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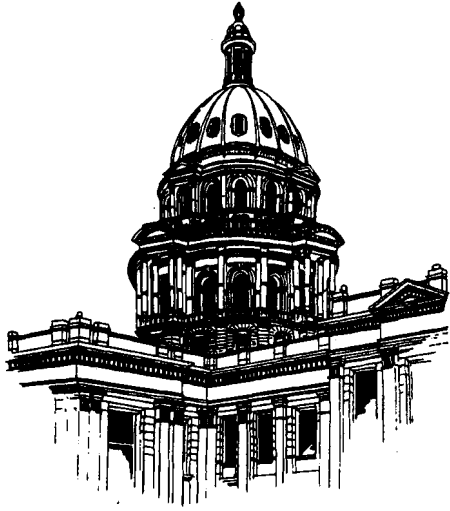
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0485 Management, Storage, Retrieval, and Archiving of State Records



**Study of the Management,
Storage, Retrieval, and
Archiving of State Records**

**Report to the
COLORADO
GENERAL ASSEMBLY**

**Colorado Legislative Council
Research Publication No. 485
December 2000**

RECOMMENDATIONS FOR 2001

**STUDY OF THE MANAGEMENT, STORAGE,
RETRIEVAL, AND ARCHIVING OF STATE
RECORDS**

**Report to the
Colorado General Assembly**

**Research Publication No. 485
December 2000**

COLORADO GENERAL ASSEMBLY

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December 2000

To Members of the Sixty-second General Assembly:

Submitted herewith is the final report of the Interim Committee to Study the Management, Storage, Retrieval, and Archiving of State Records. The interim committee was created pursuant to House Joint Resolution 00-1052 to study records management policy and procedure in Colorado state government.

At its meeting on October 16, 2000, the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 2001 session was approved.

Respectfully submitted,

/s/ Representative Doug Dean
Chairman
Legislative Council

GJ/dg

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STUDY OF THE MANAGEMENT, STORAGE, RETRIEVAL, AND ARCHIVING OF STATE RECORDS

Members of the Committee

**Representative Brad Young,
Chairman
Representative Penn Pfiffner
Representative Ann Ragsdale**

**Senator John Evans,
Vice Chairman
Senator Rob Hernandez
Senator Ron Teck**

Legislative Council Staff

**Will Meyer
Senior Fiscal Analyst**

**Geoffrey Johnson
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**Gregg Fraser
Senior Staff Attorney**

**Nicole Hoffman
Legislative Drafter**

**Stephen Miller
Staff Attorney**

**Thomas Morris
Staff Attorney**

EXECUTIVE SUMMARY

Committee Charge

House Joint Resolution 2000-1052 created an interim committee to study the management, storage, retrieval and archiving of state records.

Committee Activities

The committee met three times during the 2000 interim and heard testimony which included the following subject areas:

- records management policies and authority;
- the need for a uniform document management plan in Colorado state government;
- distribution of responsibility for data management in state government;
- state department records management practices and policies;
- Colorado state government document imaging services and projects;
- the potential for electronic filing of state agency notices of rule-making;
- legislative branch records management;
- public access to genealogical information and other historical records; and
- the role of the Attorney General's Office in determination of records retention schedules for state agencies.

Committee Recommendations

As a result of committee discussion and deliberation, the committee recommends five bills for consideration at the 2001 legislative session.

Bill A — State Auditor's Duty to Conduct Audits of State Records. Bill A directs the State Auditor to conduct periodic audits of records management by state departments, institutions and agencies. The Executive Director of the Department of Personnel is required to provide the State Auditor with guidelines for determination of whether state agencies are managing records in compliance with administrative and technical procedures.

Bill B — Assessment of Available Space for Public Records Storage. Bill B directs the Executive Director of the Department of Personnel to review and assess, every three years, the use and amount of storage space available in the State Archives and to report to the Legislative Audit Committee. The reports will include an assessment of available space, records received for storage from the three branches of state government, records converted from paper to microfilm or digital format, records received that were

already in microfilm or digital format and the space saved as a result, and records transferred to the Colorado Historical Society or other designated records collection facilities.

Bill C — Authority of the Department of Revenue to Grant a Credit for Electronic Filing of Documents. Bill C allows the Department of Revenue to grant credits to businesses and individuals for each electronic filing of specified documents during a five-year period. These documents include state individual income tax returns, state wage withholding returns, state sales tax returns, applications for new sales tax licenses, and applications to register new trade names.

Bill D — Criminal Penalty for Unlawful Destruction of Records. Bill D creates a criminal penalty for the unlawful destruction of certain records of the state and its political subdivisions. Persons who knowingly destroy, damage or deface these records commit a Class 6 felony. Computer software, computer programs, documentation and computer data are included in the definition of "records." The definition of records exempts certain correspondence of elected officials.

Bill E — State Records Filed With the Secretary of State. Bill E allows the Secretary of the Senate and the Chief Clerk of the House of Representatives to file their respective journals directly with the State Archives rather than with the Secretary of State. The bill also allows the Secretary of State to require state agencies to file rules in an electronic format.

AUTHORITY AND RESPONSIBILITIES

House Joint Resolution 00-1052 created a six-member legislative interim study committee to study the management, storage, retrieval and archiving of state records. The resolution directed the committee to consider state records management policies for purposes of records retention; state agency compliance with current records management requirements; possible methods of converting paper records to other mediums; records storage in private facilities; and policies for periodic agency review of their records.

COMMITTEE ACTIVITIES

The committee held three meetings and heard testimony from the State Archivist, the State Auditor, the Secretary of State, the Attorney General's Office, the Governor's Office of Innovation and Technology, the Legislative Branch, the Colorado Historical Society and numerous state departments regarding records management practices and policies.

State Department Records Management

The committee surveyed state departments regarding their records management practices. Departments were asked: whether or not they lease space for records storage, which of their divisions lease space, whether records are stored in the State Archives or in department facilities, and whether records are periodically reviewed to determine the necessity for retention. Additionally, the departments were asked: whether the department has a policy for disposal of non-permanent records and if this policy is in compliance with Division of State Archives procedures, and finally, if the department retains any records beyond legally required retention periods.

The committee received responses from 15 state departments. Fourteen of the departments stated that they lease some space for storage of records, although for many storage of departmental records in leased space is minimal. Eleven of the respondents stated that records are stored both in departmental facilities and in the State Archives. Some departments expressed concern with the limited amount of space now available for new record storage in the State Archives.

Twelve state departments responded that records are periodically reviewed to determine the necessity for retention. Four of the respondents conduct these reviews annually. Thirteen of the departments stated that a records disposal policy is in place. Some departments responded that they follow records management manuals which are approved by the State Archivist. A few departments have records management policies under development, or which are being updated. Many departments also follow federal records retention guidelines. Eleven departments responded that their records disposal policies are in compliance with State Archivist policies.

A total of 10 departments responded that some of their records are retained beyond legally required retention periods. This occurs in cases where records are kept for legal matters, for audit purposes, to maintain an historical record, due to poor quality of microfilmed images of the records, and due to limited staff resources to purge the records.

Several issues discussed by the interim committee resulted in committee recommendations for legislation. This testimony and discussion is described below.

State Auditor Records Management Audits of State Government Agencies

The committee chairman suggested that the State Auditor include a review of state agency records management practices as part of each agency's regular three-year audit. These periodic audits would ensure that agencies are adhering to specific record retention policies. The State Auditor's Office testified that this statutory requirement may not be necessary since the State Auditor is currently empowered to conduct such reviews, and suggested that a letter or a resolution would suffice to initiate such audits.

Recommendation. The interim committee recommends Bill A requiring periodic reviews of state agency records management practices.

Assessment of Available Space for Public Records Storage in the State Archives

Committee members expressed concern regarding the expense of state department's storage of paper records in leased space. To the extent that space could be made available in the State Archives, these costs would be minimized. Testimony indicated that the State Archives is currently turning away new requests by state departments to store records.

Members of the committee pointed out that some records currently stored in the State Archives could be turned over to the State Historical Society. The State Archivist confirmed this and added that some of these records might also be transferred to libraries or to universities without causing public access problems. The State Archivist also noted that his office is in the process of making many records available electronically.

Recommendation. This testimony to the committee resulted in the recommendation of a bill requiring periodic reports to the Legislative Audit Committee with assessments of space available in the State Archives. Bill B will require reports addressing records received for storage from the three branches of state government, records converted from paper to microfilm or digital format, records received that were already in microfilm or digital format and the space saved as a result, and records transferred to the Colorado Historical Society or other designated records collection facilities.

Authority of the Department of Revenue to Grant Credits for Electronically Filing of Documents

Representatives of the Department of Revenue testified in regard to their records management and document processing. The department is moving toward the goals of electronic data capture, "e-filing" and "e-payments." The department processes millions of documents each year. Electronic storage of these documents offers the department the opportunity for future efficiency improvements. The largest of the department's records management processes relates to tax records. The department receives 5.4 million tax-related documents each year. These documents result in 11 million microfilm images

annually and 90,000 requests for retrieval of documents. Electronic imaging of documents will provide faster retrieval of documents, reduced storage costs, and better image quality.

Recommendation. This testimony prompted the committee to recommend Bill C allowing the department to grant credits to businesses and individuals for electronic filing of certain documents. In testimony to the committee a representative of the department expressed concern that the levels of the credits be set to provide sufficient incentives to modify taxpayer behavior.

Criminal Penalty for the Unlawful Destruction of Government Records

The State Archivist pointed out to the committee that in Colorado the destruction of state records is only a misdemeanor, and that since many of these documents provide the legal foundation of the state the committee might consider if this is an appropriate penalty. He provided the committee with examples of penalties for improper records destruction from four other states. The crime of unlawful destruction of public records in these states is either a misdemeanor or a felony with fines up to \$10,000 and jail time up to five years.

Recommendation. The State Archivist's testimony prompted the committee to recommend Bill D providing that persons who knowingly destroy, damage or deface records of the state or its political subdivisions commit a Class 6 felony. Computer software, computer programs, documentation and computer data are included in the definition of "records." The definition of records exempts certain correspondence of elected officials.

State Records Filed With the Secretary of State

The Secretary of State (SOS) explained to the interim committee that her office is a "document intensive" office. The SOS receives business filings, candidate filings, lobbyist disclosures and filings by notaries public. Thus, electronic filing offers the department the potential for significant efficiency improvements by eliminating the need for scanning and data entry.

The SOS also pointed out that her office acts as the clearing house for all rule-making documents and that state agency's filing of notices of rule making is an entirely paper-based process. The transformation of this process to electronic filing offers significant potential for efficiency improvements.

Recommendation. The Secretary of the Senate and the Chief Clerk of the House of Representatives suggested in testimony to the committee that statutes be amended to permit filing of Senate and House journals directly with the State Archives rather than with the Secretary of State. This amendment as well as a statutory change permitting the Secretary of State to require state agencies to file rules in an electronic format is included in Bill E.

Additional Testimony Received by the Interim Committee

Additional testimony received by the committee addressed:

- an overview of Colorado state government records management policies and authority;
- an explanation of the need for a uniform document management plan in Colorado state government;
- commentary on the statutory framework which assigns responsibilities for data management in state government;
- public access to genealogical information and other historical records; and
- an explanation of the role of the Attorney General's Office in the determination of records retention schedules for state agencies.

SUMMARY OF RECOMMENDATIONS

As a result of the committee's activities, the following bills are recommended to the Colorado General Assembly.

Bill A — Concerning the State Auditor's Duty to Conduct Records Management Audits of State Government Agencies

The committee heard testimony regarding the need for enforcement of state records management policies. Bill A is the committee's response to these concerns.

Bill A directs the State Auditor to conduct periodic audits of records management by state departments, institutions and agencies, including educational institutions and the judicial and legislative branches. The State Auditor will determine the frequency of the audits. In addition, the bill also requires the Executive Director of the Department of Personnel to provide the State Auditor with guidelines, by September 1, 2001, for determination of whether state agencies are managing records in compliance with administrative and technical procedures for records maintenance and management. These guidelines will also include a review of state agency efforts to improve public access to state records.

Bill A is assessed as having no fiscal impact.

Bill B — Concerning the Assessment of Available Space for Public Records Storage in State Archives and Public Records

Testimony was provided regarding insufficient space for storage of public records in the State Archives. This bill represents the committee's response to concerns raised regarding limited storage space in the Archives.

Bill B directs the Executive Director of the Department of Personnel to review and assess, every three years, the amount of storage space available in the State Archives. The Executive Director is required to submit an initial report regarding available storage space, and report every three years to the Legislative Audit Committee.

The reports will include the following elements:

- an overall assessment of available space;
- the approximate number of records that the State Archives received for storage from the three branches of state government over the past three years;

- the approximate number of records converted from paper to microfilm or digital format over the past three-year period and the amount of space saved by this conversion;
- the approximate number or percentage of records that the Archivist received in the three-year period that were already in microfilm or digital format and the space saved as a result; and
- the approximate number of records transferred to the Colorado Historical Society or other designated records collection facilities.

Bill B is assessed as having no fiscal impact.

Bill C — Concerning the Authority of the Executive Director of the Department of Revenue to Grant a Credit to a Person Who Electronically Files a Document with the Department of Revenue

The committee heard testimony from the Department of Revenue regarding the department's goal to move toward electronic filing and electronic payments for tax returns. Bill C responds to this stated goal by putting appropriate incentives in place for electronic filing.

Bill C allows the Department of Revenue to grant credits to businesses and individuals for each electronic filing of specified documents during the five year period January 1, 2001 to January 1, 2006. These documents include: state individual income tax returns (\$10), state wage withholding returns (\$5), state sales tax returns (\$5), applications for new sales tax licenses (\$16 credited toward the application fee), and applications to register new trade names (\$10 credited toward the application fee). The credits may not exceed the amount of the tax liability, may not be refunded or carried forward, and are not allowed for delinquent or amended returns.

Bill C is assessed as having a conditional fiscal impact.

Bill D — Concerning Government Records, and, in Connection Therewith, Creating a Criminal Penalty for Unlawful Destruction of Certain Government Records

Testimony by the State Archivist indicated that destruction of state records in Colorado is only a misdemeanor offense, and that this may be an insufficient penalty to deter the destruction of records which are "the legal foundation of the state."

The bill creates a criminal penalty for the unlawful destruction of certain records of the state and its political subdivisions. Persons who knowingly destroy, damage or deface these records commit a Class 6 felony (twelve to eighteen months imprisonment and a \$1,000 to \$100,000 fine.) Computer software, computer programs, documentation and computer data are included in the definition of "records." The definition does not include

working documents in progress. The bill makes appropriations from the Capital Construction Fund to the Department of Corrections and the Corrections Expansion Reserve Fund to cover costs of implementation.

Bill D is assessed as having no fiscal impact.

Bill E — Concerning State Records Filed With the Secretary of State

The Secretary of State (SOS) suggested to the committee that state agency's notices of rule-making might be filed electronically with the SOS office as opposed to the current paper-based system. Electronic filing will save space in the office and improve public access to the information. The bill also addresses a suggestion to the committee from the Chief Clerk of the House of Representatives and the Secretary of the Senate concerning the filing of legislative journals with the State Archivist.

Bill E allows the Secretary of the Senate and the Chief Clerk of the House of Representatives to file their respective journals directly with the State Archives rather than with the Secretary of State. The bill also allows the Secretary of State to require state agencies to file rules in an electronic format.

Bill E is assessed as having no fiscal impact.

RESOURCE MATERIALS

The resource materials listed below were provided to the committee or developed by Legislative Council Staff during the course of the study. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver. For a limited period of time, the meeting summaries and materials developed by Legislative Council Staff are available on our web site at:

www.state.co.us/gov_dir/leg_dir/lcsstaff/2000/00interim

Meeting Summaries

Topics Discussed

August 9, 2000

State Government Records Management Policies and Oversight Authority; Statutory Responsibilities for The Management of Information Technology Resources; Uniform Electronic Transactions Act; Records Retention and Management Trends and Costs; Division of Worker's Compensation Scanning Project; Executive Department Records Management.

August 22, 2000

Department of Higher Education Records Management; Legislative Branch Records Management; Role of the Secretary of State in Executive Agency Rule Making; Potential for State Auditor Review of State Agency Records Management; Historic/Genealogical Interest in State Records Management; State Publications Library - Document Access and Retention; Department of Law - Review of Proposed Records Retention Policies; Department of Public Health and Environment Records; Retention and Management Guidelines; Department of the Treasury Policies for Record Storage and Unclaimed Property; Committee Motions for Draft Legislation.

September 15, 2000

Records Retention and Disposition; Motions to Recommend Legislation for Introduction.

Memoranda and Reports

Legislative Council Staff memoranda titles:

Statutes Regarding State Records.

Committee Discussion Topics and Agency Policies.

Reports provided to the committee:

Penalties for Destruction of State Records, Terry Ketelsen, State Archivist, September, 2000.

State Archives Interim Committee Presentation Items, Terry Ketelsen, State Archivist, August, 2000.

Management, Storage, Retrieval and Archiving of State Records - Issues for Consideration, Ronald Smith, Smart Corporation, August, 2000.

Colorado State Government Record Liaison Officers, Terry Ketelsen, State Archivist, August, 2000.

Records Management and Storage, Common Sense in State Government Team, Elwood Gillis, February 2000.

Records Management Manual, Colorado Judicial Department, April 1991.

State Archives Records Proposed for Imaging, Terry Ketelsen, State Archivist, September, 2000.

Academic, Genealogical and Historical Records at the State Archives, Terry Ketelsen, State Archivist, September, 2000.

Document Imaging and Workflow Glossary, The Rheinner Group, Hingham, MA, 2000.

Bill A

HOUSE SPONSORSHIP

Young and Ragsdale

SENATE SPONSORSHIP

Evans and Teck

A BILL FOR AN ACT

CONCERNING THE STATE AUDITOR'S DUTY TO CONDUCT RECORDS MANAGEMENT
AUDITS OF STATE GOVERNMENT AGENCIES

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Management, Storage, Retrieval, and Archiving of State Records.

Directs the state auditor or the auditor's designee to conduct records management audits in all departments, institutions, and agencies of state government, including educational institutions and the judicial and legislative branches.

Requires that the records management audits be conducted on a periodic basis as determined by the state auditor.

Directs the executive director or the director's designee to provide the state auditor with guidelines for records management audits.

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

SECTION 1. Part 1 of article 3 of title 2, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

2-3-114. State records management - duties of state auditor.

(1) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "AGENCY" MEANS EVERY DEPARTMENT, INSTITUTION, AND AGENCY OF STATE GOVERNMENT, INCLUDING EDUCATIONAL INSTITUTIONS AND THE JUDICIAL AND LEGISLATIVE BRANCHES.

(b) "RECORDS" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 24-80-101 (1), C.R.S., AND SHALL INCLUDE A "RECORD" AS DEFINED IN SECTION 24-71.1-103 (9), C.R.S.

(2) THE STATE AUDITOR SHALL CONDUCT RECORDS MANAGEMENT AUDITS OF EVERY AGENCY ON A PERIODIC BASIS AS DETERMINED BY THE STATE AUDITOR. SUCH RECORDS MANAGEMENT AUDITS SHALL BE CONDUCTED SEPARATELY OR IN CONNECTION WITH AN AGENCY AUDIT CONDUCTED PURSUANT TO SECTION 2-3-103.

(3) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL OR THE DIRECTOR'S DESIGNEE SHALL, IN CONSULTATION WITH THE STATE ARCHIVIST, PROVIDE THE STATE AUDITOR WITH GUIDELINES BY SEPTEMBER 1, 2001, FOR DETERMINING WHETHER AN AGENCY IS:

(a) MANAGING ITS RECORDS IN COMPLIANCE WITH THE ADMINISTRATIVE AND TECHNICAL PROCEDURES FOR RECORDS MAINTENANCE AND MANAGEMENT ESTABLISHED PURSUANT TO SECTION 24-80-102 (3), C.R.S.; AND

(b) IMPROVING THE GENERAL ACCESSIBILITY OF THE RECORDS IN THE AGENCY'S CUSTODY.

SECTION 2. 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.

DRAFT

Bill A

Colorado Legislative Council Staff
NO FISCAL IMPACT

Drafting Number: LLS 01-0098
Prime Sponsor(s): Rep. Young
Sen. Evans

Date: November 17, 2000
Bill Status: Interim Committee on State
Records
Fiscal Analyst: Will Meyer (303-866-4976)

TITLE: CONCERNING THE STATE AUDITOR'S DUTY TO CONDUCT RECORDS
MANAGEMENT AUDITS OF STATE GOVERNMENT AGENCIES.

Summary of Assessment

This bill authorizes the Office of State Auditor to conduct records management reviews of all state agencies on a periodic basis as determined by the State Auditor. The bill requires the executive director of the Department of Personnel, in consultation with the State Archivist, to develop guidelines for the State Auditor to use for determining compliance with current state records management rules and improving the general accessibility of the records in the agency's custody. The bill would become effective 90 days after the General Assembly adjourns unless a referendum petition is filed.

While the provisions of this bill will increase the workload of the Office of State Auditor, the broad discretion provided the State Auditor in the bill will allow the State Auditor to conduct the required records management reviews within existing resources. The Department of Personnel can develop the necessary guidelines for use by the State Auditor within their existing resources. The bill will not have a significant fiscal impact on any other state agency. The provisions of the bill will not impact local governments. Therefore, this bill is assessed as having no fiscal impact.

Departments Contacted

Personnel State Auditor

Bill B

HOUSE SPONSORSHIP

Young

SENATE SPONSORSHIP

Evans and Teck

A BILL FOR AN ACT

CONCERNING THE ASSESSMENT OF AVAILABLE SPACE FOR PUBLIC RECORDS
STORAGE IN STATE ARCHIVES AND PUBLIC RECORDS

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Management, Storage, Retrieval, and Archiving of State Records.
Directs the executive director of the department of personnel or the director's designee to review and assess the amount of space available in the state archives and public records for the storage of public records every 3 years. Requires the executive director or the director's designee to submit an initial report regarding available storage space based on that review and assessment to the legislative audit committee no later than _____, and to submit an updated report every 3 years thereafter. Specifies the data that the executive director or the director's designee shall include in that report.

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

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

24-80-113. State archives - available storage space - report.

(1) AS THE CHIEF ADMINISTRATIVE OFFICER OVER STATE ARCHIVES AND PUBLIC RECORDS PURSUANT TO SECTION 24-80-102 (2), THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL OR THE DIRECTOR'S DESIGNEE

SHALL BE RESPONSIBLE FOR REVIEWING AND ASSESSING THE USE AND AMOUNT OF SPACE AVAILABLE FOR RECORDS STORAGE IN STATE ARCHIVES AND PUBLIC RECORDS EVERY THREE YEARS.

(2) (a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL OR THE DIRECTOR'S DESIGNEE SHALL MAKE FINDINGS BASED ON THE REVIEW AND ASSESSMENT OF RECORDS STORAGE DESCRIBED IN SUBSECTION (1) OF THIS SECTION. THE EXECUTIVE DIRECTOR OR THE DIRECTOR'S DESIGNEE SHALL SUBMIT AN INITIAL REPORT CONTAINING SUCH FINDINGS TO THE LEGISLATIVE AUDIT COMMITTEE, CREATED IN SECTION 2-3-101, C.R.S., NO LATER THAN _____ AND SHALL SUBMIT AN UPDATED REPORT TO THE COMMITTEE NO LATER THAN _____ OF EVERY THIRD YEAR THEREAFTER.

(b) THE REPORT SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, THE FOLLOWING:

(I) AN OVERALL ASSESSMENT OF THE AMOUNT OF SPACE AVAILABLE FOR RECORDS STORAGE IN THE STATE ARCHIVES;

(II) THE APPROXIMATE NUMBER OF RECORDS OR BOXES OF RECORDS THAT THE STATE ARCHIVES RECEIVED FOR STORAGE FROM THE EXECUTIVE, JUDICIAL, AND LEGISLATIVE BRANCHES OF THE STATE GOVERNMENT OVER THE PAST THREE YEARS;

(III) THE APPROXIMATE NUMBER OF RECORDS OR BOXES OF RECORDS THAT THE STATE ARCHIVIST CONVERTED FROM PAPER TO MICROFILM OR DIGITAL FORMAT OVER THE PAST THREE YEARS, THE AMOUNT OF SPACE CONSERVED IN THE ARCHIVES THROUGH SUCH CONVERSIONS, THE APPROXIMATE NUMBER OR PERCENTAGE OF RECORDS THAT THE STATE ARCHIVIST RECEIVED FOR STORAGE OVER THE PAST THREE YEARS THAT WERE ALREADY ON MICROFILM OR IN DIGITAL FORMAT, AND THE AMOUNT OF SPACE SAVED DUE TO RECEIVING RECORDS IN SUCH FORMAT;

(IV) THE APPROXIMATE NUMBER OF RECORDS OR BOXES OF RECORDS THAT WERE TRANSFERRED TO THE COLORADO HISTORICAL SOCIETY OR OTHER STATE DESIGNATED RECORDS COLLECTION FACILITIES AND THE AMOUNT OF STORAGE SPACE IN THE STATE ARCHIVES THAT SUCH TRANSFERS MADE AVAILABLE; AND

(V) ANY OTHER INFORMATION THAT THE EXECUTIVE DIRECTOR, THE DIRECTOR'S DESIGNEE, OR THE COMMITTEE DEEMS NECESSARY OR RELEVANT.

SECTION 2. 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.

DRAFT

Bill B

Colorado Legislative Council Staff
NO FISCAL IMPACT

Drafting Number: LLS 01-0099
Prime Sponsor(s): Rep. Young
Sen. Evans

Date: November 17, 2000
Bill Status: Interim Committee on State
Records
Fiscal Analyst: Will Meyer (303-866-4976)

TITLE: CONCERNING THE ASSESSMENT OF AVAILABLE SPACE FOR PUBLIC RECORDS STORAGE IN STATE ARCHIVES AND PUBLIC RECORDS.

Summary of Assessment

This bill requires the executive director of the Department of Personnel to review and assess the amount of space available in the state archives and public storage for the storage of public records. The bill requires the executive director to submit an initial report to the Legislative Audit Committee by a date to-be-determined, and to submit updated reports every third year. The bill specifies minimum information that must be included in each report. The bill would become effective 90 days after the General Assembly adjourns unless a referendum petition is filed.

The provisions of this bill can be implemented by the Department of Personnel within existing resources and will have no fiscal impact on any state agency. The bill will not affect local governments. Therefore, this bill is assessed as having no fiscal impact.

Departments Contacted

Personnel

Bill C

HOUSE SPONSORSHIP

Ragsdale and Young

SENATE SPONSORSHIP

Teck and Evans

A BILL FOR AN ACT

CONCERNING THE AUTHORITY OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE TO GRANT A CREDIT TO A PERSON WHO ELECTRONICALLY FILES A DOCUMENT WITH THE DEPARTMENT OF REVENUE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Management, Storage, Retrieval, and Archiving of State Records.

Authorizes the executive director of the department of revenue to grant credits to people who file the following documents electronically with the department:

- State income tax returns;
- State wage withholding returns;
- State sales tax returns;
- Applications for new sales tax licenses; and
- Applications to register new trade names.

Specifies the amount of each credit and when the returns must be filed.

Prohibits the credits from being refunded or carried forward. Provides that the

executive director of the department of revenue shall have the discretion to determine whether each credit is granted based upon specified standards.

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

SECTION 1. Part 1 of article 21 of title 39, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

39-21-121. Credit for the electronic filing of returns and other documents - repeal. (1) NOTWITHSTANDING ANY OTHER PROVISION TO THE CONTRARY, THE EXECUTIVE DIRECTOR SHALL HAVE THE AUTHORITY TO GRANT CREDITS AS PROVIDED IN THIS SECTION TO PERSONS WHO ELECTRONICALLY FILE DOCUMENTS WITH THE DEPARTMENT ON OR AFTER JANUARY 1, 2001, BUT PRIOR TO JANUARY 1, 2006, AS FOLLOWS:

(a) FOR AN INDIVIDUAL INCOME TAX RETURN MADE PURSUANT TO SECTION 39-22-601 (1), THAT IS FILED ELECTRONICALLY, THE EXECUTIVE DIRECTOR MAY GRANT A CREDIT AGAINST THE INCOME TAX LIABILITY REFLECTED IN THE RETURN IN AN AMOUNT EQUAL TO TEN DOLLARS;

(b) FOR AN EMPLOYER REMITTING WITHHOLDING TAX PURSUANT TO SECTION 39-22-604, THE EXECUTIVE DIRECTOR MAY GRANT A CREDIT AGAINST THE AMOUNT REMITTED TO THE DEPARTMENT IN AN AMOUNT EQUAL TO FIVE DOLLARS FOR EACH RETURN FILED ELECTRONICALLY WITH THE DEPARTMENT;

(c) FOR AN APPLICATION FOR A NEW SALES TAX LICENSE THAT IS FILED ELECTRONICALLY, THE EXECUTIVE DIRECTOR MAY GRANT A CREDIT IN AN AMOUNT EQUAL TO SIXTEEN DOLLARS TO BE CREDITED TOWARD THE APPLICATION FEE FOR SUCH LICENSE IMPOSED PURSUANT TO SECTION 39-26-103 (1) (c);

(d) FOR A SALES TAX RETURN FILED ELECTRONICALLY PURSUANT TO ARTICLE 26 OF THIS TITLE, THE EXECUTIVE DIRECTOR MAY GRANT A CREDIT IN AN AMOUNT EQUAL TO FIVE DOLLARS AGAINST THE STATE SALES TAX REMITTED WITH SUCH RETURN; AND

(e) FOR AN APPLICATION TO REGISTER A NEW TRADE NAME THAT IS FILED ELECTRONICALLY, THE EXECUTIVE DIRECTOR MAY GRANT A CREDIT IN AN AMOUNT EQUAL TO TEN DOLLARS TO BE CREDITED TOWARD THE APPLICATION FEE FOR SUCH REGISTRATION IMPOSED PURSUANT TO SECTION 24-35-301 (3), C.R.S.

(2) IN NO EVENT SHALL:

(a) THE AMOUNT OF A CREDIT GRANTED PURSUANT TO THIS SECTION EXCEED THE AMOUNT OF THE TAX LIABILITY OR FEE AGAINST WHICH IT IS TO BE CREDITED;

(b) A CREDIT GRANTED PURSUANT TO THIS SECTION BE REFUNDED TO AN INDIVIDUAL OR ALLOWED TO BE CARRIED FORWARD AGAINST ANY FUTURE LIABILITY FOR A TAX OR FEE; AND

(c) A CREDIT BE ALLOWED FOR AN AMENDED, DELINQUENT, OR RENEWED APPLICATION OR RETURN.

(3) THE EXECUTIVE DIRECTOR SHALL, AT HIS OR HER DISCRETION, DETERMINE WHETHER EACH CREDIT AUTHORIZED PURSUANT TO THIS SECTION SHALL BE GRANTED BASED UPON THE ABILITY OF THE DEPARTMENT TO ACCEPT THE RELEVANT DOCUMENTS ELECTRONICALLY, THE NEED TO ENCOURAGE TAXPAYERS TO FILE DOCUMENTS ELECTRONICALLY, AND SUCH OTHER STANDARDS AND CRITERIA AS THE DIRECTOR DEEMS APPROPRIATE. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE THE EXECUTIVE DIRECTOR TO PROVIDE FOR THE ELECTRONIC FILING OF ANY PARTICULAR DOCUMENT OR TO REQUIRE THE EXECUTIVE DIRECTOR TO AUTHORIZE THE GRANTING OF ANY PARTICULAR CREDIT PROVIDED FOR IN THIS SECTION.

(4) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2007.

SECTION 2. 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.

DRAFT

Colorado Legislative Council Staff

STATE

CONDITIONAL FISCAL IMPACT

Drafting Number: LLS 01-0100
Prime Sponsor(s): Rep. Ragsdale
Sen. Teck

Date: November 14, 2000
Bill Status: Interim Committee on State
Records
Fiscal Analyst: Harry Zeid (303-866-4753)

TITLE: CONCERNING ELECTRONIC TAX FILINGS.

Table with 3 columns: Fiscal Impact Summary, FY 2001/2002, FY 2002/2003. Rows include State Revenues, State Expenditures, FTE Position Change, TABOR Liability, Effective Date, Appropriation Summary, and Local Government Impact.

Summary of Legislation

This bill authorizes the Executive Director of the Department of Revenue to grant credits to people who file certain documents electronically with the department on or after January 1, 2001, but prior to January 1, 2006.

- Individual income tax returns - \$10
Wage withholding returns - \$5
New sales tax license - \$16
Sales tax return - \$5
Applications to register new trade names - \$10

The credit may not exceed the amount of the tax liability or fee against which it is credited, and may not be carried forward against any future liability.

The bill is permissive in that while it broadens the authority of the Executive Director to authorize credits for the electronic filing of particular documents, it does not require that credits be granted. Therefore, the bill is assessed as having a state conditional fiscal impact.

State Revenues

The bill authorizes the Executive Director of the Department of Revenue to grant credits for the electronic filing of documents beginning January 1, 2001. These credits, if exercised, will reduce state General Fund revenue. Each potential credit is described below.

- **Income Tax Returns.** In FY 1999-00, 487,479 income tax filings were filed via Federal/State Electronic Filing, Netfile, and Telefile. The department projects growth to approximately 650,000 in FY 2001-02.
- **Wage Withholding Returns.** In FY 1999-00, 367,544 withholding returns were filed electronically. This number is expected to grow to about 385,000 in FY 2001-02.
- **New Sales Tax Licenses.** The department estimates that about 24,000 new sales tax licenses are issued annually. It is unknown how many applications would be filed electronically if electronic filing becomes available.
- **Sales Tax Returns.** The department estimates that only about 100 companies (who use the NationTax Online service) will utilize sales tax filings via the internet on a monthly basis.
- **Trade Name Registration.** It is estimated that about 19,200 new trade names are registered annually. It is unknown how many applications would be filed electronically if the service becomes available.

Table 1 summarizes the types of credits authorized by the bill, the value of the credit, the potential number of returns that would qualify for the credit, and the full-year total value of each credit annually beginning in FY 2001-02. The total represents the maximum annual value of the credit, but the actual amount that would be issued depends on the which credits are authorized by the Executive Director and the effective date of the credits.

Table 1. Potential Full Year Credit Value Beginning in FY 2001-02

Type of Credit	Credit Value	Potential Full Year Impact	
		Number of Credits	Total
Individual Income Tax Returns	\$10	650,000	\$6,500,000
Wage Withholding Returns	5	385,000	1,925,000
New Sales Tax Licenses	16	24,000	384,000
Sales Tax Returns	5	1,200	6,000
New Trade Name Registration	10	19,200	192,000
Total			\$9,007,000

State Expenditures

The tax accounting systems at the Department of Revenue will require reprogramming in order to accommodate the posting of credit information to taxpayers' accounts. Presently, only the wage withholding system and the individual income tax system are capable of accepting electronic remittances. A system for providing the credits is currently not in place and would have to be provided.

The increased use of electronic filing of tax documents to the Department of Revenue will result in a corresponding reduction in the number of paper tax filings that will be required to be processed. This reduction in paper handling through the "pipeline" may result in a significant expenditure reduction for the department. Presumably, this savings will help offset the cost of additional computer programming and the cost of the credits.

Other State Impacts

Issuance of the credits authorized by the bill will result in a state General Fund revenue reduction. Consequently, the amount of state revenue to be refunded to taxpayers under the terms of the TABOR Amendment will be reduced by a corresponding amount.

State Appropriations

The fiscal note implies that no additional state spending authority or appropriation is required for FY 2001-02 to implement the provisions of the bill.

Departments Contacted

Revenue

Bill D

SENATE SPONSORSHIP

Evans and Teck

HOUSE SPONSORSHIP

Young and Ragsdale

A BILL FOR AN ACT

CONCERNING GOVERNMENT RECORDS, AND, IN CONNECTION THEREWITH,
CREATING A CRIMINAL PENALTY FOR THE UNLAWFUL DESTRUCTION
OF CERTAIN GOVERNMENT RECORDS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Management, Storage, Retrieval, and Archiving of State Records.
Creates a criminal penalty for the unlawful destruction of certain records of the state of Colorado and its political subdivisions.

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

SECTION 1. 24-80-101 (1), Colorado Revised Statutes, is amended to read:

24-80-101. Definitions. As used in this part 1, unless the context otherwise requires:

(1) "Records" means all books, papers, maps, photographs, or ANY other documentary materials, regardless of physical form or characteristics, INCLUDING BUT NOT LIMITED TO ANY COMPUTER SOFTWARE, PROGRAM, DOCUMENTATION, OR COMPUTER DATA, 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:

(a) Materials preserved or appropriate for preservation because of the value of the data contained therein other than that of an official governmental nature or because of the historical value of the materials themselves;

(b) Library books, pamphlets, newspapers, or museum material made, acquired, or preserved for reference, historical, or exhibition purposes;

(c) Private papers, manuscripts, letters, diaries, pictures, biographies, books, and maps, including materials and collections previously owned by persons other than the state or any political subdivision thereof and transferred by them to the state historical society;

(d) Extra copies of publications or duplicated documents preserved for convenience of reference;

(e) Stocks of publications;

(f) Electronic mail messages, regardless of whether such messages are produced or stored using state-owned equipment or software, unless the recipient has previously segregated and stored such messages 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.

(g) THE CORRESPONDENCE OF ELECTED OFFICIALS THAT:

(I) CONSTITUTES WORK PRODUCT AS DEFINED IN SECTION 24-72-202 (6.5) (a) AND (b); EXCEPT THAT FINAL PRODUCTS WHICH BECOME PUBLIC RECORDS UNDER THE PROVISIONS OF SECTION 24-72-202 (6.5) (b) SHALL CONSTITUTE RECORDS AS DEFINED IN THIS SUBSECTION (1); OR

(II) IS NOT CONNECTED TO THE EXERCISE OF FUNCTIONS REQUIRED OR AUTHORIZED BY LAW OR ADMINISTRATIVE RULE AND DOES NOT INVOLVE THE RECEIPT OR EXPENDITURE OF PUBLIC FUNDS.

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

24-80-113. Unlawful destruction of government records - penalty.

(1) ANY PERSON WHO KNOWINGLY DESTROYS, DAMAGES, OR DEFACTS ANY RECORD, AS DEFINED IN SECTION 24-80-101, OF THE STATE OF COLORADO OR OF ANY POLITICAL SUBDIVISION THEREOF COMMITS UNLAWFUL DESTRUCTION OF GOVERNMENT RECORDS.

(2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT THE DISPOSITION OF PUBLIC RECORDS LAWFULLY PERFORMED IN ACCORDANCE WITH THE PROCEDURES OF THIS PART 1.

(3) UNLAWFUL DESTRUCTION OF GOVERNMENT RECORDS IS A CLASS 6 FELONY, PUNISHABLE AS PROVIDED IN SECTION 18-1-105, C.R.S.

SECTION 3. Part 1 of article 1 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

17-1-133. Appropriation to comply with section 2-2-703.

(1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT B. 01- , ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY:

(a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2001, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE

CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

(b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2002, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2002, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

(c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

(d) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

(e) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

SECTION 4. 24-75-302 (2) (n), (2) (o), (2) (p), (2) (q), and (2) (r) are amended to read:

24-75-302. Capital construction fund - capital assessment fees - calculation. (2) As of July 1, 1988, and July 1 of each year thereafter through July 1, 2005, a sum as specified in this subsection (2) shall accrue to the capital construction fund. The state treasurer and the controller shall transfer such sum out of the general fund and into the capital construction fund as moneys become available in the general fund during the fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (2) shall not be deemed to be appropriations subject to the limitations of section 24-75-201.1. The amount which shall accrue pursuant to this subsection (2) shall be as follows:

(n) On July 1, 2001, one hundred million dollars, plus one hundred fifty-four thousand six hundred thirty-six dollars pursuant to H.B. 97-1186; plus nine hundred five thousand seven hundred twenty-three dollars pursuant to H.B. 97-1077, enacted at the first regular session of the sixty-first general assembly; plus nine thousand eight hundred ninety dollars pursuant to S.B. 98-021, enacted at the second regular session of the sixty-first general assembly; plus three hundred forty-nine thousand fifty-five dollars pursuant to H.B. 98-1160, enacted at the second regular session of the sixty-first general assembly; plus three hundred twenty-six thousand thirty-two dollars pursuant to H.B. 00-1107, enacted at the second regular session of the sixty-second

general assembly; plus ninety-seven thousand two hundred fifty-four dollars pursuant to H.B. 00-1111, enacted at the second regular session of the sixty-second general assembly; plus two hundred ninety-one thousand seven hundred sixty-one dollars pursuant to H.B. 00-1158, enacted at the second regular session of the sixty-second general assembly; plus one million one hundred sixteen thousand nine hundred seventy-one dollars pursuant to H.B. 00-1201, enacted at the second regular session of the sixty-second general assembly; plus four hundred sixteen thousand eight hundred two dollars pursuant to H.B. 00-1214, enacted at the second regular session of the sixty-second general assembly; plus sixty-nine thousand four hundred sixty-seven dollars pursuant to H.B. 00-1247, enacted at the second regular session of the sixty-second general assembly; PLUS _____ DOLLARS PURSUANT TO _____ B. 01-____, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY;

(o) On July 1, 2002, one hundred million dollars plus thirteen thousand nine hundred sixty-two dollars pursuant to S.B. 98-021, enacted at the second regular session of the sixty-first general assembly; plus eight million three hundred seven thousand five hundred nine dollars pursuant to H.B. 98-1156, enacted at the second regular session of the sixty-first general assembly; plus three hundred ninety-seven thousand nine hundred twenty-three

dollars pursuant to H.B. 98-1160, enacted at the second regular session of the sixty-first general assembly; plus fifty thousand three hundred sixty-four dollars pursuant to H.B. 00-1107, enacted at the second regular session of the sixty-second general assembly; plus one hundred twenty-one thousand five hundred sixty-seven dollars pursuant to H.B. 00-1201, enacted at the second regular session of the sixty-second general assembly; plus two hundred fifty thousand eighty-one dollars pursuant to H.B. 00-1214, enacted at the second regular session of the sixty-second general assembly; plus forty thousand five hundred twenty-two dollars pursuant to H.B. 00-1247, enacted at the second regular session of the sixty-second general assembly; PLUS _____ DOLLARS PURSUANT TO __.B. 01-____, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY;

(p) On July 1, 2003, one hundred million dollars; PLUS _____ DOLLARS PURSUANT TO __.B. 01-____, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY;

(q) On July 1, 2004, one hundred million dollars plus two hundred thirty-three thousand eight hundred seventy-two dollars pursuant to H.B. 00-1201, enacted at the second regular session of the sixty-second general assembly; PLUS _____ DOLLARS PURSUANT TO __.B. 01-____, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY;

(r) On July 1, 2005, one hundred million dollars; PLUS _____ DOLLARS PURSUANT TO __.B. 01-____, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY.

SECTION 5. Effective date - applicability. (1) This act shall take effect September 1, 2001, unless a referendum petition is filed during 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. If such 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.

(2) The provisions of this act shall apply to all offenses committed on or after the applicable effective date of this act.

DRAFT

Bill D

Colorado Legislative Council Staff
NO FISCAL IMPACT

Drafting Number: LLS 01-0101

Date: November 17, 2000

Prime Sponsor(s): Sen. Evans
Rep. Young

Bill Status: Interim Committee on State
Records

Fiscal Analyst: Will Meyer (303-866-4976)

TITLE: CONCERNING GOVERNMENT RECORDS, AND, IN CONNECTION THEREWITH,
CREATING A CRIMINAL PENALTY FOR THE UNLAWFUL DESTRUCTION OF
CERTAIN GOVERNMENT RECORDS.

Summary of Assessment

This bill would create a criminal penalty for the unlawful destruction of certain records of the State of Colorado and its political subdivisions. The bill makes the unlawful destruction of government records a class 6 felony and amends the current definition of records to include computer software, program, documentation, or computer data. The bill also exempts correspondence of elected officials that is not: a) connected with the exercise of the functions required or authorized by law; and 2) does not involve the receipt or expenditure of public funds. The definition of records exempts the correspondence of elected officials that constitutes work products in progress. A class 6 felony has a presumptive range penalty of 12 to 18 months imprisonment and a fine of \$1,000 to \$100,000.

Based on a review and analysis of available prosecution and sentencing data, it is estimated that few, if any, cases would be filed under the provisions of this bill. It is believed that any case tried in district court as a felony offense would be filed under existing statutes with greater penalties, such as those relating to computer crimes. This bill is not expected to have a fiscal impact on any state agency, or unit of local government. Therefore, this bill is assessed as having no fiscal impact.

Departments Contacted

Personnel Judicial Corrections District Attorney's Council

Bill E

HOUSE SPONSORSHIP

Ragsdale and Young

SENATE SPONSORSHIP

Teck and Evans

A BILL FOR AN ACT

CONCERNING STATE RECORDS FILED WITH THE SECRETARY OF STATE

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Management, Storage, Retrieval, and Archiving of State Records.

Allows the secretary of the senate and the chief clerk of the house of representatives to file their respective journals directly with the state archives rather than with the secretary of state.

Allows the secretary of state to require state agencies to file rules in an electronic format that complies with existing requirements under state law.

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

SECTION 1. 2-2-310, Colorado Revised Statutes, is amended to

read:

2-2-310. Senate and house journals published. The speaker of the

house of representatives and the president of the senate shall have copies of

each of the journals of their respective houses published as soon as practicable after the adjournment of each session of the general assembly. The journals covering regular sessions and special sessions may be combined in a single volume for this purpose. The chief clerk of the house of representatives and the secretary of the senate shall, as soon as possible after adjournment of any session of the general assembly, deliver to the secretary of state ARCHIVES the original journals of their respective houses. They shall also deliver to the printer a complete and accurate copy of the same, indexed and ready for printing, and also a brief index of all bills, resolutions, and memorials introduced in each of their respective houses during the session. The speaker of the house of representatives and the president of the senate shall certify the correctness of the published copies of said journals, which certificates shall be included in and made a part of such publications. Said journals, when printed and certified, together with all former printed volumes of house and senate journals of preceding sessions of general assemblies of the state of Colorado, published by authority of the state of Colorado, shall be taken and held as prima facie evidence of the originals thereof.

SECTION 2. 24-4-103 (12), Colorado Revised Statutes, is amended

to read:

24-4-103. Rule-making - procedure. (12) All rules of any agency ~~which~~ THAT have been submitted to the attorney general under the provisions of subsection (8) of this section and the opinion of the attorney general, when issued, shall be filed in the office of the secretary of state. THE SECRETARY OF STATE MAY REQUIRE THAT SUCH RULES BE FILED IN AN ELECTRONIC FORMAT THAT COMPLIES WITH ANY REQUIREMENTS ESTABLISHED PURSUANT TO SECTIONS 24-71.1-110, 24-37.5-106, AND 24-37.5-205.

SECTION 3. 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.

DRAFT

Bill E

Colorado Legislative Council Staff
NO FISCAL IMPACT

Drafting Number: LLS 01-0102

Date: November 17, 2000

Prime Sponsor(s): Rep. Ragsdale
Sen. Teck

Bill Status: Interim Committee on State
Records

Fiscal Analyst: Will Meyer (303-866-4976)

TITLE: CONCERNING STATE RECORDS FILED WITH THE SECRETARY OF STATE.

Summary of Assessment

This bill makes two procedural changes related to the filing of records with the Secretary of State:

1. Current law requires the Chief Clerk of the House of Representatives and the Secretary of the Senate to deliver their original journals to the Secretary of State, which are then delivered to the state archives. This bill would allow these original journals to be delivered directly to the state archives.
2. The bill also would authorize the Secretary of State to require state agency rules currently submitted to the Secretary of State under the state's rule-making and licensing procedures be submitted in an electronic format that complies with current statutory requirements related to rule-making and licensing procedures.

The bill's provisions do not have a significant fiscal impact on any agency of the state or unit of local government. Therefore, this bill is assessed as having no fiscal impact. This bill would become effective 90 days after the General Assembly adjourns unless a referendum petition is filed.

Departments Contacted

Personnel Secretary of State Legislature