

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

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
Appropriations

House Committees

State, Veterans, & Military Affairs
Appropriations

HOUSE
3rd Reading Unamended
April 30, 2003

A BILL FOR AN ACT

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

HOUSE
2nd Reading Unamended
April 29, 2003

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:

SENATE
3rd Reading Unamended
April 10, 2003

SENATE
Amended 2nd Reading
April 9, 2003

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

3 **SECTION 1.** 24-80-102 (4), Colorado Revised Statutes, is
 4 amended to read:

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

1 subdivision thereof, OF THE STATE to designate a records liaison officer
2 ADMINISTRATOR to cooperate with and assist and advise the executive
3 director in the performance of the duties and functions concerning state
4 archives and public records and to provide such other assistance and data
5 as will enable the department of personnel to properly carry out its
6 activities and effectuate the purposes of this part 1.

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

10 **24-80-102.7. Records management programs - records liaison**
11 **officers - repeal.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
12 OTHERWISE REQUIRES, "STATE AGENCY" MEANS ANY DEPARTMENT,
13 DIVISION, BOARD, BUREAU, COMMISSION, INSTITUTION, OR AGENCY OF THE
14 STATE. ==

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

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

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

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

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

10 (II) ESTABLISHING AN INVENTORY OF THE STATE AGENCY'S
11 RECORDS;

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

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

20 (V) ENSURING ADEQUATE SECURITY, PUBLIC ACCESS, AND PROPER
21 STORAGE OF THE STATE AGENCY'S RECORDS.

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

27 ==

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

3 (b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2008.

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

6 **24-80-103. Determination of value - disposition.** NO LATER
7 THAN JANUARY 1, 2005, AND JANUARY 1 EVERY TWO YEARS THEREAFTER,
8 every public officer OF A STATE AGENCY, AS DEFINED IN SECTION
9 24-80-102.7, who has public records in his or her custody shall consult
10 periodically with the department of personnel and the attorney general of
11 the state, and such three officers shall determine whether the records in
12 question are of legal, administrative, or historical value. EVERY PUBLIC
13 OFFICER OF A POLITICAL SUBDIVISION WHO HAS PUBLIC RECORDS IN HIS OR
14 HER CUSTODY SHALL CONSULT PERIODICALLY WITH THE DEPARTMENT OF
15 PERSONNEL AND THE ATTORNEY GENERAL OF THE STATE, AND SUCH THREE
16 OFFICERS SHALL DETERMINE WHETHER THE RECORDS IN QUESTION ARE OF
17 LEGAL, ADMINISTRATIVE, OR HISTORICAL VALUE. Those records
18 unanimously determined to be of no legal, administrative, or historical
19 value shall be disposed of by such method as such three officers may
20 specify. A list of all records so disposed of, together with a statement
21 certifying compliance with this part 1, signed by these three officers, shall
22 be filed and preserved in the office from which the records were drawn
23 and in the files of the department of personnel. Public records in the
24 custody of the executive director of the department of personnel may be
25 disposed of upon a similar determination by the attorney general, the
26 executive director of the department of personnel, and the head of the
27 STATE agency OR POLITICAL SUBDIVISION from which the records were

1 received, or its legal successor.

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

4 **24-80-104. Transfer of records to archives.** Those records
5 deemed by the public officer having custody thereof to be unnecessary
6 for the transaction of the business of his or her office and yet deemed by
7 the attorney general or the executive director of the department of
8 personnel to be of legal, administrative, or historical value may be
9 transferred, with the consent of the executive director ~~of the department~~
10 ~~of personnel~~, to the custody of the department of personnel, OR A
11 STORAGE VENDOR APPROVED BY THE EXECUTIVE DIRECTOR. A list of all
12 records so transferred, together with a statement certifying compliance
13 with this part 1, signed by such three officers, shall be preserved in the
14 files of the office from which the records were drawn and in the files of
15 the department of personnel.

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