

OFFICE OF LEGISLATIVE LEGAL SERVICES
COLORADO GENERAL ASSEMBLY

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GUIDELINES FOR RELEASING DOCUMENTS PREPARED FOR MEMBERS OF THE GENERAL ASSEMBLY

Introduced Versions of Bills and Amendments.

The introduced version of bills and amendments that have been introduced in committee or on the House or Senate floor are public records and can be released at any time pursuant to section 2-3-505 (2) (b), C.R.S. If a determination cannot readily be made that an amendment was introduced, the person requesting the document can be asked to provide additional information or, as time permits, the Office can conduct appropriate research necessary to make a determination.¹ "Engrossed", "reengrossed", "revised", "rerevised", and the "act" versions of bills are also public records and can be released at any time pursuant to section 2-3-505 (2) (b), C.R.S.

Member Files Containing Bill Drafts and Amendments and Attached Materials.

At all times, the drafts of bills and any amendments contained in the member files and any materials attached to them are work product and shall remain confidential pursuant to section 2-3-505 (2) (b), C.R.S., unless they can be released pursuant to one of the following:

- If the person requesting them **obtains permission of the member or former member**; or
- If a **former member has waived the work product privilege** (see the subsequent paragraph on waiver or release); or
- If a **former member cannot be located or is deceased** and the documents are **reviewed** by a staff attorney or by the office administrator and any personal notes, private communications, or other items that the member would consider confidential are removed.

Legal Opinions.

A legal opinion can be released if the person requesting it obtains permission of the member or former member or the member or former member has waived the work product privilege (see the subsequent paragraph on waiver or release).

Factual data² - Not part of Member Files or Legal Opinions.

¹ For example, if a person requests **all** amendments prepared for a particular member on a bill, you can't automatically release the copies in the member file. You would have to determine which of the amendments were actually introduced. Alternatively, you could release all of the amendments if the person obtains permission of the member or if the member has waived confidentiality.

² Examples are: Side-by-side comparisons of laws or versions of bills; compilations of existing public information, statistics, or data; or compilations or explanations of general areas or bodies of law, legislative history,

The final version of documents containing factual data that are not prepared as a part of a bill or amendment request or a part of a legal opinion are public records pursuant to section 2-3-505 (2) (c), C.R.S.

- The final version of these documents can be released.
- On and after August 6, 1997, a member may request that these documents remain work product pursuant to section 2-3-505 (2) (e), C.R.S.

The Office should generally assume that these documents are prepared for public release. However, if a member makes a request that a document remain work product, the person preparing the document should include the following notice on the first page: THIS DOCUMENT IS WORK PRODUCT PREPARED FOR A MEMBER OF THE GENERAL ASSEMBLY AND IS NOT AVAILABLE FOR PUBLIC RELEASE. If such a statement is not on the face of the document, you may release it.

Any documents containing factual data that are in draft form and not finalized cannot be released without the consent of the member or former member.

Waiver or Release.

If a member gives specific permission for release of a document or waives the work product privilege, orally or in writing, or produces or distributes a document in a public meeting, the document can be released. For members serving on or after January 1, 1997, when members end service with the General Assembly they will be given the opportunity to sign a waiver for their documents. The signed waiver forms will be kept in a central file in the front office.

Assisting Members of the General Assembly.

In situations where the person making the request for release of a document is a member of the General Assembly or someone acting on behalf of a member, the Office should conduct any necessary research or obtain any necessary permission from other members.

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Revised: 09/06/2011

or legislative policy.