

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

March 28, 2024
Date

Committee on Business, Labor, & Technology.

After consideration on the merits, the Committee recommends the following:

SB24-129 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 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

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

3 Page 5, strike lines 9 through 11 and substitute "PROCEDURE, A COURT OF
4 COMPETENT JURISDICTION, AN ADMINISTRATIVE LAW JUDGE, A HEARING
5 OFFICER, OR OTHER DULY AUTHORIZED, QUASI-JUDICIAL OFFICIAL,
6 INCLUDING THE INDEPENDENT ETHICS COMMISSION AS AUTHORIZED BY
7 ARTICLE XXIX OF THE STATE CONSTITUTION, ENTERS A PROTECTIVE
8 ORDER PROHIBITING THE PUBLIC".

9 Page 5, strike lines 16 through 18 and substitute "BEFORE A COURT OF
10 COMPETENT JURISDICTION, AN ADMINISTRATIVE LAW JUDGE, A HEARING
11 OFFICER, OR OTHER DULY AUTHORIZED, QUASI-JUDICIAL OFFICIAL,
12 INCLUDING THE INDEPENDENT ETHICS COMMISSION AS AUTHORIZED BY
13 ARTICLE XXIX OF THE STATE CONSTITUTION;".

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

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

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

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

25 (k) THE MEMBER-SPECIFIC DATA IS COLLECTED AND USED FOR THE
26 PURPOSE OF EVALUATING THE SUITABILITY OF APPLICANTS FOR, AND ANY
27 POTENTIAL CONFLICTS OF INTEREST RESULTING FROM, EMPLOYMENT BY A
28 PUBLIC AGENCY OR APPOINTMENTS TO STATE OR LOCAL BOARDS,
29 COMMISSIONS, ADVISORY COMMITTEES, TASK FORCES, GRANT
30 APPLICATION REVIEW COMMITTEES, OR COMPARABLE ENTITIES, SO LONG
31 AS THE MEMBER-SPECIFIC DATA IS USED ONLY IN CONNECTION WITH THE
32 SPECIFIC APPLICATION FOR AN APPOINTMENT TO WHICH THE REQUEST
33 RELATES AND FOR ANY RELATED PROCEEDINGS;

34 (l) THE MEMBER-SPECIFIC DATA IS COLLECTED AND USED IN ORDER
35 TO DETERMINE WHETHER A PERSON APPLYING FOR OR RENEWING ANY
36 GRANT, BENEFITS, FINANCING, OR PAYMENTS FROM OR THROUGH, OR ANY
37 CONTRACT WITH, A PUBLIC AGENCY SHOULD BE AWARDED THE GRANT,
38 BENEFITS, FINANCING, PAYMENTS, OR CONTRACT AND INCLUDES

1 INFORMATION PERTAINING TO PERSONS RELATED TO OR AFFILIATED WITH
2 THE APPLICANT, SO LONG AS THE MEMBER-SPECIFIC DATA IS USED ONLY IN
3 CONNECTION WITH THE SPECIFIC APPLICATION FOR, OR RENEWAL OF, A
4 GRANT, BENEFITS, FINANCING, OR PAYMENTS TO WHICH THE REQUEST
5 RELATES AND FOR ANY RELATED PROCEEDINGS;

6 (m) THE MEMBER-SPECIFIC DATA IS COLLECTED AND USED IN AN
7 AUDIT CONDUCTED BY A PUBLIC AGENCY TO ENSURE APPROPRIATE USE OF
8 PUBLIC RESOURCES OR THAT THE PUBLIC AGENCY'S ACTS ARE CONSISTENT
9 WITH ITS STATUTORY OR REGULATORY DUTIES AND POWERS, SO LONG AS
10 THE MEMBER-SPECIFIC DATA IS USED ONLY IN CONNECTION WITH THE
11 SPECIFIC AUDIT TO WHICH THE REQUEST RELATES AND FOR ANY RELATED
12 PROCEEDINGS;

13 (n) THE MEMBER-SPECIFIC DATA IS COLLECTED AND USED BY A
14 PUBLIC AGENCY THAT IS FORMED AS A NONPROFIT ENTITY WHERE SUCH
15 MEMBER-SPECIFIC DATA IS USED, EITHER DIRECTLY BY THE PUBLIC
16 AGENCY OR THROUGH ITS AUTHORIZED AGENT, SOLELY TO CONTACT,
17 INFORM, OR SOLICIT ITS DUES-PAYING MEMBERS OR DONORS, OR TO SEEK
18 UPDATES OF THEIR MEMBER-SPECIFIC DATA;

19 (o) THE MEMBER-SPECIFIC DATA IS SOUGHT BY THE DEPARTMENT
20 OF REVENUE TO DETERMINE A TAXPAYER'S COMPLIANCE WITH LAWS
21 RELATING TO THE DEDUCTION OF CONTRIBUTIONS TO A NONPROFIT ENTITY
22 FROM A PERSON'S TAXABLE INCOME; OR

23 (p) THE MEMBER-SPECIFIC DATA WAS VOLUNTARILY RELEASED TO
24 THE PUBLIC AGENCY BY THE PERSON OR THE NONPROFIT ENTITY TO WHICH
25 THE DATA RELATES."

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

27 Page 7, after line 12 insert:

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

30 **24-72-204. Allowance or denial of inspection - grounds -**
31 **procedure - appeal - definitions - repeal.** (10) THE CUSTODIAN OF ANY
32 PUBLIC RECORDS SHALL NOT REQUIRE A NONPROFIT ENTITY TO PRODUCE
33 MEMBER-SPECIFIC DATA, AS DEFINED IN SECTION 7-90-102 (36.5), THAT IS
34 CONTAINED IN PUBLIC RECORDS WHERE SUCH RECORDS ARE NOT SUBJECT
35 TO INSPECTION AND COPYING PURSUANT TO THIS SECTION. A CUSTODIAN
36 SHALL DENY ANY REQUEST TO INSPECT, COPY, OR REPRODUCE ANY
37 MEMBER-SPECIFIC DATA IN THE POSSESSION OF A PUBLIC AGENCY AND
38 PROVIDED TO THE PUBLIC AGENCY BY A NONPROFIT ENTITY. A CUSTODIAN
39 SHALL NOT REQUIRE A NONPROFIT ENTITY TO PRODUCE RECORDS AND
40 INFORMATION RELATING TO THE IDENTIFICATION OF INDIVIDUAL
41 EMPLOYEES OF NONPROFIT ENTITIES WITH WHOM THE PUBLIC ENTITY

1 CONTRACTS FOR SERVICES OR OF INDIVIDUAL EMPLOYEES OF
2 SUBCONTRACTORS OF SUCH NONPROFIT ENTITIES.".

3 Renumber succeeding section accordingly.

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