



General Assembly

February Session, 2012

**Raised Bill No. 5398**

LCO No. 1779

\*01779\_\_\_\_\_GAE\*

Referred to Committee on Government Administration and Elections

Introduced by:  
(GAE)

**AN ACT MODIFYING RECORDS RETENTION REQUIREMENTS FOR CERTAIN RECORDS IN ELECTRONIC FORM.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 11-8a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2012*):

3 (a) The State Librarian shall, in the performance of his duties  
4 pursuant to section 11-8, consult with the Attorney General, the  
5 Probate Court Administrator and the chief executive officers of the  
6 Connecticut Town Clerks Association and the Municipal Finance  
7 Officers Association of Connecticut, or their duly appointed  
8 representatives.

9 (b) The State Librarian may require each such state agency, or each  
10 political subdivision of the state, including each probate district, to  
11 inventory all books, records, papers and documents under its  
12 jurisdiction and to submit to him for approval retention schedules for  
13 all such books, records, papers and documents, or he may undertake  
14 such inventories and establish such retention schedules, based on the

15 administrative need of retaining such books, records, papers and  
16 documents within agency offices or in suitable records centers. Each  
17 agency head, and each local official concerned, shall notify the State  
18 Librarian of any changes in the administrative requirements for the  
19 retention of any book, record, paper or document subsequent to the  
20 approval of retention schedules by the State Librarian.

21 (c) If the Public Records Administrator and the State Archivist  
22 determine that certain books, records, papers and documents which  
23 have no further administrative, fiscal or legal usefulness are of  
24 historical value to the state, the State Librarian shall direct that they be  
25 transferred to the State Library. If the State Librarian determines that  
26 such books, records, papers and documents are of no administrative,  
27 fiscal, or legal value, and the Public Records Administrator and State  
28 Archivist determine that they are of no historical value to the state, the  
29 State Librarian shall approve their disposal, whereupon the head of the  
30 state agency or political subdivision shall dispose of them as directed  
31 by the State Librarian.

32 (d) The State Librarian may establish and carry out a program of  
33 inventorying, repairing and microcopying for the security of those  
34 records of political subdivisions of the state which he determines to  
35 have permanent value; and he may provide safe storage for the  
36 security of such microcopies of such records. The State Librarian shall  
37 establish guidelines for the transfer of records of political subdivisions  
38 of the state having permanent value into electronic format and for the  
39 safe storage of such records.

40 (e) The State Library Board may transfer any of the books, records,  
41 documents, papers, files and reports turned over to the State Librarian  
42 pursuant to the provisions of this section and section 11-4c. The State  
43 Library Board shall have sole authority to authorize any such transfers.  
44 The State Library Board shall adopt regulations pursuant to chapter 54  
45 to carry out the provisions of this subsection.

46 (f) Each state agency shall cooperate with the State Librarian to

47 carry out the provisions of this section and shall designate an agency  
48 employee to serve as the records management liaison officer for this  
49 purpose.

50 Sec. 2. Section 11-8b of the general statutes is repealed and the  
51 following is substituted in lieu thereof (*Effective October 1, 2012*):

52 All public records, as [defined] described in section 11-8 or section  
53 11-8a, as amended by this act, or other such records, created by public  
54 offices, are the property of the agency concerned and shall not be  
55 removed, destroyed, mutilated, transferred or otherwise damaged or  
56 disposed of, in whole or in part, except as provided by law or under  
57 the [rules and] regulations adopted by the State Library Board  
58 pursuant to the provisions of chapter 54. Such public records shall be  
59 delivered by outgoing officials and employees to their successors and  
60 shall not be otherwise removed, transferred, or destroyed unlawfully.

61 Sec. 3. Section 7-109 of the general statutes is repealed and the  
62 following is substituted in lieu thereof (*Effective October 1, 2012*):

63 (a) Any official, board or commissioner of a municipality may, with  
64 the approval of the chief administrative officer of such municipality  
65 and of the Public Records Administrator, destroy any document in his  
66 or its custody relating to any matter which has been disposed of and of  
67 which no record is required by law to be kept, after such document has  
68 been held for the period of time specified in a retention schedule  
69 adopted by the Public Records Administrator. The tax collector may,  
70 with like approval, destroy any duplicate record receipt book,  
71 duplicate tax receipts or rate bills, at a time specified by the Public  
72 Records Administrator. The provisions of section 12-151 requiring the  
73 retention of duplicate tax receipts as permanent records shall not apply  
74 in the case of such receipts destroyed as provided in this section. The  
75 tax collector may, with like approval, destroy any old age assistance or  
76 personal tax records. The town clerk may, with like approval, destroy  
77 any liquor permit, any corporation annual report, any registration list  
78 of motor vehicles, any voting check list, any tax list or abstract, any tax

79 lien, release of tax lien, attachment or any original document lodged  
80 with him for record, of which the proper owner or owners are not  
81 known to him, and which has remained in his office uncalled for, at a  
82 time specified by the Public Records Administrator. In lieu of  
83 destroying any document, under any provision of this section, any  
84 official, board or commissioner of a municipality may, with like  
85 approval, deposit the same in the custody of any society incorporated  
86 or organized under the laws of this state exclusively for historical or  
87 educational purposes; provided all documents so deposited shall be  
88 maintained and made available by such society for the use of the  
89 public. No original document dated prior to the year 1900 shall be  
90 destroyed under the provisions of this section without the express  
91 written approval of the Public Records Administrator.

92 (b) The Public Records Administrator shall permit a municipality to  
93 dispose of any municipal record that is required under the retention  
94 schedule to be retained for more than ten years after ten years have  
95 elapsed, provided the municipality has retained such record  
96 electronically using a method approved by the Public Records  
97 Administrator.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	11-8a
Sec. 2	<i>October 1, 2012</i>	11-8b
Sec. 3	<i>October 1, 2012</i>	7-109

**Statement of Purpose:**

To permit municipalities to retain an electronic copy of certain records rather than requiring the retention of a paper copy for more than ten years.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*