A BILL FOR AN ACT
CONCERNING THE ADMINISTRATION OF THE REGIONAL TRANSPORTATION DISTRICT.

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.)

The bill modifies the "Regional Transportation District Act" (Act) as follows:

- Provides factors for the regional transportation district (district) to consider in making decisions about services, route planning, and rates;
- Prohibits the district from discriminating against people...
with disabilities in the provision of transportation services and prohibits discrimination against an individual on the basis of race, color, ethnicity, or national origin in the provision of transportation services. A person who is the subject of a violation of the prohibition can bring a civil suit in state district court.

- Authorizes the transportation legislation review committee to review the district's compliance with the Act, requires the district to comply with requests for information, and requires the committee to hear public testimony concerning the district's compliance with the prohibitions on discrimination;

- Adds 2 additional voting board members to be appointed by the governor for 3-year terms, one to represent constituents with disabilities and one with experience in equitable transportation planning;

- Adds the state treasurer and the executive director of the department of transportation as nonvoting ex-officio members of the board;

- Establishes contribution limits in the "Fair Campaign Practices Act" for candidates for the board of directors of the district;

- Requires the board to meet monthly instead of quarterly and to live broadcast its meetings whenever practicable, requires members to be physically present to vote except in the case of a documented medical condition, allows the board to adopt procedures related to the removal of an elected or appointed member, and requires the board to adopt procedures to reduce the compensation of a member who is absent from the member's official duties;

- Allows the district to provide commercial and retail services at its facilities;

- Requires the state auditor to conduct audits of the district's pension plans and unfunded pension liability, the district's organization structure and compensation, and the cost-efficiency and effectiveness of the district's competitive vehicular services policies;

- Provides whistle-blower protections to employees of the district and of entities contracting with the district, includes the district within the scope of the state auditor's fraud hotline, makes the district's directors and certain employees subject to ethics requirements of the state constitution, and clarifies that the district is subject to existing codes of conduct for public employees; and

- Amends other provisions related to the administration of
Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, amend 32-9-107 as follows:

32-9-107. Mass transportation system. (1) The district, acting by and through the board, is authorized to develop, maintain, and operate a mass transportation system for the benefit of the inhabitants of the district.

(2) In developing and maintaining the mass transportation system, the district shall endeavor to meet the public transportation needs of urban and nonurban areas, offering the best value of service for the lowest possible fare.

(3) (a) In making a decision about service levels, route planning, and rates, the district shall consider:

(I) Any measurable goals and objectives the district has established to meet its duty to offer safe, accessible, convenient, and reliable transit;

(II) The impact of the decision on ridership numbers in a particular geographic area affected by the decision and in the district overall;

(III) Existing access to transit services within a particular geographic area affected by the decision and the demonstrated need or desire for public transit in that area;

(IV) The equitable distribution of district resources and public tax dollars;

(V) The potential for a negative or disproportionate
IMPACT ON A NEIGHBORHOOD, MUNICIPALITY, REGION, DIRECTOR DISTRICT, OR POLITICAL BODY WITHIN THE DISTRICT;

(VI) THE POTENTIAL OF THE DECISION TO DIRECTLY OR INDIRECTLY DENY THE BENEFITS OF SERVICE TO RIDERS WITH DISABILITIES;

(VII) THE ECONOMIC AND SOCIAL BENEFIT OF ACCESS TO TRANSIT SERVICES FOR DISADVANTAGED NEIGHBORHOODS OR COMMUNITIES;

(VIII) WHETHER THE INTENDED RESULT WILL IMPROVE THE VALUE OF EXISTING SERVICE;

(IX) THE DIRECT AND INDIRECT IMPACT ON AIR POLLUTION IN THE DISTRICT;

(X) THE EFFECT OF A PARTICULAR ROUTE, SERVICE, OR RATE ON THE LONG-TERM FINANCIAL HEALTH OF THE DISTRICT; AND

(XI) SUCH OTHER FACTORS AS THE DISTRICT DETERMINES ARE RELEVANT.

(b) THE FACTORS DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION ARE NOT EXCLUSIVE OF EACH OTHER, AND THE DISTRICT SHALL NOT CONSIDER ANY ONE FACTOR TO BE DISPOSITIVE IN ITS DECISION-MAKING.

SECTION 2. In Colorado Revised Statutes, add 32-9-107.3 and 32-9-107.4 as follows:

32-9-107.3. Discrimination prohibited - civil action - report - definitions. (1) FOR THE PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "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.
(b) "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. 12101 ET SEQ., AND ITS RELATED AMENDMENTS AND IMPLEMENTING REGULATIONS.

(2) (a) THE DISTRICT SHALL NOT DISCRIMINATE AGAINST AN INDIVIDUAL WITH A DISABILITY ON THE BASIS OF SUCH DISABILITY IN CONNECTION WITH THE PROVISION OF TRANSPORTATION SERVICE. DISCRIMINATION AGAINST AN INDIVIDUAL WITH A DISABILITY INCLUDES:

(I) NOTWITHSTANDING THE PROVISION OF ANY SPECIAL TRANSPORTATION SERVICE TO INDIVIDUALS WITH DISABILITIES, DENYING AN INDIVIDUAL WITH A DISABILITY ON THE BASIS OF THAT DISABILITY THE OPPORTUNITY TO USE THE DISTRICT'S SERVICES FOR THE GENERAL PUBLIC, IF THE INDIVIDUAL IS CAPABLE OF USING THAT SERVICE;

(II) REQUIRING AN INDIVIDUAL WITH A DISABILITY TO USE DESIGNATED PRIORITY SEATS, IF THE INDIVIDUAL DOES NOT CHOOSE TO USE THOSE SEATS;

(III) REQUIRING THAT AN INDIVIDUAL WITH A DISABILITY BE ACCOMPANIED BY AN ATTENDANT; OR

(IV) FAILING TO MAKE REASONABLE MODIFICATIONS IN POLICIES, PRACTICES, OR PROCEDURES WHEN NECESSARY TO AVOID DISCRIMINATION ON THE BASIS OF DISABILITY OR TO PROVIDE ACCESSIBILITY TO THE DISTRICT'S SERVICES, UNLESS:

(A) GRANTING A REQUEST FOR MODIFICATION WOULD FUNDAMENTALLY ALTER THE NATURE OF THE DISTRICT'S SERVICES OR ACTIVITIES;

(B) GRANTING A REQUEST FOR MODIFICATION WOULD CREATE A
DIRECT THREAT TO THE HEALTH OR SAFETY OF OTHERS; OR

(C) WITHOUT THE REQUESTED MODIFICATION, THE INDIVIDUAL
WITH A DISABILITY IS ABLE TO FULLY USE THE DISTRICT'S SERVICES OR
ACTIVITIES FOR THEIR INTENDED PURPOSE.

(b) IN ADDITION TO ANY OTHER REQUIREMENTS, A FAILURE TO
COMPLY WITH THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF
IMPLEMENTING REGULATIONS CONSTITUTES A VIOLATION OF THIS
SUBSECTION (2).

(3) (a) THE DISTRICT SHALL NOT DISCRIMINATE AGAINST AN
INDIVIDUAL ON THE BASIS OF RACE, COLOR, ETHNICITY, OR NATIONAL
ORIGIN IN CONNECTION WITH THE PROVISION OF TRANSPORTATION
SERVICE. DISCRIMINATION UNDER THIS SUBSECTION (3) INCLUDES:

(I) PLANNING, PROVIDING, OR MAINTAINING TRANSPORTATION
SERVICES IN A WAY THAT CREATES A DISPARATE IMPACT IN SERVICE
LEVELS BETWEEN THE POPULATION OF THE DISTRICT AS A WHOLE AND
SUBGROUPS OF THE POPULATION BASED ON RACE, COLOR, ETHNICITY, OR
NATIONAL ORIGIN, INCLUDING ESTABLISHED NEIGHBORHOODS OR
COMMUNITIES SHARING THOSE CHARACTERISTICS. FOR THE PURPOSES OF
THIS SUBSECTION (3)(a)(I), "DISPARATE IMPACT" MEANS A
DISPROPORTIONATELY ADVERSE IMPACT AGAINST ANY GROUP
REFERENCED IN THIS SUBSECTION (3) THAT PROHIBITS OR SIGNIFICANTLY
RESTRICTS THEIR ABILITY TO RECEIVE THE FULL BENEFITS OF THE
DISTRICT'S SERVICES.

(II) ON THE BASIS OF RACE, COLOR, ETHNICITY, OR NATIONAL
ORIGIN:

(A) DENYING A PERSON A SERVICE OR OTHER BENEFIT PROVIDED
(B) Providing a service or other benefit that is different, or is provided in a different manner, than what the district provides to others;

(C) Subjecting a person to segregation or separate treatment in the provision of services or any other benefit;

(D) Restricting a person in any way in the enjoyment of the services or benefits provided by the district; or

(E) Denying a person an opportunity to participate in a planning, advisory, or other capacity that is available to others.

(b) In addition to any other requirements, a failure to comply with Title VI of the Federal "Civil Rights Act of 1964", 42 U.S.C. Sec. 2000e et seq. and its related amendments and implementing regulations constitutes a violation of this subsection (3).

(4) (a) An individual who is subject to a violation of subsection (2) or (3) of this section may bring a civil suit against the district in State District Court seeking any of the following remedies:

(I) A court order requiring compliance with the provisions of the applicable subsection;

(II) Actual monetary damages; and

(III) Compensatory damages for other pecuniary losses, emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses.

(b) If the plaintiff is the prevailing party in an action
UNDER THIS SUBSECTION (4), THE COURT SHALL AWARD REASONABLE ATTORNEY FEES AND COSTS TO THE PLAINTIFF.

(c) A CLAIM FILED UNDER THIS SUBSECTION (4) FOR INJUNCTIVE RELIEF, MONETARY DAMAGES, OR OTHER COMPENSATORY DAMAGES IS NOT SUBJECT TO THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24.

(5) THE RIGHTS, REMEDIES, AND OBLIGATIONS OF THIS SECTION ARE IN ADDITION TO ANY RIGHTS, REMEDIES, AND OBLIGATIONS IN STATE AND FEDERAL LAW RELATED TO DISCRIMINATION; EXCEPT THAT, IF A PLAINTIFF ASSERTS CLAIMS UNDER THIS SECTION AND UNDER APPLICABLE FEDERAL LAW OR OTHER APPLICABLE STATE LAW, THE PLAINTIFF MAY RECOVER UNDER THIS SECTION ONLY ONCE FOR THE SAME INJURIES, DAMAGES, OR LOSSES.

(6) ON OR BEFORE JANUARY 1, 2021, THE BOARD OF DIRECTORS SHALL SUBMIT TO THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE A REPORT DESCRIBING HOW IT WILL ENSURE COMPLIANCE WITH THE REQUIREMENTS OF SUBSECTIONS (2) AND (3) OF THIS SECTION.

32-9-107.4. Legislative oversight - repeal. (1) For the purpose of providing legislative oversight of the operation of the district, the transportation legislation review committee or any successor committee may review the district's compliance with any requirements of this article 9. The district shall comply with requests for reports, information, and documents from the committee to assist in its review.

(2) (a) Beginning in 2020, the transportation legislation review committee shall allow public testimony concerning the district's compliance with section 32-9-107.3 (2) and (3) during at
LEAST ONE MEETING OF THE COMMITTEE OCCURRING AFTER JULY 1 BUT
BEFORE SEPTEMBER 30 EACH YEAR.

(b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE OCTOBER 1,
2025.

SECTION 3. In Colorado Revised Statutes, amend 32-9-109.5
as follows:

32-9-109.5. Board of directors - membership - powers.

(1) Effective January 1, 1983, the governing body of the district shall be
a board of directors consisting of fifteen persons, ELECTED AS PROVIDED
IN SECTION 32-9-111, each of whom is an eligible elector residing within
the director district. EFFECTIVE JANUARY 1, 2021, THE GOVERNING BODY
OF THE DISTRICT IS A BOARD OF DIRECTORS CONSISTING OF SEVENTEEN
VOTING MEMBERS AND TWO NONVOTING EX-OFFICIO MEMBERS AS
DESCRIBED IN SUBSECTION (2) OF THIS SECTION.

(2) (a) FIFTEEN VOTING members of the board of directors shall be
elected as provided in section 32-9-111. AN ELECTED DIRECTOR MUST BE
AN ELIGIBLE ELECTOR RESIDING WITHIN THE DIRECTOR DISTRICT.

(b) (I) THE GOVERNOR SHALL APPOINT TWO VOTING AT-LARGE
DIRECTORS OF THE DISTRICT WITH THE CONSENT OF THE SENATE, AS
FOLLOWS:

(A) ONE DIRECTOR REPRESENTING CONSTITUENTS WITH
DISABILITIES WHO ARE TRANSIT-DEPENDENT. THE APPOINTEE MUST HAVE
DEMONSTRATED EXPERIENCE IN POLICY DEVELOPMENT, APPLICABLE LAW,
OR OTHER RELEVANT WORK EXPERIENCE RELATED TO ACCESSIBLE TRANSIT
PLANNING OR SHOW A DEMONSTRATED HISTORY, WITH OR WITHOUT
COMPENSATION, OF ADVOCATING FOR THE FULL PUBLIC ACCOMMODATION
OF PEOPLE WITH DISABILITIES.
(B) One director with experience or interest in equitable transportation planning. The appointee must have demonstrated professional experience in policy development, applicable law, or other relevant work experience related to equitable transit planning or show a demonstrated history, with or without compensation, in advocating for the inclusion of disadvantaged populations in government services, benefits, or public accommodations.

(II) In appointing members under this subsection (2)(b), the governor shall consult with constituency groups with knowledge and expertise in areas relevant to the qualifications of the appointee.

(III) The directors appointed in accordance with this subsection (2)(b) must be eligible electors residing within the boundaries of the district. If an appointee moves out of the district during the appointee’s term, the vacancy is filled in accordance with subsection (2)(b)(IV) of this section.

(IV) In the event of a vacancy in the position of an appointed member, the governor shall appoint a new director who meets the qualifications of subsection (2)(b)(I) or (2)(b)(II) of this section, as applicable, within forty days of the vacancy, the term of a member appointed to fill a vacancy begins on the day of the appointment and is three years. The member may be appointed for one additional term in accordance with section 32-9-111 (4)(b).

(c) The state treasurer, or the state treasurer’s designee, and the executive director of the department of transportation,
OR THE EXECUTIVE DIRECTOR'S DESIGNEE, ARE NONVOTING EX-OFFICIO MEMBERS OF THE BOARD. AN EX-OFFICIO MEMBER MAY CAST AN ADVISORY VOTE ON A MATTER PENDING BEFORE THE BOARD. AN ADVISORY VOTE IS NOT COUNTED TOWARD THE BOARD'S DECISION BUT MUST BE NOTED IN THE MINUTES OF THE MEETING.

(3) The terms of members of the board serving on December 31, 1982, shall expire on January 1, 1983, and a new board, constituted pursuant to this section shall take office on January 1, 1983, after having been elected pursuant to section 32-9-111.

(4) (a) All powers, duties, functions, rights, and privileges vested in the district shall be exercised and performed by the board; except that the exercise of any executive, administrative, or ministerial powers may be delegated by the board to officers and employees of the district.

(b) NOTWITHSTANDING ANY DELEGATION OF AUTHORITY TO THE OFFICERS AND EMPLOYEES OF THE DISTRICT, EACH MEMBER OF THE BOARD RETAINS THE RIGHT TO HAVE FULL ACCESS TO THE DISTRICT'S DOCUMENTS AND RECORDS WITHOUT COST. THE BOARD SHALL NOT ADOPT ANY POLICY, RULE, OR PROCEDURE THAT RESTRICTS OR IMPOSES COSTS ON A BOARD MEMBER'S ACCESS TO THE DISTRICT'S RECORDS AND DOCUMENTS.

SECTION 4. In Colorado Revised Statutes, 32-9-111, amend (4), (5)(a), and (5)(f) as follows:

32-9-111. Election of directors - dates - terms. (4) (a) Except as provided in this subsection (4); The regular term of office of ELECTED directors shall be IS four years. At the election held in 1982, eight members of the board shall be elected for two-year terms. The two-year terms shall be determined by lot at the first meeting of the board following the apportionment of director districts. Seven members shall be
elected for four-year terms.

(b) The regular term of office of members appointed in accordance with section 32-9-109.5 (2)(b) is three years. The governor shall make initial appointments no later than December 1, 2020. An appointed member may be reappointed for one additional term.

(5) (a) Except as provided in this subsection (5), nominations for an election of directors shall be made in accordance with the general election laws of the state. Nominations for elected directors shall be made by petition and filed in the office of the secretary of state in the manner provided for independent candidates pursuant to section 1-4-802 and part 9 of article 4 of title 1. C.R.S. The petitions shall be signed by at least two hundred fifty eligible electors residing within the director district in which the officer is to be elected.

(f) Every candidate for election as a director shall comply with the provisions of article 45 of title 1. C.R.S. Limits on contributions to candidates for director are specified in section 1-45-103.7 (1.7).

SECTION 5. In Colorado Revised Statutes, 32-9-112, amend (1), (1.5), and (2) as follows:

32-9-112. Vacancies of elected members - how filled - recall.

(1) A change of residence of an elected member of the board to a place outside the director district from which the member was elected shall automatically create a vacancy on the board. Upon a vacancy in the office of an elected member of the board occurring for any reason other than normal expiration of a term, the vacancy shall be filled by appointment by the board of county commissioners of the county wherein
the director district is located or, in the case of a member elected in Denver, by the mayor of the city and county of Denver, with the approval of the city council of said city and county. In the case of a director district which contains territory in two or more counties, or in the city and county of Denver and in one or more counties, the vacancy shall be filled by appointment by the board of county commissioners of the county wherein the largest number of eligible electors of the director district reside; except that, if the largest number of eligible electors of the director district reside in the city and county of Denver, the vacancy shall be filled by appointment by the mayor of the city and county of Denver, with the approval of the city council of the city and county.

(1.5) Any director appointed to fill a vacancy under subsection (1) of this section shall serve until the next regular election, at which time the vacancy shall be filled by election for any remaining unexpired portion of the term.

(2) Effective July 1, 1983, any elected member of the board may be recalled from office by the eligible electors of the director district such member represents pursuant to the provisions of part 1 of article 12 of title 1, C.R.S.

SECTION 6. In Colorado Revised Statutes, 32-9-114, amend (1)(a), (1)(c), and (1)(g); and add (2) as follows:

32-9-114. Board's administrative powers. (1) The board has the following administrative powers:

(a) To fix the time and place at which its regular meetings, to be held at least quarterly, shall be held within the district and shall provide for the calling and holding of special meetings;

(c) To elect one director as chairman of the board and
another director as chairman CHAIR pro tem of the board, and to appoint
one or more persons as secretary and treasurer of the board; EXCEPT THAT,
EFFECTIVE JANUARY 1, 2021:

(I) THE CHAIR MUST BE AN ELECTED DIRECTOR; AND

(II) AN EX-OFFICIO DIRECTOR IS NOT ELIGIBLE TO SERVE AS CHAIR,
CHAIR PRO TEM, SECRETARY, OR TREASURER;

(g) To designate an official newspaper NEWSPAPERS published in
the district in the English language OR LANGUAGES SPOKEN BY RESIDENTS
OF THE DISTRICT; except that nothing in this article shall prevent
ARTICLE 9 PREVENTS the board from directing publication in any additional
newspaper where it deems that the public necessity may so require;

(2) THE BOARD MAY ADOPT AS PART OF ITS BYLAWS PROCEDURES
TO REMOVE AN ELECTED OR APPOINTED DIRECTOR FOR GOOD CAUSE. ANY
SUCH PROCEDURES MUST REQUIRE THE VOTES OF AT LEAST TWELVE
DIRECTORS TO REMOVE A DIRECTOR. REMOVAL OF A DIRECTOR CREATES
A VACANCY TO BE FILLED IN ACCORDANCE WITH SECTION 32-9-112 OR
32-9-109.5 (2)(b)(IV), AS APPLICABLE. EX-OFFICIO DIRECTORS ARE NOT
SUBJECT TO REMOVAL.

SECTION 7. In Colorado Revised Statutes, 32-9-115, add (4) as
follows:

32-9-115. Records of board - audits - report - repeal. (4) (a) In
ADDITION TO THE AUDITS AUTHORIZED IN SUBSECTIONS (1) AND (3) OF
THIS SECTION:

(I) ON OR BEFORE JANUARY 1, 2021, THE STATE AUDITOR SHALL
INITIATE AN AUDIT OF THE DISTRICT'S POLICIES AND PRACTICES
REGARDING THE FISCAL HEALTH OF THE REGIONAL TRANSPORTATION
DISTRICT SALARIED EMPLOYEES' PENSION PLAN, INCLUDING AN
ASSESSMENT OF THE DISTRICT'S ABILITY TO ELIMINATE ITS UNFUNDED NET PENSION LIABILITIES, WHETHER THE DISTRICT'S FISCAL MANAGEMENT AND PROJECTIONS ARE IN ACCORDANCE WITH BEST PRACTICES, AND WHETHER THE DISTRICT'S POLICIES AND PRACTICES ENSURE THAT THE DISTRICT'S RETIREMENT BENEFIT PLANS FOR ALL EMPLOYEES ARE COMPARABLY FUNDED THROUGH EMPLOYER AND EMPLOYEE CONTRIBUTIONS;

(II) ON OR BEFORE JANUARY 1, 2021, THE STATE AUDITOR SHALL INITIATE AN AUDIT OF THE DISTRICT'S ORGANIZATIONAL STRUCTURE AND SIZE, INCLUDING EXECUTIVE COMPENSATION AND THE COSTS TO THE DISTRICT OF ITS COMPENSATION AND FRINGE BENEFITS FOR ALL CATEGORIES OF EMPLOYEES, TO ASSESS WHETHER VARIOUS GROUPS OR CATEGORIES OF EMPLOYEES ARE APPROPRIATELY COMPENSATED RELATIVE TO THE COST OF LIVING IN THE DISTRICT AND TO THE EMPLOYEES' JOB DUTIES AND FUNCTIONS IN COMPARISON TO SIMILAR PUBLIC AGENCIES;

AND

(III) ON OR BEFORE JANUARY 1, 2022, THE STATE AUDITOR SHALL INITIATE A COST-EFFICIENCY AND PERFORMANCE ANALYSIS OF THE DISTRICT'S VEHICULAR SERVICES POLICIES ADOPTED IN ACCORDANCE WITH SECTION 32-9-119.5.

(b) THE STATE AUDITOR SHALL SUBMIT TO THE LEGISLATIVE AUDIT COMMITTEE A WRITTEN REPORT ON EACH AUDIT INCLUDING RECOMMENDATIONS TO IMPROVE THE FISCAL HEALTH OF THE DISTRICT; EXCEPT THAT A RECOMMENDATION SHALL NOT BE MADE SOLELY ON THE BASIS OF COST IF THE STATE AUDITOR DETERMINES THAT THE RECOMMENDATION WOULD SIGNIFICANTLY IMPAIR THE DISTRICT'S ABILITY TO PROVIDE SERVICE AS DESCRIBED IN SECTION 32-9-107 OR COMPLY WITH THE REQUIREMENTS OF SECTION 32-9-107.3 (2) AND (3). UPON APPROVAL
BY THE LEGISLATIVE AUDIT COMMITTEE, THE STATE AUDITOR SHALL SUBMIT THE WRITTEN REPORT OF EACH AUDIT TO THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE.

(c) NOTWITHSTANDING THE REQUIREMENTS OF SECTION 2-3-110, THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY FROM THE GENERAL FUND TO THE OFFICE OF THE STATE AUDITOR TO PAY THE COSTS OF THE AUDITS REQUIRED BY THIS SUBSECTION (4).

(d) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2025.

SECTION 8. In Colorado Revised Statutes, 32-9-116, amend (3); and add (1.5) and (4) as follows:

32-9-116. Meetings of board. (1.5) (a) WHENEVER PRACTICABLE, THE BOARD SHALL LIVE BROADCAST ITS MEETINGS. THE BOARD SHALL PROVIDE REASONABLE ACCOMMODATIONS TO ALLOW PERSONS WITH DISABILITIES TO ATTEND, LISTEN TO, OR WATCH BOARD MEETINGS.

(b) THE BOARD SHALL MAKE AN AUDIO OR AUDIO-VIDEO RECORDING OF EACH MEETING OF THE BOARD AVAILABLE ON THE DISTRICT'S WEBSITE.

(3) Effective January 1, 1983, any action of the board shall require the affirmative vote of at least eight members present and voting. EFFECTIVE JANUARY 1, 2021, ANY ACTION OF THE BOARD SHALL REQUIRE THE AFFIRMATIVE VOTE OF AT LEAST NINE VOTING MEMBERS.

(4) A MEMBER MUST BE PHYSICALLY PRESENT TO PARTICIPATE IN AND VOTE AT A MEETING OF THE BOARD; EXCEPT THAT THE BOARD MAY ADOPT AS PART OF ITS BYLAWS PROCEDURES TO ALLOW A MEMBER TO PARTICIPATE IN AND VOTE AT A MEETING BY TELEPHONIC OR OTHER
REMOTE TECHNOLOGY IN THE EVENT OF A DOCUMENTED MEDICAL CONDITION THAT PREVENTS THE MEMBER FROM BEING PHYSICALLY PRESENT.

SECTION 9. In Colorado Revised Statutes, 32-9-117, amend (2) and (4); and repeal (1) as follows:

32-9-117. Compensation of directors. (1) Except as otherwise provided in subsection (2) of this section, effective January 1, 1983, each director shall receive a sum of three thousand dollars per annum:

(2) (a) Effective January 1, 2009, except as provided in subsection (2)(b) of this section, each director elected at the 2008 general election or at any general election thereafter, and each director appointed to fill a vacancy for an unexpired term of a director elected at the 2008 general election or any election thereafter, and each director appointed in accordance with section 32-9-109.5 (2)(b) shall receive a sum of twelve thousand dollars per annum, payable at the rate of one thousand dollars per month. Ex-officio directors are not eligible for compensation.

(b) As part of its bylaws, the board shall adopt guidelines and procedures to reduce the monthly compensation of a director who fails to attend meetings of the board or otherwise fails to perform the director's official duties.

(4) Nothing contained in this article shall be construed as preventing the board from authorizing the reimbursement of any director, including ex-officio directors, for expenses incurred that appertain to the activities of the district.

SECTION 10. In Colorado Revised Statutes, amend 32-9-118 as follows:
32-9-118. Conflicts of interest prohibited. (1) No director, officer, employee, or agent of the district shall be interested in any contract or transaction with the district except in his official representative capacity.

(2) Each appointed and elected director and each employee of the district who is not represented by a union or other labor organization is subject to and shall comply with the requirements of sections 3 and 4 of article XXIX of the state constitution. Any person may file a written complaint with the independent ethics commission established pursuant to section 5 of article XXIX of the state constitution asking whether a director or employee of the district has failed to comply with the requirements of this subsection (2).

SECTION 11. In Colorado Revised Statutes, 32-9-119.7, amend (4); and repeal (1), (3), and (5) as follows:

32-9-119.7. Farebox recovery ratios - plans - report. (1) The general assembly hereby finds and declares that surface transportation in the Denver metropolitan area is a major problem confronting not only the citizens of the metropolitan area but also the citizens of the entire state of Colorado. The general assembly further finds that, although mass transportation is one component of an effective surface transportation system, the allocation of resources to mass transportation must be made in light of all surface transportation needs. The general assembly further finds that the district should be organized efficiently, economically, and on a demand-responsive basis and that the district should consider least-cost alternatives in discharging its responsibilities. The general assembly further finds that the farebox recovery ratio of the district must
be improved so that resources once allocated for mass transportation can
be made available for other surface transportation needs.

(3) The district shall take whatever measures it deems necessary
to ensure that the following percentages of its operating costs are funded
by revenues collected, as follows:

(a) For the fiscal year 1990, twenty-seven and one-half percent;
(b) For the fiscal year 1991, twenty-eight and one-half percent;
(c) For the fiscal year 1992, twenty-nine and one-half percent;
(d) For the fiscal year 1993 and each fiscal year thereafter, thirty
percent.

(4) The district shall prepare annual budgets based on the
percentages required by subsection (3) of this section. Reports showing
the percentage of its operating costs that are funded by
revenues collected. The district shall submit copies of its annual
budget report required by this subsection (4) to the transportation
legislation review committee created in section 43-2-145. C.R.S.
Notwithstanding section 24-1-136 (11)(a)(I), the requirement to
submit the report required by this subsection (4) continues
indefinitely.

(5) No later than August 1, 1989, the district shall submit to the
highway legislation review committee optional plans which shall address
the following objectives:

(a) To make the mass transportation operations of the district
more demand-responsive;
(b) To demonstrate that the district has considered least-cost
options for performing its service;
(c) To make recommendations regarding farebox recovery ratios;
and

(d) To demonstrate improved commuter and to-and-from-work service:

SECTION 12. In Colorado Revised Statutes, 32-9-119.8, amend (2), (2.5), and (5) as follows:

32-9-119.8. Provision of retail and commercial goods and services at district transfer facilities - residential and other uses at district transfer facilities permitted - definitions. (2) Except as provided in subsection (2.5) of this section, the district may negotiate and enter into agreements with any person or public entity for the provision of retail and commercial goods and services to the public at transfer facilities or for the provision of residential uses or other uses at such facilities. The district itself shall not provide retail and commercial goods and services at transfer facilities pursuant to this section, except for including the sale of mass transportation tickets, tokens, passes, and other transactions directly and necessarily related to the operation of a mass transportation system. The district may negotiate and enter into agreements with third parties to provide any of the goods and services or other uses contemplated under this section.

(2.5) The district shall notify and obtain the approval of the executive director of the department of transportation before THE DISTRICT BEGINS PROVIDING RETAIL AND COMMERCIAL GOODS AND SERVICES AND BEFORE negotiating and entering into any agreement with any person or public entity for the provision of retail and commercial goods and services to the public or the provision of residential uses or other uses at a transfer facility that is located on property that is owned by the department of transportation and leased to the district for the
operation of such transfer facility.

(5) Any development of any portion of a transfer facility made available by the district for the provision of retail or commercial goods or services or for the provision of residential uses or other uses, INCLUDING ANY USE BY THE DISTRICT ITSELF TO PROVIDE RETAIL OR COMMERCIAL GOODS OR SERVICES, shall be subject to all applicable local zoning ordinances.

SECTION 13. In Colorado Revised Statutes, add 32-9-124.5 as follows:

32-9-124.5. Notice to board - intent to borrow - supplemental appropriation. (1) THE OFFICERS OF THE DISTRICT SHALL NOTIFY THE BOARD AT LEAST THIRTY DAYS PRIOR TO ENTERING INTO AN AGREEMENT WITH ANY PERSON OR FINANCIAL INSTITUTION FOR THE PURPOSE OF BORROWING MONEY OR ISSUING SECURITIES IN ACCORDANCE WITH THIS ARTICLE 9.

(2) THE OFFICERS OF THE DISTRICT SHALL NOTIFY AND PROVIDE DOCUMENTATION TO THE DIRECTORS OF THE BOARD AT LEAST FIFTEEN DAYS BEFORE A BOARD MEETING OF ANY REQUEST FOR A SUPPLEMENTAL BUDGET APPROPRIATION OR OTHER MODIFICATION OF THE DISTRICT'S BUDGET.

SECTION 14. In Colorado Revised Statutes, 1-45-103.7, amend (4.5), (7)(a), and (7)(b); and add (1.7) as follows:

1-45-103.7. Contribution limits - county offices - regional transportation district - treatment of independent expenditure committees - contributions from limited liability companies - voter instructions on spending limits - definitions. (1.7) (a) (I) THE MAXIMUM AMOUNT OF AGGREGATE CONTRIBUTIONS THAT ANY ONE
PERSON OTHER THAN A SMALL DONOR COMMITTEE OR A POLITICAL PARTY
MAY MAKE TO A CANDIDATE COMMITTEE OF A CANDIDATE FOR THE BOARD
OF DIRECTORS OF THE REGIONAL TRANSPORTATION DISTRICT, AND THAT
A CANDIDATE COMMITTEE FOR SUCH CANDIDATE MAY ACCEPT FROM ANY
SUCH PERSON, IS ONE THOUSAND TWO HUNDRED FIFTY DOLLARS FOR THE
GENERAL ELECTION.

(II) THE MAXIMUM AMOUNT OF AGGREGATE CONTRIBUTIONS THAT
ANY ONE SMALL DONOR COMMITTEE MAY MAKE TO A CANDIDATE
COMMITTEE OF A CANDIDATE FOR THE BOARD OF DIRECTORS OF THE
REGIONAL TRANSPORTATION DISTRICT, AND THAT A CANDIDATE
COMMITTEE FOR SUCH CANDIDATE MAY ACCEPT FROM ANY ONE SMALL
DONOR COMMITTEE, IS SIX THOUSAND SEVEN HUNDRED FIFTY DOLLARS
FOR THE GENERAL ELECTION.

(III) THE MAXIMUM AMOUNT OF AGGREGATE CONTRIBUTIONS
THAT A POLITICAL PARTY MAY MAKE TO A CANDIDATE COMMITTEE OF A
CANDIDATE FOR THE BOARD OF DIRECTORS OF THE REGIONAL
TRANSPORTATION DISTRICT, AND THAT A CANDIDATE COMMITTEE FOR
SUCH CANDIDATE MAY ACCEPT FROM ANY POLITICAL PARTY, IS FIVE
THOUSAND DOLLARS FOR THE APPLICABLE ELECTION CYCLE.

(b) CANDIDATES MAY ACCEPT CONTRIBUTIONS SUBJECT TO THE
AGGREGATE LIMITS SPECIFIED IN SUBSECTION (1.7)(a)(I) OR (1.7)(a)(II) OF
THIS SECTION IN ACCORDANCE WITH SUBSECTION (4.5) OF THIS SECTION.

(c) ANY MONETARY AMOUNT SPECIFIED IN SUBSECTION (1.7)(a) OF
THIS SECTION MUST BE ADJUSTED IN ACCORDANCE WITH THE
ADJUSTMENTS MADE TO OTHER CONTRIBUTION LIMITS AS SPECIFIED IN
SECTION 3 (13) OF ARTICLE XXVIII OF THE STATE CONSTITUTION.

(d) THE REQUIREMENTS OF SECTIONS 1-45-108 AND 1-45-109, AS
APPLICABLE, APPLY TO ANY CONTRIBUTION MADE OR RECEIVED THAT IS
SUBJECT TO SUBSECTION (1.7)(a) OF THIS SECTION.

(e) FOR PURPOSES OF THIS SUBSECTION (1.7), "REGIONAL
TRANSPORTATION DISTRICT" MEANS THE REGIONAL TRANSPORTATION
DISTRICT ESTABLISHED IN ARTICLE 9 OF TITLE 32.

(4.5) (a) A candidate committee established in the name of a
candidate who is a write-in candidate, an unaffiliated candidate, or the
candidate of a minor political party who is not running in a primary
election, OR A CANDIDATE FOR THE BOARD OF DIRECTORS OF THE
REGIONAL TRANSPORTATION DISTRICT may accept from any one person
the aggregate contribution limit specified in either section 3 (1) of article
XXVIII of the state constitution or subsection (1.5)(a) OR (1.7)(a) of this
section applicable to the office he or she is seeking at any point during the
election cycle in which the candidate in whose name the candidate
committee is accepting contributions is on the general election ballot.

(b) A candidate committee established in the name of a candidate
who is a write-in candidate, an unaffiliated candidate, or the candidate of
a minor political party who is not running in a primary election, OR A
CANDIDATE FOR THE BOARD OF DIRECTORS OF THE REGIONAL
TRANSPORTATION DISTRICT may expend contributions received and
accepted in accordance with paragraph (a) of this subsection (4.5)
SUBSECTION (4.5)(a) OF THIS SECTION at any point during the election
cycle in which the candidate in whose name the candidate committee is
accepting contributions is on the general election ballot.

(7) (a) Any person who believes that a violation of subsection
(1.5), (1.7), (5), or (6) of this section has occurred may file a written
complaint with the secretary of state in accordance with section
1-45-111.7.

(b) Any person who has violated subsection (1.5), (1.7), (5)(a), (5)(b), (5)(c), or (6) of this section is subject to a civil penalty of at least double and up to five times the amount contributed or received in violation of the applicable provision.

SECTION 15. In Colorado Revised Statutes, 2-3-110.5, amend (1)(b), (1)(c), (2)(b)(II), (2)(f)(II), (3)(b), (3)(c) introductory portion, (3)(c)(I), (3)(c)(II), and (4); and add (1)(b.5) as follows:

2-3-110.5. Fraud hotline - investigations - confidentiality - access to records - definitions. (1) As used in this section, unless the context otherwise requires:

(b) "Contracted individual" means an individual currently or formerly acting under a contract, purchase order, or other similar agreement for the procurement of goods and services with a state agency OR THE DISTRICT; except that "contracted individual" does not include individuals or entities that provide services or receive benefits under Title XIX or Title XXI of the federal "Social Security Act".

(b.5) "DISTRICT" MEANS THE REGIONAL TRANSPORTATION DISTRICT ESTABLISHED IN ARTICLE 9 OF TITLE 32.

(c) "Employee" means an individual currently or formerly employed by a state agency OR BY THE DISTRICT; except that "employee" does not include individuals or entities that provide services or receive benefits under Title XIX or Title XXI of the federal "Social Security Act".

(2) (b) (II) The state auditor shall not disclose publicly, or when making a referral to another state agency OR TO THE DISTRICT in accordance with subsection (3)(b) of this section, the identity of any
individual who contacts the fraud hotline unless the individual grants the state auditor express permission to make such disclosure. The restrictions imposed by this subsection (2)(b)(II) shall not apply when the state auditor makes a disclosure to a law enforcement agency, a district attorney, or the attorney general, in connection with a criminal investigation, or to the department of health care policy and financing or the attorney general in accordance with subsection (3)(a)(II) of this section.

(f) (II) All workpapers prepared or maintained by the state auditor in connection with hotline calls must be held as strictly confidential by the state auditor and not for public release. The restrictions imposed by this subsection (2)(f)(II) shall not prevent communication by and among the state auditor, a state agency, the governor, the committee, THE DISTRICT, a law enforcement agency, a district attorney, or the attorney general in accordance with the requirements of this section. Notwithstanding any other provision of law, all workpapers prepared or maintained by the state auditor in connection with hotline calls shall not constitute public records for purposes of the "Colorado Open Records Act", part 2 of article 72 of title 24.

(3)(b) If the state auditor determines through the initial screening that a hotline call constitutes an allegation of fraud committed by an employee or a contracted individual, the state auditor shall consult and coordinate with management or management's designee of the affected state agency or, in the case of alleged fraud involving a gubernatorial appointee, the governor's office, OR, IN THE CASE OF ALLEGED FRAUD INVOLVING THE DISTRICT, THE CHAIR OF THE DISTRICT'S BOARD OF DIRECTORS, for the purpose of referring the hotline call and any related
workpapers to the affected agency OR THE DISTRICT. Upon receiving a referred hotline call from the state auditor, the state agency OR THE DISTRICT is responsible for determining and taking appropriate action to respond to the referred hotline call and reporting back to the state auditor in accordance with subsection (4) of this section. In determining appropriate action, the state agency OR THE DISTRICT may request either the assistance of the state auditor to participate in an investigation or request that the state auditor conduct the entire investigation.

(c) When, at the request of a state agency OR THE DISTRICT, the state auditor either participates in or conducts an investigation of a hotline call pursuant to subsection (3)(b) of this section, the following additional requirements apply:

(I) The state auditor has access at all times to all of the books, accounts, reports, vouchers, or other records or information maintained by the agency OR THE DISTRICT that are directly related to the scope of the investigation.

(II) The state auditor shall report the results of the investigation to the head of the affected agency or, in the case of alleged fraud involving a gubernatorial appointee, to the governor's office, OR, IN THE CASE OF ALLEGED FRAUD INVOLVING THE DISTRICT, TO THE CHAIR OF THE DISTRICT'S BOARD OF DIRECTORS. The state auditor shall also provide any workpapers prepared or maintained by the state auditor during the investigation.

(4) When a state agency OR THE DISTRICT is referred a hotline call by the state auditor pursuant to subsection (3)(b) of this section and has not requested that the state auditor either participate in or conduct the entire investigation, the state agency OR THE DISTRICT shall report back to
the state auditor within ninety days on the disposition of the referral, including action the agency OR THE DISTRICT has taken to respond to the fraud allegation and the results of any subsequent investigation by the agency OR THE DISTRICT. If the state agency OR THE DISTRICT has not reached a disposition of the referred hotline call within ninety days, the agency OR THE DISTRICT shall report to the state auditor the current status of the referral as of the ninety-day deadline. This reporting requirement continues every ninety days thereafter until the agency OR THE DISTRICT has reached a disposition of the referred hotline call.

SECTION 16. In Colorado Revised Statutes, 24-18-102, amend (5) as follows:

24-18-102. Definitions. As used in this part 1, unless the context otherwise requires:

(5) "Local government" means the government of any county, city and county, city, town, special district, INCLUDING A STATUTORY DISTRICT CREATED IN TITLE 32, or school district.

SECTION 17. In Colorado Revised Statutes, 24-18.5-101, amend (4)(a) and (5)(a) as follows:

24-18.5-101. Independent ethics commission - establishment - membership - subpoena power - definitions. (4) In accordance with the provisions of section 5 of article XXIX, the powers and duties of the commission shall be as follows:

(a) To hear complaints, issue findings, and assess penalties on ethics issues arising under article XXIX, INCLUDING A COMPLAINT FILED IN ACCORDANCE WITH SECTION 32-9-118 (2), and other standards of conduct and reporting requirements as provided by law; and

(5)(a) Subject to the provisions of paragraph (c) of this subsection
(5) SUBSECTION (5)(c) OF THIS SECTION, the commission shall dismiss as frivolous any complaint filed under article XXIX, INCLUDING A COMPLAINT FILED IN ACCORDANCE WITH SECTION 32-9-118 (2), that fails to allege that a public officer, member of the general assembly, local government official, or government employee has accepted or received any gift or other thing of value for private gain or personal financial gain.

SECTION 18. In Colorado Revised Statutes, 24-114-101, amend the introductory portion, (2), (3), and (4); and add (2.5) as follows:

24-114-101. Definitions. As used in this article, unless the context otherwise requires:

(2) "Disclosure of information" means the written provision of evidence to any person, or the testimony before any committee of the general assembly, regarding any action, policy, regulation, practice, or procedure regarding THE DISTRICT OR a private enterprise under contract with a state agency OR THE DISTRICT which, if not disclosed, could result in the waste of public funds, could endanger the public health, safety, or welfare, or could otherwise adversely affect the interests of the state OR THE DISTRICT.

(2.5) "DISTRICT" MEANS THE REGIONAL TRANSPORTATION DISTRICT ESTABLISHED IN ARTICLE 9 OF TITLE 32.

(3) "Employee" means any person employed by THE DISTRICT OR a private enterprise under contract with a state agency OR THE DISTRICT.

(4) "Private enterprise under contract with a state agency OR THE DISTRICT" means any individual, firm, limited liability company, partnership, joint venture, corporation, association, or other legal entity which is a party to any type of state agreement, regardless of what it may be called, for the procurement or disposal of supplies, services, or...
construction for any department, office, commission, institution, board, or other agency of state government OR THE DISTRICT.

SECTION 19. In Colorado Revised Statutes, 24-114-102, amend (1) and (3) as follows:

24-114-102. Retaliation prohibited. (1) Except as provided in subsection (2) of this section, no appointing authority or supervisor of THE DISTRICT OR a private enterprise under contract with a state agency OR THE DISTRICT shall initiate or administer any disciplinary action against any employee on account of the employee's disclosure of information concerning THE DISTRICT OR said private enterprise. This section shall not apply to:

(a) An employee who discloses information that he OR SHE knows to be false or who discloses information with disregard for the truth or falsity thereof; AND

(b) An employee who discloses information which is confidential under any other provision of law.

(3) An entity THE DISTRICT AND A PRIVATE ENTERPRISE under contract with a state agency OR THE DISTRICT shall not initiate or administer any disciplinary action against any employee on account of the employee's disclosure of information to the fraud hotline administered by the state auditor in accordance with section 2-3-110.5; except that this subsection (3) does not apply to an employee who discloses information with disregard for the truth or falsity of the information.

SECTION 20. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6,
2020); except that, if a referendum petition is filed pursuant to section 1
(3) of article V of the state constitution against this act or an item, section,
or part of this act within such period, then the act, item, section, or part
will not take effect unless approved by the people at the general election
to be held in November 2020 and, in such case, will take effect on the
date of the official declaration of the vote thereon by the governor.

(2) Section 14 of this act applies to the portion of any election
cycle or for the portion of the calendar year remaining after said date, and
for any election cycle or calendar year commencing after said date.