

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

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 19-0676.01 Gregg Fraser x4325

HOUSE BILL 19-1087

HOUSE SPONSORSHIP

Soper and Hansen, McKean, Snyder, Williams D., Bockenfeld, Gray, Jaquez Lewis, Kipp, Rich, Tipper, Titone, Weissman

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A BILL FOR AN ACT

101 **CONCERNING ONLINE NOTICE OF PUBLIC MEETINGS OF A LOCAL**
102 **GOVERNMENTAL ENTITY.**

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 requires a local government to post notices of public meetings required by the state open meetings law on the local government's website. The notices are accessible to the public at no charge. The notices shall be searchable, if feasible, by type of meeting, date and time of meeting, and agenda contents.

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.

HOUSE
3rd Reading Unamended
March 22, 2019

HOUSE
Amended 2nd Reading
March 21, 2019

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

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

4 **24-6-402. Meetings - open to public - legislative declaration -**
5 **definitions.** (2) (c) (I) Any meetings at which the adoption of any
6 proposed policy, position, resolution, rule, regulation, or formal action
7 occurs or at which a majority or quorum of the body is in attendance, or
8 is expected to be in attendance, shall be held only after full and timely
9 notice to the public. In addition to any other means of full and timely
10 notice, a local public body shall be deemed to have given full and timely
11 notice if the notice of the meeting is posted in a designated public place
12 within the boundaries of the local public body no less than twenty-four
13 hours prior to the holding of the meeting. The public place or places for
14 posting such notice shall be designated annually at the local public body's
15 first regular meeting of each calendar year. The posting shall include
16 specific agenda information where possible.

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

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

23 (B) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO RELIEVE A
24 LOCAL GOVERNMENT OF THE REQUIREMENT TO PHYSICALLY POST MEETING
25 NOTICES, WITH CERTAIN EXCEPTIONS, IF THE LOCAL GOVERNMENT
26 COMPLIES WITH THE REQUIREMENTS OF ONLINE POSTED NOTICES OF

1 MEETINGS;

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

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

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

19 (III) ON AND AFTER JULY 1, 2019, A LOCAL PUBLIC BODY SHALL BE
20 DEEMED TO HAVE GIVEN FULL AND TIMELY NOTICE OF A PUBLIC MEETING
21 IF THE LOCAL PUBLIC BODY POSTS THE NOTICE, WITH SPECIFIC AGENDA
22 INFORMATION IF AVAILABLE, NO LESS THAN TWENTY-FOUR HOURS PRIOR
23 TO THE HOLDING OF THE MEETING ON A PUBLIC WEBSITE OF THE LOCAL
24 PUBLIC BODY. THE NOTICE MUST BE ACCESSIBLE AT NO CHARGE TO THE
25 PUBLIC. THE LOCAL PUBLIC BODY SHALL, TO THE EXTENT FEASIBLE, MAKE
26 THE NOTICES SEARCHABLE BY TYPE OF MEETING, DATE OF MEETING, TIME
27 OF MEETING, AGENDA CONTENTS, AND ANY OTHER CATEGORY DEEMED

1 APPROPRIATE BY THE LOCAL PUBLIC BODY AND SHALL CONSIDER LINKING
2 THE NOTICES TO ANY APPROPRIATE SOCIAL MEDIA ACCOUNTS OF THE
3 LOCAL PUBLIC BODY. A LOCAL PUBLIC BODY THAT PROVIDES NOTICE ON
4 A WEBSITE PURSUANT TO THIS SUBSECTION (2)(c)(III) SHALL PROVIDE THE
5 ADDRESS OF THE WEBSITE TO THE DEPARTMENT OF LOCAL AFFAIRS FOR
6 INCLUSION IN THE INVENTORY MAINTAINED PURSUANT TO SECTION
7 24-32-116. A LOCAL PUBLIC BODY THAT POSTS A NOTICE OF A PUBLIC
8 MEETING ON A PUBLIC WEBSITE PURSUANT TO THIS SUBSECTION (2)(c)(III)
9 MAY IN ITS DISCRETION ALSO POST A NOTICE BY ANY OTHER MEANS
10 INCLUDING IN A DESIGNATED PUBLIC PLACE PURSUANT TO SUBSECTION
11 (2)(c)(I) OF THIS SECTION; EXCEPT THAT NOTHING IN THIS SECTION SHALL
12 BE CONSTRUED TO REQUIRE SUCH OTHER POSTING. A LOCAL PUBLIC BODY
13 THAT POSTS NOTICES OF PUBLIC MEETINGS ON A PUBLIC WEBSITE
14 PURSUANT TO THIS SUBSECTION (2)(c)(III) SHALL DESIGNATE A PUBLIC
15 PLACE WITHIN THE BOUNDARIES OF THE LOCAL PUBLIC BODY AT WHICH IT
16 MAY POST A NOTICE NO LESS THAN TWENTY-FOUR HOURS PRIOR TO A
17 MEETING IF IT IS UNABLE TO POST A NOTICE ONLINE IN EXIGENT OR
18 EMERGENCY CIRCUMSTANCES SUCH AS A POWER OUTAGE OR AN
19 INTERRUPTION IN INTERNET SERVICE THAT PREVENTS THE PUBLIC FROM
20 ACCESSING THE NOTICE ONLINE.

21 (IV) FOR PURPOSES OF THIS SECTION, "LOCAL PUBLIC BODY"
22 INCLUDES MUNICIPALITIES, COUNTIES, SCHOOL BOARDS, AND SPECIAL
23 DISTRICTS.

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

26 **32-1-903. Meetings.** (2) Notice of time and place designated for
27 all regular AND SPECIAL meetings shall be posted in at least three public

1 ~~places within the limits of the special district, and, in addition, one such~~
2 ~~notice shall be posted in the office of the county clerk and recorder in the~~
3 ~~county or counties in which the special district is located. Such notices~~
4 ~~shall remain posted and shall be changed in the event that the time or~~
5 ~~place of such regular meetings is changed~~ PROVIDED IN ACCORDANCE
6 WITH SECTION 24-6-402. Special meetings may be called by any director
7 by informing the other directors of the date, time, and place of such
8 special meeting, and the purpose for which it is called, and by ~~posting~~
9 ~~PROVIDING~~ notice ~~as provided in this section at least seventy-two hours~~
10 ~~prior to said meeting~~ IN ACCORDANCE WITH SECTION 24-6-402. All official
11 business of the board shall be conducted only during said regular or
12 special meetings at which a quorum is present, and all said meetings shall
13 be open to the public.

14 **SECTION 3. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly (August
17 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
18 referendum petition is filed pursuant to section 1 (3) of article V of the
19 state constitution against this act or an item, section, or part of this act
20 within such period, then the act, item, section, or part will not take effect
21 unless approved by the people at the general election to be held in
22 November 2020 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.