

CHAPTER 248

GOVERNMENT - SPECIAL DISTRICTS

SENATE BILL 07-251

BY SENATOR(S) Hagedorn, Tochtrop, Williams, and Windels;
also REPRESENTATIVE(S) Pommer, Borodkin, Casso, Madden, McFadyen, Soper, and Todd.

AN ACT

**CONCERNING THE PROVISION OF VEHICULAR SERVICE OF THE REGIONAL TRANSPORTATION DISTRICT
BY PRIVATE BUSINESSES.**

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

SECTION 1. 32-9-119.5 (2) (a), (3) (a) (I), and (9), Colorado Revised Statutes, are amended to read:

32-9-119.5. Competition to provide vehicular service within the regional transportation district. (2) (a) The district ~~shall~~ MAY implement a system ~~whereby at least fifty~~ UNDER WHICH UP TO FIFTY-EIGHT percent of ~~all~~ THE DISTRICT'S vehicular service ~~shall be~~ IS provided by qualified private businesses pursuant to competitively negotiated contracts.

(3) (a) (I) Subject to the requirements of the "Federal Transit Act", as amended, ~~by March 31, 2004,~~ the district ~~shall~~ MAY request proposals from private providers to provide ~~at least fifty~~ UP TO FIFTY-EIGHT percent of all of the vehicular service of the district as measured by vehicle hours or vehicle hour equivalents. The district's decision as to which vehicular services ~~shall be~~ ARE subject to requests for proposals shall be representative of the district's total vehicular service operations; except that each individual request for proposals may designate one type of vehicular service. Service provided by private businesses pursuant to this section shall be accomplished through attrition of the district's full-time employees. No layoffs shall occur solely as a result of the implementation of this section. IF THE DIRECTOR OF THE DIVISION OF LABOR IN THE DEPARTMENT OF LABOR AND EMPLOYMENT ORDERS AN ARBITRATION PURSUANT TO SECTION 8-3-113 (3), C.R.S., THE ARBITRATOR SHALL NOT HAVE THE POWER TO ESTABLISH A LEVEL OF VEHICULAR SERVICE TO BE PROVIDED BY PRIVATE BUSINESSES IN ACCORDANCE WITH THIS SECTION.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

~~(9) It is the intent of the general assembly to provide a reasonable period for the board to experiment and gain knowledge and experience with limited privatization and, after considering the performance audit required under this section, to evaluate its effectiveness. Therefore, the term of any part of any collective bargaining or other agreement that relates to privatization or competitive contracting of any jobs shall not extend beyond June 30, 1990, so that the general assembly may have an opportunity to review the performance audit and consider the need to provide further statutory direction to the board. The provisions of this subsection (9) shall be subject to the requirements of federal law.~~

SECTION 2. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 8, 2007, if adjournment sine die is on May 9, 2007); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to contracts awarded on or after the applicable effective date of this act.

Approved: May 18, 2007