



# Legislative Council Staff

## Research Note

Version: Final

Date: 5/15/2017

### Bill Number

House Bill 17-1177

### Sponsors

*Representatives Wist & Garnett  
Senator Cooke*

### Short Title

*Mediation for Disputes Arising  
Under CORA*

### Research Analyst

Amanda King (x4332)

### Status

This research note reflects the final version of the bill, which becomes effective August 9, 2017, assuming no referendum petition is filed.

### Background

The Colorado Open Records Act (CORA) allows for open inspection of public records by any person at reasonable times. Public records include all writings made, maintained, or kept by the state government, any local government, and certain government-financed entities. Certain fees and charges may be assessed under CORA for copying and retrieving records. Certain records are exempt from public inspection under CORA.

A records custodian may deny a request under CORA if the requested material is not available, is not considered a public record, or is exempt from disclosure. If a request is denied, the applicant may request, in writing, an explanation of the grounds for the denial. The applicant may also challenge the denial in district court.

### House Action

***House State, Veterans, and Military Affairs Committee (March 16, 2017).*** At the hearing, a representative from the Mediation Association of Colorado testified in support of the bill. Representatives from the Associated Governments of Northwest Colorado, Colorado Broadcasters Association, Colorado Ethics Watch, Colorado Municipal League, and Colorado Press Association testified in opposition to the bill unless amended by amendment L.001. Representatives from

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Colorado Counties, Inc., Colorado Cross-Disability Coalition, Colorado Water Congress, and Poudre School District testified in opposition to the bill.

The committee adopted amendment L.001, and referred the bill, as amended, to the House Committee of the Whole. Amendment L.001, a strike-below amendment, extended the notice period from three days to 14 days for a person who has been denied the right to inspect a record to notify the records custodian that the person intends to file an application with the district court to access the record, unless there is an expedited need for the record. During the 14-day period the custodian must either meet with or communicate by phone with the person who has been denied access to the record to determine if the dispute may be resolved without filing an application with the district court.

**House second reading (March 21, 2017).** The House adopted the House State, Veterans, and Military Affairs committee report. The House passed the bill on second reading, as amended.

**House third reading (March 22, 2017).** The House passed the bill on third reading with no amendments.

## Senate Action

**Senate State, Veterans, and Military Affairs Committee (April 5, 2017).** At the hearing, representatives from the Colorado Broadcasters Association, Colorado Press Association, and Mediation Association of Colorado testified in support of the bill. A representative from the Associated Governments of Northwest Colorado testified from a neutral position. The committee referred the bill, unamended, to the Senate Committee of the Whole with a recommendation that it be placed on the consent calendar.

**Senate second reading (April 7, 2017).** The Senate passed the bill on second reading (consent calendar) with no amendments.

**Senate third reading (April 10, 2017).** The Senate passed the bill on third reading (consent calendar) with no amendments.

## Relevant Research

Legislative Council Staff, *Overview of the Colorado Open Records Act*, Issue Brief, December 2016: <http://bit.ly/2mQn7OM>