

HOUSE COMMITTEE OF REFERENCE REPORT

March 19, 2019

Chair of Committee

Date

Committee on Transportation & Local Government.

After consideration on the merits, the Committee recommends the following:

HB19-1087 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 24-6-402, **amend**
4 (2)(c) as follows:

5 **24-6-402. Meetings - open to public - legislative declaration -**
6 **definitions.** (2) (c) (I) Any meetings at which the adoption of any
7 proposed policy, position, resolution, rule, regulation, or formal action
8 occurs or at which a majority or quorum of the body is in attendance, or
9 is expected to be in attendance, shall be held only after full and timely
10 notice to the public. In addition to any other means of full and timely
11 notice, a local public body shall be deemed to have given full and timely
12 notice if the notice of the meeting is posted in a designated public place
13 within the boundaries of the local public body no less than twenty-four
14 hours prior to the holding of the meeting. The public place or places for
15 posting such notice shall be designated annually at the local public body's
16 first regular meeting of each calendar year. The posting shall include
17 specific agenda information where possible.

18 (II) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

19 (A) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT LOCAL
20 GOVERNMENTS TRANSITION FROM POSTING PHYSICAL NOTICES OF PUBLIC
21 MEETINGS IN PHYSICAL LOCATIONS TO POSTING NOTICES ON A WEBSITE,
22 SOCIAL MEDIA ACCOUNT, OR OTHER OFFICIAL ONLINE PRESENCE OF THE
23 LOCAL GOVERNMENT TO THE GREATEST EXTENT PRACTICABLE;

1 (B) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO RELIEVE A
2 LOCAL GOVERNMENT OF THE REQUIREMENT TO PHYSICALLY POST MEETING
3 NOTICES, WITH CERTAIN EXCEPTIONS, IF THE LOCAL GOVERNMENT
4 COMPLIES WITH THE REQUIREMENTS OF ONLINE POSTED NOTICES OF
5 MEETINGS;

6 (C) A NUMBER OF FACTORS MAY AFFECT THE ABILITY OF SOME
7 LOCAL GOVERNMENTS TO EASILY ESTABLISH A WEBSITE, POST MEETING
8 NOTICES ONLINE, AND OTHERWISE BENEFIT FROM HAVING AN ONLINE
9 PRESENCE, INCLUDING THE AVAILABILITY OF BROADBAND OR RELIABLE
10 BROADBAND, THE LACK OF CELLULAR TELEPHONE AND DATA SERVICES,
11 AND FISCAL OR STAFFING CONSTRAINTS OF THE LOCAL GOVERNMENT;

12 (D) LOCAL GOVERNMENTS ARE ENCOURAGED TO AVAIL
13 THEMSELVES OF EXISTING FREE RESOURCES FOR CREATING A WEBSITE AND
14 RECEIVING CONTENT MANAGEMENT ASSISTANCE FROM THE COLORADO
15 STATEWIDE INTERNET PORTAL AUTHORITY AND STATEWIDE ASSOCIATIONS
16 REPRESENTING LOCAL GOVERNMENTAL ENTITIES; AND

17 (E) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO CLOSELY
18 MONITOR THE TRANSITION TO PROVIDING NOTICES OF PUBLIC MEETINGS
19 ONLINE OVER THE NEXT TWO YEARS AND, IF SIGNIFICANT PROGRESS IS NOT
20 MADE, TO BRING LEGISLATION MANDATING IN STATUTE THAT ALL NOTICES
21 BE POSTED ONLINE EXCEPT IN VERY NARROW CIRCUMSTANCES THAT ARE
22 BEYOND THE CONTROL OF A LOCAL GOVERNMENT.

23 (III) ON AND AFTER JULY 1, 2019, A LOCAL PUBLIC BODY SHALL BE
24 DEEMED TO HAVE GIVEN FULL AND TIMELY NOTICE OF A PUBLIC MEETING
25 IF THE LOCAL PUBLIC BODY POSTS THE NOTICE, WITH SPECIFIC AGENDA
26 INFORMATION IF AVAILABLE, NO LESS THAN TWENTY-FOUR HOURS PRIOR
27 TO THE HOLDING OF THE MEETING ON A PUBLIC WEBSITE OF THE LOCAL
28 PUBLIC BODY. THE NOTICE MUST BE ACCESSIBLE AT NO CHARGE TO THE
29 PUBLIC. THE LOCAL PUBLIC BODY SHALL, TO THE EXTENT FEASIBLE, MAKE
30 THE NOTICES SEARCHABLE BY TYPE OF MEETING, DATE OF MEETING, TIME
31 OF MEETING, AGENDA CONTENTS, AND ANY OTHER CATEGORY DEEMED
32 APPROPRIATE BY THE LOCAL PUBLIC BODY AND SHALL CONSIDER LINKING
33 THE NOTICES TO ANY APPROPRIATE SOCIAL MEDIA ACCOUNTS OF THE
34 LOCAL PUBLIC BODY. A LOCAL PUBLIC BODY THAT PROVIDES NOTICE ON
35 A WEBSITE PURSUANT TO THIS SUBSECTION (2)(c)(III) SHALL PROVIDE THE
36 ADDRESS OF THE WEBSITE TO THE DEPARTMENT OF LOCAL AFFAIRS FOR
37 INCLUSION IN THE INVENTORY MAINTAINED PURSUANT TO SECTION
38 24-32-116. A LOCAL PUBLIC BODY THAT POSTS A NOTICE OF A PUBLIC
39 MEETING ON A PUBLIC WEBSITE PURSUANT TO THIS SUBSECTION (2)(c)(III)
40 MAY IN ITS DISCRETION ALSO POST A NOTICE BY ANY OTHER MEANS
41 INCLUDING IN A DESIGNATED PUBLIC PLACE PURSUANT TO SUBSECTION

1 (2)(c)(I) OF THIS SECTION; EXCEPT THAT NOTHING IN THIS SECTION SHALL
2 BE CONSTRUED TO REQUIRE SUCH OTHER POSTING. A LOCAL PUBLIC BODY
3 THAT POSTS NOTICES OF PUBLIC MEETINGS ON A PUBLIC WEBSITE
4 PURSUANT TO THIS SUBSECTION (2)(c)(III) SHALL DESIGNATE A PUBLIC
5 PLACE WITHIN THE BOUNDARIES OF THE LOCAL PUBLIC BODY AT WHICH IT
6 MAY POST A NOTICE NO LESS THAN TWENTY-FOUR HOURS PRIOR TO A
7 MEETING IF IT IS UNABLE TO POST A NOTICE ONLINE IN EXIGENT OR
8 EMERGENCY CIRCUMSTANCES SUCH AS A POWER OUTAGE OR AN
9 INTERRUPTION IN INTERNET SERVICE THAT PREVENTS THE PUBLIC FROM
10 ACCESSING THE NOTICE ONLINE.

11 (IV) FOR PURPOSES OF THIS SECTION, "LOCAL PUBLIC BODY"
12 INCLUDES MUNICIPALITIES, COUNTIES, SCHOOL BOARDS, AND SPECIAL
13 DISTRICTS.

14 **SECTION 2.** In Colorado Revised Statutes, 32-1-903, **amend** (2)
15 as follows:

16 **32-1-903. Meetings.** (2) Notice of time and place designated for
17 all regular AND SPECIAL meetings shall be ~~posted in at least three public~~
18 ~~places within the limits of the special district, and, in addition, one such~~
19 ~~notice shall be posted in the office of the county clerk and recorder in the~~
20 ~~county or counties in which the special district is located. Such notices~~
21 ~~shall remain posted and shall be changed in the event that the time or~~
22 ~~place of such regular meetings is changed~~ PROVIDED IN ACCORDANCE
23 WITH SECTION 24-6-402. Special meetings may be called by any director
24 by informing the other directors of the date, time, and place of such
25 special meeting, and the purpose for which it is called, and by ~~posting~~
26 ~~PROVIDING notice as provided in this section at least seventy-two hours~~
27 ~~prior to said meeting~~ IN ACCORDANCE WITH SECTION 24-6-402. All official
28 business of the board shall be conducted only during said regular or
29 special meetings at which a quorum is present, and all said meetings shall
30 be open to the public.

31 **SECTION 3. Act subject to petition - effective date.** This act
32 takes effect at 12:01 a.m. on the day following the expiration of the
33 ninety-day period after final adjournment of the general assembly (August
34 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
35 referendum petition is filed pursuant to section 1 (3) of article V of the
36 state constitution against this act or an item, section, or part of this act
37 within such period, then the act, item, section, or part will not take effect
38 unless approved by the people at the general election to be held in
39 November 2020 and, in such case, will take effect on the date of the
40 official declaration of the vote thereon by the governor."

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