

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 21-0299.02 Megan Waples x4348

HOUSE BILL 21-1100

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A BILL FOR AN ACT

101 **CONCERNING THE ABILITY TO FILE DOCUMENTS ELECTRONICALLY**
102 **WITH GOVERNMENTAL ENTITIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires a governmental entity to establish an electronic filing option by January 1, 2022, for each document required or allowed to be filed with the governmental entity. A governmental entity includes each principal department of the state and each county, and any agency, department, board, or division thereof. The electronic filing option may include accepting a scanned copy of the original document by email or

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
April 19, 2021

HOUSE
Amended 2nd Reading
April 16, 2021

through a secure file transfer system. The electronic filing option must comply with existing requirements for a governmental entity to have reasonable security practices in place if the governmental entity receives or maintains personal identifying information. The governmental entity is not authorized to require a filing to be made only by electronic filing if the department does not have authority under other law to require electronic filing.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) In response to the COVID-19 pandemic, Coloradans have
5 practiced social distancing, observed stay-at-home orders and
6 recommendations, and taken other safety precautions to minimize
7 exposure to the novel coronavirus;

8 (b) These precautions have highlighted the need to be able to file
9 documents with government agencies electronically in order to allow
10 Coloradans to take safety precautions while still carrying on necessary
11 business and activities; and

12 (c) Even as the COVID-19 pandemic subsides, electronic filing
13 and electronic publishing of information is an opportunity to modernize
14 government operations, reduce waste, save the taxpayers time and money,
15 and increase the accessibility of government services, information, and
16 functions throughout the state.

17 (2) The general assembly further finds and declares that, in light
18 of the benefits of electronic filing, it is in the interest of the state to study
19 and determine how state and local government entities can increase the
20 number and types of filings that can be filed electronically, the obstacles
21 to making electronic filings more widely available, and what steps state
22 and local governments can take to implement electronic filings.

1 **SECTION 2.** In Colorado Revised Statutes, **add** article 71.7 to
2 title 24 as follows:

3 **ARTICLE 71.7**

4 **Electronic Filing of Government Documents**

5 **24-71.7-101. Governmental entities - report to general**
6 **assembly on electronic filings - definitions.** (1) AS USED IN THIS
7 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

8 (a) "COMMITTEE" MEANS THE JOINT TECHNOLOGY COMMITTEE
9 CREATED IN SECTION 2-3-1702.

10 (b) "DEPARTMENT" MEANS A PRINCIPAL DEPARTMENT OF THE
11 STATE AS SET FORTH IN SECTION 24-1-110.

12 (c) "OFFICE" MEANS THE OFFICE OF INFORMATION TECHNOLOGY
13 CREATED IN SECTION 24-37.5-103.

14 (2) ON OR BEFORE OCTOBER 15, 2021, THE OFFICE, IN
15 PARTNERSHIP WITH EACH DEPARTMENT, SHALL FILE A REPORT WITH THE
16 COMMITTEE CONCERNING EACH DEPARTMENT'S ELECTRONIC FILING
17 CAPACITY. THE REPORT MUST INCLUDE, AT A MINIMUM, THE FOLLOWING
18 INFORMATION:

19 (a) WHAT PROPORTION OF THE DOCUMENTS REQUIRED OR
20 ALLOWED TO BE FILED WITH THE DEPARTMENT, INCLUDING EACH DIVISION,
21 BOARD, OFFICE, OR OTHER SUBDIVISION WITHIN THE DEPARTMENT, CAN
22 CURRENTLY BE FILED ELECTRONICALLY;

23 (b) WHAT ACTIONS WOULD BE REQUIRED TO ALLOW AT LEAST
24 EIGHTY PERCENT OF THE DOCUMENTS ALLOWED OR REQUIRED TO BE FILED
25 WITH THE DEPARTMENT TO BE FILED ELECTRONICALLY, INCLUDING THE
26 ESTIMATED COSTS ASSOCIATED WITH SUCH ACTIONS;

27 (c) ANY OBSTACLES THE OFFICE OR THE DEPARTMENT WOULD FACE

1 IMPLEMENTING ELECTRONIC FILING FOR AT LEAST EIGHTY PERCENT OF THE
2 DOCUMENTS ALLOWED OR REQUIRED TO BE FILED WITH THE DEPARTMENT;
3 AND

4 (d) ANY ADDITIONAL INFORMATION OR CONSIDERATIONS
5 AFFECTING THE ABILITY OF THE OFFICE OR THE DEPARTMENT TO INCREASE
6 THE NUMBER AND TYPE OF FILINGS THE DEPARTMENT CAN ACCEPT
7 ELECTRONICALLY.

8 (3) ON OR BEFORE OCTOBER 15, 2021, THE GOVERNING BODY OF
9 EACH COUNTY AND CITY AND COUNTY SHALL FILE A REPORT WITH THE
10 COMMITTEE CONCERNING THE COUNTY'S ELECTRONIC FILING CAPACITY.
11 THE REPORT MUST INCLUDE, AT A MINIMUM, THE FOLLOWING
12 INFORMATION:

13 (a) WHAT PROPORTION OF THE DOCUMENTS REQUIRED OR
14 ALLOWED TO BE FILED WITH THE COUNTY, INCLUDING EACH DEPARTMENT,
15 DIVISION, AGENCY, BOARD, OFFICE, OR OTHER SUBDIVISION OF THE
16 COUNTY, CAN CURRENTLY BE FILED ELECTRONICALLY;

17 (b) WHAT ACTIONS WOULD BE REQUIRED TO ALLOW AT LEAST
18 EIGHTY PERCENT OF THE DOCUMENTS ALLOWED OR REQUIRED TO BE FILED
19 WITH THE COUNTY TO BE FILED ELECTRONICALLY, INCLUDING THE
20 ESTIMATED COSTS ASSOCIATED WITH SUCH ACTIONS;

21 (c) ANY OBSTACLES THE COUNTY WOULD FACE IMPLEMENTING
22 ELECTRONIC FILING FOR AT LEAST EIGHTY PERCENT OF THE DOCUMENTS
23 ALLOWED OR REQUIRED TO BE FILED WITH THE COUNTY; AND

24 (d) ANY ADDITIONAL INFORMATION OR CONSIDERATIONS
25 AFFECTING THE COUNTY'S ABILITY TO INCREASE THE NUMBER AND TYPE
26 OF FILINGS THE COUNTY CAN ACCEPT ELECTRONICALLY.

27 **SECTION 3. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly; except
3 that, if a referendum petition is filed pursuant to section 1 (3) of article V
4 of the state constitution against this act or an item, section, or part of this
5 act within such period, then the act, item, section, or part will not take
6 effect unless approved by the people at the general election to be held in
7 November 2022 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.