

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 10-0268.01 Dan Cartin

SENATE BILL 10-114

SENATE SPONSORSHIP

Carroll M.,

HOUSE SPONSORSHIP

Weissmann,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE "COLORADO TAXPAYER TRANSPARENCY ACT OF**
102 **2010".**

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://www.leg.state.co.us/billsummaries>.)

The bill extends the application of the "Colorado Open Records Act" (CORA) to all writings made, maintained, or kept by any entity that receives public moneys or performs a governmental or other public function and that relate to the receipt of the public moneys or the performance of that function.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

Each contract for the performance of a governmental or other public function entered into on or after the effective date of the bill shall specify that the records and files relating to the costs or any performance measures under the contract that are made, maintained, or kept by any entity that is a party to the contract shall be open for public inspection in accordance with CORA. This does not require a private entity to make any materials available for inspection that do not relate to the contract for the performance of a governmental or other public function.

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

2 **SECTION 1. Short title.** This act shall be known and may be
3 cited as the "Colorado Taxpayer Transparency Act of 2010".

4 **SECTION 2.** 24-72-202 (6), Colorado Revised Statutes, is
5 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

6 **24-72-202. Definitions.** (6) (a.5) (I) "PUBLIC RECORDS" MEANS
7 AND INCLUDES ALL WRITINGS MADE, MAINTAINED, OR KEPT BY ANY
8 ENTITY THAT:

9 (A) RECEIVES PUBLIC MONEYS AND PERFORMS A GOVERNMENTAL
10 OR OTHER PUBLIC FUNCTION, INCLUDING BUT NOT LIMITED TO THE
11 ADMINISTRATION OR MANAGEMENT OF A PROGRAM OF A PUBLIC AGENCY;
12 AND

13 (B) RELATE TO THE RECEIPT OF THE PUBLIC MONEYS AND THE
14 PERFORMANCE OF THE GOVERNMENTAL OR OTHER PUBLIC FUNCTION.

15 (II) FOR PURPOSES OF THIS PARAGRAPH (a.5):

16 (A) "ENTITY" MEANS A PUBLIC AGENCY OR A QUASI-PUBLIC OR
17 PRIVATE ENTITY.

18 (B) "GOVERNMENTAL OR OTHER PUBLIC FUNCTION" MEANS ANY
19 ACTIVITY THAT A PUBLIC AGENCY IS CURRENTLY UNDERTAKING OR HAS
20 PREVIOUSLY UNDERTAKEN FOR ITS OWN SUPPORT OR IN PROVIDING
21 SERVICES TO THE PUBLIC.

1 (C) "PUBLIC AGENCY" MEANS THE STATE OR ANY AGENCY,
2 INSTITUTION, OR POLITICAL SUBDIVISION OF THE STATE.

3 (D) "QUASI-PUBLIC OR PRIVATE ENTITY" MEANS AN INDIVIDUAL,
4 FIRM, LIMITED LIABILITY COMPANY, PARTNERSHIP, JOINT VENTURE,
5 CORPORATION, ASSOCIATION, OR ANY OTHER LEGAL ENTITY.

6 (III) NOTHING IN THIS PARAGRAPH (a.5) SHALL BE CONSTRUED TO
7 REQUIRE A CUSTODIAN TO MAKE ANY PUBLIC RECORDS AVAILABLE FOR
8 INSPECTION THAT THE CUSTODIAN IS OTHERWISE AUTHORIZED TO DENY
9 INSPECTION OF PURSUANT TO SECTION 24-72-204.

10 **SECTION 3.** Article 103 of title 24, Colorado Revised Statutes,
11 is amended BY THE ADDITION OF A NEW PART to read:

12 PART 9

13 PUBLIC INSPECTION OF CONTRACT DOCUMENTS

14 **24-103-901. Inspection of contract documents - definitions.**

15 (1) EACH CONTRACT FOR THE PERFORMANCE OF A GOVERNMENTAL OR
16 OTHER PUBLIC FUNCTION SHALL SPECIFY:

17 (a) THAT THE RECORDS AND FILES RELATING TO THE COSTS OR ANY
18 PERFORMANCE MEASURES UNDER THE CONTRACT THAT ARE MADE,
19 MAINTAINED, OR KEPT BY ANY ENTITY THAT IS A PARTY TO THE CONTRACT
20 SHALL BE OPEN TO INSPECTION, WITH UNFETTERED ACCESS, BY ANY PUBLIC
21 AGENCY THAT IS A PARTY TO THE CONTRACT; AND

22 (b) THE OFFICIAL CUSTODIAN FOR SUCH RECORDS AND FILES.

23 (2) NOTHING IN THIS PART 9 SHALL BE CONSTRUED TO REQUIRE AN
24 ENTITY TO MAKE ANY MATERIALS AVAILABLE FOR INSPECTION THAT DO
25 NOT RELATE TO A CONTRACT DESCRIBED IN SUBSECTION (1) OF THIS
26 SECTION FOR THE PERFORMANCE OF A GOVERNMENTAL OR OTHER PUBLIC
27 FUNCTION.

1 (3) FOR PURPOSES OF THIS SECTION:

2 (a) "ENTITY" SHALL HAVE THE SAME MEANING AS SET FORTH IN
3 SECTION 24-72-202 (6) (a.5) (II) (A).

4 (b) "GOVERNMENTAL OR OTHER PUBLIC FUNCTION" SHALL HAVE
5 THE SAME MEANING AS SET FORTH IN SECTION 24-72-202 (6) (a.5) (II) (B)

6 (c) "PUBLIC AGENCY" SHALL HAVE THE SAME MEANING AS SET
7 FORTH IN SECTION 24-72-202 (6) (a.5) (I) (C).

8 **SECTION 4. Act subject to petition - effective date -**
9 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
10 following the expiration of the ninety-day period after final adjournment
11 of the general assembly (August 11, 2010, if adjournment sine die is on
12 May 12, 2010); except that, if a referendum petition is filed pursuant to
13 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 shall not take effect unless approved by the people at the
16 general election to be held in November 2010 and shall take effect on the
17 date of the official declaration of the vote thereon by the governor.

18 (2) The provisions of this act shall apply to contracts for the
19 performance of a governmental or other public function entered into on
20 or after the applicable effective date of this act.