

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 25-0156.01 Jery Payne x2157

SENATE BILL 25-038

SENATE SPONSORSHIP

Roberts, Bridges, Marchman, Pelton B., Simpson

HOUSE SPONSORSHIP

McCluskie, Martinez, McCormick

Senate Committees

Agriculture & Natural Resources

House Committees

A BILL FOR AN ACT

101 **CONCERNING PROTECTION OF THE PERSONAL INFORMATION OF**
102 **PERSONS IMPACTED BY WILDLIFE DAMAGE.**

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/>.)

Water Resources and Agriculture Review Committee. Under current law, a person may file a claim with the division of parks and wildlife (division) for compensation for damages to property caused by wildlife, and the division must review and investigate that claim (claim procedures). The bill changes current law by requiring that the personal information of a claimant received by the division through the claim

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

procedures and proactive nonlethal measures is kept confidential and not disclosed pursuant to the "Colorado Open Records Act".

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) Proposition 114, the ballot measure enacted in 2020 that
5 authorized the process to introduce gray wolves in Colorado, explicitly
6 required the state to fairly compensate owners for losses of livestock
7 caused by gray wolves in addition to losses of livestock caused by other
8 wildlife;

9 (b) To fulfill this obligation, the general assembly passed and the
10 governor signed into law Senate Bill 23-255, enacted in 2023, which,
11 along with funding sources that exist for damages resulting from other
12 types of wildlife, created a dedicated compensation fund to compensate
13 owners for depredation of livestock and working animals by gray wolves;

14 (c) Now that gray wolves have been released and are present in
15 Colorado, along with depredation by other wildlife, livestock and
16 working animals have been killed by wolves, entitling ranchers to
17 compensation for the losses; and

18 (d) However, ranchers in the state have been reluctant to
19 participate in site assessments and file claims for compensation due to the
20 fear of their personal information being made public through open
21 records requests brought by individuals and organizations with the intent
22 of:

23 (I) Traveling to the rancher's home or business to view gray
24 wolves and other wildlife;

25 (II) Contacting the rancher directly; or

1 (III) Using the rancher's personal information to conduct other
2 invasions of the rancher's privacy.

3 (2) The general assembly therefore declares that:

4 (a) It is the intent of the state through the enactment of Proposition
5 114 and Senate Bill 23-255 to prevent future depredations and fairly
6 compensate ranchers for their losses; and

7 (b) By protecting the personal information of people that make
8 compensation claims, more ranchers will be comfortable submitting
9 depredation claims to the division of parks and wildlife and participating
10 in proactive nonlethal measures, and the intent of Proposition 114 and
11 Senate Bill 23-255 will be better fulfilled.

12 **SECTION 2.** In Colorado Revised Statutes, 24-72-204, add
13 (3)(a)(XXIV) as follows:

14 **24-72-204. Allowance or denial of inspection - grounds -**
15 **procedure - appeal - definitions - repeal.** (3) (a) The custodian shall
16 deny the right of inspection of the following records, unless otherwise
17 provided by law; except that the custodian shall make any of the
18 following records, other than letters of reference concerning employment,
19 licensing, or issuance of permits, available to the person in interest in
20 accordance with this subsection (3):

21 **(XXIV) RECORDS THAT ARE NOT SUBJECT TO DISCLOSURE**
22 **PURSUANT TO SECTION 33-3-110.5.**

23 **SECTION 3.** In Colorado Revised Statutes, **add** 33-3-110.5 as
24 follows:

25 **33-3-110.5. Confidentiality of personal information -**
26 **definition.** (1) (a) AS USED IN THIS SECTION, "PERSONAL INFORMATION"
27 MEANS:

1 (I) A PERSON'S:
2 (A) NAME;
3 (B) PHONE NUMBER;
4 (C) HOME ADDRESS;
5 (D) BUSINESS ADDRESS;
6 (E) PERSONAL EMAIL ADDRESS; OR
7 (F) BUSINESS EMAIL ADDRESS; OR
8 (II) ANY OTHER INFORMATION THAT WOULD REVEAL THE IDENTITY
9 OF THE PERSON OR THE PERSON'S BUSINESS.

10 (b) "PERSONAL INFORMATION" DOES NOT INCLUDE INFORMATION
11 ABOUT NONLETHAL PREDATOR-LIVESTOCK CONFLICT MINIMIZATION
12 MEASURES USED BY OR RECOMMENDED TO A PERSON, OR A SUMMARY OR
13 AGGREGATED DATA RELATED TO SUCH INFORMATION, SO LONG AS THE
14 INFORMATION OR SUMMARY OR AGGREGATED DATA DOES NOT REVEAL
15 THE IDENTITY OF THE PERSON OR THE PERSON'S BUSINESS.

16 (2) THE PERSONAL INFORMATION OF A PERSON THAT THE DIVISION
17 RECEIVES THROUGH THE CLAIM PROCEDURES DESCRIBED IN SECTIONS
18 33-3-107 TO 33-3-110 AND SITE ASSESSMENTS CONDUCTED BY STATE
19 OFFICIALS AND THIRD PARTIES TO PREVENT FUTURE DEPREDATION AND
20 ANY PERSONAL OR OTHERWISE IDENTIFYING INFORMATION ASSOCIATED
21 WITH THE USE OF PROACTIVE NONLETHAL PREDATOR-LIVESTOCK CONFLICT
22 MINIMIZATION MEASURES IS CONFIDENTIAL AND IS NOT SUBJECT TO
23 DISCLOSURE PURSUANT TO THE "COLORADO OPEN RECORDS ACT", PART
24 2 OF ARTICLE 72 OF TITLE 24.

25 (3) NOTHING IN THIS SECTION PROHIBITS THE DISCLOSURE OF
26 NONIDENTIFYING INFORMATION REGARDING COUNTY-LEVEL DATA
27 HIGHLIGHTING THE NUMBER OR DOLLAR AMOUNT OF CLAIMS MADE TO THE

1 DIVISION, THE NUMBER OF CLAIMS MADE TO THE DIVISION THAT WERE
2 SETTLED AND THE MONETARY AMOUNTS OF THOSE SETTLEMENTS, THE
3 NUMBER OF CLAIMS MADE TO THE DIVISION THAT ARE PENDING AT THE
4 TIME OF A REQUEST FOR DISCLOSURE, AND THE NUMBER OF CLAIMS MADE
5 TO THE DIVISION THAT WERE DENIED AND THE REASONS FOR DENIAL.

6 (4) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
7 CONTRARY, IF A PERSON, OR AN AUTHORIZED DESIGNEE OR
8 REPRESENTATIVE OF THE PERSON, TAKES ACTIONS OR MAKES STATEMENTS
9 THAT LEAD TO THE PERSON'S PERSONAL INFORMATION BECOMING
10 PUBLICLY KNOWN, THE PERSONAL INFORMATION IS NOT CONFIDENTIAL
11 AND IS SUBJECT TO DISCLOSURE PURSUANT TO THE "COLORADO OPEN
12 RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24.

13 (5) A PERSON SHALL NOT BRING OR MAINTAIN A PRIVATE ACTION,
14 AT LAW OR IN EQUITY, CHALLENGING THE DIVISION'S DETERMINATION
15 THAT A PERSON, OR AN AUTHORIZED DESIGNEE OR REPRESENTATIVE OF
16 THE PERSON, HAS TAKEN ACTIONS OR MADE STATEMENTS THAT LED TO
17 THE PERSON'S PERSONAL INFORMATION BECOMING PUBLICLY KNOWN.

18 (6) ANY PERSON, OR AUTHORIZED DESIGNEE OR REPRESENTATIVE
19 OF THE PERSON, THAT REQUESTS RECORDS PERTAINING TO THE PERSON'S
20 OWN CLAIM PURSUANT TO THE "COLORADO OPEN RECORDS ACT", PART
21 2 OF ARTICLE 72 OF TITLE 24, IS ENTITLED TO RECEIVE THE RECORDS
22 WITHOUT REGARD TO SUBSECTION (2) OF THIS SECTION.

23 **SECTION 4. Act subject to petition - effective date.** This act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly; except
26 that, if a referendum petition is filed pursuant to section 1 (3) of article V
27 of the state constitution against this act or an item, section, or part of this

1 act within such period, then the act, item, section, or part will not take
2 effect unless approved by the people at the general election to be held in
3 November 2026 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.