

LEGISLATIVE REQUEST FOR INTERIM STUDY COMMITTEE

To: Legislative Council

Requested by: Representative Marshall
With support of:

Re: Request for interim study committee regarding Colorado Public Records

Date: 4/12/2023

Information Required Pursuant to Section 2-3-303.3, C.R.S.

I hereby request that an interim study committee be formed to study Colorado public records during the interim between the 2023 and 2024 legislative sessions. The interim study committee would be named the "Transparency and Compliance with Public Records and Sunshine Laws by Colorado's State Legislature Interim Study Committee."

The policy issues to be studied are: the modernization of the Open Meetings Law (OML), Sections 24-6-401 and 24-6-402, C.R.S., as applied to the State Legislature in light of modern business practices related to emails, electronic meetings, and electronic communications applications; enforcement of the OML upon the State Legislature as a whole and individual legislators; and a review of the record retention policies of the State Legislature, individual legislators, and their offices that apply when performing duties on behalf of their constituents that are subject to the Colorado Open Records Act.

The interim study committee would need to meet 4 times to study the issues.

The interim study committee should consist of 7 members of the General Assembly selected as follows:

- 3 members of the Senate, with 1 appointed by the President of the Senate, 1 appointed by the Majority Leader of the Senate, and 1 appointed by the Minority Leader of the Senate.
- 4 members of the House of Representatives, with 2 appointed by the Speaker of the House of Representatives, 1 appointed by the Majority Leader of the House of Representatives, and 1 appointed by the Minority Leader of the House of Representatives.

A task force is necessary to assist the interim study committee in studying the policy issues described above.

The task force will consist of five members from specialized organizations including the Colorado Freedom of Information Coalition, National Conference of State Legislatures, Colorado Government Association of Information Technology, Colorado Common Cause, and the American Civil Liberties Union of Colorado. Members or substitutions to the task force may also come from any privacy act proponents or other open government proponents. The task force will

additionally include two legislators, one from each party, assigned to the interim committee by the chair of the interim committee.

The interim study committee will need 3 bills to address the issues it studies.

Additional Information Related to the Interim Study Committee Request

The following entities may be called upon to provide assistance or information to the interim study committee:

- the Colorado State Archives;
- the Governor's Office of Information Technology; and
- the Department of Law.

Thank you for your consideration of this request.