

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 09-0208.01 Jane Ritter

HOUSE BILL 09-1048

HOUSE SPONSORSHIP

Labuda,

SENATE SPONSORSHIP

(None),

House Committees

Health and Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING REPRESENTATION BY PERSONS IMPACTED BY A**
102 **DISABILITY IN STATE WORK GROUPS THAT HAVE A PRIMARY**
103 **PURPOSE OF ADDRESSING ISSUES THAT AFFECT PERSONS WITH**
104 **DISABILITIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires a board or commission in state government that has as its primary purpose the creation, implementation, or modification of a program that impacts persons with disabilities to include in its voting membership a person with a disability, a family member of a person with

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

a disability, a member of an advocacy group for persons with disabilities, or any combination thereof.

Makes conforming amendments.

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

2 **SECTION 1.** 27-3.7-101, Colorado Revised Statutes, is amended
3 to read:

4 **24-3.7-101. Statutory requirements for creation of state**
5 **boards and commissions.** (1) When the general assembly statutorily
6 creates any board or commission in state government, ~~such~~ THE statutory
7 provision shall specify a termination date for ~~such~~ THE board or
8 commission, the appointing authority for each member, any requirement
9 for senate confirmation of appointments, the number and type of
10 members, any per diem or allowance for expenses, the state department
11 in which the board or commission shall be located, any explicit powers
12 possessed by ~~such~~ THE board or commission, including but not limited to
13 advisory authority, rule-making authority, or authority regarding the
14 control of revenues, and any staffing, funding, or reporting requirements.

15 (2) A BOARD OR COMMISSION CREATED IN STATE GOVERNMENT BY
16 THE GENERAL ASSEMBLY THAT HAS AS ITS PRIMARY PURPOSE THE
17 CREATION, IMPLEMENTATION, OR MODIFICATION OF A PROGRAM THAT
18 IMPACTS PERSONS WITH DISABILITIES SHALL INCLUDE IN ITS VOTING
19 MEMBERSHIP REPRESENTATION FROM THE DISABILITY COMMUNITY
20 SERVED. THE REPRESENTATION MAY BE A PERSON WITH A DISABILITY, A
21 FAMILY MEMBER OF A PERSON WITH A DISABILITY, A MEMBER OF AN
22 ADVOCACY GROUP FOR PERSONS WITH THE SPECIFIC DISABILITY BEING
23 ADDRESSED, OR ANY COMBINATION THEREOF. THIS SUBSECTION (2) SHALL
24 APPLY TO A NEW BOARD OR COMMISSION CREATED AFTER AUGUST 4, 2009,

1 OR TO A VACANCY OCCURRING ON AN EXISTING BOARD OR COMMISSION
2 AFTER AUGUST 4, 2009.

3 SECTION 2. 22-20-104 (2), Colorado Revised Statutes, is
4 amended to read:

5 22-20-104. Administration - advisory committee - rules. (2) (a)

6 (I) In order to assist the state board in the performance of its
7 responsibilities for the implementation of this article, the state board shall
8 appoint a state special education advisory committee of an appropriate
9 size AND COMPOSITION.

10 (II) A MAJORITY OF THE MEMBERS OF THE ADVISORY COMMITTEE
11 SHALL BE INDIVIDUALS WITH DISABILITIES OR PARENTS OF CHILDREN WITH
12 DISABILITIES.

13 (III) MEMBERS SHALL BE APPOINTED FOR ONE-YEAR OR TWO-YEAR
14 TERMS. ANY ADDITIONS TO THE COMPOSITION OF THE ADVISORY
15 COMMITTEE SHALL BE MADE PURSUANT TO THE PROCEDURES OF THE STATE
16 BOARD.

17 (a.5) The members of the advisory committee shall be
18 representative of the state population and shall be composed of persons
19 involved in or concerned with the education of children with disabilities,
20 including BUT NOT LIMITED TO:

21 (I) Parents of children with disabilities ages birth through
22 twenty-six years;

23 (II) Individuals with disabilities;

24 (III) Teachers;

25 (IV) Representatives of institutions of higher education that
26 prepare special education and related services personnel;

27 (V) State and local education officials, including officials who

- 1 carry out activities under section 22-33-103.5;
- 2 (VI) Administrators of programs for children with disabilities;
- 3 (VII) Representatives of other state agencies involved in the
- 4 financing or delivery of related services to children with disabilities;
- 5 (VIII) Representatives of private schools, district charter schools,
- 6 and institute charter schools;
- 7 (IX) At least one representative of a vocational, community, or
- 8 business organization concerned with the provision of transition services
- 9 to children with disabilities;
- 10 (X) A representative from child welfare services in the department
- 11 of human services established pursuant to section 26-5-102, C.R.S.; and
- 12 (XI) Representatives from the division of youth corrections in the
- 13 department of human services and from the department of corrections.

14 ~~A majority of the members of the advisory committee shall be individuals~~

15 ~~with disabilities or parents of children with disabilities. Members shall~~

16 ~~be appointed for one-year or two-year terms. Any additions to the~~

17 ~~composition of the advisory committee shall be made pursuant to the~~

18 ~~procedures of the state board.~~

19 (a.7) APPOINTMENTS TO THE ADVISORY COMMITTEE SHALL

20 COMPLY WITH SECTION 24-3.7-101 (2), C.R.S.

21 (b) (Deleted by amendment, L. 91, p. 694, § 6, effective April 20,

22 1991.)

23 **SECTION 3.** 24-45.5-103, Colorado Revised Statutes, is

24 amended BY THE ADDITION OF A NEW SUBSECTION to read:

25 **24-45.5-103. Colorado advisory council for persons with**

26 **disabilities - creation - appointments - meetings.** (7) APPOINTMENTS

27 TO THE COUNCIL SHALL COMPLY WITH SECTION 24-3.7-101 (2).

1 **SECTION 4.** 26-1-302, Colorado Revised Statutes, is amended
2 BY THE ADDITION OF A NEW SUBSECTION to read:

3 **26-1-302. Colorado traumatic brain injury board - creation -**
4 **powers and duties.** (10) APPOINTMENTS TO THE BOARD SHALL COMPLY
5 WITH SECTION 24-3.7-101 (2), C.R.S.

6 **SECTION 5.** 26-1-401, Colorado Revised Statutes, is amended
7 BY THE ADDITION OF A NEW SUBSECTION to read:

8 **26-1-401. Colorado autism commission - purpose - creation.**
9 (8) APPOINTMENTS TO THE COMMISSION SHALL COMPLY WITH SECTION
10 24-3.7-101 (2), C.R.S.

11 **SECTION 6.** 26-8-101, Colorado Revised Statutes, is amended
12 to read:

13 **26-8-101. Rehabilitation programs.** In carrying out the
14 provisions of this article, the state department shall be charged with
15 coordinating and strengthening ~~the programs of rehabilitation of disabled~~
16 ~~and nondisabled persons to the end that~~ REHABILITATION PROGRAMS FOR
17 PERSONS WITH DISABILITIES SO they ~~may~~ CAN attain their maximum
18 potential in employment, self-care, and independent living. IN DOING SO,
19 THE STATE DEPARTMENT SHALL ACTIVELY SEEK INPUT AND PARTICIPATION
20 FROM PERSONS WITH DISABILITIES, FAMILY MEMBERS OF PERSONS WITH
21 DISABILITIES, MEMBERS OF ADVOCACY GROUPS FOR PERSONS WITH
22 DISABILITIES, OR ANY COMBINATION THEREOF.

23 **SECTION 7.** 26-8.7-104, Colorado Revised Statutes, is amended
24 BY THE ADDITION OF A NEW SUBSECTION to read:

25 **26-8.7-104. Commission created - appointments.**
26 (5) APPOINTMENTS TO THE COMMISSION SHALL COMPLY WITH SECTION
27 24-3.7-101 (2), C.R.S.

1 **SECTION 8.** 26-21-104, Colorado Revised Statutes, is amended
2 BY THE ADDITION OF A NEW SUBSECTION to read:

3 **26-21-104. Commission created - appointments.**

4 (5) APPOINTMENTS TO THE COMMISSION SHALL COMPLY WITH SECTION
5 24-3.7-101 (2), C.R.S.

6 **SECTION 9.** 27-10-129, Colorado Revised Statutes, is amended
7 BY THE ADDITION OF A NEW SUBSECTION to read:

8 **27-10-129. Advisory board - service standards and**
9 **regulations.** (3) APPOINTMENTS TO THE ADVISORY BOARD SHALL

10 COMPLY WITH SECTION 24-3.7-101 (2), C.R.S.

11 **SECTION 10.** 27-10.5-203, Colorado Revised Statutes, is
12 amended BY THE ADDITION OF A NEW SUBSECTION to read:

13 **27-10.5-203. Establishment of state council - membership.**

14 (9) APPOINTMENTS TO THE STATE COUNCIL SHALL COMPLY WITH SECTION
15 24-3.7-101 (2), C.R.S.

16 **SECTION 11.** 27-10.5-404 (1), Colorado Revised Statutes, is
17 amended to read:

18 **27-10.5-404. Administration - duties of department.**

19 (1) Subject to annual appropriation by the general assembly, the
20 department shall administer the family support services program and shall
21 coordinate family support services with other existing services provided
22 to families and individuals. Family support services shall be provided in
23 a manner which develops comprehensive, responsive, and flexible
24 support to families in their role as the primary care givers for a family
25 member with a developmental disability. IN DEVELOPING AND
26 ADMINISTERING THE FAMILY SUPPORT SERVICES PROGRAM, THE
27 DEPARTMENT SHALL ACTIVELY SEEK INPUT AND PARTICIPATION FROM

1 PERSONS WITH DEVELOPMENTAL DISABILITIES, FAMILY MEMBERS OF
2 PERSONS WITH DEVELOPMENTAL DISABILITIES, MEMBERS OF ADVOCACY
3 GROUPS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES, OR ANY
4 COMBINATION THEREOF.

5 **SECTION 12.** 27-10.5-703 (1), Colorado Revised Statutes, is
6 amended to read:

7 **27-10.5-703. Administration - duties of department - rules.**

8 (1) Subject to annual appropriation from the general assembly, the
9 department shall administer early intervention services and shall
10 coordinate early intervention services with existing services provided to
11 eligible infants and toddlers from birth through two years of age and their
12 families. IN SO DOING, THE DEPARTMENT SHALL ACTIVELY SEEK INPUT
13 AND PARTICIPATION FROM FAMILY MEMBERS OF ELIGIBLE INFANTS AND
14 TODDLERS FROM BIRTH THROUGH TWO YEARS OF AGE, MEMBERS OF
15 ADVOCACY GROUPS FOR SUCH INFANTS AND TODDLERS AND THEIR
16 FAMILIES, OR ANY COMBINATION THEREOF.

17 **SECTION 13.** 43-1-601, Colorado Revised Statutes, is amended
18 to read:

19 **43-1-601. Transportation services for the elderly and for**
20 **persons with disabilities.** The department of transportation and the
21 executive director thereof are designated and authorized to take all steps
22 and adopt all proceedings necessary to make and enter into such contracts
23 or agreements as may be necessary for state application and
24 administration of the "Federal Transit Act", 49 U.S.C. sec. 5310,
25 specifically designed for state operations including grant programs for the
26 purpose of assisting nonprofit corporations, associations, and public
27 bodies in making available appropriate highway transportation services

1 for the elderly and for persons with disabilities. In performing this work,
2 the said department shall consult with concerned local authorities for a
3 productive statewide coordinated effort and shall prepare a statewide
4 survey showing the transportation needs of elderly and of persons with
5 disabilities in priority order. THE DEPARTMENT SHALL ALSO ACTIVELY
6 SEEK INPUT AND PARTICIPATION FROM PERSONS WITH DISABILITIES,
7 FAMILY MEMBERS OF PERSONS WITH DISABILITIES, MEMBERS OF
8 ADVOCACY GROUPS FOR PERSONS WITH DISABILITIES, OR ANY
9 COMBINATION THEREOF. The commission shall budget and allocate the
10 amounts to be expended for such purposes in accordance with section
11 43-1-113.

12 **SECTION 14. Act subject to petition - effective date.** This act
13 shall take effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly that is
15 allowed for submitting a referendum petition pursuant to article V,
16 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
17 sine die is on May 6, 2009); except that, if a referendum petition is filed
18 against this act or an item, section, or part of this act within such period,
19 then the act, item, section, or part, if approved by the people, shall take
20 effect on the date of the official declaration of the vote thereon by
21 proclamation of the governor.