



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Revised Fiscal Note

(replaces fiscal note dated February 3, 2022)

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|-------------------------|---|------------------------|---|
| Drafting Number: | LLS 22-0526 | Date: | April 26, 2022 |
| Prime Sponsors: | Rep. Soper; Weissman Sen. Gardner; Bridges | Bill Status: | Senate Judiciary |
| | | Fiscal Analyst: | Will Clark 303-866-4720 Will.Clark@state.co.us |

Bill Topic: ONLINE AVAILABILITY OF JUDICIAL OPINIONS

| | | |
|----------------------------------|---|--|
| Summary of Fiscal Impact: | <input checked="" type="checkbox"/> State Revenue | <input checked="" type="checkbox"/> TABOR Refund |
| | <input checked="" type="checkbox"/> State Expenditure | <input type="checkbox"/> Local Government |
| | <input type="checkbox"/> State Transfer | <input type="checkbox"/> Statutory Public Entity |

The bill requires the Judicial Department to publish every opinion of the Colorado Supreme Court and the Colorado Court of Appeals online by March 1, 2024. All online opinions must be searchable and available free of charge. Beginning in FY 2022-23, this bill increases state expenditures and decreases state revenue on an ongoing basis.

Appropriation Summary: For FY 2022-23, the bill requires and includes an appropriation of \$100,000 to the Judicial Department.

Fiscal Note Status: The revised fiscal note reflects the reengrossed bill.

**Table 1
State Fiscal Impacts Under HB 22-1091**

| | | Budget Year FY 2022-23 | Out Year FY 2023-24 |
|-----------------------------|----------------------|---------------------------|------------------------|
| Revenue | | - | - |
| Expenditures | General Fund | \$100,000 | \$30,000 |
| Transfers | | - | - |
| Other Budget Impacts | General Fund Reserve | \$15,000 | \$4,500 |

Summary of Legislation

This bill requires the Judicial Department to publish every opinion of the Colorado Supreme Court and the Colorado Court of Appeals online by March 1, 2024, but not before July 1, 2023. All online publications must be searchable and available free of charge. The Judicial Department and the General Assembly must include a link to the opinions web page on their websites.

Background

The Colorado State Archives in the Department of Personnel and Administration (DPA) oversees the state's permanent legal records and information. The DPA currently provides copies of these records for a fee to individuals who request them.

State Revenue

Beginning in FY 2023-24, the bill may decrease revenue to the State Archives and Public Records Cash Fund in the DPA from public record fees associated with research requests for court opinions. The exact amount of this decrease is indeterminate and has not been estimated.

State Expenditures

The bill increases state expenditures in the Judicial Department by \$100,000 in FY 2022-23 and \$30,000 in FY 2023-24 from the General Fund. These costs are for a third-party vendor to create and maintain a searchable system for published judicial opinions. First-year costs include \$100,000 for system development, implementation, customization, initial setup, training and support. The bill also requires ongoing costs of \$30,000 a year for a subscription service to the vendor starting in FY 2023-24.

Other Budget Impacts

TABOR refunds. The bill is expected to decrease the amount of state revenue required to be refunded to taxpayers by an indeterminate amount, as described in the State Revenue section above. This estimate assumes the March 2021 LCS revenue forecast. A forecast of state revenue subject to TABOR is not available beyond FY 2023-24. Because TABOR refunds are paid from the General Fund, decreased cash fund revenue will increase the amount of General Fund available to spend or save.

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve beginning in FY 2022-23. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by \$15,000 in FY 2022-23 and \$4,500 in FY 2023-24, which will decrease the amount of General Fund available for other purposes.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State Appropriations

For FY 2022-23, the bill requires and includes a General Fund appropriation of \$100,000 to the Judicial Department.

State and Local Government Contacts

Information Technology
Legislative Legal Services

Judicial
Personnel

Legislative Council Staff