

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

**INTRODUCED**

LLS NO. 09-0208.01 Jane Ritter

**HOUSE BILL 09-1048**

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**HOUSE SPONSORSHIP**

**Labuda,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

Health and Human Services

**Senate Committees**

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**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.**

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**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.

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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.

24 **SECTION 2.** 22-20-104 (2), Colorado Revised Statutes, is

1 amended to read:

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

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

7 (II) A MAJORITY OF THE MEMBERS OF THE ADVISORY COMMITTEE  
8 SHALL BE INDIVIDUALS WITH DISABILITIES OR PARENTS OF CHILDREN WITH  
9 DISABILITIES.

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

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

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

20 (II) Individuals with disabilities;

21 (III) Teachers;

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

24 (V) State and local education officials, including officials who  
25 carry out activities under section 22-33-103.5;

26 (VI) Administrators of programs for children with disabilities;

27 (VII) Representatives of other state agencies involved in the

1 financing or delivery of related services to children with disabilities;

2 (VIII) Representatives of private schools, district charter schools,  
3 and institute charter schools;

4 (IX) At least one representative of a vocational, community, or  
5 business organization concerned with the provision of transition services  
6 to children with disabilities;

7 (X) A representative from child welfare services in the department  
8 of human services established pursuant to section 26-5-102, C.R.S.; and

9 (XI) Representatives from the division of youth corrections in the  
10 department of human services and from the department of corrections.

11 ~~A majority of the members of the advisory committee shall be individuals~~  
12 ~~with disabilities or parents of children with disabilities. Members shall~~  
13 ~~be appointed for one-year or two-year terms. Any additions to the~~  
14 ~~composition of the advisory committee shall be made pursuant to the~~  
15 ~~procedures of the state board.~~

16 (a.7) APPOINTMENTS TO THE ADVISORY COMMITTEE SHALL  
17 COMPLY WITH SECTION 24-3.7-101 (2), C.R.S.

18 (b) (Deleted by amendment, L. 91, p. 694, § 6, effective April 20,  
19 1991.)

20 **SECTION 3.** 24-45.5-103, Colorado Revised Statutes, is  
21 amended BY THE ADDITION OF A NEW SUBSECTION to read:

22 **24-45.5-103. Colorado advisory council for persons with**  
23 **disabilities - creation - appointments - meetings.** (7) APPOINTMENTS  
24 TO THE COUNCIL SHALL COMPLY WITH SECTION 24-3.7-101 (2).

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

27 **26-1-302. Colorado traumatic brain injury board - creation -**

1 **powers and duties.** (10) APPOINTMENTS TO THE BOARD SHALL COMPLY  
2 WITH SECTION 24-3.7-101 (2), C.R.S.

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

5 **26-1-401. Colorado autism commission - purpose - creation.**

6 (8) APPOINTMENTS TO THE COMMISSION SHALL COMPLY WITH SECTION  
7 24-3.7-101 (2), C.R.S.

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

10 **26-8-101. Rehabilitation programs.** In carrying out the  
11 provisions of this article, the state department shall be charged with  
12 coordinating and strengthening ~~the programs of rehabilitation of disabled~~  
13 ~~and nondisabled persons to the end that~~ REHABILITATION PROGRAMS FOR  
14 PERSONS WITH DISABILITIES SO they ~~may~~ CAN attain their maximum  
15 potential in employment, self-care, and independent living. IN DOING SO,  
16 THE STATE DEPARTMENT SHALL ACTIVELY SEEK INPUT AND PARTICIPATION  
17 FROM PERSONS WITH DISABILITIES, FAMILY MEMBERS OF PERSONS WITH  
18 DISABILITIES, MEMBERS OF ADVOCACY GROUPS FOR PERSONS WITH  
19 DISABILITIES, OR ANY COMBINATION THEREOF.

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

22 **26-8.7-104. Commission created - appointments.**

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

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

27 **26-21-104. Commission created - appointments.**

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

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

5 **27-10-129. Advisory board - service standards and**  
6 **regulations.** (3) APPOINTMENTS TO THE ADVISORY BOARD SHALL  
7 COMPLY WITH SECTION 24-3.7-101 (2), C.R.S.

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

10 **27-10.5-203. Establishment of state council - membership.**  
11 (9) APPOINTMENTS TO THE STATE COUNCIL SHALL COMPLY WITH SECTION  
12 24-3.7-101 (2), C.R.S.

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

15 **27-10.5-404. Administration - duties of department.**  
16 (1) Subject to annual appropriation by the general assembly, the  
17 department shall administer the family support services program and shall  
18 coordinate family support services with other existing services provided  
19 to families and individuals. Family support services shall be provided in  
20 a manner which develops comprehensive, responsive, and flexible  
21 support to families in their role as the primary care givers for a family  
22 member with a developmental disability. IN DEVELOPING AND  
23 ADMINISTERING THE FAMILY SUPPORT SERVICES PROGRAM, THE  
24 DEPARTMENT SHALL ACTIVELY SEEK INPUT AND PARTICIPATION FROM  
25 PERSONS WITH DEVELOPMENTAL DISABILITIES, FAMILY MEMBERS OF  
26 PERSONS WITH DEVELOPMENTAL DISABILITIES, MEMBERS OF ADVOCACY  
27 GROUPS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES, OR ANY

1 COMBINATION THEREOF.

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

4 **27-10.5-703. Administration - duties of department - rules.**

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

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

16 **43-1-601. Transportation services for the elderly and for**  
17 **persons with disabilities.** The department of transportation and the  
18 executive director thereof are designated and authorized to take all steps  
19 and adopt all proceedings necessary to make and enter into such contracts  
20 or agreements as may be necessary for state application and  
21 administration of the "Federal Transit Act", 49 U.S.C. sec. 5310,  
22 specifically designed for state operations including grant programs for the  
23 purpose of assisting nonprofit corporations, associations, and public  
24 bodies in making available appropriate highway transportation services  
25 for the elderly and for persons with disabilities. In performing this work,  
26 the ~~said~~ department shall consult with concerned local authorities for a  
27 productive statewide coordinated effort and shall prepare a statewide

1 survey showing the transportation needs of elderly and of persons with  
2 disabilities in priority order. THE DEPARTMENT SHALL ALSO ACTIVELY  
3 SEEK INPUT AND PARTICIPATION FROM PERSONS WITH DISABILITIES,  
4 FAMILY MEMBERS OF PERSONS WITH DISABILITIES, MEMBERS OF  
5 ADVOCACY GROUPS FOR PERSONS WITH DISABILITIES, OR ANY  
6 COMBINATION THEREOF. The commission shall budget and allocate the  
7 amounts to be expended for such purposes in accordance with section  
8 43-1-113.

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