

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business, Labor, & Technology.

SB24-129 be amended as follows:

- 1 Amend printed bill, page 2, line 11, strike "SUPPORTER,".
- 2 Page 3, line 21, strike "REQUIRED BY LAW;" and substitute "PERMITTED BY
3 LAW OR IS NECESSARY TO ENFORCE OR ENSURE COMPLIANCE WITH THE
4 LAW;".
- 5 Page 4, line 4, strike "(a)".
- 6 Page 4, line 5, strike "AS EXPRESSLY REQUIRED BY LAW," and substitute
7 "AS OTHERWISE PERMITTED BY LAW OR AS IS NECESSARY TO ENFORCE OR
8 ENSURE COMPLIANCE WITH THE STATE CONSTITUTION OR AN APPLICABLE
9 FEDERAL, STATE, OR LOCAL STATUTE, CHARTER PROVISION, RESOLUTION,
10 ORDINANCE, RULE, OR REGULATION,".
- 11 Page 4, line 6, strike "(I)" and substitute "(a)".
- 12 Page 4, line 10, strike "(II)" and substitute "(b)".
- 13 Page 4, line 15, strike "(III)" and substitute "(c)".
- 14 Page 4, strike lines 21 through 27.
- 15 Page 5, strike lines 6 and 7 and substitute "JURISDICTION OR IS ISSUED
16 UNDER THE AGENCY'S STATUTORY OR CONSTITUTIONAL AUTHORITY IN AN
17 ADMINISTRATIVE, CIVIL, OR CRIMINAL FILING IN A COURT OF COMPETENT
18 JURISDICTION OR IN AN ADMINISTRATIVE PROCEEDING BEFORE AN
19 ADMINISTRATIVE LAW JUDGE, A HEARING OFFICER, OR OTHER DULY
20 AUTHORIZED, QUASI-JUDICIAL OFFICIAL, INCLUDING THE INDEPENDENT
21 ETHICS COMMISSION AS AUTHORIZED BY ARTICLE XXIX OF THE STATE
22 CONSTITUTION;".
- 23 Page 5, strike lines 9 through 11 and substitute "PROCEDURE, A COURT OF
24 COMPETENT JURISDICTION, AN ADMINISTRATIVE LAW JUDGE, A HEARING
25 OFFICER, OR OTHER DULY AUTHORIZED, QUASI-JUDICIAL OFFICIAL,
26 INCLUDING THE INDEPENDENT ETHICS COMMISSION AS AUTHORIZED BY
27 ARTICLE XXIX OF THE STATE CONSTITUTION, ENTERS A PROTECTIVE
28 ORDER PROHIBITING THE PUBLIC".
- 29 Page 5, strike lines 16 through 18 and substitute "BEFORE A COURT OF
30 COMPETENT JURISDICTION, AN ADMINISTRATIVE LAW JUDGE, A HEARING
31 OFFICER, OR OTHER DULY AUTHORIZED, QUASI-JUDICIAL OFFICIAL,

1 INCLUDING THE INDEPENDENT ETHICS COMMISSION AS AUTHORIZED BY
2 ARTICLE XXIX OF THE STATE CONSTITUTION;"

3 Page 6, line 10, after "STATUTE" insert "OR REGULATION".

4 Page 6, strike lines 11 and 12 and substitute "ORDER FOR AN APPLICANT
5 TO QUALIFY FOR OR TO OPERATE A BUSINESS ACTIVITY IN THE STATE, SO
6 LONG AS THE MEMBER-SPECIFIC DATA IS USED ONLY IN CONNECTION WITH
7 THE SPECIFIC APPLICATION TO WHICH THE REQUEST RELATES AND FOR ANY
8 RELATED PROCEEDINGS;"

9 Page 6, strike lines 14 through 19 and substitute "COMPLIANCE WITH
10 FEDERAL OR STATE ANTITRUST STATUTES;

11 (j) THE MEMBER-SPECIFIC DATA IS SOUGHT BY A PUBLIC AGENCY
12 INVESTIGATING ALLEGED VIOLATIONS OF STATE OR LOCAL CIVIL OR
13 CRIMINAL LAWS AS PERMITTED OR EXPRESSLY REQUIRED BY LAW;

14 (k) THE MEMBER-SPECIFIC DATA IS COLLECTED AND USED FOR THE
15 PURPOSE OF EVALUATING THE SUITABILITY OF APPLICANTS FOR, AND ANY
16 POTENTIAL CONFLICTS OF INTEREST RESULTING FROM, EMPLOYMENT BY A
17 PUBLIC AGENCY OR APPOINTMENTS TO STATE OR LOCAL BOARDS,
18 COMMISSIONS, ADVISORY COMMITTEES, TASK FORCES, GRANT
19 APPLICATION REVIEW COMMITTEES, OR COMPARABLE ENTITIES, SO LONG
20 AS THE MEMBER-SPECIFIC DATA IS USED ONLY IN CONNECTION WITH THE
21 SPECIFIC APPLICATION FOR AN APPOINTMENT TO WHICH THE REQUEST
22 RELATES AND FOR ANY RELATED PROCEEDINGS;

23 (l) THE MEMBER-SPECIFIC DATA IS COLLECTED AND USED IN ORDER
24 TO DETERMINE WHETHER A PERSON APPLYING FOR OR RENEWING ANY
25 GRANT, BENEFITS, FINANCING, OR PAYMENTS FROM OR THROUGH, OR ANY
26 CONTRACT WITH, A PUBLIC AGENCY SHOULD BE AWARDED THE GRANT,
27 BENEFITS, FINANCING, PAYMENTS, OR CONTRACT AND INCLUDES
28 INFORMATION PERTAINING TO PERSONS RELATED TO OR AFFILIATED WITH
29 THE APPLICANT, SO LONG AS THE MEMBER-SPECIFIC DATA IS USED ONLY IN
30 CONNECTION WITH THE SPECIFIC APPLICATION FOR, OR RENEWAL OF, A
31 GRANT, BENEFITS, FINANCING, OR PAYMENTS TO WHICH THE REQUEST
32 RELATES AND FOR ANY RELATED PROCEEDINGS;

33 (m) THE MEMBER-SPECIFIC DATA IS COLLECTED AND USED IN AN
34 AUDIT CONDUCTED BY A PUBLIC AGENCY TO ENSURE APPROPRIATE USE OF
35 PUBLIC RESOURCES OR THAT THE PUBLIC AGENCY'S ACTS ARE CONSISTENT
36 WITH ITS STATUTORY OR REGULATORY DUTIES AND POWERS, SO LONG AS
37 THE MEMBER-SPECIFIC DATA IS USED ONLY IN CONNECTION WITH THE
38 SPECIFIC AUDIT TO WHICH THE REQUEST RELATES AND FOR ANY RELATED
39 PROCEEDINGS;

40 (n) THE MEMBER-SPECIFIC DATA IS COLLECTED AND USED BY A
41 PUBLIC AGENCY THAT IS FORMED AS A NONPROFIT ENTITY WHERE SUCH
42 MEMBER-SPECIFIC DATA IS USED, EITHER DIRECTLY BY THE PUBLIC

1 AGENCY OR THROUGH ITS AUTHORIZED AGENT, SOLELY TO CONTACT,
2 INFORM, OR SOLICIT ITS DUES-PAYING MEMBERS OR DONORS, OR TO SEEK
3 UPDATES OF THEIR MEMBER-SPECIFIC DATA;
4 (o) THE MEMBER-SPECIFIC DATA IS SOUGHT BY THE DEPARTMENT
5 OF REVENUE TO DETERMINE A TAXPAYER'S COMPLIANCE WITH LAWS
6 RELATING TO THE DEDUCTION OF CONTRIBUTIONS TO A NONPROFIT ENTITY
7 FROM A PERSON'S TAXABLE INCOME; OR
8 (p) THE MEMBER-SPECIFIC DATA WAS VOLUNTARILY RELEASED TO
9 THE PUBLIC AGENCY BY THE PERSON OR THE NONPROFIT ENTITY TO WHICH
10 THE DATA RELATES."

11 Page 7, line 7, after "EACH" insert "RECKLESS".

12 Page 7, after line 12 insert:

13 **SECTION 3.** In Colorado Revised Statutes, 24-72-204, **add** (10)
14 as follows:

15 **24-72-204. Allowance or denial of inspection - grounds -**
16 **procedure - appeal - definitions - repeal.** (10) THE CUSTODIAN OF ANY
17 PUBLIC RECORDS SHALL NOT REQUIRE A NONPROFIT ENTITY TO PRODUCE
18 MEMBER-SPECIFIC DATA, AS DEFINED IN SECTION 7-90-102 (36.5), THAT IS
19 CONTAINED IN PUBLIC RECORDS WHERE SUCH RECORDS ARE NOT SUBJECT
20 TO INSPECTION AND COPYING PURSUANT TO THIS SECTION. A CUSTODIAN
21 SHALL DENY ANY REQUEST TO INSPECT, COPY, OR REPRODUCE ANY
22 MEMBER-SPECIFIC DATA IN THE POSSESSION OF THE PUBLIC AGENCY AND
23 PROVIDED TO SUCH AGENCY BY A NONPROFIT ENTITY. A CUSTODIAN SHALL
24 NOT REQUIRE A NONPROFIT ENTITY TO PRODUCE RECORDS AND
25 INFORMATION RELATING TO THE IDENTIFICATION OF INDIVIDUAL
26 EMPLOYEES OF NONPROFIT ENTITIES WITH WHOM THE PUBLIC ENTITY
27 CONTRACTS FOR SERVICES."

28 Renumber succeeding section accordingly.

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