

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0914.02 Jery Payne x2157

SENATE BILL 22-169

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SENATE SPONSORSHIP

Donovan,

HOUSE SPONSORSHIP

Will,

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Senate Committees

Agriculture & Natural Resources

House Committees

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A BILL FOR AN ACT

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

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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.

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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, 24-72-202, **amend**  
20 (6)(b)(XIV) and (6)(b)(XV); and **add** (6)(b)(XVI) as follows:

21           **24-72-202. Definitions.** As used in this part 2, unless the context  
22 otherwise requires:

23           (6) (b) "Public records" does not include:

24           (XIV) Pursuant to the "Colorado Partnership for Quality Jobs and  
25 Services Act", part 11 of article 50 of this title 24, records created in  
26 compliance with the requirements of a state employee partnership

1 agreement as specified in section 24-50-1111 (3)(d) and documents  
2 created in connection with the dispute resolution process for an employee  
3 partnership agreement as specified in section 24-50-1113 (2)(e); or

4 (XV) Granular coverage data, as defined in and submitted to the  
5 office of information technology pursuant to section 24-37.5-119 (9)(m);  
6 OR

7 (XVI) THE PORTION OF A RECORD THAT CONTAINS DATA OR  
8 INFORMATION THAT REVEALS THE LOCATION OR COULD BE USED TO  
9 DETERMINE THE LOCATION OF AN INDIVIDUAL ANIMAL, A GROUP OF  
10 ANIMALS, A SENSITIVE PLANT SPECIES, OR A SENSITIVE SPECIES HABITAT.

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

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