

CHAPTER 358

GOVERNMENT - STATE

HOUSE BILL 09-1348

BY REPRESENTATIVE(S) Weissmann, Green, Frangas;
also SENATOR(S) Carroll M.

AN ACT**CONCERNING ACTIVITIES RESULTING FROM THE PERFORMANCE OF LEGISLATIVE DUTIES.**

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

SECTION 1. 2-2-304, Colorado Revised Statutes, is amended to read:

2-2-304. Members not to be questioned. No members of the general assembly will be questioned in any other place for any speech or word spoken in debate in either house OR FOR CONDUCTING OR PERFORMING ANY OTHER LEGISLATIVE ACTIVITY THAT RELATES TO THE DRAFTING OF BILLS AND OTHER LEGISLATIVE MEASURES, INCLUDING AMENDMENTS TO SUCH BILLS OR MEASURES, AND TO THE RENDERING OF ASSISTANCE OR INFORMATION TO CONSTITUENTS ON THEIR PERSONAL AND PRIVATE MATTERS THAT ARE NOT PUBLICLY KNOWN. IN ADDITION, NO STAFF MEMBERS OF THE GENERAL ASSEMBLY WILL BE QUESTIONED IN ANY OTHER PLACE FOR CONDUCTING OR PERFORMING ANY DUTIES OR FUNCTIONS DIRECTLY RELATED TO SUCH LEGISLATIVE ACTIVITY WHEN IT IS CONDUCTED OR PERFORMED AT THE DIRECTION OF MEMBERS OF THE GENERAL ASSEMBLY.

SECTION 2. 2-3-304 (1), Colorado Revised Statutes, is amended to read:

2-3-304. Director of research - assistants. (1) The council shall interview persons applying for the position of director of research as to qualifications and ability and shall make recommendations thereon to the executive committee, which shall appoint the director of research as provided in section 2-3-303 (3) (d). The director of research shall be responsible to the council for the collection and assembling of all data and for the preparation of reports, recommendations, and bills. DOCUMENTS PREPARED OR ASSEMBLED BY THE DIRECTOR OR EMPLOYEES OF THE DIRECTOR SHALL BE CONSIDERED WORK PRODUCT, AS DEFINED IN SECTION 24-72-202 (6.5), C.R.S. The director shall, subject to the general policies of the

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

council, have administrative direction over the activities of the council. The director shall be paid a salary determined by the executive committee in accordance with section 2-3-303 (3) (a). The director shall be an employee of the general assembly and shall not be subject to the state personnel system laws. The director shall be appointed without reference to affiliation and solely on the basis of such director's ability to perform the duties of the position.

SECTION 3. 24-72-202 (6) (a) (II) (C) and (6.5) (b), Colorado Revised Statutes, are amended to read:

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

(6) (a) (II) "Public records" includes the correspondence of elected officials, except to the extent that such correspondence is:

(C) A communication from a constituent to an elected official that clearly implies by its nature or content that the constituent expects that it is confidential OR THAT IS COMMUNICATED FOR THE PURPOSE OF REQUESTING THAT THE ELECTED OFFICIAL RENDER ASSISTANCE OR INFORMATION RELATING TO A PERSONAL AND PRIVATE MATTER THAT IS NOT PUBLICLY KNOWN AFFECTING THE CONSTITUENT or a communication from the elected official in response to such a communication from a constituent; or

(6.5) (b) "Work product" also includes:

(I) All documents relating to the drafting of bills or amendments, pursuant to ~~section 2-3-505 (2) (b), C.R.S.~~ SECTION 2-3-304 (1) OR 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.;

(II) ALL DOCUMENTS PREPARED OR ASSEMBLED BY A MEMBER OF THE GENERAL ASSEMBLY RELATING TO THE DRAFTING OF BILLS OR AMENDMENTS;

(III) ALL DOCUMENTS PREPARED BY OR SUBMITTED TO ANY LEGISLATIVE STAFF IN CONNECTION WITH ASSISTING A MEMBER OF THE GENERAL ASSEMBLY IN RESPONDING TO THE CORRESPONDENCE FROM A CONSTITUENT WHEN SUCH CORRESPONDENCE IS NOT A PUBLIC RECORD OF AN ELECTED OFFICIAL AS PROVIDED FOR IN SUBSECTION (6) OF THIS SECTION;

(IV) ~~"Work product" also includes~~ ALL DOCUMENTS AND 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.

SECTION 4. Article 2 of title 2, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 14
LEGISLATIVE DEPARTMENT CASH FUND

2-2-1401. Legislative department cash fund - creation. (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE LEGISLATIVE DEPARTMENT CASH FUND. THE FUND SHALL BE COMPRISED OF SUCH MONEYS THAT THE GENERAL ASSEMBLY, THE HOUSE OF REPRESENTATIVES, THE SENATE, OR ANY LEGISLATIVE SERVICE AGENCY ACCEPTS AS GIFTS, GRANTS, OR DONATIONS FROM PRIVATE AND PUBLIC SOURCES AND ANY OTHER MONEYS APPROPRIATED TO THE FUND. ALL INTEREST EARNED ON THE INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY MONEYS CREDITED TO THE FUND AND UNEXPENDED AT THE END OF ANY GIVEN FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND.

(2) MONEYS IN THE LEGISLATIVE DEPARTMENT CASH FUND ARE CONTINUOUSLY APPROPRIATED TO THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL TO PAY FOR EXPENSES OF THE LEGISLATIVE DEPARTMENT OF THE STATE OF COLORADO. MONEYS IN THE FUND SHALL BE EXPENDED CONSISTENT WITH ANY TERMS AND CONDITIONS IMPOSED AS A CONDITION OF RECEIVING SUCH MONEYS AS GIFTS, GRANTS, OR DONATIONS.

(3) FOR PURPOSES OF THIS SECTION, "LEGISLATIVE SERVICE AGENCY" MEANS THE OFFICE OF LEGISLATIVE LEGAL SERVICES, LEGISLATIVE COUNCIL STAFF, OFFICE OF THE STATE AUDITOR, OR STAFF OF THE JOINT BUDGET COMMITTEE.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 1, 2009