

CHAPTER 130

GOVERNMENT - LOCAL

HOUSE BILL 09-1118

BY REPRESENTATIVE(S) Murray, Bradford, Labuda, McCann, Nikkel, Ryden, Todd, Lambert, Priola;
also SENATOR(S) Kester, Bacon, Newell.

AN ACT

CONCERNING THE MANNER IN WHICH THE RECORDS OF CERTAIN GOVERNMENTAL ENTITIES ARE KEPT.

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

SECTION 1. 23-20-108, Colorado Revised Statutes, is amended to read:

23-20-108. Secretary - duties. The board of regents shall elect a secretary, who shall hold ~~his~~ THE office during the pleasure of the board. ~~He~~ THE SECRETARY shall record all the proceedings of the board of regents ~~in a well-bound book, to be kept for that purpose,~~ IN A VISUAL TEXT FORMAT THAT MAY BE TRANSMITTED ELECTRONICALLY and carefully preserve all its books and papers. ~~His~~ THE SECRETARY'S books shall show how the permanent fund of the university has been invested; the amount of each kind of securities, if any, with the date thereof, and when due; the interest thereon, and when and where payable; the amount of each loan, if any, when made and payable to whom, how secured, at what rate of interest, and when and where payable. The secretary shall countersign and register all warrants for money on the treasurer. The treasurer shall not pay a warrant ~~on him~~ for money unless the same is drawn by the president and countersigned by the secretary.

SECTION 2. 24-90-509 (1), Colorado Revised Statutes, is amended to read:

24-90-509. Governing body - meetings. (1) The board of trustees of the library district that creates the facilities district, as the governing body of said district, shall constitute ex officio the board of the facilities district. The presiding officer of the board of trustees of the library district shall be ex officio the presiding officer of the board of the facilities district, the secretary of the board of trustees of the library district shall be ex officio the secretary of the board of the facilities district, and the

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

treasurer of the board of trustees of the library district shall be ex officio the treasurer of the board of the facilities district. The secretary and the treasurer may be one person. The board of the facilities district shall adopt a seal. The secretary shall keep ~~in a well-bound book~~, IN A VISUAL TEXT FORMAT THAT MAY BE TRANSMITTED ELECTRONICALLY a record of all its proceedings, minutes of all meetings, certificates, contracts, and all corporate acts, which shall be open to inspection of all owners of property in the facilities district as well as to all other interested parties. The treasurer shall keep permanent records containing accurate accounts of all money received by and disbursed for and on behalf of the area.

SECTION 3. 25-8.5-106 (9), Colorado Revised Statutes, is amended to read:

25-8.5-106. Board of directors. (9) The recording secretary shall keep ~~in a well-bound book~~, IN A VISUAL TEXT FORMAT THAT MAY BE TRANSMITTED ELECTRONICALLY a record of all of the authority's meetings, resolutions, certificates, contracts, bonds given by employees or contractors, and all corporate acts which shall be open to inspection of all interested parties.

SECTION 4. 29-25-108 (2), Colorado Revised Statutes, is amended to read:

29-25-108. Board of directors - duties. (2) The board shall adopt a seal. The secretary shall keep ~~in a well-bound book~~, IN A VISUAL TEXT FORMAT THAT MAY BE TRANSMITTED ELECTRONICALLY a record of all proceedings, minutes of meetings, certificates, contracts, and corporate acts of the board, which shall be open to inspection by the electors of the district and other interested parties. The treasurer shall keep permanent records containing accurate accounts of all money received by and disbursed for and on behalf of the district and shall make such annual or other reports to the local government as it may require. All budgets and financial records of the district, whether governed by a separate board or by the governing body of the local government, shall be kept in compliance with parts 1 and 5 of article 1 of title 29. ~~C.R.S.~~

SECTION 5. 30-10-405 (1), Colorado Revised Statutes, is amended to read:

30-10-405. Office at county seat - seal - records. (1) The county clerk and recorder shall keep his or her office at the county seat. The county clerk and recorder shall attend the sessions of the board of county commissioners either in person or by deputy, keep the county seal, records, and papers of the board of county commissioners, and keep a record of the proceedings of the board, ~~in a book~~, as required by law, under the direction of the board of county commissioners. RECORDS OF SUCH PROCEEDINGS SHALL BE KEPT IN A VISUAL TEXT FORMAT THAT MAY BE TRANSMITTED ELECTRONICALLY.

SECTION 6. 30-20-510, Colorado Revised Statutes, is amended to read:

30-20-510. Governing body constitutes board - duties. The governing body of the county in which the district is located shall constitute ex officio the board of directors of the district. The presiding officer of the governing body shall be ex officio the presiding officer of the board, the clerk of the governing body shall be ex officio the secretary of the board, and the treasurer of the county shall be ex officio the treasurer of the board and district. Such board shall adopt a seal. The

secretary shall keep ~~in a well-bound book~~, IN A VISUAL TEXT FORMAT THAT MAY BE TRANSMITTED ELECTRONICALLY a record of all its proceedings, minutes of all meetings, certificates, contracts, and all corporate acts, which shall be open to inspection by the owners of property in the district, as well as by all other interested parties. The treasurer shall keep permanent records containing accurate accounts of all money received by and disbursed for and on behalf of the district.

SECTION 7. 31-25-609, Colorado Revised Statutes, is amended to read:

31-25-609. Governing body constitutes board - duties. The governing body of the municipality in which the district is located shall constitute ex officio the board of directors of the district. The presiding officer of the governing body shall be ex officio the presiding officer, the clerk of the governing body shall be ex officio the secretary, and the treasurer of the municipality shall be ex officio the treasurer of the board and district. The secretary and the treasurer may be one person. Such board shall adopt a seal. The secretary shall keep ~~in a well-bound book~~, IN A VISUAL TEXT FORMAT THAT MAY BE TRANSMITTED ELECTRONICALLY a record of all its proceedings, minutes of all meetings, certificates, contracts, and all corporate acts, which shall be open to inspection of all owners of property in the district, as well as to all other interested parties. The treasurer shall keep permanent records containing accurate accounts of all money received by and disbursed for and on behalf of the district.

SECTION 8. 31-25-1209 (2), Colorado Revised Statutes, is amended to read:

31-25-1209. Board of directors - duties. (2) The board shall adopt a seal. The secretary shall keep ~~in a well-bound book~~, IN A VISUAL TEXT FORMAT THAT MAY BE TRANSMITTED ELECTRONICALLY a record of all proceedings, minutes of meetings, certificates, contracts, and corporate acts of the board, which shall be open to inspection by the electors of the district and other interested parties. The treasurer shall keep permanent records containing accurate accounts of all money received by and disbursed for and on behalf of the district and shall make such annual or other reports to the municipality as it may require. All budgets and financial records of the district, whether governed by a separate board or by the governing body of the municipality, shall be kept in compliance with parts 1 and 5 of article 1 of title 29, C.R.S.

SECTION 9. 32-1-902 (1), Colorado Revised Statutes, is amended to read:

32-1-902. Organization of board - compensation - disclosure. (1) After taking oath and filing bonds, the board shall elect one of its members as chairman of the board and president of the special district, one of its members as a treasurer of the board and special district, and a secretary who may be a member of the board. The secretary and the treasurer may be one person, but, if such is the case, he OR SHE shall be a member of the board. The board shall adopt a seal, and the secretary shall keep ~~in a well-bound book~~, IN A VISUAL TEXT FORMAT THAT MAY BE TRANSMITTED ELECTRONICALLY a record of all its proceedings, minutes of all meetings, certificates, contracts, bonds given by employees, and all corporate acts, which shall be open to inspection of all electors, as well as to all other interested parties.

SECTION 10. 37-3-102, Colorado Revised Statutes, is amended to read:

37-3-102. Oath - organization. Each director, before entering upon his OR HER official duties, shall take and subscribe to an oath, before an officer authorized to administer oaths, that ~~he~~ THE DIRECTOR will honestly, faithfully, and impartially perform the duties of his OR HER office and that he OR SHE will not be interested directly or indirectly in any contract let by said district, which oath shall be filed in the office of the clerk of said court in the original case. Upon taking the oath, the board of directors shall choose one of its number as chairman of the board and president of the district and shall elect some suitable person secretary of the board and of the district who may or may not be a member of the board. Such board shall adopt a seal and shall keep ~~in a well-bound book~~ IN A VISUAL TEXT FORMAT THAT MAY BE TRANSMITTED ELECTRONICALLY a record of all of its proceedings, minutes of all meetings, certificates, contracts, bonds given by employees, and corporate acts, which shall be open to the inspection of all owners of property in the district as well as to all other interested parties.

SECTION 11. 37-45-115 (2), Colorado Revised Statutes, is amended to read:

37-45-115. Organization of the board of directors. (2) Upon taking the oath, the board shall choose one of its number chairman of the board and president of the district and shall elect some suitable person secretary of the board and of the district who may or may not be a member of the board. Such board shall adopt a seal and shall keep ~~in a well-bound book~~ IN A VISUAL TEXT FORMAT THAT MAY BE TRANSMITTED ELECTRONICALLY a record of all of its proceedings, minutes of all meetings, certificates, contracts, bonds given by employees, and all corporate acts, which shall be open to inspection of all owners of property in the district as well as to all other interested parties.

SECTION 12. 40-6-109 (1), Colorado Revised Statutes, is amended to read:

40-6-109. Hearings - orders - record - review - representation of entities in nonadjudicatory proceedings. (1) At the time fixed for any hearing before the commission, any commissioner, or an administrative law judge, or, at the time to which the same may have been continued, the applicant, petitioner, complainant, the person, firm, or corporation complained of, and such persons, firms, or corporations as the commission may allow to intervene and such persons, firms, or corporations as will be interested in or affected by any order that may be made by the commission in such proceeding and who shall have become parties to the proceeding shall be entitled to be heard, examine and cross-examine witnesses, and introduce evidence. A full and complete record of all proceedings had before the commission, any commissioner, or an administrative law judge in any formal hearing, ~~had~~; and all testimony, shall be taken down by any reporter appointed by the commission ~~and~~ OR, AS DEEMED APPROPRIATE BY THE COMMISSION, A COMMISSIONER, OR AN ADMINISTRATIVE LAW JUDGE, AS APPLICABLE, RECORDED ELECTRONICALLY. All parties in interest shall be entitled to be heard in person or by attorney.

SECTION 13. Act subject to petition - 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, (August 5, 2009,

if adjournment sine die is on May 6, 2009); 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: April 16, 2009