

CHAPTER 216

**GOVERNMENT - STATE**

**SENATE BILL 97-237**

BY SENATORS Wells, Hernandez, Johnson, Pascoe, and Perlmutter;  
also REPRESENTATIVES Adkins and Tupa.

**AN ACT**

CONCERNING PUBLIC ACCESS TO DOCUMENTS PREPARED FOR ELECTED OFFICIALS.

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

**SECTION 1.** 2-3-505 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**2-3-505. Requests for drafting bills and amendments - confidential nature thereof - lobbying for bills.** (2) (a) Prior to the introduction of a bill or amendment in the general assembly, no employee of the office shall reveal to any person outside the office the contents or nature of such bill or amendment, except with the consent of the person making the request. Nothing in this section shall prohibit the disclosure to the staff of any legislative service agency of such information concerning bills or amendments prior to introduction as is necessary to expedite the preparation of fiscal notes, as provided by the rules of the general assembly, but such staff shall not reveal the contents or nature of such bills or amendments to any other person without the consent of the person making the request.

(b) All documents prepared or assembled in response to a request for a bill or amendment, other than the introduced version of a bill or amendment that was in fact introduced, shall be considered work product, as defined in section 24-72-202 (6.5), C.R.S.

(c) (I) THE FINAL VERSION OF ALL DOCUMENTS PREPARED OR ASSEMBLED BY THE OFFICE FOR A MEMBER OF THE GENERAL ASSEMBLY BUT NOT IN RESPONSE TO A REQUEST FOR A BILL OR AMENDMENT AND NOT CONTAINING LEGAL ANALYSIS OR EXPRESSING A LEGAL OPINION OR CONCLUSION SHALL NOT BE CONSIDERED WORK PRODUCT AS DEFINED IN SECTION 24-72-202 (6.5), C.R.S. EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (e) OF THIS SUBSECTION (2), THE FINAL VERSION OF SUCH

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

DOCUMENTS SHALL BE A PUBLIC RECORD. THESE DOCUMENTS INCLUDE, BUT ARE NOT LIMITED TO:

(A) COMPARISONS OF EXISTING LAW WITH THE PROVISIONS OF ANY BILL OR AMENDMENT, COMPARISONS OF ANY BILLS OR AMENDMENTS WITH OTHER BILLS OR AMENDMENTS, COMPARISONS OF DIFFERENT VERSIONS OF BILLS OR AMENDMENTS, AND COMPARISONS OF THE LAWS OF THIS STATE WITH LAWS OF OTHER JURISDICTIONS;

(B) COMPILATIONS OF EXISTING PUBLIC INFORMATION, STATISTICS, OR DATA;

(C) COMPILATIONS OR EXPLANATIONS OF GENERAL AREAS OR BODIES OF LAW, LEGISLATIVE HISTORY, OR LEGISLATIVE POLICY.

(II) PRIOR TO DELIVERY OF THE FINAL VERSION OF SUCH A DOCUMENT TO THE MEMBER WHO REQUESTED IT, NO EMPLOYEE OF THE OFFICE SHALL REVEAL TO ANY PERSON OUTSIDE THE OFFICE THE CONTENTS OR NATURE OF THE DOCUMENT, EXCEPT WITH THE CONSENT OF THE MEMBER MAKING THE REQUEST.

(d) IF A MEMBER OF THE GENERAL ASSEMBLY REQUESTS A LEGAL OPINION OR DOCUMENT FROM THE OFFICE THAT IS THE SAME AS OR SUBSTANTIALLY SIMILAR TO A LEGAL OPINION OR DOCUMENT PREVIOUSLY REQUESTED BY ANOTHER MEMBER, THE OFFICE MAY PRODUCE AN IDENTICAL OR SUBSTANTIALLY SIMILAR LEGAL OPINION OR DOCUMENT FOR THE SECOND MEMBER. THE OFFICE SHALL NOT DISCLOSE THE IDENTITY OF ANY MEMBER WHO MADE A PREVIOUS REQUEST.

(e) A MEMBER MAY REQUEST THAT THE FINAL VERSION OF A DOCUMENT THAT WOULD OTHERWISE BECOME A PUBLIC RECORD IN ACCORDANCE WITH PARAGRAPH (c) OF THIS SUBSECTION (2) REMAIN WORK PRODUCT.

**SECTION 2.** 24-72-202 (6) (b) (II), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-72-202. Definitions.** As used in this part 2, unless the context otherwise requires:

(6) (b) "Public records" does not include:

(II) Work product prepared for elected officials. HOWEVER, ELECTED OFFICIALS MAY RELEASE, OR AUTHORIZE THE RELEASE OF, ALL OR ANY PART OF WORK PRODUCT PREPARED FOR THEM.

**SECTION 3.** 24-72-202 (6.5) (b), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended, and the said 24-72-202 (6.5) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**24-72-202. Definitions.** As used in this part 2, unless the context otherwise requires:

(6.5) (b) "Work product" also includes all documents relating to the drafting of bills or amendments, pursuant to section 2-3-505 (2) (b), C.R.S., BUT IT DOES NOT INCLUDE THE FINAL VERSION OF DOCUMENTS PREPARED OR ASSEMBLED PURSUANT TO

SECTION 2-3-505 (2) (c), C.R.S. and "WORK PRODUCT" ALSO INCLUDES all research projects conducted by staff of legislative council pursuant to section 2-3-304 (1), C.R.S., if the research is requested by a member of the general assembly and identified by the member as being in connection with pending or proposed legislation or amendments thereto. However, the final product of any such research project shall become a public record unless the member specifically requests that it remain work product. In addition, if such a research project is requested by a member of the general assembly and the project is not identified as being in connection with pending or proposed legislation or amendments thereto, the final product shall become a public record.

(d) (I) IN ADDITION, "WORK PRODUCT" DOES NOT INCLUDE ANY FINAL VERSION OF A DOCUMENT PREPARED OR ASSEMBLED FOR AN ELECTED OFFICIAL THAT CONSISTS SOLELY OF FACTUAL INFORMATION COMPILED FROM PUBLIC SOURCES. THE FINAL VERSION OF SUCH A DOCUMENT SHALL BE A PUBLIC RECORD. THESE DOCUMENTS INCLUDE, BUT ARE NOT LIMITED TO:

(A) COMPARISONS OF EXISTING LAWS, ORDINANCES, RULES, OR REGULATIONS WITH THE PROVISIONS OF ANY BILL, AMENDMENT, OR PROPOSED LAW, ORDINANCE, RULE, OR REGULATION; COMPARISONS OF ANY BILLS, AMENDMENTS, OR PROPOSED LAWS, ORDINANCES, RULES, OR REGULATIONS WITH OTHER BILLS, AMENDMENTS, OR PROPOSED LAWS, ORDINANCES, RULES, OR REGULATIONS; COMPARISONS OF DIFFERENT VERSIONS OF BILLS, AMENDMENTS, OR PROPOSED LAWS, ORDINANCES, RULES, OR REGULATIONS; AND COMPARISONS OF THE LAWS, ORDINANCES, RULES, OR REGULATIONS OF THE JURISDICTION OF THE ELECTED OFFICIAL WITH THE LAWS, ORDINANCES, RULES, OR REGULATIONS OF OTHER JURISDICTIONS;

(B) COMPILATIONS OF EXISTING PUBLIC INFORMATION, STATISTICS, OR DATA;

(C) COMPILATIONS OR EXPLANATIONS OF GENERAL AREAS OR BODIES OF LAW, ORDINANCES, RULES, OR REGULATIONS, LEGISLATIVE HISTORY, OR LEGISLATIVE POLICY.

(II) THIS PARAGRAPH (d) SHALL NOT APPLY TO DOCUMENTS PREPARED OR ASSEMBLED FOR MEMBERS OF THE GENERAL ASSEMBLY PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (6.5).

**SECTION 4. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 27, 1997