorized - additional fee - rules. (1) (a) Beginning January 1, 2023, or when the department is able to issue license plates pursuant to section ~~24-30-2203 (6)(j)~~ 8-88-202 (6)(i), whichever is earlier, the department shall issue license plates in previously retired styles for motorcycles, passenger cars, trucks, or noncommercial or recreational motor vehicles that do not exceed sixteen thousand pounds empty weight that had:

~~(a)~~ (I) White letters and numbers on a background of green mountains and a white sky;

(II) White letters and numbers on a background of black with a white border;

(III) White letters and numbers on a background of blue with a white border; or

(IV) White letters and numbers on a background of red with a white border.

(b) The amount of the taxes and fees for license plates in the previously retired style is the same as the amount of the taxes and fees specified for regular motor vehicle plates plus an annual fee of twenty-five dollars, which shall be credited to the disability support fund created in section ~~24-30-2205.5~~ 8-88-205.

(7) ON OR BEFORE JANUARY 1, 2027, IF AN APPLICANT FOR A RETIRED LICENSE PLATE THAT WAS ISSUED PURSUANT TO THIS SECTION DEMONSTRATES A PHYSICAL IMPAIRMENT THAT AFFECTS THE APPLICANT'S MOBILITY UNDER THE STANDARDS DESCRIBED IN SECTION 42-3-204 (1)(a), THE DEPARTMENT SHALL ISSUE THE PREVIOUSLY RETIRED LICENSE PLATE TO THE APPLICANT WITH AN IDENTIFYING FIGURE AS DEFINED IN SECTION 42-3-204 (1)(e) TO INDICATE THAT THE VEHICLE IS AUTHORIZED TO TRANSPORT AN INDIVIDUAL WHO IS ELIGIBLE TO USE RESERVED PARKING PURSUANT TO SECTION 42-4-1208.

SECTION 14. In Colorado Revised Statutes, 42-3-211, **amend** (3)(a) as follows:

42-3-211. Issuance of personalized plates authorized. (3) (a) Personalized license plates must be the same color and design as regular motor vehicle license plates, must consist of any combination of numbers or letters not exceeding seven positions and not less than two positions except as otherwise provided in section ~~24-30-2210, C.R.S.~~ 8-88-206 (4), and must not conflict with existing passenger, commercial, trailer, motorcycle, or other special license plates series; except that personalized license plates bearing the words "street rod" shall be of a design determined by the executive director of the department, which design shall be different from those used by the state for regular motor vehicle license plates.

SECTION 15. Appropriation. For the 2024-25 state fiscal year, \$5,538,925 is appropriated to the department of labor and employment for use by the executive

director's office. This appropriation is from the disability support fund created in section 24-30-2205.5 (1), C.R.S., and is based on an assumption that the office will require an additional 6.0 FTE. To implement this act, the office may use this appropriation for the Colorado disability opportunity office.

SECTION 16. Appropriation - adjustments to 2024 long bill. (1) To implement this act, appropriations made in the annual general appropriation act for the 2024-25 state fiscal year to the department of personnel for use by the executive director's office are adjusted as follows:

(a) The cash funds appropriation from the disability support fund created in section 24-30-2205.5 (1), C.R.S., for personal services related to department administration is decreased by \$128,584, and the related FTE is decreased by 2.0 FTE;

(b) The cash funds appropriation from the disability support fund created in section 24-30-2205.5 (1), C.R.S., for the disability funding committee is decreased by \$5,975,976; and

(c) The cash funds appropriation from the disabled parking education and enforcement fund created in section 42-1-226, C.R.S., for the disability funding committee is decreased by \$100,000.

SECTION 17. Effective date. This act takes effect July 1, 2024.

SECTION 18. 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: June 3, 2024