

HB1364_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Public Health Care & Human Services.

HB18-1364 be amended as follows:

1 Amend page 2, after line 3 insert:

2 "SECTION 2. In Colorado Revised Statutes, add part 7 to article
3 1 of title 25.5 as follows:

4 PART 7

5 COLORADO ADVISORY COUNCIL
6 FOR PERSONS WITH DISABILITIES

7 **25.5-1-701. Legislative declaration.** (1) THE GENERAL
8 ASSEMBLY FINDS AND DECLARES THAT:

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

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

15 (c) THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990",
16 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED, ESTABLISHED PRINCIPLES AND
17 GUIDELINES REGARDING PERSONS WITH DISABILITIES.

18 (2) THEREFORE, IT IS IN THE BEST INTERESTS OF THE STATE OF
19 COLORADO TO STRIVE TO ENSURE EQUALITY OF OPPORTUNITY,
20 INDEPENDENT LIVING, AND ECONOMIC SELF-SUFFICIENCY FOR ALL OF THE
21 STATE'S CITIZENS, INCLUDING PERSONS WITH DISABILITIES.

22 **25.5-1-702. Definitions.** AS USED IN THIS PART 7, UNLESS THE
23 CONTEXT OTHERWISE REQUIRES:

24 (1) "COUNCIL" MEANS THE COLORADO ADVISORY COUNCIL FOR
25 PERSONS WITH DISABILITIES CREATED IN SECTION 25.5-1-703.

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

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

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

31 (c) IS REGARDED AS HAVING SUCH AN IMPAIRMENT.

32 **25.5-1-703. Colorado advisory council for persons with**
33 **disabilities - creation - appointments - meetings.** (1) THE COLORADO
34 ADVISORY COUNCIL FOR PERSONS WITH DISABILITIES IS CREATED IN THE
35 STATE DEPARTMENT OF HUMAN SERVICES.

36 (2) THE COUNCIL CONSISTS OF SEVEN VOTING MEMBERS AND
37 THREE NONVOTING MEMBERS AND MUST REFLECT STATEWIDE
38 PARTICIPATION AND A COMMITMENT TO THE INCLUSION OF PERSONS WITH
39 DISABILITIES AS FOLLOWS:

40 (a) VOTING MEMBERS INCLUDE:

1 (I) TWO MEMBERS SELECTED BY THE GOVERNOR; AND
2 (II) FIVE MEMBERS SELECTED BY THE EXECUTIVE DIRECTOR
3 FOLLOWING A PUBLIC APPLICATION PROCESS FOR CANDIDATES. OF THE
4 FIVE MEMBERS SELECTED PURSUANT TO THIS SUBSECTION (2)(a)(II), AT
5 LEAST THREE MUST BE EITHER A PERSON WITH A DISABILITY OR A FAMILY
6 MEMBER OF A PERSON WITH A DISABILITY; AND

7 (b) THREE NONVOTING MEMBERS, AS APPOINTED BY THE
8 EXECUTIVE DIRECTOR EXECUTIVE DIRECTOR, WHO MUST REPRESENT THREE
9 SEPARATE TYPES OF ORGANIZATIONS THAT PROVIDE SERVICES TO THE
10 DISABILITY COMMUNITY.

11 (3) COUNCIL MEMBERS APPOINTED PURSUANT TO SUBSECTION
12 (2)(a)(I) OF THIS SECTION SHALL SERVE THREE-YEAR TERMS, AND COUNCIL
13 MEMBERS APPOINTED PURSUANT TO SUBSECTIONS (2)(a)(II) AND (2)(b) OF
14 THIS SECTION SHALL SERVE TWO-YEAR TERMS. SUBSEQUENTLY APPOINTED
15 MEMBERS SHALL SERVE TWO-YEAR TERMS.

16 (4) THE ORIGINAL APPOINTING ENTITY SHALL APPOINT A QUALIFIED
17 PERSON TO FILL A VACANCY ON THE COUNCIL FOR THE REMAINDER OF ANY
18 UNEXPIRED TERM. IF THE ORIGINAL APPOINTING ENTITY DOES NOT APPOINT
19 A PERSON TO FILL THE VACANCY WITHIN SIXTY DAYS AFTER THE DATE THE
20 VACANCY ARISES, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND
21 THE PRESIDENT OF THE SENATE, WITHIN NINETY DAYS AFTER THE DATE
22 THE VACANCY ARISES, SHALL JOINTLY APPOINT A QUALIFIED PERSON TO
23 FILL THE VACANCY. IF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES
24 AND THE PRESIDENT OF THE SENATE DO NOT APPOINT A PERSON TO FILL
25 THE VACANCY WITHIN THE NINETY-DAY PERIOD, THE COUNCIL, BY A
26 MAJORITY VOTE, SHALL APPOINT A QUALIFIED PERSON TO FILL THE
27 VACANCY.

28 (5) THE COUNCIL SHALL CONVENE ITS FIRST MEETING ON OR
29 BEFORE AUGUST 1, 2018, AND MEET AT LEAST QUARTERLY THEREAFTER.
30 THE MEETINGS OF THE COUNCIL SHALL ALSO BE HELD ON CALL OF THE
31 CHAIR OR AT THE REQUEST OF AT LEAST THREE MEMBERS OF THE COUNCIL.
32 THE MEMBERS OF THE COUNCIL SHALL SELECT THE COUNCIL CHAIR AT THE
33 FIRST MEETING.

34 (6) EXCEPT AS PROVIDED FOR IN SECTION 2-2-326, COUNCIL
35 MEMBERS SHALL NOT RECEIVE COMPENSATION FOR THEIR TIME BUT MAY
36 BE REIMBURSED FOR ACTUAL AND NECESSARY EXPENSES, INCLUDING AN
37 ALLOWANCE FOR MILEAGE AS PROVIDED IN SECTION 24-9-104 (2) AND ANY
38 REASONABLE AND NECESSARY EXPENSES ASSOCIATED WITH PROVIDING
39 ACCOMMODATIONS FOR A COUNCIL MEMBER'S DISABILITY.

40 (7) THE STATE DEPARTMENT SHALL PROVIDE STAFF SUPPORT TO
41 THE COUNCIL AS NECESSARY.

42 **25.5-1-704. Powers and duties of the council.** (1) THE COUNCIL
43 HAS THE FOLLOWING POWERS, FUNCTIONS, AND DUTIES:

1 (a) RECOMMENDING LEGISLATION, THROUGH THE STATE
2 DEPARTMENT, RELATED TO ACCESSIBILITY, SERVICES AND SUPPORTS, AND
3 OTHER ISSUES CONCERNING THE DISABILITY COMMUNITY;

4 (b) CONDUCTING INFORMAL REVIEWS OF VARIOUS STATE
5 DEPARTMENTS RELATED TO ACCESSIBILITY ISSUES RELATED TO PERSONS
6 WITH DISABILITIES;

7 (c) COORDINATING EFFORTS AND RESPONSIBILITIES RELATED TO
8 THE DISABLED PARKING EDUCATION PROGRAMS PURSUANT TO SECTIONS
9 42-1-227 AND 42-3-204; AND

10 (d) CONDUCTING RESEARCH CONCERNING HOW TO MAKE
11 COLORADO THE BEST STATE FOR PERSONS WITH DISABILITIES.

12 **25.5-1-705. Gifts, grants, and donations.** THE COUNCIL IS
13 AUTHORIZED TO RECEIVE AND EXPEND GIFTS, GRANTS, AND DONATIONS
14 FROM INDIVIDUALS, PRIVATE ORGANIZATIONS, FOUNDATIONS, OR ANY
15 GOVERNMENTAL UNIT; EXCEPT THAT THE COUNCIL MAY NOT ACCEPT A
16 GIFT, GRANT, OR DONATION IF IT IS SUBJECT TO CONDITIONS THAT ARE
17 INCONSISTENT WITH THIS PART 7 OR ANY OTHER LAW OF THIS STATE.

18 **26-24-106. Repeal of part.** THIS PART 7 IS REPEALED, EFFECTIVE
19 SEPTEMBER 1, 2023. PRIOR TO REPEAL, THE COUNCIL MUST BE REVIEWED,
20 AS PROVIDED IN SECTION 2-3-1203.

21 **SECTION 3.** In Colorado Revised Statutes, 2-3-1203, **repeal**
22 (6)(a)(III); and **add** (14)(a)(VI) as follows:

23 **2-3-1203. Sunset review of advisory committees - legislative**
24 **declaration - definition - repeal.** (6) (a) The following statutory
25 authorizations for the designated advisory committees will repeal on July
26 1, 2018:

27 (III) ~~The Colorado advisory council for persons with disabilities~~
28 ~~created in section 24-45.5-103, C.R.S.;~~

29 (14) (a) The following statutory authorizations for the designated
30 advisory committees are scheduled for repeal on September 1, 2023:

31 (VI) THE COLORADO ADVISORY COUNCIL FOR PERSONS WITH
32 DISABILITIES CREATED IN SECTION 25.5-1-703."

33 Renumber succeeding sections accordingly.

34 Page 6, after line 7 insert:

35 "SECTION 10. In Colorado Revised Statutes, 42-1-227, **amend**
36 (1) introductory portion as follows:

37 **42-1-227. Disabled parking education program.** (1) Subject to
38 the availability of funds appropriated under section 42-1-226, the
39 Colorado advisory council for persons with disabilities, created in section
40 ~~24-45.5-103, C.R.S.~~ SECTION 25.5-1-703:"

1 Renumber succeeding sections accordingly.

2 Page 6, strike lines 13 and 14 and substitute "department, in consultation
3 with the Colorado advisory council for persons with disabilities, created
4 in section ~~24-45.5-103, C.R.S.~~ SECTION 25.5-1-703, shall promulgate".

5 Page 6, line 25, after the period add "THE DEPARTMENT, IN
6 CONSULTATION WITH THE COLORADO ADVISORY COUNCIL FOR PERSONS
7 WITH DISABILITIES, CREATED IN SECTION 25.5-1-703, SHALL DEVELOP THE
8 PAMPHLET OR OTHER INFORMATIONAL SOURCE.".

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