

An Act

SENATE BILL 25-038

BY SENATOR(S) Roberts and Catlin, Bridges, Marchman, Pelton B., Simpson, Amabile, Baisley, Bright, Carson, Cutter, Daugherty, Exum, Frizell, Hinrichsen, Jodeh, Kipp, Kirkmeyer, Kolker, Liston, Lundeen, Michaelson Jenet, Mullica, Pelton R., Rich, Rodriguez, Snyder, Weissman, Winter F., Coleman;

also REPRESENTATIVE(S) McCluskie and Winter T., Martinez, McCormick, Bird, Boesenecker, Bradley, Brown, Caldwell, Duran, Johnson, Joseph, Keltie, Lieder, Lukens, Mauro, Richardson, Soper, Suckla, Taggart, Titone, Valdez, Weinberg.

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

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

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

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

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

(II) Contacting the rancher directly; or

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

(2) The general assembly therefore declares that:

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

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

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

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

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

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

33-3-110.5. Confidentiality of personal information - definition.

(1) (a) AS USED IN THIS SECTION, "PERSONAL INFORMATION" MEANS:

(I) A PERSON'S:

(A) NAME;

(B) PHONE NUMBER;

(C) HOME ADDRESS;

(D) BUSINESS ADDRESS;

(E) PERSONAL EMAIL ADDRESS; OR

(F) BUSINESS EMAIL ADDRESS; OR

(II) ANY OTHER INFORMATION THAT WOULD REVEAL THE IDENTITY OF THE PERSON OR THE PERSON'S BUSINESS.

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

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

(3) NOTHING IN THIS SECTION PROHIBITS THE DISCLOSURE OF NONIDENTIFYING INFORMATION REGARDING COUNTY-LEVEL DATA HIGHLIGHTING THE NUMBER OR DOLLAR AMOUNT OF CLAIMS MADE TO THE DIVISION, THE NUMBER OF CLAIMS MADE TO THE DIVISION THAT WERE SETTLED AND THE MONETARY AMOUNTS OF THOSE SETTLEMENTS, THE NUMBER OF CLAIMS MADE TO THE DIVISION THAT ARE PENDING AT THE TIME OF A REQUEST FOR DISCLOSURE, AND THE NUMBER OF CLAIMS MADE TO THE DIVISION THAT WERE DENIED AND THE REASONS FOR DENIAL.

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

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

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

SECTION 4. Act subject to petition - effective date. This act

takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; 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 will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED

(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO