

An Act

HOUSE BILL 12-1077

BY REPRESENTATIVE(S) Gardner B., Barker, Duran, Labuda, Liston, Peniston, Ramirez, Schafer S., Scott, Waller, Kerr A., Kerr J., Todd, Wilson, Young;
also SENATOR(S) Tochtrop, King S., White.

CONCERNING MODIFICATIONS TO THE INVESTMENT CONFIDENTIALITY PROVISIONS RELATED TO POLICE OFFICERS' AND FIREFIGHTERS' PENSION PLANS.

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

SECTION 1. In Colorado Revised Statutes, 31-31-302, **amend** (8) (a) (IV), (8) (a) (V), (8) (b), (8) (c), and (8) (d) as follows:

31-31-302. Fund - management - investment - definitions.
(8) (a) As used in this subsection (8):

(IV) "Investment information" means information that has not been publicly disseminated or that is unavailable from other sources AND INCLUDES INFORMATION the release of which might cause a ~~portfolio company~~ AN INVESTMENT VEHICLE, AN INVESTMENT MANAGER, A GENERAL PARTNER, A FUND SPONSOR, or an investment fiduciary significant competitive harm. Investment information includes, but is not limited to,

financial performance data and projections, financial statements, lists of co-investors and their level of investment, PORTIONS OF LISTS OF CURRENT OR PROJECTED INVESTMENT OPPORTUNITIES THAT WOULD CAUSE COMPETITIVE HARM, product and market data, rent rolls, ~~and~~ leases, OTHER TYPES OF PROPRIETARY INFORMATION, OR DOCUMENTS AND INFORMATION THAT INVESTORS ARE LEGALLY REQUIRED TO MAINTAIN AS CONFIDENTIAL AS A CONDITION OF PERFORMING DUE DILIGENCE OR PARTICIPATING IN AN INVESTMENT.

(V) "~~Portfolio company~~" "INVESTMENT VEHICLE" means an entity in which an investment fiduciary has made or considered an investment on behalf of the association. INVESTMENT VEHICLES INCLUDE BUT ARE NOT LIMITED TO SPONSORED FUNDS, LIMITED PARTNERSHIPS, AND LIMITED LIABILITY COMPANIES.

(b) Subject to paragraph (c) of this subsection (8), a public record received, prepared, used, or retained by an investment fiduciary in connection with an investment or potential investment of the association that relates to investment information pertaining to ~~a portfolio company~~ AN INVESTMENT VEHICLE in which the investment fiduciary has invested or has considered an investment or that relates to investment information whether prepared by or for the investment fiduciary ~~regarding loans and assets directly owned by the investment fiduciary~~ is exempt from the disclosure requirements of part 2 of article 72 of title 24, C.R.S.

(c) If a public record described in paragraph (b) of this subsection (8) is an agreement or instrument to which ~~an investment fiduciary~~ THE ASSOCIATION is a party, only those parts of the public record that contain investment information, as defined in subparagraph (IV) of paragraph (a) of this subsection (8), are exempt from the disclosure requirements of part 2 of article 72 of title 24, C.R.S.

(d) At least annually the board shall publish and make available to the public a report of its investments that includes the following:

(I) The name of each ~~portfolio company~~ INVESTMENT VEHICLE in which the association invested during the reporting period;

(II) The aggregate amount of money invested by the association in ~~portfolio companies~~ INVESTMENT VEHICLES during the reporting period; and

(III) The rate of return realized during the reporting period on the investments of the association in ~~portfolio companies~~ INVESTMENT VEHICLES.

SECTION 2. 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 (August 8, 2012, if adjournment sine die is on May 9, 2012); 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 2012 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO