



General Assembly

February Session, 2014

***Raised Bill No. 246***

LCO No. 1439



Referred to Committee on GOVERNMENT ADMINISTRATION  
AND ELECTIONS

Introduced by:  
(GAE)

***AN ACT CONCERNING THE PROTECTION OF STATE AND  
MUNICIPAL ESSENTIAL RECORDS AND THE PRESERVATION OF  
ELECTRONIC RECORDS.***

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

1 Section 1. Section 1-9 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2014*):

3 No person having custody of any permanent record or register in  
4 any department or office of the state, or of any political subdivision  
5 thereof, or of any probate district, shall use or permit to be used for  
6 recording purposes any paper other than alkaline paper that meets or  
7 exceeds the American National Standards Institute standards for  
8 permanent paper and meets such additional specifications as may be  
9 issued by the Public Records Administrator, unless such paper is not  
10 available. [Said administrator shall furnish to each person having  
11 custody of any such permanent record a list of such papers] Any  
12 person having custody of such a record or register shall maintain any  
13 permanent electronic record in accordance with the authentication and

14 preservation standards for electronic documents issued by the Public  
15 Records Administrator. Any person who violates any provision of this  
16 section shall be fined not more than one hundred dollars.

17 Sec. 2. (NEW) (*Effective July 1, 2014*) As used in this section, "public  
18 agency" and "public record" have the same meanings assigned to such  
19 terms in section 1-200 of the general statutes. Each public agency shall  
20 designate and maintain an official record copy of each public record as  
21 the legally recognized copy for records retention, preservation and  
22 authentication purposes in accordance with chapter 188 of the general  
23 statutes.

24 Sec. 3. Section 11-8 of the general statutes is repealed and the  
25 following is substituted in lieu thereof (*Effective July 1, 2014*):

26 (a) Under the direction of the State Library Board, the State  
27 Librarian shall be responsible for developing and directing a records  
28 management program for the books, records, papers and documents of  
29 all state agencies within the executive department, and the books,  
30 records, papers and documents of the several towns, cities, boroughs,  
31 districts and other political subdivisions of the state, pursuant to the  
32 provisions of section 11-8a. The State Librarian shall also supervise the  
33 operation of state records centers; [provide photoduplication and  
34 microfilming service and document repair and restoration service for  
35 state and local records;] approve security storage facilities, within or  
36 [without] outside of the state, or establish and operate such facilities  
37 within the state, for the safe storage of original public records or  
38 security copies thereof; and carry out a program for the identification  
39 and [preservation] protection of essential records, as defined in section  
40 4 of this act, of the state and [of] its political subdivisions.

41 (b) The State Librarian shall, with the approval of the State Library  
42 Board, and in accordance with the provisions of chapter 54, adopt  
43 regulations for the creation and preservation of the records of the  
44 several towns, cities, boroughs and districts of the state. Such

45 regulations shall establish the physical characteristics required for  
46 papers, inks, [typewriter ribbons, carbon papers, loose-leaf binders,]  
47 photographic films, electronic file formats or other supplies and  
48 materials, including photographic or other processes for recording  
49 documents, used in the creation of public records; and the design,  
50 construction and degree of fire resistance required for safes, cabinets [ ]  
51 and vaults [and file rooms] in which public records are housed.

52 (c) The State Librarian shall ascertain from time to time whether the  
53 provisions of the general statutes and of such regulations relating to  
54 the recording, filing, indexing, maintenance and disposition of such  
55 records are being carried out. The State Librarian may order any  
56 person having the care and custody of such records to comply with  
57 such statutes or with such regulations. The State Librarian shall send a  
58 copy of such order to the chief administrative officer of the town, city,  
59 borough or district to which the records relate. The order shall specify  
60 the time within which the order shall be complied with. In setting such  
61 time for compliance, the State Librarian shall take into consideration  
62 the availability of facilities or equipment or the need for the  
63 construction or purchase thereof. The State Librarian may [cause the  
64 enforcement of any such order by application] request the Attorney  
65 General to apply to the Superior Court [, or to any judge thereof if said  
66 court is not then sitting, to issue an appropriate decree or process,  
67 which application shall be brought and the proceedings thereon  
68 conducted by the Attorney General] for enforcement of such order.

69 [(b)] (d) The State Librarian shall, subject to the provisions of  
70 chapter 67, appoint an assistant who shall be the Public Records  
71 Administrator. All powers, functions and duties assigned to the  
72 Examiner of Public Records are hereby transferred to the Public  
73 Records Administrator.

74 Sec. 4. (NEW) (*Effective July 1, 2014*) (a) For the purposes of this  
75 section:

76 (1) "Essential record" means a record (A) necessary to (i) respond to  
77 an emergency, (ii) reestablish normal operations after any such  
78 emergency, (iii) protect the rights and interests of a public agency, or  
79 (iv) protect the rights and interests of individuals or entities served by  
80 a public agency, or (B) that would require massive resources to  
81 reconstruct, and

82 (2) "Public agency" means any state agency within the executive  
83 branch and any town, city, borough, district or other political  
84 subdivision of the state, including probate districts.

85 (b) In order to provide for the continuity of government during and  
86 following a disaster or other emergency, the administrative head of  
87 each public agency shall identify such agency's essential records. Not  
88 later than January 1, 2015, each such administrative head shall transmit  
89 a list of essential records to the Public Records Administrator on a  
90 form prescribed by the Public Records Administrator. Each such  
91 administrative head shall review such list not less than annually to  
92 ensure its completeness, and shall notify the Public Records  
93 Administrator forthwith of any revisions made to such list.

94 (c) Each administrative head of a public agency shall ensure the  
95 protection of all essential records using any method approved by the  
96 Public Records Administrator. Each public agency shall incorporate  
97 the protection of essential records into any continuity of operations  
98 plan or emergency operations plan adopted by such agency.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2014</i>	1-9
Sec. 2	<i>July 1, 2014</i>	New section
Sec. 3	<i>July 1, 2014</i>	11-8
Sec. 4	<i>July 1, 2014</i>	New section

***Statement of Purpose:***

To require state and municipal agencies: To maintain electronic records in accordance with standards adopted by the Public Records Administrator, to designate an official record copy, to make a list of essential records and to make a plan for the protection of essential records in the event of an emergency.

*[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.]*