



Colorado  
Legislative  
Council  
Staff

HB17-1029

## FISCAL NOTE

**FISCAL IMPACT:** ☒ State ☒ Local ☐ Statutory Public Entity ☐ Conditional ☐ No Fiscal Impact

**Drafting Number:** LLS 17-0155  
**Prime Sponsor(s):** Rep. Lawrence  
Sen. Gardner

**Date:** January 23, 2017  
**Bill Status:** House SVMA  
**Fiscal Analyst:** Amanda Hayden (303-866-4918)

**BILL TOPIC:** OPEN RECORDS SUBJECT TO INSPECTION DENIAL

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures	Workload increase and decrease. See State Expenditures section.	
Appropriation Required: None.		
Future Year Impacts: Ongoing workload increase and decrease.		

### Summary of Legislation

The bill allows a state entity to deny requests under the Colorado Open Records Act (CORA) for records that contain confidential personal information. Confidential personal information includes a person's home address, phone number, social security number, birth date, bank account information, tax identification number, personal signature, personal email address, or similar unique information other than his or her name. The bill clarifies that CORA provisions allowing a custodian of public records to deny access to civil or administrative investigation records, or records related to trade secrets or other confidential information, also apply to the Judicial Branch.

### Background

CORA creates a presumption in favor of public access to government documents. Statute defines public records to include all writings made, maintained, or kept by the state, any agency, institution, political subdivision of the state, local government-financed entity, or nonprofit corporation incorporated by a state supported higher education institution's governing board. Colorado case law has determined that CORA does not apply to the Judicial Branch.

### State Expenditures

**All state agencies.** Beginning in FY 2017-18, the bill may affect workload for all state agencies. For some, it may result in increased workload to redact confidential personal information

from records requested under CORA or records posted online. For others, it may decrease workload for agencies that choose to deny requests for confidential personal information. Agencies canvassed for this analysis indicate that generally they already redact confidential personal information from records requested under CORA.

***Judicial Department.*** Beginning in FY 2017-18, the bill may increase workload for the Judicial Department. By including the Judicial Department in CORA statute, the bill may increase workload slightly to deny CORA requests. Any workload changes resulting from this bill are anticipated to be minimal, and no change in appropriations is required.

### **Local Government Impact**

The bill may affect workload slightly for local governments, depending on how they handle CORA requests under current law and how they would respond to requests under the bill. Any change in workload is anticipated to be minimal.

### **Effective Date**

The bill takes effect August 9, 2017, if the General Assembly adjourns on May 10, 2017, as scheduled, and no referendum petition is filed.

### **State and Local Government Contacts**

All departments