

Colorado Legislative Council Staff Fiscal Note

**STATE and LOCAL
REVISED FISCAL IMPACT**

(replaces fiscal note dated February 12, 2014)

Drafting Number: LLS 14-0315 **Date:** March 3, 2014
Prime Sponsor(s): Rep. Salazar **Bill Status:** Senate SVMA
 Sen. Kefalas **Fiscal Analyst:** Bill Zepernick (303-866-4777)

SHORT TITLE: RESEARCH RETRIEVAL FEES PUBLIC RECORDS UNDER CORA

Fiscal Impact Summary*	FY 2014-2015	FY 2015-2016
State Revenue	Minimal decrease - Multiple agencies.	
State Expenditures	Minimal increase.	
FTE Position Change		
Appropriation Required: None.		

* This summary shows changes from current law under the bill for each fiscal year.

Summary of Legislation

The **reengrossed bill** places the following limits on custodians of public records under the Colorado Open Records Act (CORA):

- hourly fees for research and retrieval of records cannot exceed four times the state minimum wage; and
- a custodian may only charge a fee for research and retrieval of records if the custodian's policies concerning research and retrieval of documents are posted on the custodian's website or otherwise published.

State Revenue

The bill is expected to decrease fee revenue from CORA requesters to some state agencies that currently charge fees that are more than four times the state minimum wage. Generally, this impact is expected to be minimal, as discussed below.

Assumptions. As of January 1, 2014, the state minimum wage is \$8.00 per hour; resulting in an allowable research and retrieval fee of \$32.00 per hour under the bill. Based on expected inflation adjustments to the state minimum wage, the allowable hourly fee is expected to increase to \$32.92 in 2015 and \$33.75 in 2016.

Potential change in research and retrieval fees. Agencies that charge less than \$32 per hour will have no change in CORA fee revenue; agencies that charge more than this amount will be required to lower their fees to within the limit specified by the bill, which will reduce fee revenue to these agencies. Given that most state agencies have research and retrieval fees between \$20 and \$30 per hour, the impact to any given agency is expected to be minimal.

State Expenditures

The bill may increase workload in state agencies by a small amount to update CORA fees and policies to comply with the bill and to post policies on their web sites in order to collect fees. These tasks are expected to minimally increase workload and no new appropriations are required.

Local Government Impact

To the extent that any local governments charge CORA fees higher than four times the state minimum wage, these local governments will have reduced revenue from lowering their CORA fees for research and retrieval of public records. Local governments may also have a small amount of workload to update CORA policies and to publish policies on their web sites. Local governments that charge less than \$32 per hour for research and retrievals will not be significantly affected by the bill.

Effective Date

The bill takes effect July 1, 2014.

State and Local Government Contacts

All Departments