

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-1053.01 Bob Lackner x4350

HOUSE BILL 14-1390

HOUSE SPONSORSHIP

Duran and Gardner,

SENATE SPONSORSHIP

Brophy and Zenzinger,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE LEGAL STANDING OF A MEMBER OF THE PUBLIC IN
102 CHALLENGING A VIOLATION OF THE OPEN MEETINGS
103 REQUIREMENTS.

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://www.leg.state.co.us/billsummaries>.)

The bill clarifies the open meetings law (OML) to explicitly state that any person denied or threatened with denial of any of the rights that are conferred on the public by the OML has suffered an injury in fact, and therefore, has standing to challenge the violation of the OML.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-6-402, **amend** (9)
3 as follows:

4 **24-6-402. Meetings - open to public - definitions.** (9) (a) ANY
5 PERSON DENIED OR THREATENED WITH DENIAL OF ANY OF THE RIGHTS
6 THAT ARE CONFERRED ON THE PUBLIC BY THIS PART 4 HAS SUFFERED AN
7 INJURY IN FACT, AND THEREFORE, HAS STANDING TO CHALLENGE THE
8 VIOLATION OF THIS PART 4.

9 (b) The courts of record of this state shall have jurisdiction to
10 issue injunctions to enforce the purposes of this section upon application
11 by any citizen of this state. In any action in which the court finds a
12 violation of this section, the court shall award the citizen prevailing in
13 such action costs and reasonable attorney fees. In the event the court does
14 not find a violation of this section, it shall award costs and reasonable
15 attorney fees to the prevailing party if the court finds that the action was
16 frivolous, vexatious, or groundless.

17 **SECTION 2. Applicability.** This act applies to meetings held on
18 or after the effective date of this act.

19 **SECTION 3. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.