



Colorado Legislative Council Staff Fiscal Note
**STATE and LOCAL
 FISCAL IMPACT**

Drafting Number: LLS 07-0163
Prime Sponsor(s): Sen. McElhany
 Rep. McGihon

Date: January 26, 2007
Bill Status: Senate Finance
Fiscal Analyst: Harry Zeid (303-866-4753)

TITLE: CONCERNING FEES FOR PROVIDING PUBLIC RECORDS.

Fiscal Impact Summary	FY 2007-2008	FY 2008-2009
State Revenue		
General Fund - reduction	(at least \$58,000)	(at least \$58,000)
Cash Funds - reduction	(at least \$672,000)	(at least \$672,000)
State Expenditures	\$0	\$0
FTE Position Change	0.0 FTE	0.0 FTE
Effective Date: August 8, 2007, unless a referendum petition is filed, assuming the General Assembly adjourns on May 9, as scheduled.		
Appropriation Summary for FY 2007-08: See State Appropriations section		
Local Government Impact: The bill will reduce revenue to local governments covered by the bill that currently charge more than 10 cents per page for reproductions of certain public records.		

Summary of Legislation

This bill sets the fee that a custodian of public records may charge for copies of certain public records at 10 cents per standard page. Under current law, the custodian may charge a reasonable fee, not to exceed \$1.25 per page. For non-standard pages, the fee may not exceed the actual cost of providing a copy, printout, or photograph of a public record. The bill allows the custodian to charge an extra fee of up to \$15 per hour if a request for public records exceeds 50 pages or if the pages to be copied are located in multiple buildings or in a remote storage facility.

State Revenue

The fee for public records applies to the state, any agency, institution, or political subdivision of the state, any foundation, or any local government-financed entity. A political subdivision is defined to mean every county, city and county, city, town, school district, special district, public highway authority, regional transportation authority, and housing authority within the state.

All departments were contacted regarding fiscal impact of the bill. While some departments do not charge for copies of public records or have few instances where copies of public records are requested, many departments will experience a revenue reduction as a result of the bill. The largest

revenue reduction will be for institutions of higher education. Identifiable revenue reductions for a full fiscal year are summarized in the following paragraphs. Since the effective date of the bill is August 8, 2007, the revenue loss for FY 2007-08 will be approximately 11/12 of the amount identified below, assuming adjournment on May 9, 2007.

General Fund Impact. The following departments have identified a General Fund revenue reduction totaling \$58,001. This revenue loss may need to be offset by an appropriation of additional General Fund moneys to maintain the current budget. An impact of \$1,338 has also been identified on federal funds.

- **Personnel & Administration - \$53,820 GF.** The Division of Information Technology, Information and Archival Records (State Archives) annually collects between \$50,000 and \$55,000 in revenue from standard copy fees of \$1.25 per page.
- **Revenue - \$2,420 GF.** The Department of Revenue deposited \$2,689 in copying fees to the General Fund in FY 2005-06. The department currently charges between 75 cents and \$1.25 per page. If the department is limited to 10 cents per page, the annual revenue loss is estimated to be \$2,420.
- **Health Care Policy & Financing - \$1,337 GF and \$1,338 Federal Funds.** The department provides copies of public records at the rate of 75 cents per page. Based on CY 2006 data, the department received \$3,087 in copy revenue for public records. The department credits this revenue equally between General Fund and federal funds accounts. Lowering charges to 10 cents per page will result in a loss of revenue totaling \$2,675 per year.
- **Legislative Branch - \$424 GF.** The Legislative Council copied 369 pages of public records at \$1.25 per page in FY 2005-06. A reduction to 10 cents per page will reduce miscellaneous General Fund revenue by \$424 annually.

Cash Funds Impact. The following departments have identified a cash fund revenue reduction of \$672,258:

- **Institutions of Higher Education - \$641,500 various cash funds.** Student transcripts appear to fall within the definition of “public records” in Section 24-72-202(6), C.R.S. Assuming that student transcripts are covered by the bill, the impact to institutions of higher education is estimated at \$641,500 per year. Besides student transcripts, the Colorado State University system and Colorado Mountain College report an indeterminate revenue reduction. These institutions currently charge \$1.25 per page for records requested under the Open Records Act.
- **Public Health & Environment - \$13,200 CF.** The department currently charges 50 cents per page for most public records. Based on historical collections, the department’s cash fund revenue reduction is estimated to be \$13,200 per year.

- **Labor & Employment - \$8,000 CFE.** The department will experience an annual revenue reduction of \$8,000 to the Division of Oil and Public Safety. This money is credited to the Petroleum Storage Tank Fund. Impacts to other areas of the department are minimal.
- **Agriculture - \$5,600 CF and CFE.** The department does not charge for the first 20 pages of each request. After that, the department charges up to \$1.25 per page. Impact will occur for the Brand Board, the Plants Division, the Animals Division, and the Inspection and Consumer Services Division. Total revenue loss is expected to be \$1,100 Cash Funds and \$4,500 Cash Funds Exempt annually.
- **Natural Resources - \$2,178 CF.** The Oil and Gas Conservation Commission expects a revenue decrease of \$1,089 annually. The Division of Wildlife anticipates a similar amount in reduced revenue.
- **Transportation - \$1,780 CF.** The department estimates \$1,780 in reduced annual revenue as a result of the bill based on the current level of requests. The department anticipates an increase in requests if charges are reduced to 10 cents per page.
- **Other Departments.** The Department of Local Affairs and the Department of Corrections anticipate a revenue reduction as a result of the bill. The amount of reduced revenue, however, has not been quantified. All other departments that responded to requests for information indicated that the bill will have no fiscal impact.

General Fund for Highways and Capital Construction. Based on the December 2006 Legislative Council Staff revenue forecast, money is available to be transferred to the Highway Users Tax Fund (HUTF) and Capital Construction Fund through the mechanism passed in HB 02-1310 each year through at least FY 2010-11. This bill reduces General Fund revenue, thereby reducing the amount available for these transfers by \$38,667 for the HUTF and \$19,334 for the Capital Construction Fund.

State Appropriations

The bill does not require that departments be reimbursed for revenue reductions that will occur due to the reduction in the fees that may be charged. This fiscal note assumes that no appropriation of state General Fund moneys will occur to make up for the lost revenue.

Local Government Impact

The bill will apply to local governments. The bill defines a political subdivision to mean every county, city and county, city, town, school district, special district, public highway authority, regional transportation authority, and housing authority within the state.

Depending on the fees currently charged, the bill will impact local governments in a manner similar to the way that the bill will impact departments of state government. For example, most district attorneys offices charge 25 cents per page for copies. A significant, but not quantified, fiscal impact on DA's offices and their county funding agencies will occur. Similar experiences will be evident for other local governments that charge more than 10 cents per page for reproduction of public records.

Departments Contacted

All Departments