

CHAPTER 299

**GOVERNMENT - STATE**

HOUSE BILL 93-1337

BY REPRESENTATIVES Allen, Fleming, and Morrison;  
also SENATOR Wattenberg.

**AN ACT**

**CONCERNING THE CREATION OF AN EXEMPTION FROM OPEN RECORDS REQUIREMENTS FOR CERTAIN CONFIDENTIAL DOCUMENTS USED BY THE DEPARTMENT OF TRANSPORTATION IN THE AWARDING OF CONTRACTS.**

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

**SECTION 1.** 24-72-204 (2) (a) (III) and (2) (a) (IV), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended, and the said 24-72-204 (2) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

**24-72-204. Allowance or denial of inspection - grounds procedure - appeal.**

(2) (a) The custodian may deny the right of inspection of the following records, unless otherwise provided by law, on the ground that disclosure to the applicant would be contrary to the public interest:

(III) The specific details of bona fide research projects being conducted by a state institution; ~~and~~

(IV) The contents of real estate appraisals made for the state or a political subdivision thereof relative to the acquisition of property or any interest in property for public use, until such time as title to the property or property interest has passed to the state or political subdivision; except that the contents of such appraisal shall be available to the owner of the property, if a condemning authority determines that it intends to acquire said property as provided in section 38-1-121, C.R.S., relating to eminent domain proceedings, but, in any case, the contents of such appraisal shall be available to the owner under this section no later than one year after the condemning authority receives said appraisal; and except as provided by the Colorado rules of civil procedure. If condemnation proceedings are instituted to acquire any

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

such property, any owner of such property who has received the contents of any appraisal pursuant to this section shall, upon receipt thereof, make available to said state or political subdivision a copy of the contents of any appraisal which ~~he~~ THE OWNER has obtained relative to the proposed acquisition of the property; AND

(V) ANY MARKET ANALYSIS DATA GENERATED BY THE DEPARTMENT OF TRANSPORTATION'S BID ANALYSIS AND MANAGEMENT SYSTEM FOR THE CONFIDENTIAL USE OF THE DEPARTMENT OF TRANSPORTATION IN AWARDING CONTRACTS FOR CONSTRUCTION OR FOR THE PURCHASE OF GOODS OR SERVICES AND ANY RECORDS, DOCUMENTS, AND AUTOMATED SYSTEMS PREPARED FOR THE BID ANALYSIS AND MANAGEMENT SYSTEM.

**SECTION 2. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 6, 1993