



**Colorado
Legislative
Council
Staff**

HB17-1177

**REVISED
FISCAL NOTE**

(replaces fiscal note dated February 13, 2017)

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 17-0711

Date: March 29, 2017

Prime Sponsor(s): Rep. Wist; Garnett
Sen. Cooke

Bill Status: Senate SVMA

Fiscal Analyst: Amanda Hayden (303-866-4918)

BILL TOPIC: MEDIATION FOR DISPUTES ARISING UNDER CORA

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures	<u>Potential decrease.</u>	
General Fund	Potential decrease.	
Cash Funds		
Appropriation Required: None.		
Future Year Impacts: Ongoing potential decrease in state expenditures.		

Summary of Legislation

This *reengrossed* bill makes changes to the Colorado Open Records Act (CORA). It lengthens the mandatory waiting period between a denial of a records request and the filing of a motion in district court from 3 to 14 days. It requires that during the 14-day period, the custodian who has denied the request either meet with the requester or speak with him or her by phone to attempt to resolve the dispute outside of court. The custodian and requester may seek any alternative dispute resolution method that is agreeable to both parties. Unless they come to a different agreement, the parties must share equally any costs associated with resolving the dispute. If the requester needs access to the record on an expedited basis, he or she must provide written notice of the need for urgency to the custodian at least three business days prior to filing the application with the district court, and no meeting is required to take place between the parties.

Background

The Colorado Dispute Resolution Act allows any party involved in a dispute to enlist a mediator of their choice to help resolve the dispute, before or after filing a civil action. The Office of Dispute Resolution within the Judicial Department provides services for cases where the court orders mediation but the parties involved either have not chosen a mediator or cannot afford one. The Supreme Court has set mediator rates for civil proceedings in district court at \$75 per hour per party.

State Expenditures

Beginning in FY 2017-18, this bill may decrease state General Fund or cash fund expenditures for all state agencies subject to CORA. To the extent that the bill results in more CORA disputes settled outside of court, it will decrease legal services expenditures for agencies. The exact impact to state expenditures depends on how many disputes arise under CORA; whether or not the parties settle the dispute outside of court; the fees, costs, and time associated with any alternative dispute resolution method; and the outcome of any court ruling. The fund source affected will vary by agency. Given the many variables associated with the bill, the precise impact to state expenditures cannot be determined. Any change in expenditures requiring a change in appropriations will be addressed through the annual budget process.

Local Government, School District, and Statutory Public Entity Impact

Similar to the state, the bill may reduce the expenditures of local governments, school districts, and statutory public entities if more CORA disputes are settled outside of court rather than through litigation. For the same reasons outlined in the State Expenditures section, the precise impact cannot be determined.

Effective Date

The bill takes effect August 9, 2017, if the General Assembly adjourns on May 10, 2017, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

All State Agencies	Counties	Judicial
Legislative Council Staff	Legislative Legal Services	Municipalities
PERA	School Districts	Special Districts

Research Note Available

An LCS Research Note for HB17-1177 is available online and through the iLegislate app. Research notes provide additional policy and background information about the bill and summarize action taken by the General Assembly concerning the bill.