


Colorado Legislative Council Staff Fiscal Note
STATE
FISCAL IMPACT

Drafting Number: LLS 11-0847

Date: March 22, 2011

Prime Sponsor(s): Rep. Gardner B.
Sen. Carroll

Bill Status: House SVMA

Fiscal Analyst: Alex Schatz (303-866-4375)

TITLE: CONCERNING THE JUDICIAL PUBLIC ACCESS SYSTEM.

Fiscal Impact Summary	FY 2011-2012	FY 2012-2013
State Revenue	See State Revenue section.	
State Expenditures	See State Expenditures section.	
FTE Position Change		
Effective Date: Upon signature of the Governor, or upon becoming law without his signature.		
Appropriation Summary for FY 2011-2012: None required.		
Local Government Impact: None.		

Summary of Legislation

The bill establishes a governance structure for the Judicial Department's public access system. The Judicial Department public access system must make court records electronically available to private vendors, called direct-paying users, and governmental agencies. Court records are defined as information associated with specific judicial proceedings, but not including judicial work product and other information not a part of the official court record.

Under the bill, a Judicial Public Access System Advisory Board is established to:

- approve a pricing schedule for both open access and per-search access;
- develop protocol for withholding information, how information will be provided, and other policies relative to the Colorado Open Records Act;
- address other matters concerning the public access system; and
- request appropriate office space, equipment, and staff services of the Judicial Department.

The board is comprised of nine members, including four legislators, a member from the Office of Information Technology (OIT), two members from the Judicial Department staff, and two vendors. The board meets at least once every six months, with additional meetings held at the discretion of the chair. Legislative members are reimbursed for actual and necessary expenses, while other members of the board serve without compensation or reimbursement.

Background

Currently, the State Court Administrator's Office organizes a public access committee composed of Judicial Department staff. This committee meets internally and with vendors to determine appropriate rates to charge for vendors to search judicial records. At present, two vendors provide public access to judicial records, charging a range of prices depending on search volume. The current average vendor price per search is approximately two dollars; vendors then charge a value-added price to their public customers.

State Revenue

The bill has a conditional effect on state revenue, depending on what action is taken by the board in approving a pricing schedule and other policies related to the public access system. Revenue to the Judicial Department Information Technology Cash Fund may increase if the board negotiates more favorable pricing or establishes policies that increase the volume of records searches. Alternatively, the department's cash fund revenue may decrease depending on the board's specific pricing schedule and policy actions.

State Expenditures

The bill is expected to have a minimal effect on costs in the Judicial Branch and for the OIT. The fiscal note assumes that Judicial Department and OIT staff appointed to the board support the public access function under any governance structure and any additional time to attend board meetings is absorbed within existing resources. Reimbursement of actual expenses for 4 appointed legislators to attend meetings of the board will be minimal and absorbed within existing appropriations from the Judicial Department Information Technology Cash Fund.

The fiscal note assumes that, since future action by the board would be necessary, any decision to request significant new office space, equipment, staffing, or functionality for the public access system will be addressed through the annual budget process.

Departments Contacted

Judicial Branch
Personnel

Legislative Council Staff
Office of Information Technology