

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 17, 2018
Date

Committee on Public Health Care & Human Services.

After consideration on the merits, the Committee recommends the following:

HB18-1364 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, 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

1 PERSONS WITH DISABILITIES CREATED IN SECTION 25.5-1-703.
2 (2) "PERSON WITH A DISABILITY" MEANS A PERSON WHO:
3 (a) HAS A PHYSICAL OR MENTAL IMPAIRMENT OR CHRONIC
4 MEDICAL CONDITION THAT SUBSTANTIALLY LIMITS ONE OR MORE OF HIS OR
5 HER MAJOR LIFE ACTIVITIES;
6 (b) HAS A RECORD OF SUCH AN IMPAIRMENT; OR
7 (c) IS REGARDED AS HAVING SUCH AN IMPAIRMENT.
8 **25.5-1-703. Colorado advisory council for persons with**
9 **disabilities - creation - appointments - meetings.** (1) THE COLORADO
10 ADVISORY COUNCIL FOR PERSONS WITH DISABILITIES IS CREATED IN THE
11 STATE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.
12 (2) THE COUNCIL CONSISTS OF SEVEN VOTING MEMBERS AND
13 THREE NONVOTING MEMBERS AND MUST REFLECT STATEWIDE
14 PARTICIPATION AND A COMMITMENT TO THE INCLUSION OF PERSONS WITH
15 DISABILITIES AS FOLLOWS:
16 (a) VOTING MEMBERS INCLUDE:
17 (I) TWO MEMBERS SELECTED BY THE GOVERNOR; AND
18 (II) FIVE MEMBERS SELECTED BY THE EXECUTIVE DIRECTOR
19 FOLLOWING A PUBLIC APPLICATION PROCESS FOR CANDIDATES. OF THE
20 FIVE MEMBERS SELECTED PURSUANT TO THIS SUBSECTION (2)(a)(II), AT
21 LEAST THREE MUST BE EITHER A PERSON WITH A DISABILITY OR A FAMILY
22 MEMBER OF A PERSON WITH A DISABILITY; AND
23 (b) THREE NONVOTING MEMBERS, AS APPOINTED BY THE
24 EXECUTIVE DIRECTOR EXECUTIVE DIRECTOR, WHO MUST REPRESENT THREE
25 SEPARATE TYPES OF ORGANIZATIONS THAT PROVIDE SERVICES TO THE
26 DISABILITY COMMUNITY.
27 (3) COUNCIL MEMBERS APPOINTED PURSUANT TO SUBSECTION
28 (2)(a)(I) OF THIS SECTION SHALL SERVE THREE-YEAR TERMS, AND COUNCIL
29 MEMBERS APPOINTED PURSUANT TO SUBSECTIONS (2)(a)(II) AND (2)(b) OF
30 THIS SECTION SHALL SERVE TWO-YEAR TERMS. SUBSEQUENTLY APPOINTED
31 MEMBERS SHALL SERVE TWO-YEAR TERMS.
32 (4) THE ORIGINAL APPOINTING ENTITY SHALL APPOINT A QUALIFIED
33 PERSON TO FILL A VACANCY ON THE COUNCIL FOR THE REMAINDER OF ANY
34 UNEXPIRED TERM. IF THE ORIGINAL APPOINTING ENTITY DOES NOT APPOINT
35 A PERSON TO FILL THE VACANCY WITHIN SIXTY DAYS AFTER THE DATE THE
36 VACANCY ARISES, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND
37 THE PRESIDENT OF THE SENATE, WITHIN NINETY DAYS AFTER THE DATE
38 THE VACANCY ARISES, SHALL JOINTLY APPOINT A QUALIFIED PERSON TO
39 FILL THE VACANCY. IF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES
40 AND THE PRESIDENT OF THE SENATE DO NOT APPOINT A PERSON TO FILL
41 THE VACANCY WITHIN THE NINETY-DAY PERIOD, THE COUNCIL, BY A

1 MAJORITY VOTE, SHALL APPOINT A QUALIFIED PERSON TO FILL THE
2 VACANCY.

3 (5) THE COUNCIL SHALL CONVENE ITS FIRST MEETING ON OR
4 BEFORE AUGUST 1, 2018, AND MEET AT LEAST QUARTERLY THEREAFTER.
5 THE MEETINGS OF THE COUNCIL SHALL ALSO BE HELD ON CALL OF THE
6 CHAIR OR AT THE REQUEST OF AT LEAST THREE MEMBERS OF THE COUNCIL.
7 THE MEMBERS OF THE COUNCIL SHALL SELECT THE COUNCIL CHAIR AT THE
8 FIRST MEETING.

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

15 (7) THE STATE DEPARTMENT SHALL PROVIDE STAFF SUPPORT TO
16 THE COUNCIL AS NECESSARY.

17 **25.5-1-704. Powers and duties of the council.** (1) THE COUNCIL
18 HAS THE FOLLOWING POWERS, FUNCTIONS, AND DUTIES:

19 (a) RECOMMENDING AND REVIEWING LEGISLATION, THROUGH THE
20 STATE DEPARTMENT, RELATED TO ACCESSIBILITY, SERVICES AND
21 SUPPORTS, AND OTHER ISSUES CONCERNING THE DISABILITY COMMUNITY;

22 (b) CONDUCTING INFORMAL REVIEWS OF VARIOUS STATE
23 DEPARTMENTS RELATED TO ACCESSIBILITY ISSUES RELATED TO PERSONS
24 WITH DISABILITIES;

25 (c) COORDINATING EFFORTS AND RESPONSIBILITIES RELATED TO
26 THE DISABLED PARKING EDUCATION PROGRAMS PURSUANT TO SECTIONS
27 42-1-227 AND 42-3-204; AND

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

30 **25.5-1-705. Gifts, grants, and donations.** THE COUNCIL IS
31 AUTHORIZED TO RECEIVE AND EXPEND GIFTS, GRANTS, AND DONATIONS
32 FROM INDIVIDUALS, PRIVATE ORGANIZATIONS, FOUNDATIONS, OR ANY
33 GOVERNMENTAL UNIT; EXCEPT THAT THE COUNCIL MAY NOT ACCEPT A
34 GIFT, GRANT, OR DONATION IF IT IS SUBJECT TO CONDITIONS THAT ARE
35 INCONSISTENT WITH THIS PART 7 OR ANY OTHER LAW OF THIS STATE.

36 **26-24-106. Repeal of part.** THIS PART 7 IS REPEALED, EFFECTIVE
37 SEPTEMBER 1, 2023. PRIOR TO REPEAL, THE COUNCIL MUST BE REVIEWED,
38 AS PROVIDED IN SECTION 2-3-1203.

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

41 **2-3-1203. Sunset review of advisory committees - legislative**

1 **declaration - definition - repeal.** (6) (a) The following statutory
2 authorizations for the designated advisory committees will repeal on July
3 1, 2018:

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

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

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

10 Renumber succeeding sections accordingly.

11 Page 6, after line 7 insert:

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

14 **42-1-227. Disabled parking education program.** (1) Subject to
15 the availability of funds appropriated under section 42-1-226, the
16 Colorado advisory council for persons with disabilities, created in ~~section~~
17 ~~24-45.5-103, C.R.S.~~ SECTION 25.5-1-703:"

18 Renumber succeeding sections accordingly.

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

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

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