NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 19-1087

BY REPRESENTATIVE(S) Soper and Hansen, Coleman, McKean, Snyder, Williams D., Bockenfeld, Gray, Jaquez Lewis, Kipp, Rich, Tipper, Titone, Weissman;
also SENATOR(S) Woodward and Bridges, Gonzales, Hisey, Moreno, Todd.

CONCERNING ONLINE NOTICE OF PUBLIC MEETINGS OF A LOCAL GOVERNMENTAL ENTITY.

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

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

24-6-402. Meetings - open to public - legislative declaration - definitions. (2) (c) (I) Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. In addition to any other means of full and timely notice, a local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the

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Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

local public body no less than twenty-four hours prior to the holding of the meeting. The public place or places for posting such notice shall be designated annually at the local public body's first regular meeting of each calendar year. The posting shall include specific agenda information where possible.

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

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

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

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

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

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

(III) ON AND AFTER JULY 1, 2019, A LOCAL PUBLIC BODY SHALL BE

DEEMED TO HAVE GIVEN FULL AND TIMELY NOTICE OF A PUBLIC MEETING IF THE LOCAL PUBLIC BODY POSTS THE NOTICE, WITH SPECIFIC AGENDA INFORMATION IF AVAILABLE, NO LESS THAN TWENTY-FOUR HOURS PRIOR TO THE HOLDING OF THE MEETING ON A PUBLIC WEBSITE OF THE LOCAL PUBLIC BODY. THE NOTICE MUST BE ACCESSIBLE AT NO CHARGE TO THE PUBLIC. THE LOCAL PUBLIC BODY SHALL, TO THE EXTENT FEASIBLE, MAKE THE NOTICES SEARCHABLE BY TYPE OF MEETING, DATE OF MEETING, TIME OF MEETING, AGENDA CONTENTS, AND ANY OTHER CATEGORY DEEMED APPROPRIATE BY THE LOCAL PUBLIC BODY AND SHALL CONSIDER LINKING THE NOTICES TO ANY APPROPRIATE SOCIAL MEDIA ACCOUNTS OF THE LOCAL PUBLIC BODY. A LOCAL PUBLIC BODY THAT PROVIDES NOTICE ON A WEBSITE PURSUANT TO THIS SUBSECTION (2)(c)(III) SHALL PROVIDE THE ADDRESS OF THE WEBSITE TO THE DEPARTMENT OF LOCAL AFFAIRS FOR INCLUSION IN THE INVENTORY MAINTAINED PURSUANT TO SECTION 24-32-116. A LOCAL PUBLIC BODY THAT POSTS A NOTICE OF A PUBLIC MEETING ON A PUBLIC WEBSITE PURSUANT TO THIS SUBSECTION (2)(c)(III) MAY IN ITS DISCRETION ALSO POST A NOTICE BY ANY OTHER MEANS INCLUDING IN A DESIGNATED PUBLIC PLACE PURSUANT TO SUBSECTION (2)(c)(I) OF THIS SECTION; EXCEPT THAT NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE SUCH OTHER POSTING. A LOCAL PUBLIC BODY THAT POSTS NOTICES OF PUBLIC MEETINGS ON A PUBLIC WEBSITE PURSUANT TO THIS SUBSECTION (2)(c)(III) SHALL DESIGNATE A PUBLIC PLACE WITHIN THE BOUNDARIES OF THE LOCAL PUBLIC BODY AT WHICH IT MAY POST A NOTICE NO LESS THAN TWENTY-FOUR HOURS PRIOR TO A MEETING IF IT IS UNABLE TO POST A NOTICE ONLINE IN EXIGENT OR EMERGENCY CIRCUMSTANCES SUCH AS A POWER OUTAGE OR AN INTERRUPTION IN INTERNET SERVICE THAT PREVENTS THE PUBLIC FROM ACCESSING THE NOTICE ONLINE.

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

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

32-1-903. Meetings. (2) Notice of time and place designated for all regular AND SPECIAL meetings shall be ~~posted in at least three public places within the limits of the special district, and, in addition, one such notice shall be posted in the office of the county clerk and recorder in the county or counties in which the special district is located. Such notices shall remain~~

~~posted and shall be changed in the event that the time or place of such regular meetings is changed~~ PROVIDED IN ACCORDANCE WITH SECTION 24-6-402. Special meetings may be called by any director by informing the other directors of the date, time, and place of such special meeting, and the purpose for which it is called, and by ~~posting~~ PROVIDING notice ~~as provided in this section at least seventy-two hours prior to said meeting~~ IN ACCORDANCE WITH SECTION 24-6-402. All official business of the board shall be conducted only during said regular or special meetings at which a quorum is present, and all said meetings shall be open to the public.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

KC Becker SPEAKER OF THE HOUSE OF REPRESENTATIVES	Leroy M. Garcia PRESIDENT OF THE SENATE
Marilyn Eddins CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES	Cindi L. Markwell SECRETARY OF THE SENATE

APPROVED_____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO