

**First Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 03-0170.02 Ed DeCecco

SENATE BILL 03-033

SENATE SPONSORSHIP

Anderson, Takis, Taylor, and Tupa

HOUSE SPONSORSHIP

Coleman, Vigil, White, and Williams T.

Senate Committees

State Veterans & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING MANAGEMENT OF PUBLIC RECORDS BY GOVERNMENTAL**
102 **ENTITIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Legislative Audit Committee. Requires each agency to establish and maintain a records management program that satisfies the procedures established by the executive director of the department of personnel (executive director). Requires each agency to document the policies and procedures of such program.

Requires each agency to designate a records liaison officer or officers from the agency's existing personnel. Establishes the following duties for a records liaison officer:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- Coordinating the retention and disposition of the agency's records with the state archivist;
- Reviewing the agency's records management program to ensure that such program efficiently manages the agency's records and complies with all state and federal law;
- Establishing an inventory of the agency's records;
- Establishing retention and disposition schedules for the agency's records;
- Providing information about the storage of the agency's records to the executive director; and
- Ensuring adequate security, public access, and proper storage of the agency's records.

Requires each agency to notify the executive director of the appointment of the records liaison officer or officers. Mandates that if there is a change in the designation of a records liaison officer, an agency shall report the change in writing to the executive director within 30 days of such change.

Permits the governor to require a political subdivision to institute a records management program and to appoint a records liaison officer.

Defines "agency" to mean any department, division, board, bureau, commission, institution, or agency of the state, and also any political subdivision of the state designated by the governor.

Exempts the department of corrections from instituting a records management program or designating a records liaison officer until July 1, 2008.

Requires public officers to consult every 2 years, beginning on January 1, 2005, with the department of personnel and the attorney general to determine the value of the public records in his or her custody.

Permits the storage of public records at storage vendors approved by the executive director.

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

2 **SECTION 1. Repeal.** 24-80-102 (4), Colorado Revised Statutes,
3 is repealed as follows:

4 **24-80-102. State archives and public records - personnel -**
5 **duties - cash fund.** (4) ~~To effectuate the purposes of this part 1, the~~
6 ~~governor may direct any department, division, board, bureau,~~
7 ~~commission, institution, or agency of the state, or any political~~
8 ~~subdivision thereof, to designate a records liaison officer to cooperate~~

1 with and assist and advise the executive director in the performance of the
2 duties and functions concerning state archives and public records and to
3 provide such other assistance and data as will enable the department of
4 personnel to properly carry out its activities and effectuate the purposes
5 of this part 1.

6 **SECTION 2.** Part 1 of article 80 of title 24, Colorado Revised
7 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
8 read:

9 **24-80-102.7. Records management programs - records liaison**
10 **officers - repeal.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
11 OTHERWISE REQUIRES, "AGENCY" MEANS ANY DEPARTMENT, DIVISION,
12 BOARD, BUREAU, COMMISSION, INSTITUTION, OR AGENCY OF THE STATE.
13 "AGENCY" ALSO INCLUDES ANY POLITICAL SUBDIVISION OF THE STATE
14 DESIGNATED BY THE GOVERNOR PURSUANT TO SUBSECTION (3) OF THIS
15 SECTION.

16 (2) NO LATER THAN JANUARY 1, 2004, EACH AGENCY SHALL:

17 (a) ESTABLISH AND MAINTAIN A RECORDS MANAGEMENT PROGRAM
18 FOR THE AGENCY AND DOCUMENT THE POLICIES AND PROCEDURES OF SUCH
19 PROGRAM. THE AGENCY SHALL ENSURE THAT SUCH PROGRAM SATISFIES
20 THE ADMINISTRATIVE AND TECHNICAL PROCEDURES FOR RECORDS
21 MAINTENANCE AND MANAGEMENT ESTABLISHED BY THE EXECUTIVE
22 DIRECTOR OF THE DEPARTMENT OF PERSONNEL PURSUANT TO THIS PART 1.

23 (b) DESIGNATE A RECORDS LIAISON OFFICER OR OFFICERS FROM
24 THE AGENCY'S EXISTING PERSONNEL TO COOPERATE WITH AND ASSIST AND
25 ADVISE THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL IN
26 THE PERFORMANCE OF THE DUTIES AND FUNCTIONS CONCERNING STATE
27 ARCHIVES AND PUBLIC RECORDS AND TO PROVIDE SUCH OTHER

1 ASSISTANCE AND DATA THAT WILL ENABLE THE DEPARTMENT OF
2 PERSONNEL TO PROPERLY CARRY OUT ITS ACTIVITIES AND IMPLEMENT THE
3 PURPOSES OF THIS PART 1. THE DUTIES OF A RECORDS LIAISON OFFICER
4 SHALL INCLUDE THE FOLLOWING:

5 (I) REVIEWING THE POLICIES AND PROCEDURES OF THE AGENCY'S
6 RECORDS MANAGEMENT PROGRAM TO ENSURE THAT SUCH PROGRAM
7 EFFICIENTLY MANAGES THE AGENCY'S RECORDS AND COMPLIES WITH ALL
8 STATE AND FEDERAL LAW;

9 (II) ESTABLISHING AN INVENTORY OF THE AGENCY'S RECORDS;

10 (III) ESTABLISHING RETENTION AND DISPOSITION SCHEDULES FOR
11 THE AGENCY'S RECORDS THAT ARE CONSISTENT WITH THIS PART 1 AND THE
12 ADMINISTRATIVE AND TECHNICAL PROCEDURES ESTABLISHED BY THE
13 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL;

14 (IV) PROVIDING INFORMATION ABOUT THE STORAGE OF THE
15 AGENCY'S RECORDS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
16 PERSONNEL, INCLUDING THE NUMBER OF RECORDS STORED, THE AMOUNT
17 OF STORAGE SPACE USED, AND THE COST OF SUCH STORAGE; AND

18 (V) ENSURING ADEQUATE SECURITY, PUBLIC ACCESS, AND PROPER
19 STORAGE OF THE AGENCY'S RECORDS.

20 (c) NOTIFY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
21 PERSONNEL OF THE APPOINTMENT OF THE RECORDS LIAISON OFFICER OR
22 OFFICERS. ANY SUBSEQUENT CHANGE IN THE DESIGNATION OF A RECORDS
23 LIAISON OFFICER SHALL BE REPORTED IN WRITING TO THE EXECUTIVE
24 DIRECTOR WITHIN THIRTY DAYS.

25 (3) THE GOVERNOR MAY DESIGNATE ANY POLITICAL SUBDIVISION
26 OF THE STATE AS AN AGENCY FOR PURPOSES OF THIS SECTION. UPON SUCH
27 DESIGNATION, A POLITICAL SUBDIVISION OF THE STATE SHALL BE REQUIRED

1 TO COMPLY WITH THE PROVISIONS OF THIS SECTION.

2 (4) (a) THE DEPARTMENT OF CORRECTIONS SHALL BE EXEMPT
3 FROM ALL OF THE PROVISIONS OF THIS SECTION.

4 (b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2008.

5 **SECTION 3.** 24-80-103, Colorado Revised Statutes, is amended
6 to read:

7 **24-80-103. Determination of value - disposition.** NO LATER
8 THAN JANUARY 1, 2005, AND JANUARY 1 EVERY TWO YEARS THEREAFTER,
9 every public officer who has public records in his or her custody shall
10 consult ~~periodically~~ with the department of personnel and the attorney
11 general of the state, and such three officers shall determine whether the
12 records in question are of legal, administrative, or historical value. Those
13 records unanimously determined to be of no legal, administrative, or
14 historical value shall be disposed of by such method as such three officers
15 may specify. A list of all records so disposed of, together with a
16 statement certifying compliance with this part 1, signed by these three
17 officers, shall be filed and preserved in the office from which the records
18 were drawn and in the files of the department of personnel. Public
19 records in the custody of the executive director of the department of
20 personnel may be disposed of upon a similar determination by the
21 attorney general, the executive director of the department of personnel,
22 and the head of the agency from which the records were received, or its
23 legal successor.

24 **SECTION 4.** 24-80-104, Colorado Revised Statutes, is amended
25 to read:

26 **24-80-104. Transfer of records to archives.** Those records
27 deemed by the public officer having custody thereof to be unnecessary

1 for the transaction of the business of his or her office and yet deemed by
2 the attorney general or the executive director of the department of
3 personnel to be of legal, administrative, or historical value may be
4 transferred, with the consent of the executive director ~~of the department~~
5 ~~of personnel~~, to the custody of the department of personnel, OR A
6 STORAGE VENDOR APPROVED BY THE EXECUTIVE DIRECTOR. A list of all
7 records so transferred, together with a statement certifying compliance
8 with this part 1, signed by such three officers, shall be preserved in the
9 files of the office from which the records were drawn and in the files of
10 the department of personnel.

11 **SECTION 5. Effective date.** This act shall take effect at 12:01
12 a.m. on the day following the expiration of the ninety-day period after
13 final adjournment of the general assembly that is allowed for submitting
14 a referendum petition pursuant to article V, section 1 (3) of the state
15 constitution; except that, if a referendum petition is filed against this act
16 or an item, section, or part of this act within such period, then the act,
17 item, section, or part, if approved by the people, shall take effect on the
18 date of the official declaration of the vote thereon by proclamation of the
19 governor.