

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation, Housing & Local Government.

HB24-1168 be amended as follows:

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
28 24-6-402 (1)(b).

29 (d) "REMOTE METHOD" MEANS THE SIMULTANEOUS
30 COMMUNICATION OR TRANSMISSION OF A PUBLIC MEETING BY A
31 TELEPHONIC, ELECTRONIC, OR SIMILAR REMOTE METHOD.

32 (e) "SMALL COMMUNITY" MEAN ANY AUTHORITY, DISTRICT, OR
33 OTHER POLITICAL SUBDIVISION OF THE STATE WITH FEWER THAN ONE
34 THOUSAND ELIGIBLE ELECTORS AT THE LAST ELECTION OF THE AUTHORITY,
35 DISTRICT, OR OTHER POLITICAL SUBDIVISION OF THE STATE.

36 (d) "STATE PUBLIC BODY" HAS THE SAME MEANING AS SET FORTH
37 IN SECTION 24-6-402 (1)(d).

38 (2) BEGINNING JULY 1, 2025, A STATE PUBLIC BODY OR A LOCAL
39 PUBLIC BODY THAT IS NOT A SMALL COMMUNITY IS SUBJECT TO THE

1 FOLLOWING REQUIREMENTS:

2 (a) ANY MEETING OF A STATE PUBLIC BODY OR LOCAL PUBLIC
3 BODY THAT IS NOT A SMALL COMMUNITY FOR WHICH NOTICE IS REQUIRED
4 TO BE PROVIDED PURSUANT TO SECTION 24-6-402 (2)(c)(I) AND AT WHICH
5 THE ADOPTION OF ANY PROPOSED POLICY, POSITION, RESOLUTION, RULE,
6 REGULATION, OR FORMAL ACTION WILL OCCUR, OR WHERE THE STATE
7 PUBLIC BODY OR LOCAL PUBLIC BODY THAT IS NOT A SMALL COMMUNITY
8 WILL BE HEARING PUBLIC TESTIMONY OR COMMENT, MUST BE MADE
9 ACCESSIBLE IN REAL TIME BY LIVE-STREAMING VIDEO OR AUDIO;

10 (b) ANY DOCUMENT THAT IS IN THE POSSESSION OF A STATE PUBLIC
11 BODY OR A LOCAL PUBLIC BODY THAT IS NOT A SMALL COMMUNITY AND
12 WILL BE MADE AVAILABLE TO THE PUBLIC DURING A MEETING MUST BE
13 POSTED AT LEAST TWENTY-FOUR HOURS BEFORE THE MEETING, OR IF
14 POSTING TWENTY-FOUR HOURS BEFORE THE MEETING IS NOT POSSIBLE,
15 MUST BE POSTED AS SOON AS PRACTICABLE; AND

16 (c) FOR A MEETING AT WHICH A STATE PUBLIC BODY OR A LOCAL
17 PUBLIC BODY THAT IS NOT A SMALL COMMUNITY WILL HEAR PUBLIC
18 TESTIMONY OR COMMENT, THE STATE PUBLIC BODY OR LOCAL PUBLIC
19 BODY THAT IS NOT A SMALL COMMUNITY MUST ALLOW INDIVIDUALS WHO
20 WISH TO PARTICIPATE REMOTELY TO PROVIDE PUBLIC COMMENT
21 VIRTUALLY. IT IS IN THE DISCRETION OF THE STATE PUBLIC BODY OR LOCAL
22 PUBLIC BODY THAT IS NOT A SMALL COMMUNITY TO PROMULGATE RULES
23 FOR THE ADMINISTERING OF PUBLIC COMMENT SO LONG AS SUCH RULES
24 APPLY EQUITABLY TO INDIVIDUALS SEEKING TO MAKE PUBLIC COMMENT
25 THROUGH A REMOTE METHOD AND INDIVIDUALS SEEKING TO MAKE PUBLIC
26 COMMENT IN PERSON.

27 (3) BEGINNING JULY 1, 2025, A LOCAL PUBLIC BODY THAT IS A
28 SMALL COMMUNITY IS SUBJECT TO THE FOLLOWING REQUIREMENTS:

29 (a) FOR ANY MEETING OF A LOCAL PUBLIC BODY THAT IS A SMALL
30 COMMUNITY FOR WHICH NOTICE IS REQUIRED TO BE PROVIDED PURSUANT
31 TO SECTION 24-6-402 (2)(c)(I) AND AT WHICH THE ADOPTION OF ANY
32 PROPOSED POLICY, POSITION, RESOLUTION, RULE, REGULATION, OR
33 FORMAL ACTION WILL OCCUR, OR WHERE THE LOCAL PUBLIC BODY THAT
34 IS A SMALL COMMUNITY WILL BE HEARING PUBLIC TESTIMONY OR
35 COMMENT, THE LOCAL PUBLIC BODY THAT IS A SMALL COMMUNITY, UPON
36 RECEIPT OF A TIMELY REQUEST, SHALL:

37 (I) PROVIDE A REMOTE METHOD FOR INDIVIDUALS TO ATTEND A
38 MEETING;

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

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

45 (b) A REQUEST IS TIMELY FOR PURPOSES OF SUBSECTION (3)(a) OF

1 THIS SECTION IF THE REQUEST IS MADE AT LEAST TWO BUSINESS DAYS
2 PRIOR TO A MEETING FOR WHICH A REMOTE METHOD OF ATTENDING IS
3 REQUESTED.

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

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

12 (b) A STATE PUBLIC BODY OR A LOCAL PUBLIC BODY HOLDING A
13 MEETING THAT IS EXEMPT FROM THE REQUIREMENTS OF THIS SECTION
14 PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION SHALL MAKE A GOOD
15 FAITH EFFORT TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION,
16 SUCH AS USING TELECONFERENCING OR OTHER ALTERNATIVE METHODS OF
17 REAL-TIME LIVE STREAMING, BUT IS NOT SUBJECT TO CIVIL SUIT PURSUANT
18 TO SUBSECTION (10) OF THIS SECTION.

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

24 (7) BEGINNING JULY 1, 2025, A STATE PUBLIC BODY OR A LOCAL
25 PUBLIC BODY SHALL PROVIDE AUXILIARY SERVICES UPON TIMELY REQUEST
26 OF AN INDIVIDUAL WITH A DISABILITY WHO REQUIRES SUCH SERVICES TO
27 ATTEND A MEETING. A TIMELY REQUEST INCLUDES A REQUEST MADE AT
28 LEAST SEVEN DAYS PRIOR TO THE MEETING. NOTHING IN THIS SECTION
29 REQUIRES A STATE PUBLIC BODY OR A LOCAL PUBLIC BODY TO PROVIDE
30 HARDWARE OR SOFTWARE OR INTERNET OR PHONE ACCESS AT AN
31 INDIVIDUAL'S HOME.

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

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

40 (10) (a) AN INDIVIDUAL WITH A DISABILITY, AS DEFINED IN
41 SECTION 24-34-301, WHO IS SUBJECT TO A VIOLATION OF THIS SECTION BY
42 A STATE PUBLIC BODY OR LOCAL PUBLIC BODY BASED ON THE
43 INDIVIDUAL'S DISABILITY MAY BRING A CIVIL SUIT IN A COURT OF
44 COMPETENT JURISDICTION. IF THE COURT FINDS THAT A VIOLATION OF THIS
45 SECTION OCCURRED, THE STATE PUBLIC BODY OR LOCAL PUBLIC BODY

1 THAT VIOLATED THIS SECTION IS SUBJECT TO EITHER A STATUTORY FINE OF
2 THREE THOUSAND DOLLARS OR AN AMOUNT EQUAL TO ONE PERCENT OF
3 THE STATE PUBLIC BODY'S OR LOCAL PUBLIC BODY'S PRIOR FISCAL YEAR
4 REVENUE, WHICHEVER IS LESS. THE FINE IS PAYABLE TO EACH INDIVIDUAL
5 SUBJECT TO A VIOLATION OF THIS SECTION OR THE COLORADO
6 COMMISSION FOR THE DEAF, HARD OF HEARING, AND DEAFBLIND CASH
7 FUND ESTABLISHED IN SECTION 26-21-107, AT THE INDIVIDUAL'S
8 CHOOSING.

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

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

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

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

27 Page 1, line 101, strike "EQUAL ACCESS TO PUBLIC MEETINGS." and
28 substitute "ACCESSIBILITY TO PUBLIC MEETINGS FOR INDIVIDUALS WITH
29 DISABILITIES."

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