

Colorado Legislative Council Staff Fiscal Note
STATE and LOCAL
REVISED FISCAL IMPACT
(replaces fiscal note dated January 31, 2011)

Drafting Number: LLS 11-0418	Date: March 9, 2011
Prime Sponsor(s): Sen. Lundberg Rep. Joshi	Bill Status: Senate Appropriations
	Fiscal Analyst: Kurtis Morrison (303-866-3140)

TITLE: CONCERNING NOTICES REQUIRED PRIOR TO THE USE OF SECURITY SCANNING SYSTEMS IN THE STATE.

Fiscal Impact Summary	FY 2011-2012	FY 2012-2013
State Revenue		
State Expenditures	more than \$5,000	more than \$5,000
FTE Position Change		
Effective Date: August 10, 2011, if the General Assembly adjourns on May 11, 2011, as scheduled, and no referendum petition is filed.		
Appropriation Summary for FY 2011-2012: None.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

As amended during Senate Second Reading, Senate Bill 11-055 requires notice to be posted at the point of entry into any public facility area utilizing a security scanning system — such as metal detectors, hand-held magnetometers, and whole-body scanning machines. Public facilities subject to the bill are any facility operated by the state, counties, municipalities, or home rule counties and municipalities. The notice is required to display the following information regarding security scanning devices and policies utilized at the respective entry point:

- **security scanning information** — type of security scanning system(s) in use;
- **health hazard information** — exposure levels to any radiation from the device or system in use;
- **privacy information** — information regarding images generated by the scanning system and privacy or modesty policies;
- **rights for refusal information** — consequences a person may face for refusing to be scanned or submit to alternative security measures, and all options for refusing to be scanned, including availability of alternative security measures; and
- **alternative security measure information** — types, and related policies, of pat-down searches, or any related searches, in use at the facility.

The bill also requires that local government compliance costs be reimbursed by the state.

State Expenditures

The bill will increase state expenditures by at least \$5,000 in FY 2011-12 and each year thereafter. The following state departments and entities employ the use of security devices impacted by the bill:

- Department of Corrections,
- Department of Labor and Employment,
- Department of Personnel and Administration,
- Department of Public Safety (including the State Capitol),
- Judicial Branch, and
- University of Northern Colorado.

As the bill imposes no specific posting requirements (i.e. signage size, color, typeface), the bill requires a slight increase in state expenditures: printing costs; office materials; and staff time spent researching and drafting posting text. Additional costs are possible should impacted departments seek attorney review by the Department of Law (DOL) of the proposed posting. Such costs would be expended by reappropriated funds to the DOL for hourly services provided.

Local government reimbursements. The bill also increases state expenditures to provide reimbursements to counties and municipalities for compliance costs. Reimbursements may cover staff research time, printing and production costs, potential legal costs, and other related costs. Total state expenditures for reimbursements are based on the number of magnetometers and scanners in use by local governments. Reimbursements are anticipated to be at least \$5,000 per year. Additional state expenditures will be necessary to administer reimbursements. However, the state department charged with processing reimbursements, and the source of expenditure payments are unspecified by the bill.

Local Government Impact

The bill will increase local government reimbursement revenue and expenditures by a like amount. Various local governments, school districts, and the Regional Transportation District employ the use of security scanning devices and will be subject to the bill's posting requirements. Posting costs are anticipated to be minimal. All local government expenditures incurred in order to comply with the bill will be reimbursed by the state; thereby resulting in no net change in local government impact.

Departments Contacted

All Departments