



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

**REVISED
FISCAL NOTE**

(replaces fiscal note dated February 8, 2018)

Drafting Number:	LLS 18-0806	Date:	March 20, 2018
Prime Sponsors:	Rep. Hooton; Van Winkle Sen. Jahn	Bill Status:	Senate SVMA
		Fiscal Analyst:	Josh Abram 303-866-3561 Josh.Abram@state.co.us

Bill Topic: PROTECT CONSUMER SOLICIT PUBLIC RECORD COPY FOR FEE

Summary of Fiscal Impact:

<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure (<i>minimal</i>)	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill sets conditions for individuals who solicit a fee for obtaining a government record. The bill increases state expenditures and revenue beginning with FY 2018-19.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the reengrossed bill.

**Table 1
State Fiscal Impacts Under HB 18-1154**

		FY 2018-19	FY 2019-20
Revenue	General Fund	Up to \$20,000	Up to \$20,000
Expenditures		-	-
Transfers		-	-

Summary of Legislation

If a person solicits a fee for providing a copy of a record held by a governmental entity, this bill requires that he or she:

- furnish a copy of the solicitation document with the appropriate county clerk and recorder when offering a fee to obtain deeds for real property;
- not charge a fee of more than four times the amount charged by the state agency or local government that has custody of the record; and
- provide specified disclosures on the solicitation document.

Only the Attorney General in the Department of Law or a district attorney may bring an action against a person who violates these provisions. The bill provides for a civil penalty of not more than \$2,000 per violation, not to exceed \$500,000, paid to the state's General Fund. The same violation against an elderly person increases the civil penalty to \$10,000 per violation.

State Revenue

The bill sets a fine penalty of \$2,000 per violation, or \$10,000 per violation against an elderly person. Fine penalty is deposited in the state's General Fund. This fiscal note assumes a high level of compliance from affected professionals and that convictions and fine penalties will be rare. The bill is anticipated to create less than \$20,000 in fine revenue per fiscal year.

TABOR Impact

This bill increases state revenue from fines, which will increase the amount of money required to be refunded under TABOR for FY 2018-19 and FY 2019-20. Since the bill increases revenue to the General Fund and the refund obligation by equal amounts, there is no net impact on the amount of money available in the General Fund for the budget. However, the bill will increase money for the General Fund budget in the future during years when the state does not collect revenue above the TABOR limit.

State Expenditures

The Department of Law receives consumer protection complaints annually. This bill adds another type of complaint for which the department may take legal action. The department receives these consumer complaints, analyzes them for possible violations of law, and prioritizes cases for further action. The additional volume of consumer complaints received by the department is assumed to be low, and no additional resources are required to implement the bill. Workload will increase slightly for each case the department chooses to prosecute. Alternatively, the department may request that a local district attorney prosecute the case. Cases brought for prosecution will minimally increase workload in the courts.

Local Government

Local district attorneys may experience a minimal increase in workload and related expenditures to prosecute consumer complaints. Local courts will have an increase in workload for each case prosecuted by the district attorney.

Effective Date

The bill takes effect August 8, 2018, if the General Assembly adjourns on May 9, 2018, as scheduled, and no referendum petition is filed, and applies to conduct occurring on or after that date.

State and Local Government Contacts

County Clerks
Law

District Attorneys
Local Affairs

Judicial