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An Act

HOUSE BILL 23-1296

BY REPRESENTATIVE(S) Ortiz and Herod, Amabile, Bacon, Bird, Boesenecker, Brown, deGruy Kennedy, Dickson, Duran, English, Froelich, Garcia, Gonzales-Gutierrez, Hamrick, Jodeh, Joseph, Kipp, Lieder, Lukens, Mabrey, Marshall, Martinez, McCormick, McLachlan, Ricks, Sharbini, Sirota, Snyder, Story, Titone, Velasco, Weissman, Willford, Young, McCluskie;

also SENATOR(S) Winter F., Bridges, Buckner, Coleman, Cutter, Danielson, Exum, Ginal, Gonzales, Hinrichsen, Jaquez Lewis, Marchman, Moreno, Mullica, Priola, Roberts, Rodriguez, Sullivan, Zenzinger.

CONCERNING THE CREATION OF A TASK FORCE TO STUDY ISSUES RELATED TO THE RIGHTS OF COLORADANS WITH DISABILITIES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** part 10 to article 34 of title 24 as follows:

PART 10
TASK FORCE ON THE RIGHTS OF
COLORADANS WITH DISABILITIES

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

24-34-1001. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) APPROXIMATELY TWENTY PERCENT OF COLORADANS LIVE WITH A DISABILITY;

(b) COLORADO IS COMMITTED TO PROTECTING THE CIVIL RIGHTS OF PERSONS WITH DISABILITIES; AND

(c) PROTECTION FROM DISCRIMINATION AND BASIC ACCESS TO GOVERNMENT SERVICES, HOUSING, EMPLOYMENT, AND RECREATION ARE IMPORTANT FOR THE WELL-BEING OF COLORADANS WITH DISABILITIES.

(2) THEREFORE, THE GENERAL ASSEMBLY DETERMINES IT IS IN THE BEST INTERESTS OF ALL COLORADANS, AND ESPECIALLY COLORADANS LIVING WITH DISABILITIES, TO FORM SEVERAL GROUPS TO STUDY AND MAKE RECOMMENDATIONS FOR CHANGE ON ISSUES RELATED TO CIVIL RIGHTS AND BASIC ACCESSIBILITY FOR PERSONS WITH DISABILITIES.

24-34-1002. Definitions. AS USED IN THIS PART 10, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ADAPTIVE OUTDOOR RECREATION USER" MEANS A PERSON WITH A DISABILITY WHO USES THE COLORADO OUTDOORS, INCLUDING BUT NOT LIMITED TO THOSE PERSONS USING SKI AREAS AND PERSONS USING ADAPTIVE OR SPECIALIZED RECREATION EQUIPMENT.

(2) "BASIC ACCESS", OR "BASIC ACCESSIBILITY", CONSTITUTE PUBLIC SAFETY ISSUES AND MEAN THE GENERAL PRACTICE OF MAKING INFORMATION, ACTIVITIES, AND ENVIRONMENTS SENSIBLE, MEANINGFUL, USABLE, AND SAFE FOR AS MANY PEOPLE AS POSSIBLE.

(3) "COLORADO OUTDOORS" MEANS COLORADO'S OPEN SPACES, STATE PARKS, PUBLIC LANDS, AND ANY OTHER OUTDOOR RECREATION AREAS OPEN TO THE PUBLIC IN THE STATE.

(4) "COMMISSION" MEANS THE COLORADO CIVIL RIGHTS COMMISSION CREATED IN SECTION 24-34-303.

(5) "GOVERNMENT SUBCOMMITTEE" MEANS THE SUBCOMMITTEE CREATED IN SECTION 24-34-1007 TO STUDY AND MAKE RECOMMENDATIONS RELATED TO PHYSICAL AND PROGRAMMATIC BASIC ACCESSIBILITY WITHIN STATE AND LOCAL GOVERNMENT.

(6) "HOUSING SUBCOMMITTEE" MEANS THE SUBCOMMITTEE CREATED IN SECTION 24-34-1006 TO STUDY AND MAKE RECOMMENDATIONS RELATED TO THE AFFORDABILITY, ACCESSIBILITY, AND ATTAINABILITY OF HOUSING FOR PERSONS WITH DISABILITIES.

(7) "OUTDOORS SUBCOMMITTEE" MEANS THE SUBCOMMITTEE CREATED IN SECTION 24-34-1005 TO STUDY AND MAKE RECOMMENDATIONS RELATED TO BASIC ACCESS TO THE COLORADO OUTDOORS FOR PERSONS WITH DISABILITIES.

(8) "REWRITE SUBCOMMITTEE" MEANS THE SUBCOMMITTEE CREATED IN SECTION 24-34-1004 TO STUDY AND MAKE RECOMMENDATIONS CONCERNING THE VARIOUS ISSUES RELATED TO THE REWRITE AND MODERNIZATION OF THE COLORADO REVISED STATUTES CONCERNING CIVIL RIGHTS FOR PERSONS WITH DISABILITIES.

(9) "TASK FORCE" MEANS THE TASK FORCE ON THE RIGHTS OF COLORADANS WITH DISABILITIES CREATED IN SECTION 24-34-1003.

24-34-1003. Task force on the rights of Coloradans with disabilities - creation - membership - report. (1) THERE IS CREATED IN THE COMMISSION THE TASK FORCE ON THE RIGHTS OF COLORADANS WITH DISABILITIES. THE MISSION OF THE TASK FORCE IS TO BRING TOGETHER THE APPROPRIATE STAKEHOLDERS, EXPERTS, AND IMPACTED GROUPS TO STUDY AND MAKE RECOMMENDATIONS CONCERNING ISSUES RELATED TO PERSONS WITH DISABILITIES. THE TASK FORCE SHALL CREATE SUBCOMMITTEES TO STUDY AND REPORT FINDINGS ON THE FOLLOWING ISSUES:

(a) REWRITING AND MODERNIZING THE COLORADO REVISED STATUTES CONCERNING CIVIL RIGHTS FOR PERSONS WITH DISABILITIES;

(b) BASIC ACCESS TO THE COLORADO OUTDOORS FOR PERSONS WITH DISABILITIES;

(c) THE AFFORDABILITY, ACCESSIBILITY, AND ATTAINABILITY OF

HOUSING FOR PERSONS WITH DISABILITIES;

(d) PHYSICAL AND PROGRAMMATIC BASIC ACCESS WITHIN STATE AND LOCAL GOVERNMENT; AND

(e) ANY OTHER ISSUE RELATED TO ACCESSIBILITY AND THE CIVIL RIGHTS OF PERSONS WITH DISABILITIES.

(2) THE TASK FORCE INCLUDES THE FOLLOWING MEMBERS, APPOINTED ON OR BEFORE AUGUST 1, 2023:

(a) THE LIEUTENANT GOVERNOR, OR THE LIEUTENANT GOVERNOR'S DESIGNEE, WHO IS A NON-VOTING MEMBER EXCEPT AS NECESSARY TO BREAK A TIE;

(b) FOUR VOTING MEMBERS WHO ARE EITHER FROM A DISABILITY RIGHTS ADVOCACY ORGANIZATION OR A VETERANS SERVICE ORGANIZATION THAT SERVES VETERANS WITH A DISABILITY. THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, AND THE MINORITY LEADER OF THE SENATE SHALL EACH APPOINT ONE VOTING MEMBER.

(c) FOUR VOTING MEMBERS AS APPOINTED BY THE GOVERNOR; AND

(d) SUBJECT MATTER EXPERTS MUST BE ALLOWED TO PARTICIPATE IN TASK FORCE DISCUSSIONS UPON THE INVITATION OF THE TASK FORCE. THE SUBJECT MATTER EXPERTS PRESENCE IS NOT REQUIRED OR INCLUDED IN DETERMINING A QUORUM OF THE TASK FORCE. THE SUBJECT MATTER EXPERTS MUST INCLUDE, BUT NEED NOT BE LIMITED TO:

(I) REPRESENTATION FROM THE DEPARTMENT OF LOCAL AFFAIRS;

(II) REPRESENTATION FROM THE DIVISION OF HOUSING WITHIN THE DEPARTMENT OF LOCAL AFFAIRS;

(III) REPRESENTATION FROM THE DEPARTMENT OF REGULATORY AGENCIES;

(IV) REPRESENTATION FROM THE COLORADO CIVIL RIGHTS COMMISSION;

(V) REPRESENTATION FROM THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT AND INTERNATIONAL TRADE;

(VI) REPRESENTATION FROM THE OFFICE OF STATE PLANNING AND BUDGETING;

(VII) REPRESENTATION FROM VARYING ADVOCACY ORGANIZATIONS AS DEEMED APPROPRIATE;

(VIII) DISABILITY LAW EXPERTS;

(IX) OTHER LEGAL EXPERTS; AND

(X) PERSONS WHO REPRESENT COLORADO'S FEDERAL PARTNERS.

(3) THE TASK FORCE SHALL CREATE THE SUBCOMMITTEES IDENTIFIED IN SECTIONS 24-34-1004 TO 24-34-1007, AND THE GOVERNOR SHALL MAKE APPOINTMENTS TO EACH SUBCOMMITTEE, BASED ON RECOMMENDATIONS FROM THE TASK FORCE. EACH SUBCOMMITTEE SHALL MAKE SEPARATE REPORTS ON ITS FINDINGS AND RECOMMENDATIONS AND PROVIDE THE REPORTS TO THE TASK FORCE.

(4) THE TASK FORCE SHALL PRODUCE A FINAL REPORT, INCLUDING RECOMMENDATIONS, AND SUBMIT IT TO THE GOVERNOR AND GENERAL ASSEMBLY ON OR BEFORE JANUARY 30, 2025. THE TASK FORCE SHALL CONSIDER THE REPORTS OF THE SUBCOMMITTEES BUT IS NOT BOUND BY ANY FINDINGS OR CONCLUSIONS OF ANY SUBCOMMITTEE IN PRODUCING ITS FINAL REPORT.

(5) THE TASK FORCE MAY EMPLOY ONE-AND-A-HALF FULL-TIME EMPLOYEES AND CONTRACT WITH A VENDOR TO FACILITATE AND ASSIST WITH THE OPERATIONS AND DUTIES OF THE TASK FORCE AND SUBCOMMITTEES. TASK FORCE MEMBERS AND SUBCOMMITTEE MEMBERS MAY RECEIVE PER DIEM COMPENSATION AND MAY BE REIMBURSED FOR ACTUAL AND NECESSARY EXPENSES INCURRED WHILE ON OFFICIAL TASK FORCE OR SUBCOMMITTEE BUSINESS, AS PROVIDED IN SECTION 12-20-103 (6).

24-34-1004. Subcommittee on the rewrite and modernization of the Colorado Revised Statutes concerning civil rights of persons with disabilities - membership - purpose - reporting. (1) ON OR BEFORE

SEPTEMBER 15, 2023, THE TASK FORCE SHALL CREATE THE SUBCOMMITTEE ON THE REWRITE AND MODERNIZATION OF THE COLORADO REVISED STATUTES CONCERNING THE CIVIL RIGHTS OF PERSONS WITH DISABILITIES. THE PURPOSE OF THE REWRITE SUBCOMMITTEE IS TO STUDY THE CURRENT COLORADO REVISED STATUTES CONCERNING THE CIVIL RIGHTS OF PERSONS WITH DISABILITIES AND MAKE RECOMMENDATIONS FOR A THOROUGH REVISION AND REWRITE TO IMPROVE CLARITY, ENSURE THE CIVIL RIGHTS OF COLORADANS ARE PROTECTED, AND ENSURE THE PROTECTIONS ARE ENFORCEABLE.

(2) THE REWRITE SUBCOMMITTEE MUST, AT A MINIMUM, INCLUDE REPRESENTATION FROM DISABILITY ADVOCATES AND GOVERNMENT REPRESENTATIVES WITH LEGAL EXPERTISE, APPOINTED BY THE GOVERNOR, BASED ON RECOMMENDATIONS FROM THE TASK FORCE. AT A MINIMUM, THE REWRITE SUBCOMMITTEE INCLUDES:

(a) FOUR MEMBERS WHO REPRESENT DISABILITY RIGHTS ADVOCACY ORGANIZATIONS, WITH AT LEAST TWO MEMBERS WHO ARE INDIVIDUALS LIVING WITH A DISABILITY, INCLUDING:

(I) TWO ATTORNEYS WITH LITIGATION EXPERIENCE;

(II) ONE MEMBER WITHOUT LITIGATION EXPERIENCE; AND

(III) ONE MEMBER WHO REPRESENTS A VETERANS SERVICE ORGANIZATION THAT SERVES VETERANS WITH A DISABILITY.

(b) FOUR MEMBERS WHO REPRESENT GOVERNMENT AND BUSINESS COMMUNITY INTERESTS.

(3) THE REWRITE SUBCOMMITTEE SHALL SUBMIT AN INITIAL REPORT WITH ITS FINDINGS AND RECOMMENDATIONS TO THE TASK FORCE ON OR BEFORE DECEMBER 1, 2023, AND A FINAL REPORT TO THE TASK FORCE ON OR BEFORE DECEMBER 1, 2024. THE REPORT MUST INCLUDE, AT A MINIMUM, RECOMMENDATIONS FOR CLARITY AND IMPROVEMENT OF THE COLORADO REVISED STATUTES CONCERNING THE CIVIL RIGHTS OF PERSONS WITH DISABILITIES; A DISCUSSION OF DAMAGES FOR EMOTIONAL DISTRESS FOR PERSONS SUBJECT TO DISCRIMINATION; CONSIDERATIONS FOR PUBLIC ENTITIES AND PRIVATE BUSINESSES, INCLUDING SIZES OF ENTITIES AND GENERAL CLARITY ON REQUIREMENTS, TO COMPLY WITH THE COLORADO

REVISED STATUTES CONCERNING THE CIVIL RIGHTS OF PERSONS WITH DISABILITIES.

24-34-1005. Subcommittee on basic access to Colorado outdoors for persons with disabilities - membership - purpose - reporting. (1) ON OR BEFORE OCTOBER 30, 2023, THE TASK FORCE SHALL CREATE THE SUBCOMMITTEE ON BASIC ACCESS TO THE COLORADO OUTDOORS FOR PERSONS WITH DISABILITIES. THE PURPOSE OF THE OUTDOORS SUBCOMMITTEE IS TO IDENTIFY BARRIERS TO BASIC ACCESS TO AND THE ENJOYMENT OF THE COLORADO OUTDOORS FOR PERSONS WITH DISABILITIES AND TO MAKE RECOMMENDATIONS FOR ADDRESSING THOSE BARRIERS.

(2) THE OUTDOORS SUBCOMMITTEE MUST, AT A MINIMUM, INCLUDE REPRESENTATION FROM DISABILITY ADVOCATES, ATHLETES AND OUTDOOR ENTHUSIASTS WITH DISABILITIES, AND GOVERNMENT REPRESENTATIVES FROM APPROPRIATE AGENCIES. INDIVIDUALS ARE APPOINTED BY THE GOVERNOR BASED ON RECOMMENDATIONS FROM THE TASK FORCE AND AT A MINIMUM, THE OUTDOORS SUBCOMMITTEE INCLUDES:

(a) FOUR MEMBERS WHO REPRESENT ADAPTIVE OUTDOOR RECREATION USERS, ADAPTIVE OUTDOOR RECREATION PROGRAMS, AND ADAPTIVE TRAILS; VETERAN SERVICE ORGANIZATIONS THAT SERVE VETERANS WITH A DISABILITY; AND DISABILITY RIGHTS ADVOCACY ORGANIZATIONS; AND

(b) FOUR MEMBERS WHO REPRESENT COLORADO'S OUTDOOR RECREATION INDUSTRY AND APPROPRIATE GOVERNMENT AGENCIES.

(3) THE OUTDOORS SUBCOMMITTEE SHALL SUBMIT A REPORT WITH ITS FINDINGS AND RECOMMENDATIONS, INCLUDING RECOMMENDATIONS ON BEST PRACTICES AND GUIDANCE FOR CREATING BASIC ACCESS TO COLORADO OUTDOOR SPACES FOR PEOPLE WITH DISABILITIES, TO THE TASK FORCE ON OR BEFORE DECEMBER 1, 2024.

24-34-1006. Subcommittee on affordability, accessibility, and attainability of housing for persons with disabilities - membership - purpose - reporting. (1) ON OR BEFORE OCTOBER 30, 2023, THE TASK FORCE SHALL CREATE THE SUBCOMMITTEE ON THE AFFORDABILITY, ACCESSIBILITY, AND ATTAINABILITY OF HOUSING FOR PERSONS WITH DISABILITIES. THE PURPOSE OF THE HOUSING SUBCOMMITTEE IS TO IDENTIFY

BARRIERS TO SECURING AND ENJOYING SECURE AND AFFORDABLE, ACCESSIBLE, AND ATTAINABLE HOUSING FOR PERSONS WITH DISABILITIES AND TO MAKE RECOMMENDATIONS FOR ADDRESSING THOSE BARRIERS.

(2) THE GOVERNOR SHALL APPOINT MEMBERS TO THE HOUSING SUBCOMMITTEE BASED ON RECOMMENDATIONS FROM THE TASK FORCE. THE HOUSING SUBCOMMITTEE INCLUDES, AT A MINIMUM:

(a) FOUR MEMBERS WHO REPRESENT DISABILITY RIGHTS ADVOCACY ORGANIZATIONS AND VETERANS SERVICE ORGANIZATIONS THAT SERVE DISABLED VETERANS; AND

(b) FOUR MEMBERS WHO REPRESENT THE COLORADO HOUSING INDUSTRY AND APPROPRIATE GOVERNMENT AGENCIES.

(3) THE HOUSING SUBCOMMITTEE SHALL SUBMIT A REPORT WITH ITS FINDINGS AND RECOMMENDATIONS OUTLINING THE CURRENT NEED FOR AND INVENTORY OF ACCESSIBLE HOUSING IN COLORADO, THE PROJECTED INCREASED NEED FOR ACCESSIBLE HOUSING IN THE NEXT DECADE, AND RECOMMENDATIONS TO MEET FUTURE HOUSING DEMAND, INCLUDING FINANCING FOR LOW-INCOME HOUSING DEVELOPMENT AND ANY STATUTORY REQUIREMENTS, TO THE TASK FORCE ON OR BEFORE DECEMBER 1, 2024.

24-34-1007. Subcommittee on physical and programmatic basic access within state and local government for persons with disabilities - membership - purpose - reporting. (1) ON OR BEFORE OCTOBER 30, 2023, THE TASK FORCE SHALL CREATE THE SUBCOMMITTEE ON PHYSICAL AND PROGRAMMATIC BASIC ACCESS WITHIN STATE AND LOCAL GOVERNMENT FOR PERSONS WITH DISABILITIES. THE PURPOSE OF THE GOVERNMENT SUBCOMMITTEE IS TO STUDY AND MAKE RECOMMENDATIONS ON ISSUES TO ENSURE PEOPLE WITH DISABILITIES HAVE ACCESS TO THE SERVICES THEY NEED, ARE ABLE TO EFFECTIVELY PARTICIPATE IN PUBLIC DISCUSSION, ARE ABLE TO BE EMPLOYED BY GOVERNMENTAL AGENCIES, AND CAN RUN FOR AND EFFECTIVELY SERVE IN ELECTED POSITIONS.

(2) THE GOVERNMENT SUBCOMMITTEE MUST, AT A MINIMUM, INCLUDE REPRESENTATION FROM DISABILITY ADVOCATES. THE GOVERNOR SHALL APPOINT MEMBERS TO THE GOVERNMENT SUBCOMMITTEE BASED ON RECOMMENDATIONS FROM THE TASK FORCE AND SHALL APPOINT MORE MEMBERS WHO REPRESENT DISABILITY ADVOCATES THAN MEMBERS WHO

REPRESENT GOVERNMENT AGENCIES. AT A MINIMUM, THE GOVERNMENT SUBCOMMITTEE INCLUDES:

(a) FOUR MEMBERS WHO REPRESENT DISABILITY RIGHTS ADVOCACY ORGANIZATIONS AND VETERANS SERVICE ORGANIZATIONS THAT SERVE VETERANS WITH DISABILITIES; AND

(b) FOUR MEMBERS WHO REPRESENT LOCAL AND STATE GOVERNMENT.

(3) THE GOVERNMENT SUBCOMMITTEE SHALL SUBMIT A REPORT WITH ITS FINDINGS AND RECOMMENDATIONS TO THE TASK FORCE ON OR BEFORE DECEMBER 1, 2024.

24-34-1008. Repeal of part. THIS PART 10 IS REPEALED, EFFECTIVE JUNE 30, 2025.

SECTION 2. In Colorado Revised Statutes, **amend** 24-34-301 as follows:

24-34-301. Definitions. As used in parts 3 to 8 *10* of this article 34, unless the context otherwise requires:

(1) "Age" means a chronological age of at least forty years.

~~(1.1)~~ (2) "Agency" or "state agency" means any board, bureau, commission, department, institution, division, section, or officer of the state.

(3) "BASIC ACCESS", OR "BASIC ACCESSIBILITY" CONSTITUTE PUBLIC SAFETY ISSUES AND MEAN THE GENERAL PRACTICE OF MAKING INFORMATION, ACTIVITIES, AND ENVIRONMENTS SENSIBLE, MEANINGFUL, USABLE, AND SAFE FOR AS MANY PEOPLE AS POSSIBLE.

~~(1.5)~~ (4) "Commission" means the Colorado civil rights commission created in section 24-34-303.

~~(1.6)~~ (5) "Commissioner" means a member of the Colorado civil rights commission.

~~(2)~~ (6) "Director" means the director of the Colorado civil rights

division ~~which office~~ is created in section 24-34-302.

~~(2.5)~~ (7) "Disability" has the same meaning as set forth in the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq., and its related amendments and implementing regulations.

~~(3)~~ (8) "Division" means the Colorado civil rights division, created in section 24-34-302.

~~(3.3)~~ (9) "Gender expression" means an individual's way of reflecting and expressing the individual's gender to the outside world, typically demonstrated through appearance, dress, and behavior.

~~(3.5)~~ (10) "Gender identity" means an individual's innate sense of the individual's own gender, which may or may not correspond with the individual's sex assigned at birth.

~~(4)~~ ~~(Deleted by amendment, L. 93, p. 1655, § 59, effective July 1, 1993.)~~

~~(4.1)~~ (11) "Housing" means a building, structure, vacant land, or part thereof offered for sale, lease, rent, or transfer of ownership; except that "housing" does not include any room offered for rent or lease in a single-family dwelling maintained and occupied in part by the owner or lessee of ~~said~~ THE dwelling as ~~his or her~~ THE OWNER'S OR LESSEE'S household.

~~(4.2)~~ (12) "Housing accommodations" means any real property or portion thereof that is used or occupied, or intended, arranged, or designed to be used or occupied, as the home, residence, or sleeping place of one or more persons but does not include any single family residence, the occupants of which rent, lease, or furnish for compensation not more than one room in that residence.

(13) "INDIVIDUAL WITH A DISABILITY" MEANS AN INDIVIDUAL WITH A DISABILITY OR DISABILITIES.

~~(4.5)~~ (14) "Marital status" means a relationship or a spousal status of an individual, including, but not limited to, being single, cohabitating, engaged, widowed, married, in a civil union, or legally separated, or a

relationship or a spousal status of an individual who has had or is in the process of having a marriage or civil union dissolved or declared invalid.

~~(5)~~(15)(a) "Person" means one or more individuals, limited liability companies, partnerships, associations, corporations, legal representatives, trustees, receivers, or the state of Colorado and all of its political subdivisions and agencies.

(b) For the purposes of part 5 of this article 34, "person" does not include any private club not open to the public that, as an incident to its primary purpose or purposes, provides lodgings that it owns or operates for other than a commercial purpose, unless the club has the purpose of promoting discrimination in the matter of housing against any person because of disability, race, creed, color, religion, sex, sexual orientation, gender identity, gender expression, marital status, familial status, national origin, or ancestry.

~~(5.1)~~ (16) "Place of public accommodation" or "public accommodation" has the same meaning as set forth in Title III of the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12181 (7), and its related amendments and implementing regulations.

~~(5.3)~~ (17) "Protective hairstyle" includes such hairstyles as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, Afros, and headwraps.

~~(5.4)~~ (18) "Public entity" means:

(a) Any state or local government; or

(b) Any department, agency, special district, or other instrumentality of a state or local government.

~~(5.5)~~ (19) "Public transportation service" means a common carrier of passengers or any other means of public conveyance or modes of transportation, including, but not limited to, airplanes, motor vehicles, railroad trains, motor buses, streetcars, boats, or taxis.

~~(5.6)~~ (20) "Qualified individual with a disability" or "individual with a disability" has the same meaning as set forth in the federal "Americans

with Disabilities Act of 1990", 42 U.S.C. sec. 12131, and its related amendments and implementing regulations.

(5.8) (21) "Race" includes hair texture, hair type, or a protective hairstyle that is commonly or historically associated with race.

(6) (22) "Respondent" means any person, agency, organization, or other entity against whom a charge is filed pursuant to any of the provisions of parts 3 to 8 of this ~~article~~ ARTICLE 34.

(6.5) (23) "Service animal" has the same meaning as set forth in the implementing regulations of Title II and Title III of the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq.

(7) (24) "Sexual orientation" means an individual's identity, or another individual's perception thereof, in relation to the gender or genders to which the individual is sexually or emotionally attracted and the behavior or social affiliation that may result from the attraction.

(8) (25) "Trainer of a service animal" means a person who individually trains a service animal.

SECTION 3. In Colorado Revised Statutes, 18-13-107, **amend** (1) and (3) as follows:

18-13-107. Interference with persons with disabilities. (1) A person shall not falsely impersonate an individual with a disability, as that term is defined in ~~section 24-34-301 (5.6), C.R.S.~~ SECTION 24-34-301.

(3) A person shall not knowingly deny an individual with a disability, as defined in ~~section 24-34-301 (5.6), C.R.S.~~ SECTION 24-34-301, any right or privilege protected in section 24-34-502, 24-34-502.2, 24-34-601, 24-34-802, ~~(1)~~, or 24-34-803. ~~C.R.S.~~

SECTION 4. In Colorado Revised Statutes, 24-32-706, **amend** (1) as follows:

24-32-706. State housing board. (1) There is created, within the division of housing, the state housing board. The governor shall appoint one member from each congressional district in the state TO THE BOARD. The

member must be a qualified elector of the congressional district from which the member is appointed. In making appointments to the board, the governor shall include representation by at least one member who is a person with a disability, as defined in ~~section 24-34-301 (2.5)~~ SECTION 24-34-301, a family member of a person with a disability, or a member of an advocacy group for persons with disabilities.

SECTION 5. In Colorado Revised Statutes, 24-34-501, **amend** (3) as follows:

24-34-501. Definitions. As used in this part 5, unless the context otherwise requires:

(3) "Person" has the ~~meaning ascribed to such term in section 24-34-301 (5)~~ SAME MEANING AS SET FORTH IN SECTION 24-34-301 and includes any owner, lessee, proprietor, manager, employee, or any agent of a person; but, for purposes of this part 5, "person" does not include any private club not open to the public that, as an incident to its primary purpose or purposes, provides lodgings that it owns or operates for other than a commercial purpose, unless the club has the purpose of promoting discrimination in the matter of housing against any person because of disability, race, creed, color, religion, sex, sexual orientation, gender identity, gender expression, marital status, familial status, veteran or military status, national origin, or ancestry.

SECTION 6. In Colorado Revised Statutes, 24-34-802, **amend** (1)(b) and (2)(a) introductory portion as follows:

24-34-802. Violations - penalties - immunity. (1) (b) An individual with a disability, as defined in ~~section 24-34-301 (5.6)~~ SECTION 24-34-301, must not, by reason of the individual's disability, be excluded from participation in or be denied the benefits of services, programs, or activities provided by a public entity, as defined in section 24-34-301, or a state agency, as defined in section 24-37.5-102, or be subjected to discrimination by any such public entity or state agency.

(2) (a) An individual with a disability, as defined in ~~section 24-34-301 (5.6)~~ SECTION 24-34-301, who is subject to a violation of subsection (1) of this section or of section 24-34-502, 24-34-502.2, 24-34-601, or 24-34-803 based on the individual's disability may bring a

civil suit in a court of competent jurisdiction and, except as provided in section 24-85-103, is entitled to any of the following remedies:

SECTION 7. In Colorado Revised Statutes, 25-1-103, **amend** (1)(d) as follows:

25-1-103. State board of health created. (1) (d) The term of office for each appointed member is four years. In making appointments to the board, the governor shall ensure that no business or professional group constitutes 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 24-34-301 (2.5)~~ SECTION 24-34-301, a family member of a person with a disability, or a member of an advocacy group for persons with disabilities if the other requirements of this subsection (1) are met.

SECTION 8. In Colorado Revised Statutes, 25-4-1615, **amend** (4) as follows:

25-4-1615. Pet dogs in retail food establishments - prohibited - exceptions. (4) Nothing in this section is intended to restrict the presence of a service animal, as defined in ~~section 24-34-301 (6.5)~~ SECTION 24-34-301.

SECTION 9. In Colorado Revised Statutes, 25.5-1-301, **amend** (1)(d)(III) as follows:

25.5-1-301. Medical services board - creation. (1) (d) In making appointments to the board, the governor shall include:

(III) Representation by at least one member who is a person with a disability, as defined in ~~section 24-34-301 (2.5)~~ SECTION 24-34-301, 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 10. In Colorado Revised Statutes, 26-1-107, **amend** (1)(b)(I) as follows:

26-1-107. State board of human services - rules. (1) (b) The

board consists of:

(I) One member who is a person with a disability, as defined in ~~section 24-34-301 (2.5)~~ SECTION 24-34-301, a family member of a person with a disability, or a member of an advocacy group for persons with disabilities;

SECTION 11. In Colorado Revised Statutes, 26.5-3-204, **amend** (2)(e) as follows:

26.5-3-204. Colorado child abuse prevention board - creation - members - terms - vacancies. (2) The board consists of nineteen members, with a consideration for geographic diversity, as follows:

(e) Three persons appointed by the governor and confirmed by the senate who are knowledgeable in the area of child abuse prevention and represent some of the following areas: Law enforcement, medicine, law, business, public policy, mental health, intimate partner violence, early childhood education, elementary and secondary education, reducing poverty and helping families gain economic stability, the connection between housing instability and trauma, higher education, research and program evaluation, and social work. 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 24-34-301 (2.5)~~ SECTION 24-34-301, a family member of a person with a disability, or a member of an advocacy group for persons with disabilities, so long as the other requirements of this subsection (2)(e) are met.

SECTION 12. In Colorado Revised Statutes, 27-50-702, **amend** (2)(a)(IV) as follows:

27-50-702. Advisory council - membership. (2) (a) The advisory council consists of not less than fifteen members and not more than twenty members appointed by the commissioner for three-year terms; except that some of the initial terms may be for two years. In addition to maintaining a majority of members who represent individuals with lived behavioral health experience or families of individuals with lived behavioral health experience, the commissioner shall appoint at least one member that represents:

(IV) Persons with disabilities, as defined in ~~section 24-34-301(2.5)~~ SECTION 24-34-301, a family member of a person with a disability, or an advocacy organization for persons with disabilities;

SECTION 13. In Colorado Revised Statutes, 27-65-130, **amend** (1)(b) as follows:

27-65-130. Advisory board - created - service standards and rules. (1) (b) 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 24-34-301(2.5)~~ SECTION 24-34-301, 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 section are met.

SECTION 14. In Colorado Revised Statutes, 43-1-106, **amend** (4)(c) as follows:

43-1-106. Transportation commission - powers and duties - efficiency and accountability committee - rules - definitions. (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 24-34-301(2.5)~~ SECTION 24-34-301, 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 (4)(c) are met.

SECTION 15. Appropriation. (1) For the 2023-24 state fiscal year, \$289,568 is appropriated to the department of regulatory agencies for use by the civil rights division. This appropriation is from the general fund. To implement this act, the division may use this appropriation as follows:

(a) \$125,595 for personal services, which amount is based on an assumption that the division will require an additional 1.5 FTE; and

(b) \$163,973 for operating expenses.

SECTION 16. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO