

CHAPTER 72

GOVERNMENT - STATE

HOUSE BILL 99-1242

BY REPRESENTATIVES Chavez, Clarke, Dean, Gordon, Mace, McElhany, Plant, Saliman, Smith, Veiga, and Vigil;
also SENATORS Chlouber and Hernandez.

AN ACT

CONCERNING THE INSPECTION OF PUBLIC RECORDS.

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

SECTION 1. 24-6-402 (4) (g), Colorado Revised Statutes, is amended to read:

24-6-402. Meetings - open to public. (4) The members of a local public body subject to this part 4, upon the announcement by the local public body to the public of the topic for discussion in the executive session and the affirmative vote of two-thirds of the quorum present, after such announcement, may hold an executive session only at a regular or special meeting and for the sole purpose of considering any of the following matters; except that no adoption of any proposed policy, position, resolution, rule, regulation, or formal action shall occur at any executive session that is not open to the public:

(g) Consideration of any documents protected by the mandatory nondisclosure provisions of part 2 of article 72 of this title, commonly known as the "Open Records Act"; EXCEPT THAT ALL CONSIDERATION OF DOCUMENTS OR RECORDS THAT ARE WORK PRODUCT AS DEFINED IN SECTION 24-72-202 (6.5) OR THAT ARE SUBJECT TO THE GOVERNMENTAL OR DELIBERATIVE PROCESS PRIVILEGE SHALL OCCUR IN A PUBLIC MEETING UNLESS AN EXECUTIVE SESSION IS OTHERWISE ALLOWED PURSUANT TO THIS SUBSECTION (4);

SECTION 2. 24-72-202 (6.5) (c) (IV), Colorado Revised Statutes, is amended to read:

24-72-202. Definitions. As used in this part 2, unless the context otherwise requires:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(6.5) (c) "Work product" does not include:

(IV) Any materials that would otherwise constitute work product if such materials are produced and distributed TO THE MEMBERS OF A PUBLIC BODY FOR THEIR USE OR CONSIDERATION in a public meeting or cited and identified in the text of the final version of a document that expresses a decision by an elected official.

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

Approved: March 31, 1999