

House State, Civic, Military, & Veterans Affairs

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HB25-1242 Government Transparency Laws

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
<p>Laura DeWitt Amend themselves</p>	<p>I support most of the provisions in HB25-1242, except the one that would allow a \$50 fee for attorney review.</p> <p>I am a parent who has requested records from our school district. I notice that all requests seem to go through Brad Miller, the school district attorney. He sometimes responds directly to deny the records request.</p> <p>I am deeply concerned that our district may have violated CORA law by denying a request for staff exit surveys. These surveys are anonymous and intended to assess employee satisfaction. Despite my complaints, I have been informed that my only recourse is to pursue legal action. Allowing a \$50 legal fee would favor the institutions with legal representation, as citizens would be required to pay for these legal fees and potentially navigate the complexities of suing if they believe they have been wrongfully denied access to records. This would be a setback in promoting transparency and accountability.</p>
<p>Heather Stauffer Against Colorado Municipal League</p>	<p>While we strongly support government transparency and the public's right to access records, we must oppose this bill in its current form due to its financial and operational impact on local governments.</p> <p>As drafted, HB25-1242 places significant constraints on the ability of local governments to recoup the actual costs associated with fulfilling public records requests. Our municipalities, routinely receive large and complex requests under the Colorado Open Records Act (CORA). These requests require staff time, legal review, and technical resources to properly compile, redact, and produce records while ensuring compliance with privacy and confidentiality laws. The cost of fulfilling these requests is not negligible, and the burden falls directly on local taxpayers when governments are unable to recover these expenses.</p> <p>Currently, CORA requires the first hour of research and retrieval work to be free. This is intended to allow the public free access to requests that are narrow, easily accessible, etc. After this free hour, local governments are allowed to charge reasonable fees for the staff time required to process these requests. These fees are not punitive; rather, they are a necessary mechanism to offset the direct costs of compliance. HB25-1242, by requiring the first five hours research and retrieval time to be free creates an unfunded mandate that will strain already limited local government resources.</p>

	<p>The financial impact of this bill will be particularly acute for smaller municipalities and counties that operate with lean staff and limited budgets. Unlike large state agencies, many local governments do not have dedicated records departments. Instead, clerks, attorneys, and other essential staff must divert their time away from core governmental functions to process records requests. If local governments are unable to recuperate these costs, they may face difficult choices, such as reducing public services, reallocating funds from essential community programs, or delaying responses to records requests due to resource constraints.</p> <p>Additionally, this bill may have unintended consequences that ultimately undermine government transparency. If public records requests become financially burdensome, local governments may be forced to limit staff availability to process them efficiently, leading to delays in response times.</p>
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