

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-0613.01 Megan Waples x4348

**SENATE BILL 20-151**

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**SENATE SPONSORSHIP**

**Tate and Rodriguez,**

**HOUSE SPONSORSHIP**

**Jackson and Larson,**

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**Senate Committees**

Transportation & Energy  
Judiciary

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE ADMINISTRATION OF THE REGIONAL**  
102      **TRANSPORTATION DISTRICT.**

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**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.

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

2 **SECTION 1. Short title.** The short title of this act is the  
3 **"Accountability, Democracy, and Accessibility in Public Transit Act".**

4 **SECTION 2.** In Colorado Revised Statutes, 32-9-103, **amend** the  
5 **introductory portion; and add (9.5) as follows:**

6 **32-9-103. Definitions.** As used in this ~~article~~ ARTICLE 9, unless  
7 **the context otherwise requires:**

8 **(9.5) "PARATRANSIT" MEANS COMPARABLE TRANSPORTATION**  
9 **SERVICE PROVIDED FOR INDIVIDUALS WITH DISABILITIES WHO ARE UNABLE**  
10 **TO USE FIXED ROUTE TRANSPORTATION SYSTEMS.**

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

13 **32-9-107. Mass transportation system.** (1) The district, acting  
14 by and through the board, is authorized to develop, maintain, and operate  
15 a mass transportation system for the benefit of the inhabitants of the  
16 district.

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

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

23 **(a)** ANY MEASURABLE GOALS AND OBJECTIVES THE DISTRICT HAS  
24 ESTABLISHED TO MEET ITS DUTY TO OFFER SAFE, ACCESSIBLE,  
25 CONVENIENT, AND RELIABLE TRANSIT;

1           **(b)** THE IMPACT OF THE DECISION ON RIDERSHIP NUMBERS IN A  
2 PARTICULAR GEOGRAPHIC AREA AFFECTED BY THE DECISION AND IN THE  
3 DISTRICT OVERALL;

4           **(c)** EXISTING ACCESS TO TRANSIT SERVICES WITHIN A PARTICULAR  
5 GEOGRAPHIC AREA AFFECTED BY THE DECISION AND THE DEMONSTRATED  
6 NEED OR DESIRE FOR PUBLIC TRANSIT IN THAT AREA;

7           **(d)** THE EQUITABLE DISTRIBUTION OF DISTRICT RESOURCES AND  
8 PUBLIC TAX DOLLARS;

9           **(e)** THE POTENTIAL FOR A NEGATIVE OR DISPROPORTIONATE  
10 IMPACT ON A NEIGHBORHOOD, MUNICIPALITY, REGION, DIRECTOR  
11 DISTRICT, OR POLITICAL BODY WITHIN THE DISTRICT;

12           **(f)** THE POTENTIAL OF THE DECISION TO DIRECTLY OR INDIRECTLY  
13 DENY THE BENEFITS OF SERVICE TO RIDERS WITH DISABILITIES;

14           **(g)** THE ECONOMIC AND SOCIAL BENEFIT OF ACCESS TO TRANSIT  
15 SERVICES FOR DISADVANTAGED NEIGHBORHOODS OR COMMUNITIES;

16           **(h)** WHETHER THE INTENDED RESULT WILL IMPROVE THE VALUE OF  
17 EXISTING SERVICE;

18           **(i)** THE DIRECT AND INDIRECT IMPACT ON AIR POLLUTION IN THE  
19 DISTRICT;

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

22           **(k)** SUCH OTHER FACTORS AS THE DISTRICT DETERMINES ARE  
23 RELEVANT.

24           ==

25           **SECTION 4.** In Colorado Revised Statutes, **add** 32-9-107.3 and  
26 32-9-107.4 as follows:

27           **32-9-107.3. Discrimination prohibited - civil action - report -**

1 **definitions.** (1) FOR THE PURPOSES OF THIS SECTION, UNLESS THE  
2 CONTEXT OTHERWISE REQUIRES:

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

7 (b) "QUALIFIED INDIVIDUAL WITH A DISABILITY" OR "INDIVIDUAL  
8 WITH A DISABILITY" HAS THE SAME MEANING AS SET FORTH IN THE  
9 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.  
10 12101 ET SEQ., AND ITS RELATED AMENDMENTS AND IMPLEMENTING  
11 REGULATIONS.

12 (2) (a) THE DISTRICT SHALL NOT, DIRECTLY OR THROUGH  
13 CONTRACTUAL, LICENSING, OR OTHER ARRANGEMENTS, DISCRIMINATE  
14 AGAINST AN INDIVIDUAL WITH A DISABILITY ON THE BASIS OF SUCH  
15 DISABILITY IN CONNECTION WITH THE PROVISION OF TRANSPORTATION  
16 SERVICE. DISCRIMINATION AGAINST AN INDIVIDUAL WITH A DISABILITY  
17 INCLUDES:

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

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

26 (III) REQUIRING THAT AN INDIVIDUAL WITH A DISABILITY BE  
27 ACCOMPANIED BY AN ATTENDANT; ==

1           (IV) EXCLUDING PARATRANSIT FARES FROM A DISCOUNT FARE  
2 PROGRAM THAT OFFERS A DISCOUNTED RATE FOR RIDERS ON A PER-RIDE  
3 BASIS BASED ON ELIGIBILITY CRITERIA SUCH AS AGE, INCOME, OR OTHER  
4 CRITERIA; OR

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

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

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

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

17           (b) IN ADDITION TO ANY OTHER REQUIREMENTS, A FAILURE TO  
18 COMPLY WITH THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF  
19 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND ITS RELATED AMENDMENTS AND  
20 IMPLEMENTING REGULATIONS CONSTITUTES A VIOLATION OF THIS  
21 SUBSECTION (2).

22           (3) (a) THE DISTRICT SHALL NOT, DIRECTLY OR THROUGH  
23 CONTRACTUAL, LICENSING, OR OTHER ARRANGEMENTS, DISCRIMINATE  
24 AGAINST AN INDIVIDUAL ON THE BASIS OF RACE, COLOR, ETHNICITY, OR  
25 NATIONAL ORIGIN IN CONNECTION WITH THE PROVISION OF  
26 TRANSPORTATION SERVICE. DISCRIMINATION UNDER THIS SUBSECTION (3)  
27 INCLUDES, ON THE BASIS OF RACE, COLOR, ETHNICITY, OR NATIONAL

1 ORIGIN:

2 (I) DENYING A PERSON A SERVICE OR OTHER BENEFIT PROVIDED BY  
3 THE DISTRICT;

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

7 (III) SUBJECTING A PERSON TO SEGREGATION OR SEPARATE  
8 TREATMENT IN THE PROVISION OF SERVICES OR ANY OTHER BENEFIT;

9 (IV) RESTRICTING A PERSON IN ANY WAY IN THE ENJOYMENT OF  
10 THE SERVICES OR BENEFITS PROVIDED BY THE DISTRICT; OR

11 (V) DENYING A PERSON AN OPPORTUNITY TO PARTICIPATE IN A  
12 PLANNING, ADVISORY, OR OTHER CAPACITY THAT IS AVAILABLE TO  
13 OTHERS.

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

19 (4) (a) AN INDIVIDUAL WHO IS SUBJECT TO A VIOLATION OF  
20 SUBSECTION (2) OR (3) OF THIS SECTION OCCURRING ON OR AFTER  
21 JANUARY 1, 2022, MAY BRING A CIVIL SUIT AGAINST THE DISTRICT IN  
22 STATE DISTRICT COURT SEEKING ANY OF THE FOLLOWING REMEDIES:

23 (I) A COURT ORDER REQUIRING COMPLIANCE WITH THE PROVISIONS  
24 OF THE APPLICABLE SUBSECTION;

25 (II) THE RECOVERY OF ACTUAL ECONOMIC DAMAGES; EXCEPT  
26 THAT THE MAXIMUM AMOUNT OF ECONOMIC DAMAGES THAT MAY BE  
27 RECOVERED IN AN ACTION UNDER THIS SECTION IS:

1           (A) FOR AN INJURY TO ONE PERSON FOR A SINGLE INCIDENT, THE  
2           SUM OF THREE HUNDRED FIFTY THOUSAND DOLLARS;

3           (B) FOR AN INJURY TO TWO OR MORE PERSONS FOR A SINGLE  
4           INCIDENT, THE SUM OF NINE HUNDRED NINETY THOUSAND DOLLARS;  
5           EXCEPT THAT NO PERSON SHALL RECOVER MORE THAN THREE HUNDRED  
6           FIFTY THOUSAND DOLLARS; OR

7           (III) A STATUTORY FINE OF THREE THOUSAND FIVE HUNDRED  
8           DOLLARS.

9           (b) FOR THE PURPOSES OF A CLAIM BROUGHT UNDER THIS  
10          SUBSECTION (4) FOR A CONSTRUCTION-RELATED ACCESSIBILITY  
11          VIOLATION, THE VIOLATION MUST BE CONSIDERED A SINGLE INCIDENT AND  
12          NOT AS SEPARATE VIOLATIONS FOR EACH DAY THE  
13          CONSTRUCTION-RELATED ACCESSIBILITY VIOLATION EXISTS.

14          (c) IF THE PLAINTIFF IS THE PREVAILING PARTY IN AN ACTION  
15 UNDER THIS SUBSECTION (4), THE COURT SHALL AWARD REASONABLE  
16 ATTORNEY FEES AND COSTS TO THE PLAINTIFF.

17          (d) A CLAIM FILED UNDER THIS SUBSECTION (4) FOR INJUNCTIVE  
18 RELIEF, MONETARY DAMAGES, OR A STATUTORY FINE IS NOT SUBJECT TO  
19 THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE  
20 24.

21          (5) AN INDIVIDUAL MAY PROVE A CLAIM UNDER SUBSECTION (4)  
22          OF THIS SECTION BY ESTABLISHING INTENTIONAL DISCRIMINATION,  
23          DISPARATE TREATMENT, DISPARATE IMPACT, OR, FOR AN INDIVIDUAL WITH  
24          A DISABILITY, FAILURE TO MAKE A REASONABLE ACCOMMODATION.

25          (6) THE RIGHTS, REMEDIES, AND OBLIGATIONS OF THIS SECTION  
26 ARE IN ADDITION TO ANY RIGHTS, REMEDIES, AND OBLIGATIONS IN STATE  
27 AND FEDERAL LAW RELATED TO DISCRIMINATION; EXCEPT THAT, IF A



1 PLAINTIFF ASSERTS CLAIMS UNDER THIS SECTION AND UNDER APPLICABLE  
2 FEDERAL LAW OR OTHER APPLICABLE STATE LAW, THE PLAINTIFF MAY  
3 RECOVER UNDER THIS SECTION ONLY ONCE FOR THE SAME INJURIES,  
4 DAMAGES, OR LOSSES.

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

9 **32-9-107.4. Legislative oversight - Americans with Disabilities**

10 **Act advisory council - repeal.** (1) FOR THE PURPOSE OF PROVIDING  
11 LEGISLATIVE OVERSIGHT OF THE OPERATION OF THE DISTRICT, THE  
12 TRANSPORTATION LEGISLATION REVIEW COMMITTEE OR ANY SUCCESSOR  
13 COMMITTEE MAY REVIEW THE DISTRICT'S COMPLIANCE WITH ANY  
14 REQUIREMENTS OF THIS ARTICLE 9. THE DISTRICT SHALL COMPLY WITH  
15 REQUESTS FOR REPORTS, INFORMATION, AND DOCUMENTS FROM THE  
16 COMMITTEE TO ASSIST IN ITS REVIEW.

17 (2) (a) BEGINNING IN 2020, THE TRANSPORTATION LEGISLATION  
18 REVIEW COMMITTEE SHALL ALLOW PUBLIC TESTIMONY CONCERNING THE  
19 DISTRICT'S COMPLIANCE WITH SECTION 32-9-107.3 (2) AND (3) DURING AT  
20 LEAST ONE MEETING OF THE COMMITTEE OCCURRING AFTER JULY 1 BUT  
21 BEFORE SEPTEMBER 30 EACH YEAR.

22 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE OCTOBER 1,  
23 2025.

24 (3) (a) THERE IS ESTABLISHED AN AMERICANS WITH DISABILITIES  
25 ACT ADVISORY COUNCIL TO THE SENATE JUDICIARY COMMITTEE,  
26 REFERRED TO IN THIS SUBSECTION (3) AS THE COUNCIL. THE COUNCIL'S  
27 PURPOSE IS TO EVALUATE AND MAKE RECOMMENDATIONS TO THE SENATE

1 JUDICIARY COMMITTEE ON THE DISTRICT'S COMPLIANCE WITH THE  
2 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. 12101  
3 ET SEQ., AND ITS RELATED AMENDMENTS AND IMPLEMENTING  
4 REGULATIONS, OPPORTUNITIES FOR THE DISTRICT TO REDUCE ITS RISK OF  
5 LITIGATION RELATED TO COMPLIANCE, AND OTHER CONCERNS ABOUT THE  
6 ACCESSIBILITY OF THE DISTRICT'S FACILITIES AND SERVICES AS IDENTIFIED  
7 BY THE CHAIR OF THE COUNCIL.

8 (b) THE COUNCIL CONSISTS OF THE FOLLOWING SEVEN MEMBERS:

9 (I) THE CHAIR OF THE SENATE JUDICIARY COMMITTEE, OR A  
10 LEGISLATOR APPOINTED BY THE CHAIR;

11 (II) A REPRESENTATIVE OF THE COLORADO CROSS-DISABILITY  
12 COALITION, SELECTED BY ITS BOARD;

13 (III) A REPRESENTATIVE OF THE COLORADO DEVELOPMENTAL  
14 DISABILITIES COUNCIL, SELECTED BY THE COUNCIL;

15 (IV) A REPRESENTATIVE OF THE NATIONAL FEDERATION OF THE  
16 BLIND OF COLORADO, SELECTED BY ITS BOARD;

17 (V) A MEMBER WHO IS AN ATTORNEY EXPERIENCED IN  
18 REPRESENTING DEFENDANTS IN LITIGATION RELATED TO THE FEDERAL  
19 "AMERICANS WITH DISABILITIES ACT", APPOINTED BY THE CHAIR OF THE  
20 HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE; AND

21 (VI) TWO MEMBERS APPOINTED BY THE CHAIR OF THE  
22 TRANSPORTATION LEGISLATION REVIEW COMMITTEE, AS FOLLOWS:

23 (A) ONE MEMBER WHO IS AN ATTORNEY EXPERIENCED IN  
24 REPRESENTING PLAINTIFFS IN LITIGATION RELATED TO THE FEDERAL  
25 "AMERICANS WITH DISABILITIES ACT"; AND

26 (B) ONE MEMBER WHO IS A PARATRANSIT RIDER IN THE DISTRICT.

27 (c) (I) (A) THE CHAIR OF THE SENATE JUDICIARY COMMITTEE

1 SHALL DESIGNATE THE CHAIR AND VICE CHAIR OF THE COUNCIL. THE  
2 COUNCIL SHALL MEET AT LEAST TWICE EACH MONTH BEGINNING IN  
3 AUGUST 2020 THROUGH JANUARY 2021. A MEMBER OF THE COUNCIL MAY  
4 PARTICIPATE IN ANY MEETING OF THE COUNCIL THROUGH REMOTE  
5 TECHNOLOGY.

6 (B) NONLEGISLATIVE MEMBERS OF THE COUNCIL ARE ENTITLED TO  
7 A STIPEND OF FOUR HUNDRED DOLLARS PER MONTH DURING THAT TIME.  
8 NONLEGISLATIVE MEMBERS ARE ALSO ENTITLED TO REIMBURSEMENT FOR  
9 ACTUAL AND NECESSARY TRAVEL EXPENSES INCURRED IN THE  
10 PERFORMANCE OF THEIR DUTIES AS MEMBERS OF THE COUNCIL.

11 (C) THE LEGISLATIVE MEMBER OF THE COUNCIL APPOINTED  
12 PURSUANT TO (3)(b)(I) OF THIS SECTION IS ENTITLED TO RECEIVE PAYMENT  
13 OF PER DIEM AND REIMBURSEMENT FOR ACTUAL AND NECESSARY  
14 EXPENSES AS AUTHORIZED IN SECTION 2-2-326.

15 (II) THE COUNCIL MAY, BY A MAJORITY VOTE, DESIGNATE  
16 ADDITIONAL NONVOTING MEMBERS WITH EXPERTISE OR EXPERIENCE THAT  
17 MAY ASSIST THE COUNCIL'S WORK. NONVOTING MEMBERS DESIGNATED  
18 UNDER THIS SUBSECTION (3)(c)(II) ARE NOT ELIGIBLE FOR THE  
19 COMPENSATION DESCRIBED IN SUBSECTION (3)(c)(I)(B) OF THIS SECTION.

20 (d) (I) ON OR BEFORE OCTOBER 31, 2020, THE COUNCIL SHALL  
21 PROVIDE AN INITIAL REPORT WITH ITS FINDINGS AND RECOMMENDATIONS  
22 TO THE DISTRICT, THE SENATE JUDICIARY COMMITTEE, THE HOUSE OF  
23 REPRESENTATIVES JUDICIARY COMMITTEE, AND THE EXECUTIVE  
24 COMMITTEE OF THE LEGISLATIVE COUNCIL.

25 (II) ON OR BEFORE NOVEMBER 30, 2020, THE DISTRICT SHALL  
26 PROVIDE A RESPONSE TO THE COUNCIL AND TO THE COMMITTEES THAT  
27 RECEIVED THE COUNCIL'S REPORT THAT RESPONDS TO THE FINDINGS OF

1 THE COUNCIL, IDENTIFIES WHICH RECOMMENDATIONS IT PLANS TO ADOPT,  
2 AND IDENTIFIES WHICH RECOMMENDATIONS IT DOES NOT PLAN TO ADOPT  
3 WITH AN EXPLANATION OF WHY IT DOES NOT PLAN TO DO SO.

4 (III) ON OR BEFORE JANUARY 31, 2021, THE COUNCIL SHALL  
5 PRESENT ITS FINAL REPORT AND RECOMMENDATIONS AT A MEETING OF THE  
6 SENATE JUDICIARY COMMITTEE AND SHALL SUBMIT COPIES OF ITS FINAL  
7 REPORT AND RECOMMENDATIONS TO THE ENTITIES DESCRIBED IN  
8 SUBSECTION (3)(d)(I) OF THIS SECTION. THE COUNCIL MAY MAKE  
9 ADDITIONAL REPORTS AT THE DISCRETION OF THE CHAIR OR AT THE  
10 REQUEST OF THE SENATE JUDICIARY COMMITTEE.

11 (e) THE DISTRICT SHALL ALLOW THE COUNCIL MEMBERS ACCESS TO  
12 ITS FACILITIES AND TO ALL RELEVANT FILES, RECORDS, AND  
13 DOCUMENTATION, ON A TIMELY BASIS AND WITHOUT COST, AS NECESSARY  
14 TO ALLOW THE COUNCIL TO CONDUCT ITS RESEARCH AND MAKE ITS  
15 FINDINGS AND RECOMMENDATIONS PURSUANT TO THIS SUBSECTION (3).  
16 THE DISTRICT MAY REQUIRE COUNCIL MEMBERS TO ENTER INTO A  
17 NONDISCLOSURE AGREEMENT BEFORE REVIEWING DOCUMENTS OR  
18 RECORDS THAT WOULD BE EXEMPT FROM PUBLIC INSPECTION UNDER PART  
19 2 OF ARTICLE 72 OF TITLE 24. THE DISTRICT MAY IMPOSE REQUIREMENTS  
20 FOR A SITE VISIT AS ARE NECESSARY TO PROTECT THE SAFETY AND  
21 SECURITY OF COUNCIL MEMBERS, DISTRICT EMPLOYEES, AND DISTRICT  
22 FACILITIES.

23 (f) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
24 2021.

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

27 **32-9-109.5. Board of directors - membership - powers.**

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

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

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

14 (A) ONE DIRECTOR REPRESENTING CONSTITUENTS WITH  
15 DISABILITIES WHO ARE TRANSIT-DEPENDENT. THE APPOINTEE MUST HAVE  
16 DEMONSTRATED EXPERIENCE IN POLICY DEVELOPMENT, APPLICABLE LAW,  
17 OR OTHER RELEVANT WORK EXPERIENCE RELATED TO ACCESSIBLE TRANSIT  
18 PLANNING OR SHOW A DEMONSTRATED HISTORY, WITH OR WITHOUT  
19 COMPENSATION, OF ADVOCATING FOR THE FULL PUBLIC ACCOMMODATION  
20 OF PEOPLE WITH DISABILITIES.

21 (B) ONE DIRECTOR WITH EXPERIENCE OR INTEREST IN EQUITABLE  
22 TRANSPORTATION PLANNING. THE APPOINTEE MUST HAVE DEMONSTRATED  
23 PROFESSIONAL EXPERIENCE IN POLICY DEVELOPMENT, APPLICABLE LAW,  
24 OR OTHER RELEVANT WORK EXPERIENCE RELATED TO EQUITABLE TRANSIT  
25 PLANNING OR SHOW A DEMONSTRATED HISTORY, WITH OR WITHOUT  
26 COMPENSATION, IN ADVOCATING FOR THE INCLUSION OF DISADVANTAGED  
27 POPULATIONS IN GOVERNMENT SERVICES, BENEFITS, OR PUBLIC

1     ACCOMMODATIONS.

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

6           (III) THE DIRECTORS APPOINTED IN ACCORDANCE WITH THIS  
7     SUBSECTION (2)(b) MUST BE ELIGIBLE ELECTORS RESIDING WITHIN THE  
8     BOUNDARIES OF THE DISTRICT. IF AN APPOINTEE MOVES OUT OF THE  
9     DISTRICT DURING THE APPOINTEE'S TERM, THE VACANCY IS FILLED IN  
10    ACCORDANCE WITH SUBSECTION (2)(b)(IV) OF THIS SECTION.

11          (IV) IN THE EVENT OF A VACANCY IN THE POSITION OF AN  
12    APPOINTED MEMBER, THE GOVERNOR SHALL APPOINT A NEW DIRECTOR  
13    WHO MEETS THE QUALIFICATIONS OF SUBSECTION (2)(b)(I)(A) OR  
14    (2)(b)(I)(B) OF THIS SECTION, AS APPLICABLE, WITHIN FORTY DAYS OF THE  
15    VACANCY. THE TERM OF A MEMBER APPOINTED TO FILL A VACANCY  
16    BEGINS ON THE DAY OF THE APPOINTMENT AND IS THREE YEARS. THE  
17    MEMBER MAY BE APPOINTED FOR ONE ADDITIONAL TERM IN ACCORDANCE  
18    WITH SECTION 32-9-111 (4)(b).

19          (c) AN APPOINTED MEMBER MAY CAST AN ADVISORY VOTE ON  
20    A MATTER PENDING BEFORE THE BOARD. AN ADVISORY VOTE IS NOT  
21    COUNTED TOWARD THE BOARD'S DECISION BUT MUST BE NOTED IN THE  
22    MINUTES OF THE MEETING.

23          ~~(3) The terms of members of the board serving on December 31,~~  
24    ~~1982, shall expire on January 1, 1983, and a new board, constituted~~  
25    ~~pursuant to this section shall take office on January 1, 1983, after having~~  
26    ~~been elected pursuant to section 32-9-111.~~

27          (4) (a) All powers, duties, functions, rights, and privileges vested

1 in the district shall be exercised and performed by the board; except that  
2 the exercise of any executive, administrative, or ministerial powers may  
3 be delegated by the board to officers and employees of the district.

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

10 **SECTION 6.** In Colorado Revised Statutes, 32-9-111, **amend** (4),  
11 (5)(a), and (5)(f) as follows:

12 **32-9-111. Election of directors - dates - terms.** (4) (a) ~~Except~~  
13 ~~as provided in this subsection (4),~~ The regular term of office of ELECTED  
14 ~~directors shall be~~ IS four years. ~~At the election held in 1982, eight~~  
15 ~~members of the board shall be elected for two-year terms. The two-year~~  
16 ~~terms shall be determined by lot at the first meeting of the board~~  
17 ~~following the apportionment of director districts. Seven members shall be~~  
18 ~~elected for four-year terms.~~

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

24 (5) (a) Except as provided in this subsection (5), nominations for  
25 an election of directors shall be made in accordance with the general  
26 election laws of the state. Nominations for ELECTED directors shall be  
27 made by petition and filed in the office of the secretary of state in the

1 manner provided for independent candidates pursuant to section 1-4-802  
2 and part 9 of article 4 of title 1. ~~C.R.S.~~ The petitions shall be signed by at  
3 least two hundred fifty eligible electors residing within the director  
4 district in which the officer is to be elected.

5 (f) Every candidate for ELECTION AS A director shall comply with  
6 the provisions of article 45 of title 1. ~~C.R.S.~~ LIMITS ON CONTRIBUTIONS  
7 TO CANDIDATES FOR DIRECTOR ARE SPECIFIED IN SECTION 1-45-103.7  
8 (1.7).

9 **SECTION 7.** In Colorado Revised Statutes, 32-9-112, **amend** (1),  
10 (1.5), and (2) as follows:

11 **32-9-112. Vacancies of elected members - how filled - recall.**

12 (1) A change of residence of ~~a~~ AN ELECTED member of the board to a  
13 place outside the director district from which the member was elected  
14 shall automatically create a vacancy on the board. Upon a vacancy IN THE  
15 OFFICE OF AN ELECTED MEMBER OF THE BOARD occurring for any reason  
16 other than normal expiration of a term, the vacancy shall be filled by  
17 appointment by the board of county commissioners of the county wherein  
18 the director district is located or, in the case of a member elected in  
19 Denver, by the mayor of the city and county of Denver, with the approval  
20 of the city council of said city and county. In the case of a director district  
21 which contains territory in two or more counties, or in the city and county  
22 of Denver and in one or more counties, the vacancy shall be filled by  
23 appointment by the board of county commissioners of the county wherein  
24 the largest number of eligible electors of the director district reside;  
25 except that, if the largest number of eligible electors of the director  
26 district reside in the city and county of Denver, the vacancy shall be filled  
27 by appointment by the mayor of the city and county of Denver, with the



1 approval of the city council of the city and county.

2 (1.5) Any director appointed TO FILL A VACANCY UNDER  
3 SUBSECTION (1) OF THIS SECTION shall serve until the next regular  
4 election, at which time the vacancy shall be filled by election for any  
5 remaining unexpired portion of the term.

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

10 **SECTION 8.** In Colorado Revised Statutes, 32-9-114, **amend**  
11 (1)(a) and (1)(g); and **add** (2) as follows:

12 **32-9-114. Board's administrative powers.** (1) The board has the  
13 following administrative powers:

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

17 ~~=====~~

18 (g) To designate ~~an official newspaper~~ NEWSPAPERS published in  
19 the district in the ~~English~~ language OR LANGUAGES SPOKEN BY RESIDENTS  
20 OF THE DISTRICT; except that nothing in this ~~article shall prevent~~ ARTICLE  
21 9 PREVENTS the board from directing publication in any additional  
22 newspaper where it deems that the public necessity may so require;

23 (2) THE BOARD MAY ADOPT AS PART OF ITS BYLAWS PROCEDURES  
24 TO REMOVE AN ELECTED OR APPOINTED DIRECTOR FOR GOOD CAUSE. ANY  
25 SUCH PROCEDURES MUST REQUIRE THE VOTES OF AT LEAST TEN DIRECTORS  
26 TO REMOVE A DIRECTOR. REMOVAL OF A DIRECTOR CREATES A VACANCY  
27 TO BE FILLED IN ACCORDANCE WITH SECTION 32-9-112 OR 32-9-109.5

1 (2)(b)(IV), AS APPLICABLE. ==

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

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

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

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

26 (III) ON OR BEFORE JANUARY 1, 2022, THE STATE AUDITOR SHALL  
27 INITIATE A COST-EFFICIENCY AND PERFORMANCE ANALYSIS OF THE

1 DISTRICT'S VEHICULAR SERVICES POLICIES ADOPTED IN ACCORDANCE WITH  
2 SECTION 32-9-119.5.

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

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

18 (d) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
19 2025.

20 **SECTION 10. In Colorado Revised Statutes, add 32-9-115.5 as**  
21 **follows:**

22 **32-9-115.5. Transparency in compliance with federal civil**  
23 **rights laws. (1) THE DISTRICT SHALL ENSURE THAT ALL OF ITS POLICIES**  
24 **AND PROCEDURES CONCERNING COMPLIANCE WITH THE FEDERAL**  
25 **"AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET**  
26 **SEQ., AND ITS RELATED AMENDMENTS AND IMPLEMENTING REGULATIONS,**  
27 **INCLUDING POLICIES AND PROCEDURES CONCERNING PARATRANSIT**

1 SERVICES, ARE ALSO SUBJECT TO REVIEW UNDER TITLE VI OF THE FEDERAL  
2 "CIVIL RIGHTS ACT OF 1964", 42 U.S.C. SEC. 2000d ET SEQ. AND ITS  
3 RELATED AMENDMENTS AND IMPLEMENTING REGULATIONS.

4 (2) THE DISTRICT SHALL MAKE ALL OF ITS PLANS, POLICIES, AND  
5 DISCLOSURES REQUIRED BY THE FEDERAL TRANSIT ADMINISTRATION OR  
6 TITLE VI OF THE FEDERAL "CIVIL RIGHTS ACT OF 1964" AND ITS RELATED  
7 AMENDMENTS AND IMPLEMENTING REGULATIONS AVAILABLE TO THE  
8 PUBLIC ON ITS WEBSITE AND SHALL PROVIDE THAT INFORMATION TO THE  
9 DEPARTMENT OF TRANSPORTATION CREATED IN SECTION 43-1-103.

10 (3) THE DISTRICT SHALL HOLD PUBLIC HEARINGS ON IT PLANS AND  
11 POLICIES RELATED TO COMPLIANCE WITH THE FEDERAL "AMERICANS WITH  
12 DISABILITIES ACT OF 1990" AND TITLE VI OF THE FEDERAL "CIVIL RIGHTS  
13 ACT OF 1964" AND THEIR RELATED AMENDMENTS AND IMPLEMENTING  
14 REGULATIONS.

15 **SECTION 11.** In Colorado Revised Statutes, 32-9-116, add  
16 (1.5), (4), and (5) as follows:

17 **32-9-116. Meetings of board.** (1.5) (a) WHENEVER  
18 PRACTICABLE, THE BOARD SHALL LIVE BROADCAST ITS MEETINGS. THE  
19 BOARD SHALL PROVIDE REASONABLE ACCOMMODATIONS TO ALLOW  
20 PERSONS WITH DISABILITIES TO ATTEND, LISTEN TO, OR WATCH BOARD  
21 MEETINGS.

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

25 (4)(a) A PERMANENT OR TEMPORARY REDUCTION OR ELIMINATION  
26 OF SERVICE, INCLUDING PARATRANSIT, REQUIRES THE APPROVAL OF THE  
27 BOARD.

1           (b) IF THE BOARD VOTES TO PERMANENTLY OR TEMPORARILY  
2           REDUCE OR ELIMINATE SERVICE ON A FIXED ROUTE AND THE CHANGE WILL  
3           RESULT IN A REDUCTION IN PARATRANSIT SERVICE ALONG THE FIXED  
4           ROUTE, THE BOARD SHALL TAKE A SEPARATE VOTE ON WHETHER TO  
5           REDUCE OR ELIMINATE THE PARATRANSIT SERVICE. IF THE BOARD DOES  
6           NOT APPROVE THE REDUCTION OR ELIMINATION OF PARATRANSIT SERVICE,  
7           THE DISTRICT SHALL CONTINUE TO PROVIDE THE PARATRANSIT SERVICE.

8           (c) THE BOARD SHALL ALLOW PUBLIC COMMENT AT ANY MEETING  
9           AT WHICH IT VOTES ON A PERMANENT OR TEMPORARY REDUCTION OR  
10           ELIMINATION IN SERVICE.

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

18           **SECTION 12.** In Colorado Revised Statutes, 32-9-117, **amend**  
19           (2) and (4); and **repeal** (1) as follows:

20           **32-9-117. Compensation of directors.** (1) ~~Except as otherwise~~  
21           ~~provided in subsection (2) of this section, effective January 1, 1983, each~~  
22           ~~director shall receive a sum of three thousand dollars per annum.~~

23           (2) (a) ~~Effective January 1, 2009,~~ EXCEPT AS PROVIDED IN  
24           SUBSECTION (2)(b) OF THIS SECTION, each director elected at the 2008  
25           general election or at any general election thereafter, ~~and~~ each director  
26           appointed to fill a vacancy for an unexpired term of a director elected at  
27           the 2008 general election or any election thereafter, AND EACH DIRECTOR

1 APPOINTED IN ACCORDANCE WITH SECTION 32-9-109.5 (2)(b) shall receive  
2 a sum of twelve thousand dollars per annum, payable at the rate of one  
3 thousand dollars per month.     

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

8 (4) ~~Nothing contained in this article shall be construed as~~  
9 ~~preventing~~ The board ~~from authorizing~~ MAY AUTHORIZE the  
10 reimbursement of any director, INCLUDING APPOINTED DIRECTORS, for  
11 expenses incurred that appertain to the activities of the district.

12 **SECTION 13.** In Colorado Revised Statutes, **amend** 32-9-118 as  
13 follows:

14 **32-9-118. Conflicts of interest prohibited.** (1) No director,  
15 officer, employee, or agent of the district shall be interested in any  
16 contract or transaction with the district except in his official  
17 representative capacity.

18 (2) EACH APPOINTED AND ELECTED DIRECTOR AND EACH  
19 EMPLOYEE OF THE DISTRICT WHO IS NOT REPRESENTED BY A UNION OR  
20 OTHER LABOR ORGANIZATION IS SUBJECT TO AND SHALL COMPLY WITH THE  
21 REQUIREMENTS OF SECTIONS 3 AND 4 OF ARTICLE XXIX OF THE STATE  
22 CONSTITUTION. ANY PERSON MAY FILE A WRITTEN COMPLAINT WITH THE  
23 INDEPENDENT ETHICS COMMISSION ESTABLISHED PURSUANT TO SECTION  
24 5 OF ARTICLE XXIX OF THE STATE CONSTITUTION ASKING WHETHER A  
25 DIRECTOR OR EMPLOYEE OF THE DISTRICT HAS FAILED TO COMPLY WITH  
26 THE REQUIREMENTS OF THIS SUBSECTION (2).

27 **SECTION 14.** In Colorado Revised Statutes, 32-9-119.7, **amend**

1 (4); and **repeal** (1), (3), and (5); and **add** (4.5) as follows:

2 **32-9-119.7. Farebox recovery ratios - online financial**  
3 **transparency - plans - report.** (1) ~~The general assembly hereby finds~~  
4 ~~and declares that surface transportation in the Denver metropolitan area~~  
5 ~~is a major problem confronting not only the citizens of the metropolitan~~  
6 ~~area but also the citizens of the entire state of Colorado. The general~~  
7 ~~assembly further finds that, although mass transportation is one~~  
8 ~~component of an effective surface transportation system, the allocation of~~  
9 ~~resources to mass transportation must be made in light of all surface~~  
10 ~~transportation needs. The general assembly further finds that the district~~  
11 ~~should be organized efficiently, economically, and on a~~  
12 ~~demand-responsive basis and that the district should consider least-cost~~  
13 ~~alternatives in discharging its responsibilities. The general assembly~~  
14 ~~further finds that the farebox recovery ratio of the district must be~~  
15 ~~improved so that resources once allocated for mass transportation can be~~  
16 ~~made available for other surface transportation needs.~~

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

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

25 (4) ~~The district shall prepare annual budgets based on the~~  
26 ~~percentages required by subsection (3) of this section~~ REPORTS SHOWING  
27 THE PERCENTAGE OF ITS OPERATING COSTS THAT ARE FUNDED BY

1 REVENUES COLLECTED. The district shall submit copies of ~~its~~ THE annual  
2 ~~budget~~ REPORT REQUIRED BY THIS SUBSECTION (4) to the transportation  
3 legislation review committee created in section 43-2-145. ~~C.R.S.~~  
4 NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO  
5 SUBMIT THE REPORT REQUIRED BY THIS SUBSECTION (4) CONTINUES  
6 INDEFINITELY.

7 (4.5) ON OR BEFORE OCTOBER 1, 2020, AND ON OR BEFORE THE  
8 FIRST OF EACH MONTH THEREAFTER, THE DISTRICT SHALL MAKE  
9 AVAILABLE ON ITS WEBSITE A DOWNLOADABLE COMMA OR TEXT  
10 DELIMITED FILE OF ALL PUBLIC ACCOUNT PAYABLE LINE ITEMS FOR THE  
11 PREVIOUS THREE YEARS. FOR EACH TRANSACTION, THE FILE MUST  
12 INCLUDE THE PAYEE, DATE, CHECK NUMBER OR ELECTRONIC FUNDS  
13 TRANSFER, INVOICE NUMBER IF AVAILABLE, PURCHASE ORDER NUMBER IF  
14 AVAILABLE, COST CENTER ACCOUNT CODE, OBJECT ACCOUNT CODE, AND  
15 A DESCRIPTION OF PURPOSE FOR THE PURCHASE. THE DISTRICT SHALL  
16 ENSURE THAT THE DATA FILE CONTAINS ONLY INFORMATION IS A PUBLIC  
17 RECORD OR THAT IS NOT CONFIDENTIAL OR OTHERWISE PROTECTED FROM  
18 PUBLIC DISCLOSURE PURSUANT TO STATE OR FEDERAL LAW.

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

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

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

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

27 ~~and~~



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

3           **SECTION 15.** In Colorado Revised Statutes, 32-9-119.8, **amend**  
4     (2), (2.5), (4), and (5) as follows:

5           **32-9-119.8. Provision of retail and commercial goods and**  
6     **services at district transfer facilities - residential and other uses at**  
7     **district transfer facilities permitted - definitions.** (2) Except as  
8     provided in subsection (2.5) of this section, the district may negotiate and  
9     enter into agreements with any person or public entity for the provision  
10    of retail and commercial goods and services to the public at transfer  
11    facilities or for the provision of residential uses or other uses at such  
12    facilities. The district itself ~~shall not~~ MAY provide retail and commercial  
13    goods and services at transfer facilities pursuant to this section, ~~except for~~  
14    INCLUDING the sale of mass transportation tickets, tokens, passes, and  
15    other transactions directly and necessarily related to the operation of a  
16    mass transportation system. The district may negotiate and enter into  
17    agreements with third parties to provide any of the goods and services or  
18    other uses contemplated under this section.

19           (2.5) The district shall notify and obtain the approval of the  
20    executive director of the department of transportation before THE  
21    DISTRICT BEGINS PROVIDING RETAIL AND COMMERCIAL GOODS AND  
22    SERVICES AND BEFORE negotiating and entering into any agreement with  
23    any person or public entity for the provision of retail and commercial  
24    goods and services to the public or the provision of residential uses or  
25    other uses at a transfer facility that is located on property that is owned by  
26    the department of transportation and leased to the district for the  
27    operation of such transfer facility.

1           (4) The use of a transfer facility for the provision of retail or  
2 commercial goods or services or for the provision of residential uses or  
3 other uses shall not be permitted if the use would reduce transit services,  
4 would reduce the availability of adequate parking for the public, or, for  
5 uses involving the provision of retail or commercial goods or services,  
6 would result in a competitive disadvantage to a private business  
7 reasonably near a transfer facility engaging in the sale of similar goods or  
8 services. The provision of retail and commercial goods and services or the  
9 provision of residential uses or other uses at transfer facilities shall be  
10 designed to offer convenience to transit customers and shall be conducted  
11 in a manner that encourages multimodal access from all users.

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

18           **SECTION 16.** In Colorado Revised Statutes, 32-9-119.9, **amend**  
19 **(1)(a); and repeal (1)(d) as follows:**

20           **32-9-119.9. Limited authority to charge fees for parking -**  
21 **reserved parking spaces - penalties - definitions.** (1) (a) The district  
22 **may charge a parking fee at a district parking facility. for:**

23           **(I) A motor vehicle registered at an address outside the district;**

24           **(II) A motor vehicle left in the district parking facility for more**  
25 **than twenty-four hours; or**

26           **(III) Reserved parking.**

27           **(d) Except as otherwise provided by this section, the district shall**

1 ~~not charge a person any type of fee, regardless of what it may be called,~~  
2 ~~to park at a district parking facility.~~

3           **SECTION 17.** In Colorado Revised Statutes, **add** 32-9-124.5 as  
4 follows:

5           **32-9-124.5. Notice to board - intent to borrow - supplemental**  
6 **appropriation.** (1) THE OFFICERS OF THE DISTRICT SHALL NOTIFY THE  
7 BOARD AT LEAST THIRTY DAYS PRIOR TO ENTERING INTO AN AGREEMENT  
8 WITH ANY PERSON OR FINANCIAL INSTITUTION FOR THE PURPOSE OF  
9 BORROWING MONEY OR ISSUING SECURITIES IN ACCORDANCE WITH THIS  
10 ARTICLE 9.

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

16           **SECTION 18.** In Colorado Revised Statutes, 1-45-103.7, **amend**  
17 (4.5), (7)(a), and (7)(b); and **add** (1.7) as follows:

18           **1-45-103.7. Contribution limits - county offices - regional**  
19 **transportation district - treatment of independent expenditure**  
20 **committees - contributions from limited liability companies - voter**  
21 **instructions on spending limits - definitions.** (1.7) (a) (I) THE  
22 MAXIMUM AMOUNT OF AGGREGATE CONTRIBUTIONS THAT ANY ONE  
23 PERSON OTHER THAN A SMALL DONOR COMMITTEE OR A POLITICAL PARTY  
24 MAY MAKE TO A CANDIDATE COMMITTEE OF A CANDIDATE FOR THE BOARD  
25 OF DIRECTORS OF THE REGIONAL TRANSPORTATION DISTRICT, AND THAT  
26 A CANDIDATE COMMITTEE FOR SUCH CANDIDATE MAY ACCEPT FROM ANY  
27 SUCH PERSON, IS ONE THOUSAND TWO HUNDRED FIFTY DOLLARS FOR THE

1 GENERAL ELECTION.

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

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

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

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

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

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

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

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

20           (7) (a) Any person who believes that a violation of subsection  
21 (1.5), ~~(1.7)~~, (5), or (6) of this section has occurred may file a written  
22 complaint with the secretary of state in accordance with section  
23 1-45-111.7.

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

1           **SECTION 19.** In Colorado Revised Statutes, 2-3-110.5, **amend**  
2 (1)(b), (1)(c), (2)(b)(II), (2)(f)(II), (3)(b), (3)(c) introductory portion,  
3 (3)(c)(I), (3)(c)(II), and (4); and **add** (1)(b.5) as follows:

4           **2-3-110.5. Fraud hotline - investigations - confidentiality -**  
5 **access to records - definitions.** (1) As used in this section, unless the  
6 context otherwise requires:

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

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

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

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

1 investigation, or to the department of health care policy and financing or  
2 the attorney general in accordance with subsection (3)(a)(II) of this  
3 section.

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

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

1 appropriate action, the state agency OR THE DISTRICT may request either  
2 the assistance of the state auditor to participate in an investigation or  
3 request that the state auditor conduct the entire investigation.

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

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

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

19 (4) When a state agency OR THE DISTRICT is referred a hotline call  
20 by the state auditor pursuant to subsection (3)(b) of this section and has  
21 not requested that the state auditor either participate in or conduct the  
22 entire investigation, the state agency OR THE DISTRICT shall report back to  
23 the state auditor within ninety days on the disposition of the referral,  
24 including action the agency OR THE DISTRICT has taken to respond to the  
25 fraud allegation and the results of any subsequent investigation by the  
26 agency OR THE DISTRICT. If the state agency OR THE DISTRICT has not  
27 reached a disposition of the referred hotline call within ninety days, the



1 agency OR THE DISTRICT shall report to the state auditor the current status  
2 of the referral as of the ninety-day deadline. This reporting requirement  
3 continues every ninety days thereafter until the agency OR THE DISTRICT  
4 has reached a disposition of the referred hotline call.

5 **SECTION 20.** In Colorado Revised Statutes, 24-18-102, **amend**  
6 (5) as follows:

7 **24-18-102. Definitions.** As used in this part 1, unless the context  
8 otherwise requires:

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

12 **SECTION 21.** In Colorado Revised Statutes, 24-18.5-101,  
13 **amend** (4)(a) and (5)(a) as follows:

14 **24-18.5-101. Independent ethics commission - establishment**  
15 **- membership - subpoena power - definitions.** (4) In accordance with  
16 the provisions of section 5 of article XXIX, the powers and duties of the  
17 commission shall be as follows:

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

22 (5) (a) Subject to the provisions of paragraph (c) of this subsection  
23 ~~(5)~~ SUBSECTION (5)(c) OF THIS SECTION, the commission shall dismiss as  
24 frivolous any complaint filed under article XXIX, INCLUDING A  
25 COMPLAINT FILED IN ACCORDANCE WITH SECTION 32-9-118 (2), that fails  
26 to allege that a public officer, member of the general assembly, local  
27 government official, or government employee has accepted or received

1 any gift or other thing of value for private gain or personal financial gain.

2 **SECTION 22.** In Colorado Revised Statutes, 24-114-101, **amend**  
3 the introductory portion, (2), (3), and (4); and **add** (2.5) as follows:

4 **24-114-101. Definitions.** As used in this ~~article~~ ARTICLE 114,  
5 unless the context otherwise requires:

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

14 (2.5) "DISTRICT" MEANS THE REGIONAL TRANSPORTATION  
15 DISTRICT ESTABLISHED IN ARTICLE 9 OF TITLE 32.

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

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

25 **SECTION 23.** In Colorado Revised Statutes, 24-114-102, **amend**  
26 (1) and (3) as follows:

27 **24-114-102. Retaliation prohibited.** (1) Except as provided in

1 subsection (2) of this section, no appointing authority or supervisor of  
2 THE DISTRICT OR a private enterprise under contract with a state agency  
3 OR THE DISTRICT shall initiate or administer any disciplinary action  
4 against any employee on account of the employee's disclosure of  
5 information concerning THE DISTRICT OR said private enterprise. This  
6 section shall not apply to:

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

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

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

19 **SECTION 24. In Colorado Revised Statutes, 39-26-102, amend**  
20 **(8) as follows:**

21 **39-26-102. Definitions. As used in this article 26, unless the**  
22 **context otherwise requires:**

23 **(8) "Retailer" or "vendor" means a person doing business in this**  
24 **state known to the trade and public as such, and selling to the user or**  
25 **consumer, and not for resale. The term includes a marketplace facilitator,**  
26 **a marketplace seller, and a multichannel seller doing business in this**  
27 **state. THE TERM INCLUDES THE REGIONAL TRANSPORTATION DISTRICT**

1 CREATED IN ARTICLE 9 OF TITLE 32 IF, PURSUANT TO SECTION 32-9-119.8,  
2 THE REGIONAL TRANSPORTATION DISTRICT SELLS RETAIL AND  
3 COMMERCIAL GOODS TO THE PUBLIC OTHER THAN MASS TRANSPORTATION  
4 TICKETS, TOKENS, PASSES, AND OTHER TRANSACTIONS DIRECTLY AND  
5 NECESSARILY RELATED TO THE OPERATION OF A MASS TRANSPORTATION  
6 SYSTEM.

7 **SECTION 25.** In Colorado Revised Statutes, add 43-1-126 and  
8 43-1-127 as follows:

9 **43-1-126. Regional transportation district blue ribbon panel**  
10 **- creation - powers and duties - definitions - repeal.** (1) AS USED IN  
11 THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

12 (a) "ADA" MEANS THE FEDERAL "AMERICANS WITH DISABILITIES  
13 ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED.

14 (b) "DISTRICT" MEANS THE REGIONAL TRANSPORTATION DISTRICT  
15 CREATED IN ARTICLE 9 OF TITLE 32.

16 (c) "PANEL" MEANS THE REGIONAL TRANSPORTATION DISTRICT  
17 BLUE RIBBON PANEL CREATED IN SUBSECTION (2) OF THIS SECTION.

18 (2) THERE IS HEREBY CREATED IN THE DEPARTMENT THE REGIONAL  
19 TRANSPORTATION DISTRICT BLUE RIBBON PANEL.

20 (3) (a) THE PANEL CONSISTS OF SIX MEMBERS APPOINTED AS  
21 FOLLOWS:

22 (I) ONE MEMBER ASSOCIATED WITH AN ACADEMIC INSTITUTION  
23 WITH EXPERTISE IN REGIONAL TRANSPORTATION AUTHORITIES AND MASS  
24 TRANSIT, APPOINTED BY THE PRESIDENT OF THE SENATE;

25 (II) ONE MEMBER WITH EXPERTISE IN URBAN PLANNING AND  
26 DEVELOPMENT, APPOINTED BY THE GOVERNOR;

27 (III) ONE MEMBER WITH EXPERTISE IN TRANSPORTATION POLICY.

1 APPOINTED BY THE GOVERNOR:

2 (IV) ONE MEMBER WHO IS AN ELECTED OFFICIAL FROM A LOCAL  
3 GOVERNMENT WITHIN THE DISTRICT, APPOINTED BY THE MINORITY LEADER  
4 OF THE HOUSE OF REPRESENTATIVES;

5 (V) ONE MEMBER WITH EXPERTISE IN FISCAL POLICY, APPOINTED  
6 BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES; AND

7 (VI) ONE MEMBER WITH EXPERTISE IN ADA COMPLIANCE AND  
8 EQUITY, APPOINTED BY THE MINORITY LEADER OF THE SENATE.

9 (b) THE APPOINTING AUTHORITIES SHALL MAKE APPOINTMENTS TO  
10 THE PANEL AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS  
11 SECTION. IN THE EVENT OF A VACANCY, A NEW MEMBER SHALL BE  
12 APPOINTED IN THE SAME MANNER AS PROVIDED IN SUBSECTION (3)(a) OF  
13 THIS SECTION FOR THE VACANT POSITION.

14 (c) EACH MEMBER OF THE PANEL SERVES WITHOUT COMPENSATION  
15 BUT IS ENTITLED TO RECEIVE REIMBURSEMENT FOR ACTUAL AND  
16 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THE MEMBER'S  
17 DUTIES.

18 (4) (a) THE FIRST MEETING OF THE PANEL MUST BE HELD AS SOON  
19 AS PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS SECTION.

20 (b) THE PANEL SHALL ELECT A CHAIR AND A VICE-CHAIR FROM  
21 AMONG ITS MEMBERS. THE PANEL SHALL MEET AS OFTEN AS NECESSARY  
22 AS DETERMINED BY THE CHAIR TO FULFILL THE PANEL'S DUTIES UNDER  
23 THIS SECTION.

24 (5) (a) THE PANEL SHALL PERFORM AN IN-DEPTH DIAGNOSTIC  
25 REVIEW OF THE DISTRICT'S CORE FUNCTIONS AS DESCRIBED IN ARTICLE 9  
26 OF TITLE 32. THE REVIEW MUST INCLUDE, BUT NEED NOT BE LIMITED TO:

27 (I) A LITERATURE REVIEW ENCOMPASSING RECENT STUDIES OF THE

1 DISTRICT AND OF SIMILAR TRANSIT AGENCIES IN COLORADO AND ACROSS  
2 THE UNITED STATES;

3 (II) A PERFORMANCE REVIEW OF THE DISTRICT, BENCHMARKED  
4 AGAINST SIMILARLY SIZED TRANSIT AGENCIES;

5 (III) A REVIEW OF THE DISTRICT'S CORE FUNCTIONS AND ANY  
6 DEFICIENCIES IN MEETING THEM;

7 (IV) A REVIEW OF THE DISTRICT'S PRACTICES AND PROCEDURES  
8 RELATED TO ASSET MANAGEMENT, EXPANSION, AND MAINTENANCE;

9 (V) A REVIEW OF THE DISTRICT'S FINANCES AND FINANCIAL  
10 MANAGEMENT;

11 (VI) A REVIEW OF THE DISTRICT'S SYSTEM OF GOVERNANCE;

12 (VII) A REVIEW OF THE DISTRICT'S CAPITAL PLANNING PROCESSES;

13 (VIII) A REVIEW OF THE DISTRICT'S EFFORTS TO ADDRESS THE  
14 STATE'S CLIMATE CHANGE GOALS;

15 (IX) THE COLLECTION AND ANALYSIS OF DATA FROM THE DISTRICT  
16 AND THIRD PARTIES RELATED TO THE DISTRICT'S OPERATIONAL COSTS,  
17 PROGRAM SPENDING, REVENUE SOURCES, PERFORMANCE DATA, AND  
18 PERSONNEL NEEDS; AND

19 (X) THE DISTRICT'S COMPLIANCE WITH THE ADA AND ITS ABILITY  
20 TO MEET THE NEEDS OF TRANSIT-DEPENDENT POPULATIONS IN THE  
21 DISTRICT.

22 (b) THE PANEL SHALL CONDUCT INTERVIEWS AND MEETINGS WITH  
23 CURRENT AND FORMER STAFF MEMBERS OF THE DISTRICT, MEMBERS OF  
24 THE DISTRICT'S BOARD OF THE DIRECTORS, AND OTHER DISTRICT  
25 STAKEHOLDERS TO ASSIST IN ITS ANALYSIS OF THE ISSUES DESCRIBED IN  
26 SUBSECTION (5)(a) OF THIS SECTION. THE PANEL SHALL CONDUCT SITE  
27 VISITS TO DISTRICT FACILITIES AS NECESSARY TO COMPLETE ITS REVIEW.

1           (6) THE DISTRICT SHALL ALLOW THE PANEL MEMBERS ACCESS TO  
2           ITS FACILITIES AND TO ALL RELEVANT FILES, RECORDS, AND DOCUMENTS,  
3           ON A TIMELY BASIS AND WITHOUT COST, AS NECESSARY TO ALLOW THE  
4           PANEL TO COMPLETE ITS WORK IN ACCORDANCE WITH THIS SECTION. THE  
5           DISTRICT MAY REQUIRE PANEL MEMBERS TO ENTER INTO A  
6           NONDISCLOSURE AGREEMENT BEFORE REVIEWING FILES, RECORDS, OR  
7           DOCUMENTS THAT WOULD BE EXEMPT FROM PUBLIC DISCLOSURE UNDER  
8           PART 2 OF ARTICLE 72 OF TITLE 24. THE DISTRICT MAY IMPOSE SUCH  
9           REQUIREMENTS FOR ACCESS TO ITS FACILITIES AS ARE NECESSARY TO  
10          PROTECT THE SAFETY AND SECURITY OF PANEL MEMBERS, DISTRICT  
11          EMPLOYEES, AND DISTRICT FACILITIES.

12          (7) ON OR BEFORE SEPTEMBER 1, 2020, THE PANEL SHALL SUBMIT  
13          A WRITTEN REPORT SUMMARIZING ITS FINDINGS AND RECOMMENDATIONS  
14          TO THE GOVERNOR, THE TRANSPORTATION AND ENERGY COMMITTEE OF  
15          THE SENATE, THE TRANSPORTATION AND LOCAL GOVERNMENT COMMITTEE  
16          OF THE HOUSE OF REPRESENTATIVES, THE DISTRICT, AND LOCAL  
17          GOVERNMENTS WITHIN THE DISTRICT. THE DISTRICT SHALL MAKE THE  
18          REPORT AVAILABLE TO THE PUBLIC ON ITS WEBSITE.

19          (8) UPON REQUEST BY THE CHAIR OF THE PANEL, THE DEPARTMENT  
20          SHALL PROVIDE MEETING SPACE, EQUIPMENT, AND STAFF SERVICES AS MAY  
21          BE NECESSARY TO IMPLEMENT THIS SECTION.

22          (9) THE DISTRICT SHALL NOT HIRE A PERMANENT GENERAL  
23          MANAGER UNTIL THE PANEL'S REPORT REQUIRED BY SUBSECTION (7) OF  
24          THIS SECTION IS COMPLETED.

25          (10) THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY FROM  
26          THE GENERAL FUND TO THE DEPARTMENT TO COVER COSTS ASSOCIATED  
27          WITH THE PANEL.

1           (11) THE PANEL IS DISSOLVED, EFFECTIVE SEPTEMBER 30, 2020.  
2           THIS SECTION IS REPEALED, EFFECTIVE OCTOBER 1, 2021.

3           **43-1-127. Regional transportation district accountability**  
4           **committee - creation - powers and duties - definitions - repeal. (1) AS**  
5           USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

6           (a) "ADA" MEANS THE FEDERAL "AMERICANS WITH DISABILITIES  
7           ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED.

8           (b) "BOARD" MEANS THE BOARD OF DIRECTORS OF THE DISTRICT  
9           ESTABLISHED IN SECTION 32-9-109.5.

10          (c) "COMMITTEE" MEANS THE REGIONAL TRANSPORTATION  
11          DISTRICT ACCOUNTABILITY COMMITTEE CREATED IN SUBSECTION (2) OF  
12          THIS SECTION.

13          (d) "DISTRICT" MEANS THE REGIONAL TRANSPORTATION DISTRICT  
14          CREATED IN ARTICLE 9 OF TITLE 32.

15          (e) "PANEL" MEANS THE REGIONAL TRANSPORTATION DISTRICT  
16          BLUE RIBBON PANEL CREATED IN SECTION 43-1-126.

17          (2) THERE IS HEREBY CREATED IN THE DEPARTMENT THE REGIONAL  
18          TRANSPORTATION DISTRICT ACCOUNTABILITY COMMITTEE.

19          (3) (a) THE COMMITTEE CONSISTS OF SEVEN MEMBERS APPOINTED  
20          AS FOLLOWS:

21               (I) ONE MEMBER OF A LOCAL GOVERNMENT WITHIN THE DISTRICT,  
22               APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF  
23               REPRESENTATIVES;

24               (II) ONE MEMBER WITH EXPERTISE ON ISSUES FACING TRANSIT  
25               RIDERS WITH DISABILITIES, APPOINTED BY THE PRESIDENT OF THE SENATE;

26               (III) ONE MEMBER WITH EXPERTISE IN HUMAN RESOURCES,  
27               APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF



1 REPRESENTATIVES:

2 (IV) ONE MEMBER WITH EXPERTISE IN TRANSIT SERVICES AND  
3 PLANNING, APPOINTED BY THE GOVERNOR:

4 (V) ONE MEMBER WITH EXPERTISE IN EQUITY, APPOINTED BY THE  
5 SPEAKER OF THE HOUSE OF REPRESENTATIVES:

6 (VI) ONE MEMBER WITH EXPERTISE IN FINANCIAL PLANNING AND  
7 MANAGEMENT, APPOINTED BY THE GOVERNOR; AND

8 (VII) ONE MEMBER WITH EXPERTISE IN URBAN PLANNING AND  
9 RELATED ENVIRONMENTAL ISSUES, APPOINTED BY THE GOVERNOR.

10 (b) THE APPOINTING AUTHORITIES SHALL MAKE THEIR INITIAL  
11 APPOINTMENTS ON OR BEFORE JULY 1, 2020, FOR TERMS LASTING FOR THE  
12 DURATION OF THE COMMITTEE'S EXISTENCE. IN THE EVENT OF A VACANCY,  
13 A NEW MEMBER SHALL BE APPOINTED IN THE SAME MANNER AS PROVIDED  
14 IN SUBSECTION (3)(a) OF THIS SECTION FOR THE VACANT POSITION.

15 (c) EACH MEMBER OF THE COMMITTEE IS ENTITLED TO  
16 COMPENSATION IN THE AMOUNT OF ONE THOUSAND DOLLARS PER MONTH  
17 FROM THE TIME OF THE APPOINTMENT TO THE CONCLUSION OF THEIR  
18 SERVICE. A MEMBER IS NOT ENTITLED TO REIMBURSEMENT FOR EXPENSES.

19 (4) (a) THE EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S  
20 DESIGNEE SHALL CALL THE FIRST MEETING OF THE COMMITTEE AS SOON AS  
21 PRACTICABLE AFTER THE PANEL COMPLETES ITS REPORT PURSUANT TO  
22 SECTION 43-1-126 (7), BUT NO LATER THAN JULY 1, 2020.

23 (b) THE COMMITTEE SHALL ELECT A CHAIR AND A VICE-CHAIR  
24 FROM AMONG ITS MEMBERS. THE COMMITTEE SHALL MEET AS OFTEN AS  
25 NECESSARY AS DETERMINED BY THE CHAIR TO FULFILL THE COMMITTEE'S  
26 DUTIES UNDER THIS SECTION.

27 (5) (a) THE COMMITTEE SHALL PERFORM A COMPREHENSIVE

1 REVIEW OF THE DISTRICT, TAKING INTO ACCOUNT THE PERSPECTIVES OF  
2 THE STAFF AND MANAGERS OF THE DISTRICT, THE BOARD, AND THE PUBLIC.  
3 THE COMMITTEE SHALL ISSUE A REPORT WITH WRITTEN FINDINGS AND  
4 RECOMMENDATIONS ON OR BEFORE JANUARY 1, 2021, AND EVER SIX  
5 MONTHS THEREAFTER THROUGH JULY 1, 2023. THE COMMITTEE SHALL  
6 SUBMIT ITS REPORTS TO THE GOVERNOR, THE TRANSPORTATION AND  
7 ENERGY COMMITTEE OF THE SENATE OR ITS SUCCESSOR COMMITTEE, THE  
8 TRANSPORTATION AND LOCAL GOVERNMENT COMMITTEE OF THE HOUSE  
9 OF REPRESENTATIVES OR ITS SUCCESSOR COMMITTEE, THE DISTRICT, AND  
10 LOCAL GOVERNMENTS WITHIN THE DISTRICT. THE DISTRICT SHALL MAKE  
11 EACH REPORT ISSUED BY THE COMMITTEE AVAILABLE TO THE PUBLIC ON  
12 ITS WEBSITE.

13 (b) IN ISSUING ITS REPORTS AND RECOMMENDATIONS, THE  
14 COMMITTEE SHALL CONSIDER, BUT NEED NOT BE LIMITED TO, THE  
15 FOLLOWING ISSUES:

16 (I) THE FINDINGS AND RECOMMENDATIONS OF THE PANEL;

17 (II) ACCESSIBILITY OF THE DISTRICT'S SERVICES AND FACILITIES IN  
18 ACCORDANCE WITH THE ADA, WITH SPECIAL CONSIDERATION OF  
19 PARATRANSIT;

20 (III) EQUITY IN SERVICES PROVIDED TO THE DISTRICT, ANALYZED  
21 IN TERMS OF GEOGRAPHY, FARE STRUCTURES, AND THE NEEDS OF  
22 TRANSIT-DEPENDENT POPULATIONS;

23 (IV) STAFF MANAGEMENT, RETENTION, AND HIRING;

24 (V) THE DISTRICT'S USE OF AND RELATIONSHIP WITH  
25 CONTRACTORS, INCLUDING THE TRAINING REQUIREMENTS FOR AND PAY  
26 STRUCTURES OF CONTRACTORS;

27 (VI) THE ADEQUACY, ACCESSIBILITY, AND RELIABILITY OF THE

1 SERVICES PROVIDED BY THE DISTRICT;  
2 (VII) THE DISTRICT'S PARTNERSHIPS WITH LOCAL GOVERNMENTS;  
3 (VIII) THE FINANCIAL HEALTH OF THE DISTRICT, INCLUDING ITS  
4 SPENDING ON EXPENSES NOT DIRECTLY RELATED TO TRANSIT;  
5 (IX) THE DISTRICT'S PLANS FOR EXPANSIONS OR REDUCTIONS IN  
6 SERVICE AND ITS CRITERIA AND PROCESS FOR MAKING DECISIONS ON  
7 EXPANSIONS AND REDUCTIONS IN SERVICE;  
8 (X) THE DISTRICT'S STRATEGIC PLANNING PROCESS AND ANY  
9 RECOMMENDATIONS FOR TRAINING FOR THE BOARD AND MANAGEMENT  
10 PERSONNEL;  
11 (XI) A REVIEW OF THE DISTRICT'S EFFORTS TO ADDRESS THE  
12 STATE'S CLIMATE CHANGE GOALS;  
13 (XII) STRATEGIES FOR THE DISTRICT TO INCREASE RIDERSHIP;  
14 (XIII) THE RESULTS OF ANY AUDITS OF THE DISTRICT AND THE  
15 NEED FOR ADDITIONAL AUDITS BY THE STATE; AND  
16 (XIV) THE PENSIONS OFFERED BY THE DISTRICT.  
17 (6) THE COMMITTEE MAY CONTRACT WITH A PUBLIC OR PRIVATE  
18 ENTITY WITH EXPERTISE IN TRANSIT AGENCY FINANCE AND OPERATIONS TO  
19 SUPPORT ITS WORK.  
20 (7) (a) WITHIN THIRTY DAYS AFTER THE COMMITTEE ISSUES A  
21 REPORT OF ITS RECOMMENDATIONS AS REQUIRED BY SUBSECTION (5)(a) OF  
22 THIS SECTION, THE DISTRICT SHALL SUBMIT A WRITTEN RESPONSE TO EACH  
23 ENTITY THAT RECEIVES THE COMMITTEE'S REPORT RESPONDING TO ANY  
24 RECOMMENDATION THAT THE DISTRICT DOES NOT PLAN TO ADOPT AND  
25 EXPLAINING WHY THE DISTRICT IS NOT ADOPTING THE RECOMMENDATION.  
26 THE DISTRICT SHALL MAKE THE DISTRICT'S RESPONSES AVAILABLE TO THE  
27 PUBLIC ON ITS WEBSITE.

1           (b) THE DISTRICT SHALL ALLOW THE COMMITTEE MEMBERS ACCESS  
2           TO ITS FACILITIES AND TO ALL RELEVANT FILES, RECORDS, AND  
3           DOCUMENTS, ON A TIMELY BASIS AND WITHOUT COST, AS NECESSARY TO  
4           ALLOW THE COMMITTEE TO COMPLETE ITS WORK IN ACCORDANCE WITH  
5           THIS SECTION. THE DISTRICT MAY REQUIRE COMMITTEE MEMBERS TO  
6           ENTER INTO A NONDISCLOSURE AGREEMENT BEFORE REVIEWING FILES,  
7           RECORDS, OR DOCUMENTS THAT WOULD BE EXEMPT FROM PUBLIC  
8           DISCLOSURE UNDER PART 2 OF ARTICLE 72 OF TITLE 24. THE DISTRICT MAY  
9           IMPOSE SUCH REQUIREMENTS FOR ACCESS TO ITS FACILITIES AS ARE  
10           NECESSARY TO PROTECT THE SAFETY AND SECURITY OF COMMITTEE  
11           MEMBERS, DISTRICT EMPLOYEES, AND DISTRICT FACILITIES.

12           (8) THE BOARD AND THE COMMITTEE MAY MEET IN JOINT SESSION  
13           TO ASSIST THE COMMITTEE IN ITS REVIEW. WHEN THE BOARD AND  
14           COMMITTEE MEET IN JOINT SESSION, THE COMBINED BODY IS A LOCAL  
15           PUBLIC BODY FOR THE PURPOSES OF SECTION 24-6-402, AND MAY GO INTO  
16           EXECUTIVE SESSION IN ACCORDANCE WITH SUBSECTION 24-6-402 (4). THE  
17           BOARD'S BYLAWS GOVERN ANY PROCEDURAL MATTERS WHEN THE BOARD  
18           AND THE COMMITTEE MEET IN JOINT SESSION.

19           (9) UPON REQUEST BY THE CHAIR OF THE COMMITTEE, THE  
20           DEPARTMENT SHALL PROVIDE MEETING SPACE, EQUIPMENT, AND STAFF  
21           SERVICES AS MAY BE NECESSARY TO IMPLEMENT THIS SECTION.

22           (10) THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY FROM  
23           THE GENERAL FUND TO THE DEPARTMENT TO COVER COSTS ASSOCIATED  
24           WITH THE COMMITTEE.

25           (11) THE COMMITTEE SHALL SUBMIT ITS FINAL REPORT IN  
26           ACCORDANCE WITH SUBSECTION (5)(a) OF THIS SECTION ON OR BEFORE  
27           JULY 1, 2023. THE COMMITTEE IS DISSOLVED, EFFECTIVE JULY 30, 2023.

1           (10) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2023.

2           **SECTION 26. Applicability.** Section 14 of this act applies to the  
3 portion of any election cycle or for the portion of the calendar year  
4 remaining after the effective date of this act, and for any election cycle or  
5 calendar year commencing after said date.

6           **SECTION 27. Safety clause.** The general assembly hereby finds,  
7 determines, and declares that this act is necessary for the immediate  
8 preservation of the public peace, health, or safety.