

CHAPTER 399

GOVERNMENT - STATE

HOUSE BILL 09-1281

BY REPRESENTATIVE(S) Labuda, Baumgardner, Casso, Hullinghorst, Marostica, Murray, Schafer S., Soper, Tipton, Apuan, Green, Kerr A., Levy, McGihon, Merrifield, Middleton, Primavera, Ryden, Todd, Acree; also SENATOR(S) Carroll M. and Newell, Bacon, Boyd, Foster, Gibbs, Heath, Hodge, Hudak, Penry, Schwartz, Shaffer B., Tochtrop, Williams.

AN ACT**CONCERNING REPRESENTATION ON STATE BOARDS BY PERSONS WITH DISABILITIES.**

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

SECTION 1. 19-3.5-104 (2) (c), Colorado Revised Statutes, is amended to read:

19-3.5-104. Colorado children's trust fund board - creation - members.

(2) The board shall consist of nine members, as follows:

(c) Six persons appointed by the governor and confirmed by the senate, five of whom shall be knowledgeable in the area of child abuse prevention and represent some of the following areas: Law enforcement; medicine; law; business; mental health; domestic relations; child abuse prevention; education; and social work; and one who shall be a parent or a representative of a parent organization. IN MAKING APPOINTMENTS TO THE BOARD, THE GOVERNOR IS ENCOURAGED TO INCLUDE REPRESENTATION BY AT LEAST ONE MEMBER WHO IS A PERSON WITH A DISABILITY, AS DEFINED IN SECTION 24-45.5-102 (2), C.R.S., A FAMILY MEMBER OF A PERSON WITH A DISABILITY, OR A MEMBER OF AN ADVOCACY GROUP FOR PERSONS WITH DISABILITIES, PROVIDED THAT THE OTHER REQUIREMENTS OF THIS PARAGRAPH (c) ARE MET.

SECTION 2. 24-32-706 (1) and (5), Colorado Revised Statutes, are amended to read:

24-32-706. State housing board. (1) There is hereby created, within the division of housing, the state housing board. The board shall consist of seven members who shall be appointed by the governor for terms of four years each,

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

except as provided in subsection (2) of this section. IN MAKING APPOINTMENTS TO THE BOARD, THE GOVERNOR IS ENCOURAGED TO INCLUDE REPRESENTATION BY AT LEAST ONE MEMBER WHO IS A PERSON WITH A DISABILITY, AS DEFINED IN SECTION 24-45.5-102 (2), A FAMILY MEMBER OF A PERSON WITH A DISABILITY, OR A MEMBER OF AN ADVOCACY GROUP FOR PERSONS WITH DISABILITIES.

(5) Any vacancy shall be filled by the governor PURSUANT TO SUBSECTION (1) OF THIS SECTION for the unexpired term.

SECTION 3. 25-1-103 (1), Colorado Revised Statutes, is amended to read:

25-1-103. State board of health created. (1) There is hereby created a state board of health, referred to in this part 1 as the "board", which shall consist of nine members, of which one member shall be appointed by the governor, with the consent of the senate, from each congressional district and the remainder from the state at large. A vacancy on the board occurs whenever any member moves out of the congressional district from which he was appointed. A member who moves out of such congressional district shall promptly notify the governor of the date of such move, but such notice is not a condition precedent to the occurrence of the vacancy. The governor shall fill the vacancy by appointment for the unexpired term. No more than five members of the board shall be members of the same major political party. Appointments made to take effect on January 1, 1983, shall be made in accordance with section 24-1-135, C.R.S. Appointments thereafter shall be made, with the consent of the senate, for terms of four years each and shall be made so that no business or professional group shall constitute a majority of the board. IN MAKING APPOINTMENTS TO THE BOARD, THE GOVERNOR IS ENCOURAGED TO INCLUDE REPRESENTATION BY AT LEAST ONE MEMBER WHO IS A PERSON WITH A DISABILITY, AS DEFINED IN SECTION 24-45.5-102 (2), C.R.S., A FAMILY MEMBER OF A PERSON WITH A DISABILITY, OR A MEMBER OF AN ADVOCACY GROUP FOR PERSONS WITH DISABILITIES, PROVIDED THAT THE OTHER REQUIREMENTS OF THIS SUBSECTION (1) ARE MET.

SECTION 4. 25.5-1-301 (1), Colorado Revised Statutes, is amended to read:

25.5-1-301. Medical services board - creation. (1) There is hereby created in the state department a medical services board, referred to in this part 3 as the "board", which shall consist of eleven members appointed by the governor with the consent of the senate. The governor shall appoint persons to the board who have knowledge of medical assistance programs, and one or more of the appointments may include a person or persons who have received services through programs administered by the department within two years of the date of appointment. No more than six members of the board shall be members of the same political party. Of the eleven members appointed to the board, at least one shall be appointed from each congressional district. IN MAKING APPOINTMENTS TO THE BOARD, THE GOVERNOR IS ENCOURAGED TO INCLUDE REPRESENTATION BY AT LEAST ONE MEMBER WHO IS A PERSON WITH A DISABILITY, AS DEFINED IN SECTION 24-45.5-102 (2), C.R.S., A FAMILY MEMBER OF A PERSON WITH A DISABILITY, OR A MEMBER OF AN ADVOCACY GROUP FOR PERSONS WITH DISABILITIES, PROVIDED THAT THE OTHER REQUIREMENTS OF THIS SUBSECTION (1) ARE MET.

SECTION 5. 26-1-107 (1) (a), Colorado Revised Statutes, is amended to read:

26-1-107. State board of human services - rules. (1) (a) There is hereby created the state board of human services. The state board shall consist of nine members, each of whom shall be appointed by the governor, with the consent of the senate, for terms of four years each. IN MAKING APPOINTMENTS TO THE BOARD, THE GOVERNOR IS ENCOURAGED TO INCLUDE REPRESENTATION BY AT LEAST ONE MEMBER WHO IS A PERSON WITH A DISABILITY, AS DEFINED IN SECTION 24-45.5-102 (2), C.R.S., A FAMILY MEMBER OF A PERSON WITH A DISABILITY, OR A MEMBER OF AN ADVOCACY GROUP FOR PERSONS WITH DISABILITIES.

SECTION 6. 27-10-129 (1), Colorado Revised Statutes, is amended to read:

27-10-129. Advisory board - service standards and regulations. (1) There is hereby established an advisory board to the department for the purpose of assisting and advising the executive director in accordance with section 27-10-128 in the development of service standards and regulations. The board shall consist of not less than eleven nor more than fifteen members appointed by the governor and shall include one representative each from the division of mental health in the department, the department of human services, the department of public health and environment, the university of Colorado medical center, and a leading professional association of psychiatrists in this state; at least one member representing proprietary skilled health care facilities; one member representing nonprofit health care facilities; one member representing the Colorado bar association; one member representing consumers of mental health services; one member representing families of persons with mental illness; one member representing children's health care facilities; and other persons from both the private and the public sectors who are recognized or known to be interested and informed in the area of the board's purpose and function. IN MAKING APPOINTMENTS TO THE BOARD, THE GOVERNOR IS ENCOURAGED TO INCLUDE REPRESENTATION BY AT LEAST ONE MEMBER WHO IS A PERSON WITH A DISABILITY, AS DEFINED IN SECTION 24-45.5-102 (2), C.R.S., A FAMILY MEMBER OF A PERSON WITH A DISABILITY, OR A MEMBER OF AN ADVOCACY GROUP FOR PERSONS WITH DISABILITIES, PROVIDED THAT THE OTHER REQUIREMENTS OF THIS SUBSECTION (1) ARE MET.

SECTION 7. 43-1-106 (4) (c), Colorado Revised Statutes, is amended to read:

43-1-106. Transportation commission - powers and duties. (4) (c) As the terms of the members of the commission expire, the governor shall consider the appointment to the commission of one or more individuals with knowledge or experience in mass transportation in order to provide for a commission with expertise in different modes of transportation and shall consider the appointment to the commission of at least one individual with knowledge or experience in engineering. IN MAKING APPOINTMENTS TO THE COMMISSION, THE GOVERNOR IS ENCOURAGED TO INCLUDE REPRESENTATION BY AT LEAST ONE MEMBER WHO IS A PERSON WITH A DISABILITY, AS DEFINED IN SECTION 24-45.5-102 (2), C.R.S., A FAMILY MEMBER OF A PERSON WITH A DISABILITY, OR A MEMBER OF AN ADVOCACY GROUP FOR PERSONS WITH DISABILITIES, PROVIDED THAT THE OTHER REQUIREMENTS OF THIS PARAGRAPH (c) ARE MET.

SECTION 8. 26-11-101 (1), Colorado Revised Statutes, is amended to read:

26-11-101. Commission on the aging created. (1) There is hereby created in

the state department the Colorado commission on the aging, referred to in this article as the "commission", which shall consist of seventeen members appointed by the governor, with the consent of the senate. Two members shall be appointed from each congressional district of the state, one of whom shall be from each major political party, and, after July 1, 1976, and thereafter when a vacancy occurs, one of such members shall be from west of the continental divide. A vacancy on the commission occurs whenever any member moves out of the congressional district from which he or she was appointed. Any member who moves out of such congressional district shall promptly notify the governor of the date of such move, but such notice is not a condition precedent to the occurrence of the vacancy. The governor shall fill the vacancy as provided in subsection (2) of this section. Appointments made to take effect on January 1, 1983, shall be made in accordance with section 24-1-135, C.R.S. No more than nine members of the commission shall be members of the same major political party. One member shall be appointed from the state at large, one member shall be appointed from among the membership of the senate, and one member shall be appointed from among the membership of the house of representatives. Appointments to the commission shall comply with the requirements of the rules and regulations of the United States department of health and human services promulgated pursuant to Public Law 93-29, known as the "Older Americans Comprehensive Services Amendments of 1973", as such rules and regulations appear in section 903.50 (c) of Title 45 of the code of federal regulations. IN MAKING APPOINTMENTS TO THE COMMISSION, THE GOVERNOR IS ENCOURAGED TO INCLUDE REPRESENTATION BY AT LEAST ONE MEMBER WHO IS A PERSON WITH A DISABILITY, A FAMILY MEMBER OF A PERSON WITH A DISABILITY, OR A MEMBER OF AN ADVOCACY GROUP FOR PERSONS WITH DISABILITIES, PROVIDED THAT THE OTHER REQUIREMENTS OF THIS SUBSECTION (1) ARE MET.

SECTION 9. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 2, 2009