

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 20-0613.01 Megan Waples x4348

SENATE BILL 20-151

SENATE SPONSORSHIP

Tate and Rodriguez,

HOUSE SPONSORSHIP

Jackson and Larson,

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ADMINISTRATION OF THE REGIONAL**
102 **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

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

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

the district.

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

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

4 **32-9-107. Mass transportation system.** (1) The district, acting
5 by and through the board, is authorized to develop, maintain, and operate
6 a mass transportation system for the benefit of the inhabitants of the
7 district.

8 (2) IN DEVELOPING AND MAINTAINING THE MASS TRANSPORTATION
9 SYSTEM, THE DISTRICT SHALL ENDEAVOR TO MEET THE PUBLIC
10 TRANSPORTATION NEEDS OF URBAN AND NONURBAN AREAS, OFFERING THE
11 BEST VALUE OF SERVICE FOR THE LOWEST POSSIBLE FARE.

12 (3) (a) IN MAKING A DECISION ABOUT SERVICE LEVELS, ROUTE
13 PLANNING, AND RATES, THE DISTRICT SHALL CONSIDER:

14 (I) ANY MEASURABLE GOALS AND OBJECTIVES THE DISTRICT HAS
15 ESTABLISHED TO MEET ITS DUTY TO OFFER SAFE, ACCESSIBLE,
16 CONVENIENT, AND RELIABLE TRANSIT;

17 (II) THE IMPACT OF THE DECISION ON RIDERSHIP NUMBERS IN A
18 PARTICULAR GEOGRAPHIC AREA AFFECTED BY THE DECISION AND IN THE
19 DISTRICT OVERALL;

20 (III) EXISTING ACCESS TO TRANSIT SERVICES WITHIN A
21 PARTICULAR GEOGRAPHIC AREA AFFECTED BY THE DECISION AND THE
22 DEMONSTRATED NEED OR DESIRE FOR PUBLIC TRANSIT IN THAT AREA;

23 (IV) THE EQUITABLE DISTRIBUTION OF DISTRICT RESOURCES AND
24 PUBLIC TAX DOLLARS;

25 (V) THE POTENTIAL FOR A NEGATIVE OR DISPROPORTIONATE

1 IMPACT ON A NEIGHBORHOOD, MUNICIPALITY, REGION, DIRECTOR
2 DISTRICT, OR POLITICAL BODY WITHIN THE DISTRICT;

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

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

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

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

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

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

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

19 **SECTION 2.** In Colorado Revised Statutes, **add** 32-9-107.3 and
20 32-9-107.4 as follows:

21 **32-9-107.3. Discrimination prohibited - civil action - report -**
22 **definitions.** (1) FOR THE PURPOSES OF THIS SECTION, UNLESS THE
23 CONTEXT OTHERWISE REQUIRES:

24 (a) "DISABILITY" HAS THE SAME MEANING AS SET FORTH IN THE
25 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
26 12101 ET SEQ., AND ITS RELATED AMENDMENTS AND IMPLEMENTING
27 REGULATIONS.

1 (b) "QUALIFIED INDIVIDUAL WITH A DISABILITY" OR "INDIVIDUAL
2 WITH A DISABILITY" HAS THE SAME MEANING AS SET FORTH IN THE
3 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
4 12101 ET SEQ., AND ITS RELATED AMENDMENTS AND IMPLEMENTING
5 REGULATIONS.

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

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

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

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

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

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

27 (B) GRANTING A REQUEST FOR MODIFICATION WOULD CREATE A

1 DIRECT THREAT TO THE HEALTH OR SAFETY OF OTHERS; OR

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

5 (b) IN ADDITION TO ANY OTHER REQUIREMENTS, A FAILURE TO
6 COMPLY WITH THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF
7 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND ITS RELATED AMENDMENTS AND
8 IMPLEMENTING REGULATIONS CONSTITUTES A VIOLATION OF THIS
9 SUBSECTION (2).

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

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

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

27 (A) DENYING A PERSON A SERVICE OR OTHER BENEFIT PROVIDED

1 BY THE DISTRICT;

2 (B) PROVIDING A SERVICE OR OTHER BENEFIT THAT IS DIFFERENT,
3 OR IS PROVIDED IN A DIFFERENT MANNER, THAN WHAT THE DISTRICT
4 PROVIDES TO OTHERS;

5 (C) SUBJECTING A PERSON TO SEGREGATION OR SEPARATE
6 TREATMENT IN THE PROVISION OF SERVICES OR ANY OTHER BENEFIT;

7 (D) RESTRICTING A PERSON IN ANY WAY IN THE ENJOYMENT OF
8 THE SERVICES OR BENEFITS PROVIDED BY THE DISTRICT; OR

9 (E) DENYING A PERSON AN OPPORTUNITY TO PARTICIPATE IN A
10 PLANNING, ADVISORY, OR OTHER CAPACITY THAT IS AVAILABLE TO
11 OTHERS.

12 (b) IN ADDITION TO ANY OTHER REQUIREMENTS, A FAILURE TO
13 COMPLY WITH TITLE VI OF THE FEDERAL "CIVIL RIGHTS ACT OF 1964", 42
14 U.S.C. SEC. 2000e ET SEQ. AND ITS RELATED AMENDMENTS AND
15 IMPLEMENTING REGULATIONS CONSTITUTES A VIOLATION OF THIS
16 SUBSECTION (3).

17 (4) (a) AN INDIVIDUAL WHO IS SUBJECT TO A VIOLATION OF
18 SUBSECTION (2) OR (3) OF THIS SECTION MAY BRING A CIVIL SUIT AGAINST
19 THE DISTRICT IN STATE DISTRICT COURT SEEKING ANY OF THE FOLLOWING
20 REMEDIES:

21 (I) A COURT ORDER REQUIRING COMPLIANCE WITH THE PROVISIONS
22 OF THE APPLICABLE SUBSECTION;

23 (II) ACTUAL MONETARY DAMAGES; AND

24 (III) COMPENSATORY DAMAGES FOR OTHER PECUNIARY LOSSES,
25 EMOTIONAL PAIN AND SUFFERING, INCONVENIENCE, MENTAL ANGUISH,
26 LOSS OF ENJOYMENT OF LIFE, AND OTHER NONPECUNIARY LOSSES.

27 (b) IF THE PLAINTIFF IS THE PREVAILING PARTY IN AN ACTION

1 UNDER THIS SUBSECTION (4), THE COURT SHALL AWARD REASONABLE
2 ATTORNEY FEES AND COSTS TO THE PLAINTIFF.

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

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

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

18 **32-9-107.4. Legislative oversight - repeal.** (1) FOR THE PURPOSE
19 OF PROVIDING LEGISLATIVE OVERSIGHT OF THE OPERATION OF THE
20 DISTRICT, THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE OR
21 ANY SUCCESSOR COMMITTEE MAY REVIEW THE DISTRICT'S COMPLIANCE
22 WITH ANY REQUIREMENTS OF THIS ARTICLE 9. THE DISTRICT SHALL
23 COMPLY WITH REQUESTS FOR REPORTS, INFORMATION, AND DOCUMENTS
24 FROM THE COMMITTEE TO ASSIST IN ITS REVIEW.

25 (2) (a) BEGINNING IN 2020, THE TRANSPORTATION LEGISLATION
26 REVIEW COMMITTEE SHALL ALLOW PUBLIC TESTIMONY CONCERNING THE
27 DISTRICT'S COMPLIANCE WITH SECTION 32-9-107.3 (2) AND (3) DURING AT

1 LEAST ONE MEETING OF THE COMMITTEE OCCURRING AFTER JULY 1 BUT
2 BEFORE SEPTEMBER 30 EACH YEAR.

3 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE OCTOBER 1,
4 2025.

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

7 **32-9-109.5. Board of directors - membership - powers.**

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

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

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

21 (A) ONE DIRECTOR REPRESENTING CONSTITUENTS WITH
22 DISABILITIES WHO ARE TRANSIT-DEPENDENT. THE APPOINTEE MUST HAVE
23 DEMONSTRATED EXPERIENCE IN POLICY DEVELOPMENT, APPLICABLE LAW,
24 OR OTHER RELEVANT WORK EXPERIENCE RELATED TO ACCESSIBLE TRANSIT
25 PLANNING OR SHOW A DEMONSTRATED HISTORY, WITH OR WITHOUT
26 COMPENSATION, OF ADVOCATING FOR THE FULL PUBLIC ACCOMMODATION
27 OF PEOPLE WITH DISABILITIES.

1 (B) ONE DIRECTOR WITH EXPERIENCE OR INTEREST IN EQUITABLE
2 TRANSPORTATION PLANNING. THE APPOINTEE MUST HAVE DEMONSTRATED
3 PROFESSIONAL EXPERIENCE IN POLICY DEVELOPMENT, APPLICABLE LAW,
4 OR OTHER RELEVANT WORK EXPERIENCE RELATED TO EQUITABLE TRANSIT
5 PLANNING OR SHOW A DEMONSTRATED HISTORY, WITH OR WITHOUT
6 COMPENSATION, IN ADVOCATING FOR THE INCLUSION OF DISADVANTAGED
7 POPULATIONS IN GOVERNMENT SERVICES, BENEFITS, OR PUBLIC
8 ACCOMODATIONS.

9 (II) IN APPOINTING MEMBERS UNDER THIS SUBSECTION (2)(b), THE
10 GOVERNOR SHALL CONSULT WITH CONSTITUENCY GROUPS WITH
11 KNOWLEDGE AND EXPERTISE IN AREAS RELEVANT TO THE QUALIFICATIONS
12 OF THE APPOINTEE.

13 (III) THE DIRECTORS APPOINTED IN ACCORDANCE WITH THIS
14 SUBSECTION (2)(b) MUST BE ELIGIBLE ELECTORS RESIDING WITHIN THE
15 BOUNDARIES OF THE DISTRICT. IF AN APPOINTEE MOVES OUT OF THE
16 DISTRICT DURING THE APPOINTEE'S TERM, THE VACANCY IS FILLED IN
17 ACCORDANCE WITH SUBSECTION (2)(b)(IV) OF THIS SECTION.

18 (IV) IN THE EVENT OF A VACANCY IN THE POSITION OF AN
19 APPOINTED MEMBER, THE GOVERNOR SHALL APPOINT A NEW DIRECTOR
20 WHO MEETS THE QUALIFICATIONS OF SUBSECTION (2)(b)(I) OR (2)(b)(II) OF
21 THIS SECTION, AS APPLICABLE, WITHIN FORTY DAYS OF THE VACANCY, THE
22 TERM OF A MEMBER APPOINTED TO FILL A VACANCY BEGINS ON THE DAY
23 OF THE APPOINTMENT AND IS THREE YEARS. THE MEMBER MAY BE
24 APPOINTED FOR ONE ADDITIONAL TERM IN ACCORDANCE WITH SECTION
25 32-9-111 (4)(b).

26 (c) THE STATE TREASURER, OR THE STATE TREASURER'S DESIGNEE,
27 AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION,

1 OR THE EXECUTIVE DIRECTOR'S DESIGNEE, ARE NONVOTING EX-OFFICIO
2 MEMBERS OF THE BOARD. AN EX-OFFICIO MEMBER MAY CAST AN
3 ADVISORY VOTE ON A MATTER PENDING BEFORE THE BOARD. AN
4 ADVISORY VOTE IS NOT COUNTED TOWARD THE BOARD'S DECISION BUT
5 MUST BE NOTED IN THE MINUTES OF THE MEETING.

6 (3) ~~The terms of members of the board serving on December 31,~~
7 ~~1982, shall expire on January 1, 1983, and a new board, constituted~~
8 ~~pursuant to this section shall take office on January 1, 1983, after having~~
9 ~~been elected pursuant to section 32-9-111.~~

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

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

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

22 **32-9-111. Election of directors - dates - terms.** (4) (a) ~~Except~~
23 ~~as provided in this subsection (4),~~ The regular term of office of ELECTED
24 directors shall be IS four years. ~~At the election held in 1982, eight~~
25 ~~members of the board shall be elected for two-year terms. The two-year~~
26 ~~terms shall be determined by lot at the first meeting of the board~~
27 ~~following the apportionment of director districts. Seven members shall be~~

1 ~~elected for four-year terms.~~

2 (b) THE REGULAR TERM OF OFFICE OF MEMBERS APPOINTED IN
3 ACCORDANCE WITH SECTION 32-9-109.5 (2)(b) IS THREE YEARS. THE
4 GOVERNOR SHALL MAKE INITIAL APPOINTMENTS NO LATER THAN
5 DECEMBER 1, 2020. AN APPOINTED MEMBER MAY BE REAPPOINTED FOR
6 ONE ADDITIONAL TERM.

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

15 (f) Every candidate for ELECTION AS A director shall comply with
16 the provisions of article 45 of title 1. ~~C.R.S.~~ LIMITS ON CONTRIBUTIONS
17 TO CANDIDATES FOR DIRECTOR ARE SPECIFIED IN SECTION 1-45-103.7
18 (1.7).

19 **SECTION 5.** In Colorado Revised Statutes, 32-9-112, **amend** (1),
20 (1.5), and (2) as follows:

21 **32-9-112. Vacancies of elected members - how filled - recall.**

22 (1) A change of residence of ~~a~~ AN ELECTED member of the board to a
23 place outside the director district from which the member was elected
24 shall automatically create a vacancy on the board. Upon a vacancy IN THE
25 OFFICE OF AN ELECTED MEMBER OF THE BOARD occurring for any reason
26 other than normal expiration of a term, the vacancy shall be filled by
27 appointment by the board of county commissioners of the county wherein

1 the director district is located or, in the case of a member elected in
2 Denver, by the mayor of the city and county of Denver, with the approval
3 of the city council of said city and county. In the case of a director district
4 which contains territory in two or more counties, or in the city and county
5 of Denver and in one or more counties, the vacancy shall be filled by
6 appointment by the board of county commissioners of the county wherein
7 the largest number of eligible electors of the director district reside;
8 except that, if the largest number of eligible electors of the director
9 district reside in the city and county of Denver, the vacancy shall be filled
10 by appointment by the mayor of the city and county of Denver, with the
11 approval of the city council of the city and county.

12 (1.5) Any director appointed TO FILL A VACANCY UNDER
13 SUBSECTION (1) OF THIS SECTION shall serve until the next regular
14 election, at which time the vacancy shall be filled by election for any
15 remaining unexpired portion of the term.

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

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

22 **32-9-114. Board's administrative powers.** (1) The board has the
23 following administrative powers:

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

27 (c) To elect one director as ~~chairman~~ CHAIR of the board and

1 another director as ~~chairman~~ CHAIR pro tem of the board, and to appoint
2 one or more persons as secretary and treasurer of the board; EXCEPT THAT,
3 EFFECTIVE JANUARY 1, 2021:

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

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

7 (g) To designate ~~an official newspaper~~ NEWSPAPERS published in
8 the district in the ~~English~~ language OR LANGUAGES SPOKEN BY RESIDENTS
9 OF THE DISTRICT; ~~except that nothing in this article shall prevent~~ ARTICLE
10 9 PREVENTS the board from directing publication in any additional
11 newspaper where it deems that the public necessity may so require;

12 (2) THE BOARD MAY ADOPT AS PART OF ITS BYLAWS PROCEDURES
13 TO REMOVE AN ELECTED OR APPOINTED DIRECTOR FOR GOOD CAUSE. ANY
14 SUCH PROCEDURES MUST REQUIRE THE VOTES OF AT LEAST TWELVE
15 DIRECTORS TO REMOVE A DIRECTOR. REMOVAL OF A DIRECTOR CREATES
16 A VACANCY TO BE FILLED IN ACCORDANCE WITH SECTION 32-9-112 OR
17 32-9-109.5 (2)(b)(IV), AS APPLICABLE. EX-OFFICIO DIRECTORS ARE NOT
18 SUBJECT TO REMOVAL.

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

21 **32-9-115. Records of board - audits - report - repeal.** (4) (a) IN
22 ADDITION TO THE AUDITS AUTHORIZED IN SUBSECTIONS (1) AND (3) OF
23 THIS SECTION:

24 (I) ON OR BEFORE JANUARY 1, 2021, THE STATE AUDITOR SHALL
25 INITIATE AN AUDIT OF THE DISTRICT'S POLICIES AND PRACTICES
26 REGARDING THE FISCAL HEALTH OF THE REGIONAL TRANSPORTATION
27 DISTRICT SALARIED EMPLOYEES' PENSION PLAN, INCLUDING AN

1 ASSESSMENT OF THE DISTRICT'S ABILITY TO ELIMINATE ITS UNFUNDED NET
2 PENSION LIABILITIES, WHETHER THE DISTRICT'S FISCAL MANAGEMENT AND
3 PROJECTIONS ARE IN ACCORDANCE WITH BEST PRACTICES, AND WHETHER
4 THE DISTRICT'S POLICIES AND PRACTICES ENSURE THAT THE DISTRICT'S
5 RETIREMENT BENEFIT PLANS FOR ALL EMPLOYEES ARE COMPARABLY
6 FUNDED THROUGH EMPLOYER AND EMPLOYEE CONTRIBUTIONS;

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

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

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

1 BY THE LEGISLATIVE AUDIT COMMITTEE, THE STATE AUDITOR SHALL
2 SUBMIT THE WRITTEN REPORT OF EACH AUDIT TO THE TRANSPORTATION
3 LEGISLATION REVIEW COMMITTEE.

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

8 (d) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE SEPTEMBER 1,
9 2025.

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

12 **32-9-116. Meetings of board.** (1.5) (a) WHENEVER
13 PRACTICABLE, THE BOARD SHALL LIVE BROADCAST ITS MEETINGS. THE
14 BOARD SHALL PROVIDE REASONABLE ACCOMMODATIONS TO ALLOW
15 PERSONS WITH DISABILITIES TO ATTEND, LISTEN TO, OR WATCH BOARD
16 MEETINGS.

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

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

24 (4) A MEMBER MUST BE PHYSICALLY PRESENT TO PARTICIPATE IN
25 AND VOTE AT A MEETING OF THE BOARD; EXCEPT THAT THE BOARD MAY
26 ADOPT AS PART OF ITS BYLAWS PROCEDURES TO ALLOW A MEMBER TO
27 PARTICIPATE IN AND VOTE AT A MEETING BY TELEPHONIC OR OTHER

1 REMOTE TECHNOLOGY IN THE EVENT OF A DOCUMENTED MEDICAL
2 CONDITION THAT PREVENTS THE MEMBER FROM BEING PHYSICALLY
3 PRESENT.

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

6 **32-9-117. Compensation of directors.** (1) ~~Except as otherwise~~
7 ~~provided in subsection (2) of this section, effective January 1, 1983, each~~
8 ~~director shall receive a sum of three thousand dollars per annum.~~

9 (2) (a) ~~Effective January 1, 2009,~~ EXCEPT AS PROVIDED IN
10 SUBSECTION (2)(b) OF THIS SECTION, each director elected at the 2008
11 general election or at any general election thereafter, ~~and~~ each director
12 appointed to fill a vacancy for an unexpired term of a director elected at
13 the 2008 general election or any election thereafter, AND EACH DIRECTOR
14 APPOINTED IN ACCORDANCE WITH SECTION 32-9-109.5 (2)(b) shall receive
15 a sum of twelve thousand dollars per annum, payable at the rate of one
16 thousand dollars per month. EX-OFFICIO DIRECTORS ARE NOT ELIGIBLE
17 FOR COMPENSATION.

18 (b) AS PART OF ITS BYLAWS, THE BOARD SHALL ADOPT GUIDELINES
19 AND PROCEDURES TO REDUCE THE MONTHLY COMPENSATION OF A
20 DIRECTOR WHO FAILS TO ATTEND MEETINGS OF THE BOARD OR OTHERWISE
21 FAILS TO PERFORM THE DIRECTOR'S OFFICIAL DUTIES.

22 (4) ~~Nothing contained in this article shall be construed as~~
23 ~~preventing~~ The board ~~from authorizing~~ MAY AUTHORIZE the
24 reimbursement of any director, INCLUDING EX-OFFICIO DIRECTORS, for
25 expenses incurred that appertain to the activities of the district.

26 **SECTION 10.** In Colorado Revised Statutes, **amend** 32-9-118 as
27 follows:

1 **32-9-118. Conflicts of interest prohibited.** (1) No director,
2 officer, employee, or agent of the district shall be interested in any
3 contract or transaction with the district except in his official
4 representative capacity.

5 (2) EACH APPOINTED AND ELECTED DIRECTOR AND EACH
6 EMPLOYEE OF THE DISTRICT WHO IS NOT REPRESENTED BY A UNION OR
7 OTHER LABOR ORGANIZATION IS SUBJECT TO AND SHALL COMPLY WITH THE
8 REQUIREMENTS OF SECTIONS 3 AND 4 OF ARTICLE XXIX OF THE STATE
9 CONSTITUTION. ANY PERSON MAY FILE A WRITTEN COMPLAINT WITH THE
10 INDEPENDENT ETHICS COMMISSION ESTABLISHED PURSUANT TO SECTION
11 5 OF ARTICLE XXIX OF THE STATE CONSTITUTION ASKING WHETHER A
12 DIRECTOR OR EMPLOYEE OF THE DISTRICT HAS FAILED TO COMPLY WITH
13 THE REQUIREMENTS OF THIS SUBSECTION (2).

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

16 **32-9-119.7. Farebox recovery ratios - plans - report.** (1) ~~The~~
17 ~~general assembly hereby finds and declares that surface transportation in~~
18 ~~the Denver metropolitan area is a major problem confronting not only the~~
19 ~~citizens of the metropolitan area but also the citizens of the entire state of~~
20 ~~Colorado. The general assembly further finds that, although mass~~
21 ~~transportation is one component of an effective surface transportation~~
22 ~~system, the allocation of resources to mass transportation must be made~~
23 ~~in light of all surface transportation needs. The general assembly further~~
24 ~~finds that the district should be organized efficiently, economically, and~~
25 ~~on a demand-responsive basis and that the district should consider~~
26 ~~least-cost alternatives in discharging its responsibilities. The general~~
27 ~~assembly further finds that the farebox recovery ratio of the district must~~

1 be improved so that resources once allocated for mass transportation can
2 be made available for other surface transportation needs.

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

6 (a) ~~For the fiscal year 1990, twenty-seven and one-half percent;~~

7 (b) ~~For the fiscal year 1991, twenty-eight and one-half percent;~~

8 (c) ~~For the fiscal year 1992, twenty-nine and one-half percent;~~

9 (d) ~~For the fiscal year 1993 and each fiscal year thereafter, thirty~~
10 ~~percent.~~

11 (4) The district shall prepare annual budgets based on the
12 percentages required by subsection (3) of this section REPORTS SHOWING
13 THE PERCENTAGE OF ITS OPERATING COSTS THAT ARE FUNDED BY
14 REVENUES COLLECTED. The district shall submit copies of its THE annual
15 budget REPORT REQUIRED BY THIS SUBSECTION (4) to the transportation
16 legislation review committee created in section 43-2-145. ~~C.R.S.~~
17 NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO
18 SUBMIT THE REPORT REQUIRED BY THIS SUBSECTION (4) CONTINUES
19 INDEFINITELY.

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

23 (a) ~~To make the mass transportation operations of the district~~
24 ~~more demand-responsive;~~

25 (b) ~~To demonstrate that the district has considered least-cost~~
26 ~~options for performing its service;~~

27 (c) ~~To make recommendations regarding farebox recovery ratios;~~

1 and

2 (d) ~~To demonstrate improved commuter and to-and-from-work~~
3 ~~service.~~

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

6 **32-9-119.8. Provision of retail and commercial goods and**
7 **services at district transfer facilities - residential and other uses at**
8 **district transfer facilities permitted - definitions.** (2) Except as
9 provided in subsection (2.5) of this section, the district may negotiate and
10 enter into agreements with any person or public entity for the provision
11 of retail and commercial goods and services to the public at transfer
12 facilities or for the provision of residential uses or other uses at such
13 facilities. The district itself ~~shall not~~ MAY provide retail and commercial
14 goods and services at transfer facilities pursuant to this section, ~~except for~~
15 INCLUDING the sale of mass transportation tickets, tokens, passes, and
16 other transactions directly and necessarily related to the operation of a
17 mass transportation system. The district may negotiate and enter into
18 agreements with third parties to provide any of the goods and services or
19 other uses contemplated under this section.

20 (2.5) The district shall notify and obtain the approval of the
21 executive director of the department of transportation before THE
22 DISTRICT BEGINS PROVIDING RETAIL AND COMMERCIAL GOODS AND
23 SERVICES AND BEFORE negotiating and entering into any agreement with
24 any person or public entity for the provision of retail and commercial
25 goods and services to the public or the provision of residential uses or
26 other uses at a transfer facility that is located on property that is owned by
27 the department of transportation and leased to the district for the

1 operation of such transfer facility.

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

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

10 **32-9-124.5. Notice to board - intent to borrow - supplemental**
11 **appropriation.** (1) THE OFFICERS OF THE DISTRICT SHALL NOTIFY THE
12 BOARD AT LEAST THIRTY DAYS PRIOR TO ENTERING INTO AN AGREEMENT
13 WITH ANY PERSON OR FINANCIAL INSTITUTION FOR THE PURPOSE OF
14 BORROWING MONEY OR ISSUING SECURITIES IN ACCORDANCE WITH THIS
15 ARTICLE 9.

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

21 **SECTION 14.** In Colorado Revised Statutes, 1-45-103.7, **amend**
22 (4.5), (7)(a), and (7)(b); and **add** (1.7) as follows:

23 **1-45-103.7. Contribution limits - county offices - regional**
24 **transportation district - treatment of independent expenditure**
25 **committees - contributions from limited liability companies - voter**
26 **instructions on spending limits - definitions.** (1.7) (a) (I) THE
27 MAXIMUM AMOUNT OF AGGREGATE CONTRIBUTIONS THAT ANY ONE

1 PERSON OTHER THAN A SMALL DONOR COMMITTEE OR A POLITICAL PARTY
2 MAY MAKE TO A CANDIDATE COMMITTEE OF A CANDIDATE FOR THE BOARD
3 OF DIRECTORS OF THE REGIONAL TRANSPORTATION DISTRICT, AND THAT
4 A CANDIDATE COMMITTEE FOR SUCH CANDIDATE MAY ACCEPT FROM ANY
5 SUCH PERSON, IS ONE THOUSAND TWO HUNDRED FIFTY DOLLARS FOR THE
6 GENERAL ELECTION.

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

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

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

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

27 (d) THE REQUIREMENTS OF SECTIONS 1-45-108 AND 1-45-109, AS

1 APPLICABLE, APPLY TO ANY CONTRIBUTION MADE OR RECEIVED THAT IS
2 SUBJECT TO SUBSECTION (1.7)(a) OF THIS SECTION.

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

6 (4.5) (a) A candidate committee established in the name of a
7 candidate who is a write-in candidate, an unaffiliated candidate, ~~or~~ the
8 candidate of a minor political party who is not running in a primary
9 election, OR A CANDIDATE FOR THE BOARD OF DIRECTORS OF THE
10 REGIONAL TRANSPORTATION DISTRICT may accept from any one person
11 the aggregate contribution limit specified in either section 3 (1) of article
12 XXVIII of the state constitution or subsection (1.5)(a) OR (1.7)(a) of this
13 section applicable to the office he or she is seeking at any point during the
14 election cycle in which the candidate in whose name the candidate
15 committee is accepting contributions is on the general election ballot.

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

25 (7) (a) Any person who believes that a violation of subsection
26 (1.5), ~~(1.7)~~, (5), or (6) of this section has occurred may file a written
27 complaint with the secretary of state in accordance with section

1 1-45-111.7.

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

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

9 **2-3-110.5. Fraud hotline - investigations - confidentiality -**
10 **access to records - definitions.** (1) As used in this section, unless the
11 context otherwise requires:

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

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

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

25 (2) (b) (II) The state auditor shall not disclose publicly, or when
26 making a referral to another state agency OR TO THE DISTRICT in
27 accordance with subsection (3)(b) of this section, the identity of any

1 individual who contacts the fraud hotline unless the individual grants the
2 state auditor express permission to make such disclosure. The restrictions
3 imposed by this subsection (2)(b)(II) shall not apply when the state
4 auditor makes a disclosure to a law enforcement agency, a district
5 attorney, or the attorney general, in connection with a criminal
6 investigation, or to the department of health care policy and financing or
7 the attorney general in accordance with subsection (3)(a)(II) of this
8 section.

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

20 (3) (b) If the state auditor determines through the initial screening
21 that a hotline call constitutes an allegation of fraud committed by an
22 employee or a contracted individual, the state auditor shall consult and
23 coordinate with management or management's designee of the affected
24 state agency or, in the case of alleged fraud involving a gubernatorial
25 appointee, the governor's office, OR, IN THE CASE OF ALLEGED FRAUD
26 INVOLVING THE DISTRICT, THE CHAIR OF THE DISTRICT'S BOARD OF
27 DIRECTORS, for the purpose of referring the hotline call and any related

1 workpapers to the affected agency OR THE DISTRICT. Upon receiving a
2 referred hotline call from the state auditor, the state agency OR THE
3 DISTRICT is responsible for determining and taking appropriate action to
4 respond to the referred hotline call and reporting back to the state auditor
5 in accordance with subsection (4) of this section. In determining
6 appropriate action, the state agency OR THE DISTRICT may request either
7 the assistance of the state auditor to participate in an investigation or
8 request that the state auditor conduct the entire investigation.

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

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

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

24 (4) When a state agency OR THE DISTRICT is referred a hotline call
25 by the state auditor pursuant to subsection (3)(b) of this section and has
26 not requested that the state auditor either participate in or conduct the
27 entire investigation, the state agency OR THE DISTRICT shall report back to

1 the state auditor within ninety days on the disposition of the referral,
2 including action the agency OR THE DISTRICT has taken to respond to the
3 fraud allegation and the results of any subsequent investigation by the
4 agency OR THE DISTRICT. If the state agency OR THE DISTRICT has not
5 reached a disposition of the referred hotline call within ninety days, the
6 agency OR THE DISTRICT shall report to the state auditor the current status
7 of the referral as of the ninety-day deadline. This reporting requirement
8 continues every ninety days thereafter until the agency OR THE DISTRICT
9 has reached a disposition of the referred hotline call.

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

12 **24-18-102. Definitions.** As used in this part 1, unless the context
13 otherwise requires:

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

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

19 **24-18.5-101. Independent ethics commission - establishment**
20 **- membership - subpoena power - definitions.** (4) In accordance with
21 the provisions of section 5 of article XXIX, the powers and duties of the
22 commission shall be as follows:

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

27 (5) (a) Subject to the provisions of paragraph (c) of this subsection

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

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

9 **24-114-101. Definitions.** As used in this ~~article~~ ARTICLE 114,
10 unless the context otherwise requires:

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

19 (2.5) "DISTRICT" MEANS THE REGIONAL TRANSPORTATION
20 DISTRICT ESTABLISHED IN ARTICLE 9 OF TITLE 32.

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

23 (4) "Private enterprise under contract with a state agency OR THE
24 DISTRICT" means any individual, firm, limited liability company,
25 partnership, joint venture, corporation, association, or other legal entity
26 which is a party to any type of ~~state~~ agreement, regardless of what it may
27 be called, for the procurement or disposal of supplies, services, or

1 construction for any department, office, commission, institution, board,
2 or other agency of state government OR THE DISTRICT.

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

5 **24-114-102. Retaliation prohibited.** (1) Except as provided in
6 subsection (2) of this section, no appointing authority or supervisor of
7 THE DISTRICT OR a private enterprise under contract with a state agency
8 OR THE DISTRICT shall initiate or administer any disciplinary action
9 against any employee on account of the employee's disclosure of
10 information concerning THE DISTRICT OR said private enterprise. This
11 section shall not apply to:

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

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

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

24 **SECTION 20. Act subject to petition - effective date -**
25 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
26 the expiration of the ninety-day period after final adjournment of the
27 general assembly (August 5, 2020, if adjournment sine die is on May 6,

1 2020); except that, if a referendum petition is filed pursuant to section 1
2 (3) of article V of the state constitution against this act or an item, section,
3 or part of this act within such period, then the act, item, section, or part
4 will not take effect unless approved by the people at the general election
5 to be held in November 2020 and, in such case, will take effect on the
6 date of the official declaration of the vote thereon by the governor.

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