

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

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 10-0268.01 Dan Cartin

**SENATE BILL 10-114**

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**SENATE SPONSORSHIP**

**Carroll M.,**

**HOUSE SPONSORSHIP**

**Weissmann,**

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**Senate Committees**  
Judiciary

**House Committees**  
State, Veterans, & Military Affairs

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**A BILL FOR AN ACT**

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

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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://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.*

HOUSE  
Am ended 3rd Reading  
May 10, 2010

HOUSE  
Am ended 2nd Reading  
May 5, 2010

SENATE  
3rd Reading Unam ended  
February 24, 2010

SENATE  
Am ended 2nd Reading  
February 19, 2010

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.

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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 (1.6), Colorado Revised Statutes, is  
5 amended to read:

6 **24-72-202. Definitions.** As used in this part 2, unless the context  
7 otherwise requires:

8 (1.6) "Institutionally related foundation" means a nonprofit  
9 corporation, foundation, institute, or similar entity that is organized for  
10 the benefit of one or more institutions OR FOR THE BENEFIT OF A PRINCIPAL  
11 DEPARTMENT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT and that  
12 has as its principal purpose receiving or using private donations to be held  
13 or used for the benefit of an institution OR DEPARTMENT. An  
14 institutionally related foundation shall be deemed not to be a  
15 governmental body, agency, or other public body for any purpose.

16 **SECTION 3.** 24-72-204 (3) (a) (IV), Colorado Revised Statutes,  
17 is amended to read:

18 **24-72-204. Allowance or denial of inspection - grounds -**  
19 **procedure - appeal - definitions.** (3) (a) The custodian shall deny the  
20 right of inspection of the following records, unless otherwise provided by  
21 law; except that any of the following records, other than letters of

1 reference concerning employment, licensing, or issuance of permits, shall  
2 be available to the person in interest under this subsection (3):

3 (IV) Trade secrets, privileged information, and confidential  
4 commercial, financial, PRICING, geological, or geophysical data, including  
5 a social security number unless disclosure of the number is required,  
6 permitted, or authorized by state or federal law, furnished by or obtained  
7 from any person;

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9 **SECTION 4. 24-101-401, Colorado Revised Statutes, is amended**  
10 **to read:**

11 **24-101-401. Public access to procurement information.**

12 **(1) Except as provided in section 24-103-202 (4), procurement**  
13 **information shall be a public record and shall be available to the public,**  
14 **as provided in sections 24-72-203 and 24-72-204.**

15 **(2) (a) EACH CONTRACT ENTERED INTO BY A GOVERNMENTAL**  
16 **BODY PURSUANT TO THE PROVISIONS OF THIS CODE SHALL SPECIFY THAT**  
17 **THE CONTRACT IS OPEN TO INSPECTION BY THE PUBLIC.**

18 **(b) THE RECORDS RELATING TO THE COSTS OR ANY PERFORMANCE**  
19 **MEASURES UNDER THE CONTRACT SHALL BE KEPT BY THE**  
20 **GOVERNMENTAL BODY. EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPHS**  
21 **(c) AND (d) OF THIS SUBSECTION (2), THOSE RECORDS SHALL BE AVAILABLE**  
22 **FOR PUBLIC INSPECTION UPON A REQUEST MADE OF THE CUSTODIAN OF**  
23 **RECORDS FOR THE GOVERNMENTAL BODY PURSUANT TO THE "COLORADO**  
24 **OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF THIS TITLE. ONLY**  
25 **RECORDS THAT ARE IN THE POSSESSION OF THE GOVERNMENTAL BODY**  
26 **PURSUANT TO THIS PARAGRAPH (b) SHALL BE SUBJECT TO SUCH PUBLIC**  
27 **INSPECTION.**

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(c) NOTHING IN THIS SUBSECTION (2) SHALL BE CONSTRUED TO REQUIRE A GOVERNMENTAL BODY OR A CUSTODIAN TO MAKE ANY PUBLIC RECORDS AVAILABLE FOR INSPECTION OR OTHERWISE ACCESSIBLE TO THE PUBLIC THAT A CUSTODIAN IS OTHERWISE AUTHORIZED OR REQUIRED TO DENY INSPECTION OF PURSUANT TO SECTION 24-72-204.

(d) UPON RECEIPT OF ANY RECORDS REQUEST PURSUANT TO THIS SUBSECTION (2), THE GOVERNMENTAL BODY SHALL NOTIFY THE GOVERNMENT CONTRACTOR OF THE REQUEST. NOTWITHSTANDING SECTION 24-72-204 (3) (b), THE GOVERNMENTAL BODY SHALL PROVIDE SUCH RECORDS TO THE APPLICANT UNLESS THE GOVERNMENT CONTRACTOR DESIGNATES AND ATTESTS THAT A PORTION OF ANY CONTRACT OR OTHER RECORD REQUESTED IS EXEMPT FROM DISCLOSURE PURSUANT TO STATE OR FEDERAL STATUTE WITHIN TWENTY-ONE DAYS OF SUCH NOTIFICATION. ANY SUCH RECORD THAT IS DESIGNATED AND ATTESTED TO BE EXEMPT FROM DISCLOSURE SHALL INITIALLY BE WITHHELD FROM PUBLIC INSPECTION BY THE GOVERNMENTAL BODY, PENDING DETERMINATION OF THE APPLICABILITY OF AN EXEMPTION FROM INSPECTION PURSUANT TO SECTION 24-72-204.

**SECTION 5. Act subject to petition - effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in

- 1 November 2010 and shall take effect on the date of the official
- 2 declaration of the vote thereon by the governor.