

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-0379.01 Jane Ritter x4342

HOUSE BILL 18-1364

HOUSE SPONSORSHIP

Michaelson Jenet and Landgraf, Danielson, Ginal, Hooton, Lontine, Pettersen, Singer

SENATE SPONSORSHIP

Martinez Humenik and Zenzinger,

House Committees

Public Health Care & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE COLORADO ADVISORY**
102 **COUNCIL FOR PERSONS WITH DISABILITIES, AND, IN CONNECTION**
103 **THEREWITH, IMPLEMENTING THE SUNSET REVIEW**
104 **RECOMMENDATIONS OF THE DEPARTMENT OF REGULATORY**
105 **AGENCIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Sunset Process - House Public Health Care and Human Services Committee. The bill implements the recommendation of the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

department of regulatory agencies to sunset the Colorado advisory council for persons with disabilities. The bill makes conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal** article 45.5
3 of title 24.

4 **SECTION 2.** In Colorado Revised Statutes, **add** part 7 to article
5 1 of title 25.5 as follows:

6 **PART 7**

7 **COLORADO ADVISORY COUNCIL**

8 **FOR PERSONS WITH DISABILITIES**

9 **25.5-1-701. Legislative declaration.** (1) **THE GENERAL**
10 **ASSEMBLY FINDS AND DECLARES THAT:**

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

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

17 (c) **THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990",**
18 **42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED, ESTABLISHED PRINCIPLES AND**
19 **GUIDELINES REGARDING PERSONS WITH DISABILITIES.**

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

24 **25.5-1-702. Definitions.** **AS USED IN THIS PART 7, UNLESS THE**
25 **CONTEXT OTHERWISE REQUIRES:**

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

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

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

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

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

9 **25.5-1-703. Colorado advisory council for persons with**
10 **disabilities - creation - appointments - meetings.** (1) THE COLORADO
11 ADVISORY COUNCIL FOR PERSONS WITH DISABILITIES IS CREATED IN THE
12 STATE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.

13 (2) THE COUNCIL CONSISTS OF SEVEN VOTING MEMBERS AND
14 THREE NONVOTING MEMBERS AND MUST REFLECT STATEWIDE
15 PARTICIPATION AND A COMMITMENT TO THE INCLUSION OF PERSONS WITH
16 DISABILITIES AS FOLLOWS:

17 (a) VOTING MEMBERS INCLUDE:

18 (I) TWO MEMBERS SELECTED BY THE GOVERNOR; AND

19 (II) FIVE MEMBERS SELECTED BY THE EXECUTIVE DIRECTOR
20 FOLLOWING A PUBLIC APPLICATION PROCESS FOR CANDIDATES. OF THE
21 FIVE MEMBERS SELECTED PURSUANT TO THIS SUBSECTION (2)(a)(II), AT
22 LEAST THREE MUST BE EITHER A PERSON WITH A DISABILITY OR A FAMILY
23 MEMBER OF A PERSON WITH A DISABILITY; AND

24 (b) THREE NONVOTING MEMBERS, AS APPOINTED BY THE
25 EXECUTIVE DIRECTOR EXECUTIVE DIRECTOR, WHO MUST REPRESENT THREE
26 SEPARATE TYPES OF ORGANIZATIONS THAT PROVIDE SERVICES TO THE
27 DISABILITY COMMUNITY.

1 (3) COUNCIL MEMBERS APPOINTED PURSUANT TO SUBSECTION
2 (2)(a)(I) OF THIS SECTION SHALL SERVE THREE-YEAR TERMS, AND COUNCIL
3 MEMBERS APPOINTED PURSUANT TO SUBSECTIONS (2)(a)(II) AND (2)(b) OF
4 THIS SECTION SHALL SERVE TWO-YEAR TERMS. SUBSEQUENTLY APPOINTED
5 MEMBERS SHALL SERVE TWO-YEAR TERMS.

6 (4) THE ORIGINAL APPOINTING ENTITY SHALL APPOINT A QUALIFIED
7 PERSON TO FILL A VACANCY ON THE COUNCIL FOR THE REMAINDER OF ANY
8 UNEXPIRED TERM. IF THE ORIGINAL APPOINTING ENTITY DOES NOT APPOINT
9 A PERSON TO FILL THE VACANCY WITHIN SIXTY DAYS AFTER THE DATE THE
10 VACANCY ARISES, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND
11 THE PRESIDENT OF THE SENATE, WITHIN NINETY DAYS AFTER THE DATE
12 THE VACANCY ARISES, SHALL JOINTLY APPOINT A QUALIFIED PERSON TO
13 FILL THE VACANCY. IF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES
14 AND THE PRESIDENT OF THE SENATE DO NOT APPOINT A PERSON TO FILL
15 THE VACANCY WITHIN THE NINETY-DAY PERIOD, THE COUNCIL, BY A
16 MAJORITY VOTE, SHALL APPOINT A QUALIFIED PERSON TO FILL THE
17 VACANCY.

18 (5) THE COUNCIL SHALL CONVENE ITS FIRST MEETING ON OR
19 BEFORE AUGUST 1, 2018, AND MEET AT LEAST QUARTERLY THEREAFTER.
20 THE MEETINGS OF THE COUNCIL SHALL ALSO BE HELD ON CALL OF THE
21 CHAIR OR AT THE REQUEST OF AT LEAST THREE MEMBERS OF THE COUNCIL.
22 THE MEMBERS OF THE COUNCIL SHALL SELECT THE COUNCIL CHAIR AT THE
23 FIRST MEETING.

24 (6) EXCEPT AS PROVIDED FOR IN SECTION 2-2-326, COUNCIL
25 MEMBERS SHALL NOT RECEIVE COMPENSATION FOR THEIR TIME BUT MAY
26 BE REIMBURSED FOR ACTUAL AND NECESSARY EXPENSES, INCLUDING AN
27 ALLOWANCE FOR MILEAGE AS PROVIDED IN SECTION 24-9-104(2) AND ANY

1 REASONABLE AND NECESSARY EXPENSES ASSOCIATED WITH PROVIDING
2 ACCOMMODATIONS FOR A COUNCIL MEMBER'S DISABILITY.

3 (7) THE STATE DEPARTMENT SHALL PROVIDE STAFF SUPPORT TO
4 THE COUNCIL AS NECESSARY.

5 **25.5-1-704. Powers and duties of the council.** (1) THE COUNCIL
6 HAS THE FOLLOWING POWERS, FUNCTIONS, AND DUTIES:

7 (a) RECOMMENDING AND REVIEWING LEGISLATION, THROUGH THE
8 STATE DEPARTMENT, RELATED TO ACCESSIBILITY, SERVICES AND
9 SUPPORTS, AND OTHER ISSUES CONCERNING THE DISABILITY COMMUNITY;

10 (b) CONDUCTING INFORMAL REVIEWS OF VARIOUS STATE
11 DEPARTMENTS RELATED TO ACCESSIBILITY ISSUES RELATED TO PERSONS
12 WITH DISABILITIES;

13 (c) COORDINATING EFFORTS AND RESPONSIBILITIES RELATED TO
14 THE DISABLED PARKING EDUCATION PROGRAMS PURSUANT TO SECTIONS
15 42-1-227 AND 42-3-204; AND

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

18 **25.5-1-705. Gifts, grants, and donations.** THE COUNCIL IS
19 AUTHORIZED TO RECEIVE AND EXPEND GIFTS, GRANTS, AND DONATIONS
20 FROM INDIVIDUALS, PRIVATE ORGANIZATIONS, FOUNDATIONS, OR ANY
21 GOVERNMENTAL UNIT; EXCEPT THAT THE COUNCIL MAY NOT ACCEPT A
22 GIFT, GRANT, OR DONATION IF IT IS SUBJECT TO CONDITIONS THAT ARE
23 INCONSISTENT WITH THIS PART 7 OR ANY OTHER LAW OF THIS STATE.

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

27 **SECTION 3.** In Colorado Revised Statutes, 2-3-1203, **repeal**

1 (6)(a)(III); and **add** (14)(a)(VI) as follows:

2 **2-3-1203. Sunset review of advisory committees - legislative**
3 **declaration - definition - repeal.** (6) (a) The following statutory
4 authorizations for the designated advisory committees will repeal on July
5 1, 2018:

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

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

10 (VI) ~~THE COLORADO ADVISORY COUNCIL FOR PERSONS WITH~~
11 ~~DISABILITIES CREATED IN SECTION 25.5-1-703.~~

12 **SECTION 4.** In Colorado Revised Statutes, 19-3.5-104, **amend**
13 (2) introductory portion and (2)(c) as follows:

14 **19-3.5-104. Colorado children's trust fund board - creation -**
15 **members.** (2) The board ~~shall consist~~ CONSISTS of nine members, as
16 follows:

17 (c) Six persons appointed by the governor and confirmed by the
18 senate, five of whom shall be knowledgeable in the area of child abuse
19 prevention and represent some of the following areas: Law enforcement;
20 medicine; law; business; mental health; domestic relations; child abuse
21 prevention; education; and social work; and one who ~~shall be~~ IS a parent
22 or a representative of a parent organization. In making appointments to
23 the board, the governor is encouraged to include representation by at least
24 one member who is a person with a disability, as defined in ~~section~~
25 ~~24-45.5-102 (2), C.R.S.~~ SECTION 24-34-301 (2.5), a family member of a
26 person with a disability, or a member of an advocacy group for persons
27 with disabilities, provided that the other requirements of this paragraph

1 ~~(e)~~ SUBSECTION (2)(c) are met.

2 **SECTION 5.** In Colorado Revised Statutes, 24-32-706, **amend**
3 (1) as follows:

4 **24-32-706. State housing board.** (1) There is ~~hereby~~ created,
5 within the division of housing, the state housing board. The board ~~shall~~
6 ~~consist~~ CONSISTS of seven members ~~who shall be~~ appointed by the
7 governor for terms of four years each, except as provided in subsection
8 (2) of this section. In making appointments to the board, the governor
9 shall include representation by at least one member who is a person with
10 a disability, as defined in ~~section 24-45.5-102 (2)~~ SECTION 24-34-301
11 (2.5), a family member of a person with a disability, or a member of an
12 advocacy group for persons with disabilities.

13 **SECTION 6.** In Colorado Revised Statutes, 25-1-103, **amend** (1)
14 as follows:

15 **25-1-103. State board of health created.** (1) There is ~~hereby~~
16 created a state board of health, referred to in this part 1 as the "board".
17 ~~which shall consist~~ THE BOARD CONSISTS of nine members, of which one
18 member ~~shall~~ MUST be appointed by the governor, with the consent of the
19 senate, from each congressional district and the remainder from the state
20 at large. A vacancy on the board occurs whenever any member moves out
21 of the congressional district from which he OR SHE was appointed. A
22 member who moves out of such congressional district shall promptly
23 notify the governor of the date of ~~such~~ HIS OR HER move, but ~~such~~ THE
24 notice is not a condition precedent to the occurrence of the vacancy. The
25 governor shall fill the vacancy by appointment for the unexpired term. No
26 more than five members of the board shall be members of the same major
27 political party. Appointments made to take effect on January 1, 1983,

1 shall be made in accordance with section 24-1-135. ~~C.R.S.~~ Appointments
2 thereafter ~~shall be~~ ARE made, with the consent of the senate, for terms of
3 four years each and ~~shall be~~ made so that no business or professional
4 group ~~shall constitute~~ CONSTITUTES a majority of the board. In making
5 appointments to the board, the governor is encouraged to include
6 representation by at least one member who is a person with a disability,
7 as defined in ~~section 24-45.5-102 (2), C.R.S.~~ SECTION 24-34-301 (2.5), a
8 family member of a person with a disability, or a member of an advocacy
9 group for persons with disabilities if the other requirements of this
10 subsection (1) are met.

11 **SECTION 7.** In Colorado Revised Statutes, 25.5-1-301, **amend**
12 (1) as follows:

13 **25.5-1-301. Medical services board - creation.** (1) There is
14 ~~hereby~~ created in the state department a medical services board, referred
15 to in this part 3 as the "board". ~~which shall consist~~ THE BOARD CONSISTS
16 of eleven members appointed by the governor with the consent of the
17 senate. The governor shall appoint persons to the board who have
18 knowledge of medical assistance programs, and one or more of the
19 appointments may include a person or persons who have received
20 services through programs administered by the department within two
21 years of the date of appointment. No more than six members of the board
22 shall be members of the same political party. Of the eleven members
23 appointed to the board, at least one ~~shall~~ MUST be appointed from each
24 congressional district. In making appointments to the board, the governor
25 shall include representation by at least one member who is a person with
26 a disability, as defined in ~~section 24-45.5-102 (2), C.R.S.~~ SECTION
27 24-34-301 (2.5), a family member of a person with a disability, or a

1 member of an advocacy group for persons with disabilities, provided that
2 the other requirements of this subsection (1) are met.

3 **SECTION 8.** In Colorado Revised Statutes, 26-1-107, **amend**
4 (1)(a) as follows:

5 **26-1-107. State board of human services - rules.** (1) (a) There
6 is hereby created the state board of human services, REFERRED TO IN THIS
7 SECTION AS THE "STATE BOARD". The state board ~~shall consist~~ CONSISTS
8 of nine members ~~each of whom shall be~~ appointed by the governor, with
9 the consent of the senate, for terms of four years each. In making
10 appointments to the board, the governor shall include representation by
11 at least one member who is a person with a disability, as defined in
12 ~~section 24-45.5-102 (2), C.R.S.~~ SECTION 24-34-301 (2.5), a family
13 member of a person with a disability, or a member of an advocacy group
14 for persons with disabilities.

15 **SECTION 9.** In Colorado Revised Statutes, **amend** 27-65-131 as
16 follows:

17 **27-65-131. Advisory board - service standards and rules.** An
18 advisory board, REFERRED TO AS THE "BOARD" IN THIS SECTION, to the
19 department is established for the purpose of assisting and advising the
20 executive director in accordance with section 27-65-130 in the
21 development of service standards and rules. The board consists of not less
22 than eleven nor more than fifteen members appointed by the governor.
23 The advisory board includes one representative each from the office of
24 behavioral health, the department of human services, the department of
25 public health and environment, the university of Colorado health sciences
26 center, and a leading professional association of psychiatrists in this state;
27 at least one member representing proprietary skilled health care facilities;

1 one member representing nonprofit health care facilities; one member
2 representing the Colorado bar association; one member representing
3 consumers of services for persons with mental health disorders; one
4 member representing families of persons with mental health disorders;
5 one member representing children's health care facilities; and other
6 persons from both the private and the public sectors who are recognized
7 or known to be interested and informed in the area of the board's purpose
8 and function. In making appointments to the board, the governor is
9 encouraged to include representation by at least one member who is a
10 person with a disability, as defined in ~~section 24-45.5-102 (2)~~ SECTION
11 24-34-301 (2.5), a family member of a person with a disability, or a
12 member of an advocacy group for persons with disabilities, provided that
13 the other requirements of this section are met.

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

16 **42-1-227. Disabled parking education program.** (1) Subject to
17 the availability of funds appropriated under section 42-1-226, the
18 Colorado advisory council for persons with disabilities, created in ~~section~~
19 ~~24-45.5-103, C.R.S.~~ SECTION 25.5-1-703:

20 **SECTION 11.** In Colorado Revised Statutes, 42-3-204, **amend**
21 (2)(d) introductory portion and (5)(d) as follows:

22 **42-3-204. Reserved parking for persons with disabilities -**
23 **applicability - definitions - rules.** (2) **Administration by the**
24 **department.** (d) **Department to establish forms - rules.** The
25 department, in consultation with the Colorado advisory council for
26 persons with disabilities, created in ~~section 24-45.5-103, C.R.S.~~ SECTION
27 25.5-1-703, shall promulgate a rule creating an application and renewal

1 form that:

2 (5) **Issuance of plate or placard - rules. (d) Department to give**
3 **notice of rights and responsibilities.** When a person files an application
4 for issuance or renewal of an identifying plate or placard under this
5 section, the department shall provide to the applicant an informational
6 pamphlet or other informational source, DEVELOPED BY THE DEPARTMENT,
7 that describes reserved parking and the rights and responsibilities of the
8 holders of identifying plates or placards. ~~The pamphlet or other~~
9 ~~informational source shall be developed by the department in consultation~~
10 ~~with the Colorado advisory council for persons with disabilities, created~~
11 ~~in section 24-45.5-103, C.R.S. THE DEPARTMENT, IN CONSULTATION WITH~~
12 ~~THE COLORADO ADVISORY COUNCIL FOR PERSONS WITH DISABILITIES,~~
13 ~~CREATED IN SECTION 25.5-1-703, SHALL DEVELOP THE PAMPHLET OR~~
14 ~~OTHER INFORMATIONAL SOURCE.~~

15 **SECTION 12.** In Colorado Revised Statutes, 43-1-106, **amend**
16 (4)(c) as follows:

17 **43-1-106. Transportation commission - powers and duties -**
18 **repeal.** (4) (c) As the terms of the members of the commission expire,
19 the governor shall consider the appointment to the commission of one or
20 more individuals with knowledge or experience in mass transportation in
21 order to provide for a commission with expertise in different modes of
22 transportation and shall consider the appointment to the commission of
23 at least one individual with knowledge or experience in engineering. In
24 making appointments to the commission, the governor is encouraged to
25 include representation by at least one member who is a person with a
26 disability, as defined in ~~section 24-45.5-102 (2), C.R.S.~~ SECTION
27 24-34-301 (2.5), a family member of a person with a disability, or a

1 member of an advocacy group for persons with disabilities, provided that
2 the other requirements of this ~~paragraph (c)~~ SUBSECTION (4)(c) are met.

3 **SECTION 13. Effective date.** This act takes effect July 1, 2018.

4 **SECTION 14. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, and safety.