



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Revised Fiscal Note

(replaces fiscal note dated April 19, 2023)

Drafting Number:	LLS 23-0416	Date:	May 2, 2023
Prime Sponsors:	Sen. Hansen Rep. Snyder; Soper	Bill Status:	House State Affairs
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Bill Topic: **ACCESS TO GOVERNMENT RECORDS**

Summary of Fiscal Impact:	<input checked="" type="checkbox"/> State Revenue	<input 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 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 an appropriation of \$98,400 to the Secretary of State.

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

**Table 1
State Fiscal Impacts Under SB 23-286**

		Budget Year FY 2023-24	Out Year FY 2024-25
Revenue		-	-
Expenditures	Cash Funds	\$98,400	-
Transfers		-	-
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 takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State Appropriations

For FY 2023-24, the bill requires \$98,400 to the Department of State, paid from the Department of State Cash Fund.

State and Local Government Contacts

All State Agencies