



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note Memorandum

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TO: Representative Soper

FROM: Will Clark, Fiscal Analyst
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SUBJECT: Fiscal Assessment of Proposed Amendment **HB1100_L.001**

This memorandum is an assessment of the fiscal impact of the attached proposed amendment L.001 to House Bill 21-1100. This fiscal assessment is for the impact of the bill with inclusion of this amendment only. Any other added amendment could influence the fiscal impact.

Summary of Proposed Amendment

Strike-below Amendment L.001 requires government entities to work with the Office of Information Technology (OIT) and share information about their electronic document filing capacity. OIT must file this information in a report to the Joint Technology Committee by October 15, 2021. For each entity, the report must include information about:

- the proportion of documents required or allowed to be filed with a government entity, that can currently be filed electronically;
- the actions and costs that would be required to allow at least 80 percent of these documents to be filed electronically;
- any obstacles that might prevent 80 percent of documents from being filed electronically; and,
- any additional information or considerations that would affect an increase in electronic filing capacity.

The bill applies to each principal department of the state and each county, including any agency, board or division therein.

Fiscal Impact of Amendment

Amendment L.001 eliminates the estimated fiscal impacts shown in the fiscal note dated March 16, 2021. With Amendment L.001, no appropriation is required. As a strike-below amendment, L.001 replaces the introduced bill and its impacts are described in the section below.

Bill's Revised Fiscal Impact with Amendment

With amendment L.001, the bill will impact state agency and local government workload, as outlined below.

State expenditures. For FY 2021-22, the bill increases workload for each principal department of the state to gather and provide information about their electronic document filing capacity. The bill also requires OIT to collect this information and file it in a report with the Joint Technology Committee. This workload is absorbable within existing appropriations.

Local Government. For FY 2021-22, the bill will increase workload for county governments to gather and provide information about their electronic document filing capacity to OIT. These costs have not been estimated for this fiscal note and will vary based on jurisdiction.

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

HB21-1100 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

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

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

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

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

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

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

26 **ARTICLE 71.7**

27 **Electronic Filing of Government Documents**

28 **24-71.7-101. Governmental entities - report to general**
29 **assembly on electronic filings - definitions.** (1) AS USED IN THIS
30 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

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

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

1 (a) WHAT PROPORTION OF THE DOCUMENTS REQUIRED OR
2 ALLOWED TO BE FILED WITH THE DEPARTMENT, INCLUDING EACH DIVISION,
3 BOARD, OFFICE, OR OTHER SUBDIVISION WITHIN THE DEPARTMENT, CAN
4 CURRENTLY BE FILED ELECTRONICALLY;

5 (b) WHAT ACTIONS WOULD BE REQUIRED TO ALLOW AT LEAST
6 EIGHTY PERCENT OF THE DOCUMENTS ALLOWED OR REQUIRED TO BE FILED
7 WITH THE DEPARTMENT TO BE FILED ELECTRONICALLY, INCLUDING THE
8 ESTIMATED COSTS ASSOCIATED WITH SUCH ACTIONS;

9 (c) ANY OBSTACLES THE OFFICE OR THE DEPARTMENT WOULD FACE
10 IMPLEMENTING ELECTRONIC FILING FOR AT LEAST EIGHTY PERCENT OF THE
11 DOCUMENTS ALLOWED OR REQUIRED TO BE FILED WITH THE DEPARTMENT;
12 AND

13 (d) ANY ADDITIONAL INFORMATION OR CONSIDERATIONS
14 AFFECTING THE ABILITY OF THE OFFICE OR THE DEPARTMENT TO INCREASE
15 THE NUMBER AND TYPE OF FILINGS THE DEPARTMENT CAN ACCEPT
16 ELECTRONICALLY.

17 (3) ON OR BEFORE OCTOBER 15, 2021, THE BOARD OF COUNTY
18 COMMISSIONERS OF EACH COUNTY SHALL FILE A REPORT WITH THE
19 COMMITTEE CONCERNING THE COUNTY'S ELECTRONIC FILING CAPACITY.
20 THE REPORT MUST INCLUDE, AT A MINIMUM, THE FOLLOWING
21 INFORMATION:

22 (a) WHAT PROPORTION OF THE DOCUMENTS REQUIRED OR
23 ALLOWED TO BE FILED WITH THE COUNTY, INCLUDING EACH DEPARTMENT,
24 DIVISION, AGENCY, BOARD, OFFICE, OR OTHER SUBDIVISION OF THE
25 COUNTY, CAN CURRENTLY BE FILED ELECTRONICALLY;

26 (b) WHAT ACTIONS WOULD BE REQUIRED TO ALLOW AT LEAST
27 EIGHTY PERCENT OF THE DOCUMENTS ALLOWED OR REQUIRED TO BE FILED
28 WITH THE COUNTY TO BE FILED ELECTRONICALLY, INCLUDING THE
29 ESTIMATED COSTS ASSOCIATED WITH SUCH ACTIONS;

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

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

36 **SECTION 3. Act subject to petition - effective date.** This act
37 takes effect at 12:01 a.m. on the day following the expiration of the
38 ninety-day period after final adjournment of the general assembly; except
39 that, if a referendum petition is filed pursuant to section 1 (3) of article V
40 of the state constitution against this act or an item, section, or part of this
41 act within such period, then the act, item, section, or part will not take
42 effect unless approved by the people at the general election to be held in

- 1 November 2022 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.

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