



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado’s Legislature

SB 25-077: PUBLIC RECORDS

Prime Sponsors:

Sen. Kipp; Rich
Rep. Carter; Soper

Fiscal Analyst:

Josh Abram, 303-866-3561
josh.abram@coleg.gov

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Fiscal note status: The fiscal note reflects the introduced bill.

Summary Information

Overview. The bill modifies time frames and procedures for responding to record requests under the Colorado Open Records Act.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis:

- State Expenditures
- State Revenue
- Local Government
- School Districts

Appropriations. No appropriation is required.

Table 1
State Fiscal Impacts

| Type of Impact | Budget Year FY 2025-26 | Out Year FY 2026-27 |
|-------------------------|-----------------------------------|--------------------------------|
| State Revenue | \$0 | \$0 |
| State Expenditures | \$0 | \$0 |
| Transferred Funds | \$0 | \$0 |
| Change in TABOR Refunds | \$0 | \$0 |
| Change in State FTE | 0.0 FTE | 0.0 FTE |

Summary of Legislation

The bill makes multiple changes to the Colorado Open Records Act (CORA) primarily related to the time frame a custodian of public records at a public agency has to respond to a request.

Response Time Frame

Under current law, CORA requires that the custodian of records respond to requests within a reasonable time frame, presumed to be three days, which can be extended for extenuating circumstances up to seven days. The bill maintains these timelines for requests from news media; for all other requests, the bill presumes that a reasonable time frame is five days, and any extension must not exceed ten days.

The bill expands the circumstances that allow a public entity to have a longer response period to account for the work schedule of the custodian, and when records are in the custody of another authorized person. If the custodian is unable deliver public records in the custody of another employee, the custodian must provide available records and notify the requestor the date of the employee's return or other circumstances affecting the delivery of records.

If a custodian determines a CORA request is for the direct solicitation of business or monetary gain, the custodian may take up to 30 days to respond, and is entitled to recover the full cost associated with responding. A requester may challenge the custodian's determination in district court.

Other Changes

Among its other changes, the bill:

- requires that public entities post the rules for inspecting public records and their document retention policy on a website, or posted at the entity's physical location;
- permits a custodian to deny records containing information that could allow a person to contact a public K-12 student through any method;
- requires the custodian to provide a description of research and retrieval costs incurred, upon request
- allows a custodian to treat a CORA request made within 14 days of another request for similar information by the same person as one request for the purposes of determining costs and fees; and
- requires that a custodian of records permit a requester to pay fees with a credit card or electronic payment if the public entity allows those payments for any other service or product.

State Revenue

To the extent that CORA requests are determined to be for certain business purposes, agencies may recover the full cost of responding to the request, which would increase state cash fund revenue relative to the cost recovery currently allowed under CORA. The potential revenue from these types of requests is expected to be minimal.

State Expenditures

The bill may minimally increase workloads for state agencies to adjust internal policies and practices to align with the bill's changes to procedures and deadlines. Agencies must assemble and post instructions for the public request of records. State agencies which use an online CORA portal will have additional costs for information technology upgrades to incorporate new response deadlines. Overall, the additional workload and information technology upgrades for state agencies is expected to be minimal; no change in appropriations is required.

Local Government

Similar to state agencies, any local public entity subject to CORA will have an increase in workload to update information and procedures for record requests. This includes local governments, school districts, special districts, and any public entity subject to CORA. Extending the timeline for certain business requests may reduce workload in some situations.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed, and applies to requests for records made on or after that date.

State and Local Government Contacts

All State Agencies