

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0914.02 Jery Payne x2157

SENATE BILL 22-169

SENATE SPONSORSHIP

Donovan,

HOUSE SPONSORSHIP

Will,

Senate Committees

Agriculture & Natural Resources

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE NONDISCLOSURE OF SENSITIVE SPECIES**
102 **INFORMATION UNDER THE "COLORADO OPEN RECORDS ACT".**

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://leg.colorado.gov>.)

Under the "Colorado Open Records Act", state agencies are required to provide public records when requested. The bill changes the definition of "public records" to exclude the portion of the record containing information that reveals the location or could be used to determine the location of an individual animal, a group of animals, a sensitive plant species, or a sensitive species habitat.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers 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. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that Colorado's wildlife and natural areas are
4 cherished by the people of this state and draw visitors from across the
5 world. Careful management of wildlife, sensitive plant species, and
6 natural habitat is critical to their long-term success and viability.
7 Information about the specific locations of these resources should be
8 safeguarded because:

9 (a) Publication of wildlife location data can result in detrimental
10 public pressure, harassment of wildlife, and destruction of sensitive
11 natural habitat;

12 (b) Increased public pressure and harassment negatively impacts
13 the survival and reproductive success of all wildlife, including game and
14 nongame species;

15 (c) Location data may be used improperly to locate game animals,
16 undermining principles of fair chase; and

17 (d) Sensitive plant species location data may be used by collectors
18 to unlawfully obtain specimens of the species.

19 SECTION 2. In Colorado Revised Statutes, 24-72-204, add
20 (2)(a)(X) as follows:

21 24-72-204. Allowance or denial of inspection - grounds -
22 procedure - appeal - definitions - repeal. (2) (a) The custodian may
23 deny the right of inspection of the following records, unless otherwise
24 provided by law, on the ground that disclosure to the applicant would be
25 contrary to the public interest:

26 (X) ANY RECORDS CONTAINING DATA OR INFORMATION THAT

1 REVEALS THE SPECIFIC LOCATION OR COULD BE USED TO DETERMINE THE
2 SPECIFIC LOCATION OF:

3 (a) A PLANT SPECIES IDENTIFIED AS A COLORADO PLANT OF
4 GREATEST CONSERVATION NEED IN COLORADO'S STATE WILDLIFE ACTION
5 PLAN;

6 (b) AN INDIVIDUAL ANIMAL OR A GROUP OF ANIMALS; OR

7 (c) AN INDIVIDUAL ANIMAL'S OR GROUP OF ANIMAL'S BREEDING OR
8 NESTING HABITAT.

9 **SECTION 3. Act subject to petition - effective date -**
10 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
11 the expiration of the ninety-day period after final adjournment of the
12 general assembly; except that, if a referendum petition is filed pursuant
13 to section 1 (3) of article V of the state constitution against this act or an
14 item, section, or part of this act within such period, then the act, item,
15 section, or part will not take effect unless approved by the people at the
16 general election to be held in November 2022 and, in such case, will take
17 effect on the date of the official declaration of the vote thereon by the
18 governor.

19 (2) This act applies to records requested on or after the applicable
20 effective date of this act.