

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0526.01 Debbie Haskins x2045

SENATE BILL 16-049

SENATE SPONSORSHIP

Steadman, Johnston, Roberts, Scheffel, Scott

HOUSE SPONSORSHIP

Willett, Dore, Foote, Kagan, McCann

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING THE ADMINISTRATIVE DUTY OF THE OFFICE OF
102 LEGISLATIVE LEGAL SERVICES TO MAINTAIN FILES RELATING TO
103 BILL DRAFTS AS THE OFFICIAL CUSTODIAN OF THOSE FILES, AND,
104 IN CONNECTION THEREWITH, PERMITTING THE TRANSFER OF
105 THOSE FILES FOR PURPOSES OF STORAGE.

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>.)

Committee on Legal Services. Under current law, the Office of Legislative Legal Services (OLLS) has a statutory duty to keep, maintain,

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.

and protect the confidentiality of files on bills prepared for members of the general assembly, which are considered work product, as defined in the "Colorado Open Records Act". The bill permits the OLLS to transfer legislator bill files to state archives or to another entity in the department of personnel or to a private entity for purposes of storing the files. This aligns the statute with the current practice of the OLLS. The bill clarifies that when any legislator bill files are so transferred, the OLLS is the official custodian of those files. The bill further states that the OLLS has the right of reasonable access to any legislator bill files that are transferred to the state archives in the department of personnel and, as the official custodian of the files, controls the access to those files by the public. The committee on legal services, which oversees the OLLS, may develop policies regarding the files on bills prepared for members of the general assembly.

The bill also deletes outdated language relating to the governor requesting bill drafting services of the OLLS and relating to the storage and maintenance of bill files prepared for the governor.

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

2 **SECTION 1.** In Colorado Revised Statutes, 2-3-504, **amend** (1)

3 (a) and (1) (e) as follows:

4 **2-3-504. Duties of office.** (1) The office shall:

5 (a) Upon the request of any member of the general assembly, ~~or~~
6 ~~the governor,~~ draft or aid in drafting legislative bills, resolutions,
7 memorials, amendments thereto, conference reports, and such other
8 legislative documents and papers as may be required in the legislative
9 process;

10 (e) Keep on file records concerning legislative bills and the
11 proceedings of the general assembly with respect to such bills; subject
12 indexes of bills introduced at each session of the general assembly; files
13 on each bill prepared for members of the general assembly; ~~and the~~
14 ~~governor,~~ and such documents, pamphlets, or other literature relating to
15 proposed or pending legislation, without undue duplication of material
16 contained in the office of the legislative council or in the supreme court

1 library. All such records and documents shall be made available in the
2 office at reasonable times to the public for reference purposes, unless said
3 records are classed as confidential under this part 5. IN CARRYING OUT
4 THE DUTY TO KEEP, MAINTAIN, AND PROTECT THE CONFIDENTIALITY OF
5 FILES ON BILLS PREPARED FOR MEMBERS OF THE GENERAL ASSEMBLY,
6 WHICH ARE CONSIDERED WORK PRODUCT, AS DEFINED IN SECTION
7 24-72-202 (6.5), C.R.S., THE OFFICE MAY TRANSFER SUCH FILES TO STATE
8 ARCHIVES OR TO ANOTHER ENTITY IN THE DEPARTMENT OF PERSONNEL OR
9 TO A PRIVATE ENTITY FOR PURPOSES OF STORING THE FILES. THE OFFICE,
10 HOWEVER, IS THE OFFICIAL CUSTODIAN OF THOSE FILES. THE COMMITTEE
11 ON LEGAL SERVICES MAY DEVELOP POLICIES REGARDING THE FILES ON
12 BILLS PREPARED FOR MEMBERS OF THE GENERAL ASSEMBLY.

13 **SECTION 2.** In Colorado Revised Statutes, 24-80-102, **amend**
14 (10) (b) as follows:

15 **24-80-102. State archives and public records - personnel -**
16 **duties - cash fund - rules - definitions.** (10) (b) (I) The department of
17 personnel shall not charge any fees for responding to a request for
18 information or research from a member of the general assembly or his or
19 her agent or anyone from a legislative service agency if the request:

20 (A) Relates to an audio recording of a legislative proceeding or
21 any document provided to the department of personnel by the legislative
22 branch of the state; and

23 (B) Is made in the performance of the requester's official duties.

24 (II) As used in this paragraph (b), "legislative service agency"
25 means the office of legislative legal services, legislative council staff,
26 office of the state auditor, or staff of the joint budget committee.

27 (III) THE OFFICE OF LEGISLATIVE LEGAL SERVICES HAS THE RIGHT

1 OF REASONABLE ACCESS TO ALL FILES ON BILLS PREPARED FOR
2 LEGISLATIVE MEMBERS THAT ARE WORK PRODUCT, AS DEFINED IN SECTION
3 24-72-202 (6.5), AND THAT HAVE BEEN TRANSFERRED TO THE PHYSICAL
4 CUSTODY OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
5 PERSONNEL FOR STORAGE PURPOSES IN ACCORDANCE WITH SECTION
6 2-3-504 (1) (e), C.R.S. IN ALL INSTANCES, THE OFFICE OF LEGISLATIVE
7 LEGAL SERVICES IS THE OFFICIAL CUSTODIAN OF THOSE FILES.

8 **SECTION 3. Act subject to petition - effective date.** This act
9 takes effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly (August
11 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
12 referendum petition is filed pursuant to section 1 (3) of article V of the
13 state constitution against this act or an item, section, or part of this act
14 within such period, then the act, item, section, or part will not take effect
15 unless approved by the people at the general election to be held in
16 November 2016 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.