

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

REVISED

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

LLS NO. 23-0297.01 Jed Franklin x5484

HOUSE BILL 23-1056

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A BILL FOR AN ACT

101 **CONCERNING MODERNIZING RECORD KEEPING BY THE STATE**
102 **ARCHIVES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill expands the definition of "records" to include audio recordings, visual recordings, and audio-visual recordings regardless of their format, which allows these types of records to be deposited in the state archives. It also provides for the preservation of records through digital scanning when the preservation method meets certain standards established by the department of personnel. Finally, the bill removes the requirement that the state archives receives copies of every state

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

SENATE
2nd Reading Unamended
May 1, 2023

HOUSE
3rd Reading Unamended
April 11, 2023

HOUSE
2nd Reading Unamended
April 10, 2023

publication.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-80-101, **amend**
3 (2) introductory portion as follows:

4 **24-80-101. Definitions.** (2) "Records" means all books, papers,
5 maps, photographs, AUDIO RECORDINGS, VISUAL RECORDINGS,
6 AUDIO-VISUAL RECORDINGS, or other documentary materials, regardless
7 of ~~physical form or characteristics~~ FORMAT, made or received by any
8 governmental agency in pursuance of law or in connection with the
9 transaction of public business and preserved or appropriate for
10 preservation by the agency or its legitimate successor as evidence of the
11 organization, functions, policies, decisions, procedures, operations, or
12 other activities of the government or because of the value of the official
13 governmental data contained therein. As used in this part 1, the following
14 are excluded from the definition of records:

15 **SECTION 2.** In Colorado Revised Statutes, **amend** 24-80-107 as
16 follows:

17 **24-80-107. Reproduction on film - evidence - digital scans.**

18 (1) Any officer of a governmental agency may cause any records, papers,
19 or documents in his or her custody to be photographed,
20 microphotographed, ~~or~~ reproduced on film, OR DIGITALLY SCANNED. Such
21 ~~photographic film~~ REPRODUCTION shall comply with the minimum
22 standards of quality approved for permanent ~~photographic~~ records by the
23 department of personnel, and the device used to reproduce such records
24 ~~on such film~~ shall be one which accurately reproduces the original thereof
25 in all details. ~~Such photographs, microphotographs, or photographic film~~

1 ~~shall be~~ A REPRODUCTION IS deemed to be AN original ~~records~~ RECORD
2 for all purposes, including introduction in evidence in all courts or
3 administrative agencies AS LONG AS THE PUBLIC OFFICER WITH CUSTODY
4 OF THE RECORD COMPLIED WITH THE QUALITY STANDARDS SET BY THE
5 DEPARTMENT OF PERSONNEL. A transcript, exemplification, or certified
6 copy thereof, for all purposes recited in this section, shall be deemed to
7 be a transcript, exemplification, or certified copy of the original.

8 (2) (a) If a public officer intends to destroy or dispose of original
9 records that are determined to be of legal, administrative, or historical
10 value, the public officer shall:

11 (I) Ensure that the records are photographed, microphotographed,
12 ~~or~~ reproduced on photographic film, OR DIGITALLY SCANNED, IN
13 ACCORDANCE WITH QUALITY CONTROL STANDARDS SET BY THE
14 DEPARTMENT OF PERSONNEL;

15 (II) Properly certify that the photographed, microphotographed,
16 ~~or~~ film, OR DIGITALLY SCANNED reproductions of the records are true
17 copies of the original records;

18 (III) Ensure that the certified copies of the records are placed in
19 conveniently accessible files IN AN APPROVED FILE FORMAT FOR
20 LONG-TERM PRESERVATION AND ACCESS AS DETERMINED BY THE
21 DEPARTMENT OF PERSONNEL; and

22 (IV) Make provisions for preserving, examining, and using the
23 certified copies of the records.

24 (b) After the public officer has satisfied the requirements of
25 ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION,
26 the public officer may cause the original records from which the
27 photographs, microphotographs, ~~or~~ film, OR DIGITALLY SCANNED
28 reproductions have been made to be destroyed or disposed of according

1 to methods specified in sections 24-80-103 to 24-80-106 and the rules
2 promulgated by the department of personnel pursuant to section
3 24-80-102 (12).

4 (c) Copies of records that are certified pursuant to ~~paragraph (a)~~
5 ~~of this subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION shall have the
6 same force and effect as the original records. Copies of records
7 transferred from the office of their origin to the department of personnel,
8 when certified by the state archivist, shall have the same legal force and
9 effect as if certified by the original custodian of the records.

10 **SECTION 3.** In Colorado Revised Statutes, 24-1-136, **repeal**
11 (3)(d) as follows:

12 **24-1-136. "Information Coordination Act" - policy - functions**
13 **of the heads of principal departments.** (3) The heads of the principal
14 departments shall jointly have the following responsibilities of
15 coordination and control:

16 ~~(d) Delivery to the custody of the executive director of the~~
17 ~~department of personnel, as chief administrative officer of the state~~
18 ~~archives and public records, of two official archival copies of original~~
19 ~~published and processed agency reports, studies, and other publications~~
20 ~~and distribution of other copies of the original reports as directed by the~~
21 ~~governor. Colleges and universities shall forward a monthly listing of~~
22 ~~publications in the form and manner prescribed by the executive director~~
23 ~~of the department of personnel.~~

24 **SECTION 4. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly; except
27 that, if a referendum petition is filed pursuant to section 1 (3) of article V
28 of the state constitution against this act or an item, section, or part of this

1 act within such period, then the act, item, section, or part will not take
2 effect unless approved by the people at the general election to be held in
3 November 2024 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.