

Addendum G

Final Version of Proposed Recommended Changes to Retention of Records Policy for Records of the Office of Legislative Legal Services

Records created and maintained by the Office of Legislative Legal Services (“OLLS”) are subject to the following retention of records policy adopted by the Executive Committee on ___ (fill in date):

- 1) In compliance with the requirement to keep legislative bill files set forth in section 2-3-504 (1) (e), C.R.S., the OLLS shall retain for a period of eight years the member files of each member of the general assembly for a particular session. Member files are files created by the OLLS that contain bill requests and amendment requests made by members of the general assembly. Once the member files for a legislative session have been held for eight years, the OLLS shall destroy the files for that session by shredding.
- 2) Pursuant to sections 2-3-504 (1) (e) and 24-72-202 (6.5) (b) (I) and (II), C.R.S., the member files retained by the OLLS in accordance with subsection 1) of this policy are subject to a work-product exception under the Colorado Open Records Act (“CORA”). The following procedures apply to those files if there is a request made to the OLLS for access to the file or to a specific record in the file:
 - a. Member files are work product and remain confidential pursuant to section 2-3-505 (2) (b) (I) and (II), C.R.S., and will not be released, unless the person requesting the file or a specific record in the file obtains the written permission of the applicable member or former member of the general assembly to release the requested member file or record in the file. The OLLS will provide the last known contact information on file with OLLS to the requester if the member is no longer serving in the general assembly.
 - b. If the former member is deceased, the OLLS will not release the applicable member files because the work-product privilege survives the death of the deceased member and no other person can waive that privilege.

- 3) The OLLS may discard extra hardbound volumes and supplements to the Colorado Revised Statutes and session laws that are over fifteen years old.
- 4) The OLLS may discard extra softbound volumes of the Colorado Revised Statutes and the session laws that are over one year old.
- 5) Two years after an administrative rule is submitted to the OLLS by an executive branch agency for purposes of OLLS review, the OLLS may dispose of the OLLS rule review form, the administrative rule filing information form, and any materials attached to the forms, including the rule if printed by the OLLS staff.
- 6) The OLLS shall retain electronic docket books of submissions of rules to preserve a record upon which to certify the submission of rules pursuant to section 24-4-103 (8) (d), C.R.S., and to compile information on the review of rules by the OLLS.
- 7) The OLLS may dispose of the work files of former staff attorneys of the OLLS at the direction of the director of the OLLS. The director shall take into consideration whether those files may be useful to the office in determining legislative intent or may involve subject matter that may be useful to the office in carrying out its duties.
- 8) The OLLS shall retain an electronic copy of any legal opinion or legal memorandum prepared for a member. Legal opinions or legal memorandums prepared by the OLLS are considered work product and will not be released unless the legislator has waived work-product privilege or directs the OLLS to release the legal opinion or legal memorandum.