



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 25-1242: GOVERNMENT TRANSPARENCY LAWS

Prime Sponsors:

Rep. Garcia Sander
Sen. Pelton B.

Fiscal Analyst:

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Bill Outcome: Postponed Indefinitely

Drafting number: LLS 25-0740

Version: Final Fiscal Note

Date: May 20, 2025

Fiscal note status: The final fiscal note reflects the introduced bill. This bill was postponed indefinitely by the House State, Civic, Military and Veterans Affairs Committee on March 10, 2025; therefore, the impacts identified in this analysis do not take effect.

Summary Information

Overview. The bill would have made several changes to the Colorado Open Records Act (CORA) and to open meetings laws.

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

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

Appropriations. For FY 2025-26, the bill required appropriations totaling at least \$478,053 to multiple state agencies.

Table 1
State Fiscal Impacts

Type of Impact ¹	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	-\$825,000	-\$825,000
State Expenditures	\$557,524	\$594,560
Transferred Funds	\$0	\$0
Change in TABOR Refunds	-\$825,000	-\$825,000
Change in State FTE	4.4 FTE	5.2 FTE

¹ Fund sources for these impacts are shown in the tables below.

**Table 1A
State Revenue**

Fund Source	Budget Year FY 2025-26	Out Year FY 2026-27
General Fund	\$0	\$0
Cash Funds	-\$825,000	-\$825,000
Total Revenue	-\$825,000	-\$825,000

**Table 1B
State Expenditures**

Fund Source	Budget Year FY 2025-26	Out Year FY 2026-27
General Fund	\$315,987	\$336,274
Cash Funds	\$162,066	\$164,955
Federal Funds	\$0	\$0
Centrally Appropriated	\$79,471	\$93,331
Total Expenditures	\$557,524	\$594,560
Total FTE	4.4 FTE	5.2 FTE

Summary of Legislation

The bill makes several modifications to open meeting and open records laws as described below.

Colorado Open Records Act (CORA)

The bill requires that requests for public records be delivered to the custodian by hand, mail, or by any other means including electronic means, and include an affidavit of service that includes the method used, and the date the request was made.

Under current law, a reasonable amount of time to make a public record available or explain circumstances for a delay is presumed to be three working days or less. The bill changes this standard to five days or less.

If a custodian denies a public record to protect the terms of a copyright or licensing agreement, or to protect confidential commercial, financial, or geological information, the custodian must provide documentary evidence of the trade agreement, or evidence that release of the record will jeopardize proprietary information. The evidence must include an opinion from legal counsel describing the information, the parties involved, and the basis for any proprietary claim.

Current law requires a public agency to provide the first hour of any search and retrieval for records at no charge, and may charge established fees for additional hours spent preparing the request. The bill provides the first five hours free, and reduces the allowable baseline hourly fee from \$30 to \$25. The bill allows the custodian to charge a fee of \$50 for legal review of requested records for attorney client privilege, if the agency has established a written policy specifying the conditions for such review.

The bill invalidates any fee unless, before the end of the response period, the custodian provides written notice that attorney review will be needed, and an estimate of all hours, applicable fees, and the total charge to produce the records.

Criminal Justice Records

The bill makes any incident report or other record of interaction between an on-duty peace officer and a member of the public open for inspection.

The bill requires that the custodian set a response time for a record request within three days, which may be extended for up to 10 days for extenuating circumstances. Criminal justice records of an internal investigation of alleged misconduct must be made available within 21 days of a request being submitted.

The bill aligns fee amounts, free hours for search and retrieval, and attorney review concerning requests for a criminal justice records in the Judicial Department with the corresponding requirements for other state agencies and local governments.

Peace Officer Standards and Training (POST) Board

Under current law, the POST Board in the Department of Law maintains a database in a searchable format related to peace officer misconduct. The bill requires that the database also be sortable, and if requested, made available to any member of the public at no charge, with only personal information of officers removed.

General Assembly

[Senate Bill 24-157](#) modified both CORA and the Colorado Open Meetings Law with respect to meetings and communications of the General Assembly and its members. This bill repeals the provisions of SB 24-157.

Background and Assumptions

All state agencies and local governments devote resources to responding to requests for public records; however the volume and complexity of requests varies greatly. For example, in FY 2023-24, the Department of Corrections responded to approximately 8,900 requests for records with approximately 1.0 FTE dedicated staff to coordinate with other program staff to prepare responses. In the same year, the Department of Early Childhood received approximately 75 requests with 0.4 FTE dedicated staff.

Most agencies report that a portion of all CORA requests are withdrawn by a requester due to the cost estimate. By providing up to five free hours, and reducing search and retrieval fees, the fiscal note assumes that the number and volume of CORA requests the proceed to the actual collection and production of documents will increase across agencies.

The fiscal note assumes that changing the standard for a reasonable response time from three working days to five days will not materially affect the amount of time agencies have to respond, and, with limited exceptions, no change in resources are needed for agencies to implement this change.

State Revenue

The bill is expected to decrease state cash fund revenue by at least \$825,000 per year beginning FY 2025-26 from limiting search and retrieval fees and billable hours. This estimate may be revised as additional information is collected. Fees charged for search and retrieval of public records are subject to TABOR in most instances.

The estimated revenue decrease is based an assumed 11,500 requests spread across seven state agencies. Assuming two-thirds of these requests were assessed a fe, and that each request averaged four billable hours, total hours billed under current law are estimated to be about 30,000 hours. Under current law and practice, the average search and retrieval fee is about \$40. Under the bill, it is assumed that requiring five hours of retrieval time at no charge will reduce the average billable time per request by half. Further, beginning in FY 2025-26, agencies must charge only \$25, or a decrease of \$15 per hour compared to current law. Table 2 displays the annual revenue loss from these changes.

Note that this impact is preliminary for several reasons. In particular, requiring that the first five hours of any search and retrieval be provided without charge may make many requests available at no fee. This will likely contribute to a greater number and more complicated request, which may offset some of the potential revenue loss. The precise amount of revenue loss will vary by agency and has not been estimated. This fiscal note will be revised for a future committee with additional information on revenue losses from this policy change.

Table 2
Estimated Annual Revenue Change
Starting in FY 2025-26

Record Search & Retrieval Fees	Fee Amount	Billable Hours	Revenue
Current Law	\$40	30,000	\$1,200,000
HB 25-1242	\$25	15,000	\$375,000
Difference	-\$15	-15,000	\$825,000

State Expenditures

The bill increases state expenditures by at least \$557,524 in FY 2025-26 and at least \$594,560 in FY 2026-27. State expenditures occur across multiple departments as shown in Table 3 and described below. Costs are paid from the General Fund and from Cash Funds.

Table 3
State Expenditures
All Departments

Department	FY 2025-26		FY 2026-27	
	Cost	FTE	Cost	FTE
Department of Corrections	\$107,045	0.9	\$120,454	1.1
Department of Early Childhood	\$9,911	0.1	\$9,911	0.1
Department of Human Services	\$86,984	0.8	\$100,393	1.0
Department of Human Services - DYS	\$9,911	0.1	\$9,911	0.1
Department of Law	\$42,890	0.4	\$42,890	0.4
Department of Natural Resources	\$97,006	0.8	\$100,375	0.9
Department of Public Health & Environment	\$9,911	0.1	\$9,911	0.1
Department of Revenue	\$86,967	0.7	\$90,336	0.8
Department of State	\$66,777	0.5	\$70,257	0.5
Department of Transportation	\$20,061	0.1	\$20,061	0.1
Department of Health Care Policy & Financing	\$20,061	0.1	\$20,061	0.1
Total	\$557,524	4.6 FTE	\$594,560	5.2 FTE

¹ Detailed personal service costs, legal services, and centrally appropriated costs available on request.

² Costs for Colorado Parks and Wildlife in the Department of Natural Resources and costs for the Departments of State and Transportation are assumed paid from cash funds. All other agencies are paid from the General Fund

Staff

By increasing the anticipated number and size of CORA requests, the bill increases the staff required by state agencies to respond. The increase is primarily a result of requests that take between one and five hours to complete, which will now be provided without charge. The fiscal note assumes that 35 percent of requests require less than five hours, and that under current law, 50 percent of those requests are withdrawn due to cost. This calculation amounts to a roughly 17 percent increase in the number of requests, representing those requests that would have otherwise been withdrawn under current practice.

Table 3 estimates the required FTE increase based on the current volume of CORA requests, the existing level of resources devoted to CORA in each agency, and assuming a roughly 17 percent increase in request volume. Other agencies not displayed in Table 3 may also have increased costs, and this fiscal note will be revised as additional data is collected.

Legal Services

State agencies will require additional legal services, provided by the Department of Law to address any requests for records that include copyright or licensing agreements, or contain confidential commercial, financial, or geological information. Legal services will also be required for review of requested records for attorney client privilege in some cases.

All agencies will need additional legal guidance to address the required changes; however, the exact amount will vary by agency. This fiscal note estimates legal services will be immediately required for the Departments of Corrections, Health Care Policy and Financing, Natural Resources, Revenue and State, which will each require an additional 150 hours of legal services annually. The fiscal note assumes that additional legal services for other state agencies can initially be absorbed within their current allotment of legal services hours.

Legal services are provided by the Department of Law at a blended rate of \$133.74 per hour.

Open Meetings General Assembly

SB 24-157 had no fiscal impact on state or local workload, expenditures, or revenue. Repealing the provisions of SB 24-157 also has no fiscal impact.

TABOR Refunds

The bill is expected to decrease the amount of state revenue required to be refunded to taxpayers by the amounts shown in Table 1 and discussed in the State Revenue section. This estimate assumes the December 2024 LCS revenue forecast. A forecast of state revenue subject to TABOR is not available beyond FY 2026-27. Because TABOR refunds are paid from the General Fund, decreased cash fund revenue will increase the amount of General Fund available to spend or save.

Local Governments and School Districts

Similar to state agencies discussed above, local governments and school districts will have increased costs and reduced revenue respond to CORA requests under the bill. Impacts will vary by jurisdiction and have not been estimated here.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed. Except for the sections repealing SB24-157, the bill applies for record requests submitted on or after the bill's effective date.

State Appropriations

For FY 2025-26, the bill requires General Fund appropriations totaling \$315,987, and cash fund appropriations totaling \$162,066 to multiple departments, and 4.4 FTE. Of these amounts, \$120,366 is reappropriated to the Department of Law. Additional appropriation detail will be provided in a revised fiscal note.

Departmental Difference

State departments estimated that the costs to implement the bill range from minimal, absorbable workload up to 1.5 FTE and \$200,000, with significant variation in the data provided and the assumptions used. Some agencies made no effort to forecast any revenue or expenditure impact, noted an indeterminate impact, or indicated that fiscal impacts from the bill will be addressed in the annual budget process.

The fiscal note applies a standard methodology based on the reported volume of CORA requests received, and using uniform assumptions on the number of requests received but unfilled, the average amount of hours spent to respond to requesters, the average amount of hours necessary to prepare a request for inspection, and the total number of hours each agency estimated they spend responding to CORA requests. In cases where no data was provided, the fiscal note has not made estimates for that agency.

State and Local Government Contacts

All State Agencies

School Districts

Counties

Special Districts

Municipalities