

Legislative Legal Services: “Services” For You That Go Beyond Bill and Amendment Drafting

By Dan Cartin

Legislative Legal Services provides a variety of written materials and services to legislators in addition to their bill and amendment drafting needs. We hope each legislator will become a “power-user” of these ancillary services available from our staff during the 2014 session. Our homepage is located at http://www.state.co.us/gov_dir/olls/index.htm.

Legislative Legal Services is the General Assembly's nonpartisan legal staff agency. We have a statutory and ethical duty to represent the General Assembly as a whole. And we are obligated to serve the best interests of our institutional client, the General Assembly, as distinguished from the individual interests of any specific legislator. We balance that obligation with our statutory direction to prepare bills, amendments, and other documents for individual legislators and to maintain strict confidentiality when doing so.

In addition to our primary function of drafting bills, resolutions, and amendments, the Legislative Legal Services staff, upon request, can provide you with written materials to assist you in understanding the current state of the law and in explaining your bills. Our attorneys may not always be able to respond quickly to every legislator's request due to the time constraints created by bill and amendment drafting demands. But we will do our best to provide the requested materials to you, time permitting and on a first-come, first-served basis. Examples of ancillary materials available upon special request, time permitting, include:

- Tables comparing bill provisions;
- Explanations of state or federal statutes;
- More detailed, written explanations of bills;
- Summaries of case law relevant to a bill;
- Summaries of case law interpreting a particular statute or issue;
- Legislative histories of issues or bills;
- Legislative histories of constitutional or statutory provisions;
- Summaries of changes made to a bill in committee, in the first house, or in the second house;
- Comparisons of Colorado law with the law of other states on particular issues;
- Lists of all Colorado statutes addressing an issue; and
- Legal opinions regarding legislation.

With regard to legal opinions, occasionally a legislator will ask us to render a legal opinion on an issue that relates to pending legislation. The request will be held in strictest confidence. We will not release a written memorandum to other persons without the permission of the legislator who requested it. And we will give the same answer if we are asked the same question by another legislator, which may result in identical legal opinions for different legislators.

There are some limitations on the materials and services we can provide to you due to our role as nonpartisan legislative staff. Examples of the documents and tasks that Legislative Legal Services is not allowed to provide include:

- Voting records on an issue or bill;
- Talking points advocating or opposing a policy position;
- Carrying messages that encourage a legislator to vote for a bill or discourage a legislator from voting on a bill;
- Soliciting legislators as cosponsors or second house sponsors;
- Violating confidentiality, e.g., telling a legislator about amendments prepared for other legislators to his or her bill; telling a legislator what another legislator said or told others about the legislator's bill; telling a legislator what legal advice our office gave another legislator;
- Assisting a legislator in counting votes; and
- Advocating for passage or defeat of legislation on policy or any other grounds.

These lists of materials or services we can and cannot provide are for purpose of illustration and are not exhaustive.

Please visit the Legislative Legal Services website for a better idea of the types of services and products we can help you with. The link for "Legal Topics", among others, is an especially good resource for information concerning recurring legislative legal topics and issues.

We are here to help you have a successful legislative session in 2014. Hopefully, you will fully utilize the Legislative Legal Services staff for all your legislative needs during the session, including those described here that go beyond bill and amendment drafting.