

CHAPTER 426

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 08-165

BY SENATOR(S) Williams, Boyd, Gibbs, Gordon, Groff, Sandoval, Shaffer, Tapia, Tochtrop, Tupa, and Windels;
also REPRESENTATIVE(S) Carroll M., Borodkin, Butcher, Fischer, Green, Hodge, Kefalas, Labuda, Looper, Madden, Merrifield,
Primavera, Stafford, Summers, and Todd.

AN ACT

**CONCERNING CODIFICATION OF THE ADVISORY COUNCIL FOR PERSONS WITH DISABILITIES, AND
MAKING AN APPROPRIATION THEREFOR.**

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

SECTION 1. Title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 45.5**Colorado Advisory Council for Persons with Disabilities**

24-45.5-101. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) NEARLY A HALF MILLION COLORADANS HAVE ONE OR MORE PHYSICAL, MENTAL, OR DEVELOPMENTAL DISABILITIES;

(b) PERSONS WITH DISABILITIES ARE OFTEN SUBJECT TO DISCRIMINATION IN THE AREAS OF TELECOMMUNICATIONS, PUBLIC SERVICES, PUBLIC ACCOMMODATIONS OPERATED BY PRIVATE ENTITIES, AND EMPLOYMENT;

(c) THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. 12101 ET SEQ., AS AMENDED, ESTABLISHED PRINCIPLES AND GUIDELINES REGARDING PERSONS WITH DISABILITIES;

(d) IT IS IN THE BEST INTEREST OF THE STATE OF COLORADO TO STRIVE TO ENSURE EQUALITY OF OPPORTUNITY, INDEPENDENT LIVING, AND ECONOMIC SELF-SUFFICIENCY FOR ALL OF THE STATE'S CITIZENS, INCLUDING PERSONS WITH

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

DISABILITIES.

24-45.5-102. Definitions. AS USED IN THIS ARTICLE UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COUNCIL" MEANS THE COLORADO ADVISORY COUNCIL FOR PERSONS WITH DISABILITIES CREATED IN SECTION 24-45.5-103.

(2) "PERSON WITH A DISABILITY" MEANS A PERSON WHO:

(a) HAS A PHYSICAL OR MENTAL IMPAIRMENT OR CHRONIC MEDICAL CONDITION THAT SUBSTANTIALLY LIMITS ONE OR MORE OF HIS OR HER MAJOR LIFE ACTIVITIES;

(b) HAS A RECORD OF SUCH AN IMPAIRMENT; OR

(c) IS REGARDED AS HAVING SUCH AN IMPAIRMENT.

24-45.5-103. Colorado advisory council for persons with disabilities - creation - appointments - meetings. (1) THERE IS HEREBY CREATED IN THE OFFICE OF THE GOVERNOR THE COLORADO ADVISORY COUNCIL FOR PERSONS WITH DISABILITIES.

(2) THE COUNCIL SHALL CONSIST OF NO MORE THAN TWENTY MEMBERS AND SHALL REFLECT STATEWIDE PARTICIPATION AND A COMMITMENT TO THE INCLUSION OF PERSONS WITH DISABILITIES. MEMBERSHIP SHALL INCLUDE AT LEAST SEVEN PERSONS APPOINTED FROM STATE AGENCIES SERVING PERSONS WITH DISABILITIES, AND THE REMAINING MEMBERS SHALL REPRESENT PERSONS WITH DISABILITIES FROM BUSINESS AND INDUSTRY, DISABILITY ADVOCACY ORGANIZATIONS, AND OTHER NONPROFIT ORGANIZATIONS.

(3) THE GOVERNOR SHALL APPOINT THE INITIAL COUNCIL MEMBERS ON OR BEFORE AUGUST 1, 2008. THE GOVERNOR SHALL APPOINT THE COUNCIL CHAIR AT THE TIME OF APPOINTMENT. THE TERMS OF THE COUNCIL MEMBERS SHALL EXPIRE AT THE PLEASURE OF THE GOVERNOR. UPON THE EXPIRATION OF A COUNCIL MEMBER'S TERM, THE COUNCIL MEMBER SHALL CONTINUE TO SERVE UNTIL A SUCCESSOR IS APPOINTED AS PROVIDED IN SUBSECTION (4) OF THIS SECTION.

(4) THE GOVERNOR SHALL APPOINT A QUALIFIED PERSON TO FILL A VACANCY ON THE COUNCIL FOR THE REMAINDER OF ANY UNEXPIRED TERM. IF THE GOVERNOR DOES NOT APPOINT A PERSON TO FILL THE VACANCY WITHIN SIXTY DAYS AFTER THE DATE THE VACANCY ARISES, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE, WITHIN NINETY DAYS AFTER THE DATE THE VACANCY ARISES, SHALL JOINTLY APPOINT A QUALIFIED PERSON TO FILL THE VACANCY. IF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE DO NOT APPOINT A PERSON TO FILL THE VACANCY WITHIN THE NINETY-DAY PERIOD, THE COUNCIL, BY A MAJORITY VOTE, SHALL APPOINT A QUALIFIED PERSON TO FILL THE VACANCY.

(5) THE COUNCIL SHALL CONVENE ITS FIRST MEETING NO LATER THAN SEPTEMBER 1, 2008, AND MEET AT LEAST QUARTERLY THEREAFTER. THE MEETINGS OF THE COUNCIL SHALL ALSO BE HELD ON CALL OF THE CHAIR OR AT THE REQUEST OF AT

LEAST THREE MEMBERS OF THE COUNCIL.

(6) COUNCIL MEMBERS SHALL NOT RECEIVE COMPENSATION FOR THEIR TIME BUT MAY BE REIMBURSED FOR ACTUAL AND NECESSARY EXPENSES PURSUANT TO SECTION 24-45.5-105 (2).

24-45.5-104. Powers and duties of the council. (1) THE COUNCIL SHALL HAVE THE FOLLOWING POWERS, FUNCTIONS, AND DUTIES:

(a) COORDINATING WITH STATE BOARDS, ADVISORY COUNCILS, AND COMMISSIONS ESTABLISHED FOR OR RELATED TO PERSONS WITH DISABILITIES;

(b) ADVISING THE GOVERNOR AND GENERAL ASSEMBLY ON LEGISLATION AND STATE POLICY AFFECTING PERSONS WITH DISABILITIES;

(c) ISSUING AN ANNUAL REPORT TO THE GOVERNOR AND GENERAL ASSEMBLY ON THE STATE'S PROGRAMS, SERVICES, AND POLICIES AFFECTING AND ADDRESSING PERSONS WITH DISABILITIES;

(d) MONITORING THE STATE'S IMPLEMENTATION OF TITLE II OF THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. 12101 ET SEQ., AS AMENDED, INCLUDING OVERSIGHT PURSUANT TO *OLMSTEAD V. L.C. AND E.W.*, 527 U.S. 581 (1999);

(e) ACTING AS AN ADDITIONAL ENTRY POINT FOR PUBLIC GRIEVANCES REGARDING DISABILITY ISSUES AND REFERRING THOSE GRIEVANCES TO THE APPROPRIATE STATE AGENCY OR PERSONNEL; AND

(f) DEVELOPING PROCEDURES RELATING TO THE COUNCIL'S INTERNAL OPERATIONS.

24-45.5-105. Gifts, grants, and donations - reimbursement. (1) THE COUNCIL IS AUTHORIZED TO RECEIVE AND EXPEND GIFTS, GRANTS, AND DONATIONS FROM INDIVIDUALS, PRIVATE ORGANIZATIONS, FOUNDATIONS, OR ANY GOVERNMENTAL UNIT; EXCEPT THAT THE COUNCIL MAY NOT ACCEPT A GIFT, GRANT, OR DONATION IF IT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS ARTICLE OR ANY OTHER LAW OF THIS STATE.

(2) COUNCIL MEMBERS SHALL BE REIMBURSED FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE DISCHARGE OF THEIR OFFICIAL DUTIES, INCLUDING AN ALLOWANCE FOR MILEAGE AS PROVIDED IN SECTION 24-9-104 (2), C.R.S., AND ANY REASONABLE AND NECESSARY EXPENSES ASSOCIATED WITH PROVIDING ACCOMMODATIONS FOR A COUNCIL MEMBER'S DISABILITY.

24-45.5-106. Repeal of article. THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2018. PRIOR TO SAID REPEAL, THE COUNCIL SHALL BE REVIEWED, AS PROVIDED IN SECTION 2-3-1203, C.R.S.

SECTION 2. 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:

(ee) JULY 1, 2018: THE COLORADO ADVISORY COUNCIL FOR PERSONS WITH DISABILITIES, CREATED IN SECTION 24-45.5-103, C.R.S.

SECTION 3. Appropriation - adjustments to the 2008 long bill. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the office of the governor, for the Colorado advisory council for persons with disabilities, for the fiscal year beginning July 1, 2008, the sum of nine thousand thirty dollars (\$9,030), or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, the general fund appropriation to the controlled maintenance trust fund made in section 23 of the annual general appropriation act, for the fiscal year beginning July 1, 2008, shall be decreased by nine thousand thirty dollars (\$9,030).

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

Approved: June 5, 2008