

CHAPTER 329

GOVERNMENT - STATE

SENATE BILL 03-033

BY SENATOR(S) Anderson, Takis, Taylor, and Tupa;
also REPRESENTATIVE(S) Coleman, Vigil, White, Williams T., McFadyen, and Salazar.

AN ACT**CONCERNING MANAGEMENT OF PUBLIC RECORDS BY GOVERNMENTAL ENTITIES.**

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

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

24-80-102. State archives and public records - personnel - duties - cash fund.

(4) To effectuate the purposes of this part 1, the governor may direct any ~~department, division, board, bureau, commission, institution, or agency of the state, or any political subdivision thereof,~~ OF THE STATE to designate a records ~~liaison officer~~ ADMINISTRATOR to cooperate with and assist and advise the executive director in the performance of the duties and functions concerning state archives and public records and to provide such other assistance and data as will enable the department of personnel to properly carry out its activities and effectuate the purposes of this part 1.

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

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

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

(a) ESTABLISH AND MAINTAIN A RECORDS MANAGEMENT PROGRAM FOR THE STATE AGENCY AND DOCUMENT THE POLICIES AND PROCEDURES OF SUCH PROGRAM. THE STATE AGENCY SHALL ENSURE THAT SUCH PROGRAM SATISFIES THE ADMINISTRATIVE

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

AND TECHNICAL PROCEDURES FOR RECORDS MAINTENANCE AND MANAGEMENT ESTABLISHED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL PURSUANT TO THIS PART 1.

(b) DESIGNATE A RECORDS LIAISON OFFICER OR OFFICERS FROM THE STATE AGENCY'S EXISTING PERSONNEL TO COOPERATE WITH AND ASSIST AND ADVISE THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL IN THE PERFORMANCE OF THE DUTIES AND FUNCTIONS CONCERNING STATE ARCHIVES AND PUBLIC RECORDS AND TO PROVIDE SUCH OTHER ASSISTANCE AND DATA THAT WILL ENABLE THE DEPARTMENT OF PERSONNEL TO PROPERLY CARRY OUT ITS ACTIVITIES AND IMPLEMENT THE PURPOSES OF THIS PART 1. THE DUTIES OF A RECORDS LIAISON OFFICER SHALL INCLUDE THE FOLLOWING:

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

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

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

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

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

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

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

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

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

24-80-103. Determination of value - disposition. NO LATER THAN JANUARY 1, 2005, AND JANUARY 1 EVERY TWO YEARS THEREAFTER, every public officer OF A STATE AGENCY, AS DEFINED IN SECTION 24-80-102.7, who has public records in his or her custody shall consult ~~periodically~~ with the department of personnel and the attorney general of the state, and such three officers shall determine whether the records in question are of legal, administrative, or historical value. EVERY PUBLIC OFFICER OF A POLITICAL SUBDIVISION WHO HAS PUBLIC RECORDS IN HIS OR HER

CUSTODY SHALL CONSULT PERIODICALLY WITH THE DEPARTMENT OF PERSONNEL AND THE ATTORNEY GENERAL OF THE STATE, AND SUCH THREE OFFICERS SHALL DETERMINE WHETHER THE RECORDS IN QUESTION ARE OF LEGAL, ADMINISTRATIVE, OR HISTORICAL VALUE. Those records unanimously determined to be of no legal, administrative, or historical value shall be disposed of by such method as such three officers may specify. A list of all records so disposed of, together with a statement certifying compliance with this part 1, signed by these three officers, shall be filed and preserved in the office from which the records were drawn and in the files of the department of personnel. Public records in the custody of the executive director of the department of personnel may be disposed of upon a similar determination by the attorney general, the executive director of the department of personnel, and the head of the STATE agency OR POLITICAL SUBDIVISION from which the records were received, or its legal successor.

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

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

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

Approved: May 22, 2003