



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Revised Fiscal Note

(replaces fiscal note dated April 5, 2023)

Drafting Number:	LLS 23-0927	Date:	April 25, 2023
Prime Sponsors:	Rep. Daugherty; Evans Sen. Zenzinger; Simpson	Bill Status:	Senate State Affairs
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Bill Topic: OPEN MEETINGS LAW EXECUTIVE SESSION VIOLATIONS

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill allows local public bodies to cure executive session violations of the Open Meetings Law before the violation can be challenged in court. The bill may reduce state and local government expenditures beginning in FY 2023-24.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This revised fiscal note reflects the reengrossed bill.

Summary of Legislation

The bill allows local public bodies to cure executive session announcement violations under the Open Meetings Law by taking corrective action at the next meeting or within 14 days of receiving notice from a person who intends to challenge the violation. The bill specifies that local public bodies cannot cure executive sessions entered into for unauthorized purposes, or if it is the third violation made by the local body within a one-year period.

Individuals who intend to challenge a violation must provide notice and engage in communications with the local public body to determine if the challenge can be resolved without a court filing. If a challenge is filed, the bill specifies that a local public body can recover costs and attorney fees if the court determines the local public body has cured the violation. Courts may also award costs and reasonable attorney fees to individuals who challenge a local public body violation; however, this does not extend to individuals who represent themselves.

State Expenditures

Beginning in FY 2023-24, the bill may minimally decrease trial court workload as a result of local public bodies curing violations before a court filing is made. As local public bodies generally comply with the law, this impact is expected to be minimal.

Local Government

Expenditures for local governments may decrease from reduced legal fees for any violations of the Open Meetings Law that are remedied before they are brought forward in court. Additionally, when violations are challenged, local governments may recover attorney fees if awarded by the court.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Counties
Municipalities

Judicial
School Districts

Local Affairs