

CHAPTER 369

GOVERNMENT - STATE

HOUSE BILL 23-1056

BY REPRESENTATIVE(S) Hamrick, Bacon, Brown, English, Frizzell, Froelich, Gonzales-Gutierrez, Jodeh, Kipp, Lieder, Lindsay, Lindstedt, Mabrey, Marshall, McLachlan, Michaelson Jenet, Parenti, Ricks, Velasco, Weinberg, Willford, Young;
also SENATOR(S) Cutter, Bridges, Priola.

AN ACT**CONCERNING MODERNIZING RECORD KEEPING BY THE STATE ARCHIVES.**

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

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

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

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

24-80-107. Reproduction on film - evidence - digital scans. (1) Any officer of a governmental agency may cause any records, papers, or documents in his or her custody to be photographed, microphotographed, ~~or reproduced on film, OR DIGITALLY SCANNED.~~ Such ~~photographic film~~ **REPRODUCTION** shall comply with the minimum standards of quality approved for permanent ~~photographic~~ records by the department of personnel, and the device used to reproduce such records ~~on such film~~ shall be one which accurately reproduces the original thereof in all details. ~~Such photographs, microphotographs, or photographic film shall be~~ A

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

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

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

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

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

(b) After the public officer has satisfied the requirements of ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION, the public officer may cause the original records from which the photographs, microphotographs, ~~or~~ film, OR DIGITALLY SCANNED reproductions have been made to be destroyed or disposed of according to methods specified in sections 24-80-103 to 24-80-106 and the rules promulgated by the department of personnel pursuant to section 24-80-102 (12).

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

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

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

(d) ~~Delivery to the custody of the executive director of the department of personnel, as chief administrative officer of the state archives and public records, of two official archival copies of original published and processed agency reports, studies, and other publications and distribution of other copies of the original reports as directed by the governor. Colleges and universities shall forward a monthly~~

listing of publications in the form and manner prescribed by the executive director of the department of personnel.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 5, 2023