



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number: LLS 23-0416 Date: September 5, 2023
Prime Sponsors: Sen. Hansen Bill Status: Signed into Law
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Bill Topic: ACCESS TO GOVERNMENT RECORDS

- Summary of Fiscal Impact: [x] State Revenue [x] State Expenditure [] State Transfer [] TABOR Refund [] Local Government [] Statutory Public Entity

The bill updates various provisions of the Colorado Open Records Act (CORA). The bill will increase state expenditures in FY 2023-24 only.

Appropriation Summary: For FY 2023-24, the bill requires, but does not contain, an appropriation of \$98,400 to the Secretary of State.

Fiscal Note Status: The fiscal note reflects the enacted bill.

Table 1
State Fiscal Impacts Under SB 23-286

Table with 3 columns: Category, Budget Year FY 2023-24, and Out Year FY 2024-25. Rows include Revenue, Expenditures (Cash Funds), Transfers, and Other Budget Impacts.

Summary of Legislation

The bill makes several changes to the Colorado Open Records Act (CORA).

Inspection and transmission of records. The bill requires a custodian of public records to not require a requester to provide identification, except under certain exceptions. When public records are available in a digital format, the custodian must transmit it in a digital format or another mutually agreed upon method.

Elected officials. Custodians may deny the right to inspection for certain information concerning elected officials, including telephone numbers and home addresses. Records of sexual harassment complaints made against an elected official shall be available for inspection if the investigation finds the elected official culpable. The accuser's identity must be redacted.

Electronic mail policy. Each member of the General Assembly, the Governor's Office, and each state agency must submit a report to Legislative Council detailing the electronic mail retention policy for their office by January 1, 2024.

Fee restrictions. The bill prevents agencies from charging a per-page fee for providing digital records to requesters. Agencies must allow the requester of the public record to pay permissible fees via credit card or an electronic payment, if the agency allows members of the public to pay for any other service or product by electronic payment.

State Revenue

The bill impacts state cash fund revenue from fees by an indeterminate amount. To the extent additional or more voluminous records requests are received, revenue will increase to state agencies from fees charges for staff time and providing copies. Fee revenue may decrease from prohibiting per-page fees for documents provided electronically. The overall impact cannot be estimated. Records fees, in most cases, are subject to TABOR.

State Expenditures

The bill increases state expenditures to the Secretary of State's office by \$98,400 in FY 2023-24, paid from the Department of State Cash Fund. It will also increase workload in state agencies.

Department of State. The Department of State will also have a one-time cash fund expenditure of \$98,000 to update its payment processing system. This assumes approximately 800 hours of computer programming to update its credit card electronic payment system to develop and test a new transaction.

Other workload. The bill will increase workload for members of the General Assembly, each office within the Governor’s Office, and state agencies and institutions to prepare and submit a copy of their email retention policy. Legislative Council Staff will have additional workload to receive and consolidate the information received. Lastly, agencies subject to CORA will have additional workload to update policies and procedures to comply with the bill. No change in appropriations is required for this work.

Effective Date

The bill was signed into law by the Governor on June 6, 2023, and it took effect on August 7, 2023.

State Appropriations

For FY 2023-24, the bill requires, but does not contain, a \$98,400 appropriation to the Department of State, paid from the Department of State Cash Fund.

State and Local Government Contacts

All State Agencies

Table 3
FY 2023-24 Appropriations to State Agencies
for Additional CORA Workload

Agency	FTE	Personal Services	Operating	Capital	Total
Department of Agriculture	0.4	\$23,746	\$562	\$3,408	\$27,716
Department of Corrections	0.4	\$23,746	\$562	\$3,408	\$27,716
Department of Early Childhood	0.4	\$23,746	\$562	\$3,408	\$27,716
Department of Education	0.4	\$23,746	\$562	\$3,408	\$27,716
Governor's Office	0.4	\$23,746	\$562	\$3,408	\$27,716
Department of Health Care Policy and Financing	0.4	\$23,746	\$562	\$3,408	\$27,716
Department of Higher Education	0.4	\$23,746	\$562	\$3,408	\$27,716
Department of Human Services	0.4	\$23,746	\$562	\$3,408	\$27,716
Department of Labor and Employment	0.4	\$23,746	\$562	\$3,408	\$27,716
Department of Law	0.4	\$23,746	\$562	\$3,408	\$27,716
Department of Local Affairs	0.4	\$23,746	\$562	\$3,408	\$27,716
Department of Natural Resources	0.4	\$23,746	\$562	\$3,408	\$27,716
Department of Personnel and Administration	2.2	\$137,728	\$3,254	\$19,767	\$160,749
Department of Public Health and Environment	0.4	\$23,746	\$562	\$3,408	\$27,716
Department of Public Safety	0.8	\$47,492	\$1,121	\$6,816	\$55,429
Department of Regulatory Agencies	0.4	\$23,746	\$562	\$3,408	\$27,716
Department of Revenue	0.6	\$37,994	\$899	\$5,453	\$44,346
Department of State	0.4	\$23,746	\$562	\$3,408	\$27,716
Department of Transportation	0.4	\$23,746	\$562	\$3,408	\$27,716
Department of Treasury	0.4	\$23,746	\$562	\$3,408	\$27,716
Office of Economic Development and International Trade	0.4	\$23,746	\$562	\$3,408	\$27,716
Total	10.8 FTE	\$650,642	\$15,390	\$93,380	\$759,412