

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

DRAFT  
1.19.18

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LLS NO. 18-0379.01 Jane Ritter x4342

SUNSET BILL

Sunset Process - House Public Health Care  
and Human Services Committee

BILL TOPIC: "Sunset CO Council Persons With Disabilities"

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

*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.

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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, 19-3.5-104, amend  
5 (2) introductory portion and (2)(c) as follows:

6 19-3.5-104. Colorado children's trust fund board - creation -  
7 members. (2) The board ~~shall consist~~ CONSISTS of nine members, as  
8 follows:

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

21 SECTION 3. In Colorado Revised Statutes, 24-32-706, amend  
22 (1) as follows:

23 24-32-706. State housing board. (1) There is hereby created,  
24 within the division of housing, the state housing board. The board ~~shall~~  
25 consist CONSISTS of seven members who ~~shall be~~ appointed by the

1 governor for terms of four years each, except as provided in subsection  
2 (2) of this section. In making appointments to the board, the governor  
3 shall include representation by at least one member who is a person with  
4 a disability, as defined in ~~section 24-45.5-102 (2)~~ SECTION 24-34-301  
5 (2.5), a family member of a person with a disability, or a member of an  
6 advocacy group for persons with disabilities.

7 **SECTION 4.** In Colorado Revised Statutes, 25-1-103, amend (1)  
8 as follows:

9 **25-1-103. State board of health created.** (1) There is hereby  
10 created a state board of health, referred to in this part 1 as the "board".  
11 ~~which shall consist~~ THE BOARD CONSISTS of nine members, of which one  
12 member ~~shall~~ MUST be appointed by the governor, with the consent of the  
13 senate, from each congressional district and the remainder from the state  
14 at large. A vacancy on the board occurs whenever any member moves out  
15 of the congressional district from which he OR SHE was appointed. A  
16 member who moves out of such congressional district shall promptly  
17 notify the governor of the date of ~~such~~ HIS OR HER move, but ~~such~~ THE  
18 notice is not a condition precedent to the occurrence of the vacancy. The  
19 governor shall fill the vacancy by appointment for the unexpired term. No  
20 more than five members of the board shall be members of the same major  
21 political party. Appointments made to take effect on January 1, 1983,  
22 shall be made in accordance with section 24-1-135. ~~C.R.S.~~ Appointments  
23 thereafter ~~shall be~~ ARE made, with the consent of the senate, for terms of  
24 four years each and ~~shall be~~ made so that no business or professional  
25 group ~~shall constitute~~ CONSTITUTES a majority of the board. In making  
26 appointments to the board, the governor is encouraged to include  
27 representation by at least one member who is a person with a disability,

1 as defined in ~~section 24-45.5-102 (2), C.R.S:~~ SECTION 24-34-301 (2.5), a  
2 family member of a person with a disability, or a member of an advocacy  
3 group for persons with disabilities if the other requirements of this  
4 subsection (1) are met.

5 SECTION 5. In Colorado Revised Statutes, 25.5-1-301, amend  
6 (1) as follows:

7 25.5-1-301. Medical services board - creation. (1) There is  
8 hereby created in the state department a medical services board, referred  
9 to in this part 3 as the "board". ~~which shall consist~~ THE BOARD CONSISTS  
10 of eleven members appointed by the governor with the consent of the  
11 senate. The governor shall appoint persons to the board who have  
12 knowledge of medical assistance programs, and one or more of the  
13 appointments may include a person or persons who have received  
14 services through programs administered by the department within two  
15 years of the date of appointment. No more than six members of the board  
16 shall be members of the same political party. Of the eleven members  
17 appointed to the board, at least one ~~shall~~ MUST be appointed from each  
18 congressional district. In making appointments to the board, the governor  
19 shall include representation by at least one member who is a person with  
20 a disability, as defined in ~~section 24-45.5-102 (2), C.R.S:~~ SECTION  
21 24-34-301 (2.5), a family member of a person with a disability, or a  
22 member of an advocacy group for persons with disabilities, provided that  
23 the other requirements of this subsection (1) are met.

24 SECTION 6. In Colorado Revised Statutes, 26-1-107, amend  
25 (1)(a) as follows:

26 26-1-107. State board of human services - rules. (1) (a) There  
27 is hereby created the state board of human services, REFERRED TO IN THIS

1 SECTION AS THE "STATE BOARD". The state board shall ~~consist~~ CONSISTS  
2 of nine members ~~each of whom shall be~~ appointed by the governor, with  
3 the consent of the senate, for terms of four years each. In making  
4 appointments to the board, the governor shall include representation by  
5 at least one member who is a person with a disability, as defined in  
6 ~~section 24-45.5-102 (2), C.R.S.~~ SECTION 24-34-301 (2.5), a family  
7 member of a person with a disability, or a member of an advocacy group  
8 for persons with disabilities.

9 SECTION 7. In Colorado Revised Statutes, amend 27-65-131 as  
10 follows:

11 27-65-131. Advisory board - service standards and rules. An  
12 advisory board, REFERRED TO AS THE "BOARD" IN THIS SECTION, to the  
13 department is established for the purpose of assisting and advising the  
14 executive director in accordance with section 27-65-130 in the  
15 development of service standards and rules. The board consists of not less  
16 than eleven nor more than fifteen members appointed by the governor.  
17 The advisory board includes one representative each from the office of  
18 behavioral health, the department of human services, the department of  
19 public health and environment, the university of Colorado health sciences  
20 center, and a leading professional association of psychiatrists in this state;  
21 at least one member representing proprietary skilled health care facilities;  
22 one member representing nonprofit health care facilities; one member  
23 representing the Colorado bar association; one member representing  
24 consumers of services for persons with mental health disorders; one  
25 member representing families of persons with mental health disorders;  
26 one member representing children's health care facilities; and other  
27 persons from both the private and the public sectors who are recognized

1 or known to be interested and informed in the area of the board's purpose  
2 and function. In making appointments to the board, the governor is  
3 encouraged to include representation by at least one member who is a  
4 person with a disability, as defined in ~~section 24-45.5-102 (2)~~ SECTION  
5 24-34-301 (2.5), a family member of a person with a disability, or a  
6 member of an advocacy group for persons with disabilities, provided that  
7 the other requirements of this section are met.

8 SECTION 8. In Colorado Revised Statutes, amend 42-1-226 as  
9 follows: <LEs - this section may or may not be included/amended.>

10 42-1-226. Disabled parking education and enforcement fund  
11 - created. There is hereby created in the state treasury the disabled  
12 parking education and enforcement fund, which consists of moneys  
13 MONEY collected pursuant to this section and section 42-4-1208 (6) and  
14 (7). The general assembly shall appropriate the moneys MONEY in the  
15 fund for the purposes specified in sections ~~42-1-227, 42-3-204,~~ and  
16 42-4-1208. <DORA rep - See question/comment in next 2 sections  
17 regarding this fund and how it is used....> Unexpended and  
18 unencumbered moneys MONEY in the fund at the end of a fiscal year shall  
19 remain REMAINS in the fund and shall not be credited or transferred to the  
20 general fund or another fund. The department may accept gifts, grants, or  
21 donations from private or public sources for the purposes of this section.  
22 All private and public funds received through gifts, grants, or donations  
23 shall MUST be transmitted to the state treasurer, who shall credit the  
24 moneys MONEY to the fund.

25 SECTION 9. In Colorado Revised Statutes, amend 42-1-227 as  
26 follows:

27 42-1-227. Disabled parking education program. (1) Subject to

1 the availability of funds appropriated under section 42-1-226, the  
2 Colorado advisory council for persons with disabilities, created in section  
3 24-45.5-103, C.R.S.: <{DORA question - given that this entity will  
4 sunset if the bill passes, I'm unsure how to handle this program.

5 According to section 42-1-226 (included above), money appropriated to  
6 the above fund is distributed for this program, as well as 2 others. One  
7 is listed below, but doesn't present as much of an issue because another  
8 entity is involved. I don't think it is in DORA's purview via sunset  
9 review process to assign a new entity to distribute money for this  
10 program, but if the advisory council no longer exists then this program  
11 disappears too...? }>

12 (a) May make grants or develop, implement, or deliver education  
13 programs for the purpose of providing peace officers, local governments,  
14 medical providers, drivers, and persons with disabilities with education  
15 concerning eligibility standards for reserved parking available to a person  
16 with a disability affecting mobility, appropriate use of the reserved  
17 parking, the legal standards and violations contained in sections 42-3-204  
18 and 42-4-1208, and the advantages of creating a volunteer enforcement  
19 program; and

20 (b) Shall create or make available a training program to assist  
21 professionals in understanding the standards that need to be met to obtain  
22 an identifying license plate or placard.

23 SECTION 10. In Colorado Revised Statutes, 42-3-204, amend  
24 (2)(d) introductory portion and (5)(d) as follows:

25 42-3-204. Reserved parking for persons with disabilities -  
26 applicability - definitions - rules. (2) Administration by the  
27 department. (d) Department to establish forms - rules. The

1 department in consultation with the Colorado advisory council for persons  
2 with disabilities, created in section 24-45.5-103, C.R.S., shall promulgate  
3 a rule creating an application and renewal form that:

4 (5) Issuance of plate or placard - rules. (d) Department to give  
5 notice of rights and responsibilities. When a person files an application  
6 for issuance or renewal of an identifying plate or placard under this  
7 section, the department shall provide to the applicant an informational  
8 pamphlet or other informational source, DEVELOPED BY THE DEPARTMENT,  
9 that describes reserved parking and the rights and responsibilities of the  
10 holders of identifying plates or placards. ~~The pamphlet or other~~  
11 ~~informational source shall be developed by the department in consultation~~  
12 ~~with the Colorado advisory council for persons with disabilities, created~~  
13 ~~in section 24-45.5-103, C.R.S.~~

14 <{DORA question - This section is similar to section/question above,  
15 except that I think it is okay to simply remove the "in consultation with  
16 the advisory council language...}>

17 SECTION 11. In Colorado Revised Statutes, 43-1-106, amend  
18 (4)(c) as follows:

19 43-1-106. Transportation commission - powers and duties -  
20 repeal. (4) (c) As the terms of the members of the commission expire,  
21 the governor shall consider the appointment to the commission of one or  
22 more individuals with knowledge or experience in mass transportation in  
23 order to provide for a commission with expertise in different modes of  
24 transportation and shall consider the appointment to the commission of  
25 at least one individual with knowledge or experience in engineering. In  
26 making appointments to the commission, the governor is encouraged to  
27 include representation by at least one member who is a person with a

1 disability, as defined in ~~section 24-45.5-102 (2), C.R.S.~~ SECTION  
2 24-34-301 (2.5), a family member of a person with a disability, or a  
3 member of an advocacy group for persons with disabilities, provided that  
4 the other requirements of this ~~paragraph (c)~~ SUBSECTION (4)(c) are met.

5           **SECTION 12. Effective date.** This act takes effect July 1, 2018.

6           **SECTION 13. Safety clause.** The general assembly hereby finds,  
7 determines, and declares that this act is necessary for the immediate  
8 preservation of the public peace, health, and safety.