

**Legislative  
Council Staff***Nonpartisan Services for Colorado's Legislature***FISCAL NOTE**

<b>Drafting Number:</b>	LLS 20-0579	<b>Date:</b>	January 27, 2020
<b>Prime Sponsors:</b>	Rep. Soper; Weissman Sen. Bridges; Hisey	<b>Bill Status:</b>	House Judiciary
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**Bill Topic: ONLINE AVAILABILITY OF JUDICIAL OPINIONS**

<b>Summary of Fiscal Impact:</b>	<input checked="" type="checkbox"/> State Revenue <input checked="" type="checkbox"/> State Expenditure <input type="checkbox"/> State Transfer	<input checked="" type="checkbox"/> TABOR Refund <input type="checkbox"/> Local Government <input type="checkbox"/> Statutory Public Entity
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Beginning September 1, 2021, the bill requires the Judicial Department to publish each opinion of the Colorado Supreme Court and the Colorado Court of Appeals online. In addition, no later than August 1, 2026, the bill requires every opinion issued before September 1, 2021, by those courts to be published online. All online publications must be searchable and available free of charge. Beginning in FY 2020-21, this bill will increase state expenditures and decrease state revenue on an ongoing basis.

**Appropriation Summary:** For FY 2020-21, the bill requires an appropriation of \$97,500 to the Judicial Department.

**Fiscal Note Status:** This fiscal note reflects the introduced bill.

**Table 1**  
**State Fiscal Impacts Under HB 20-1130**

		<b>FY 2020-21</b>	<b>FY 2021-22</b>
<b>Revenue</b>	Cash Funds	(\$5,000)	(\$5,000)
<b>Expenditures</b>	General Fund	\$97,500	\$5,000
<b>Transfers</b>		-	-
<b>TABOR Refund</b>	General Fund	(\$5,000)	(\$5,000)

## **Summary of Legislation**

Beginning September 1, 2021, the bill requires the Judicial Department to publish each opinion of the Colorado Supreme Court and the Colorado Court of Appeals online. In addition, no later than August 1, 2026, the bill requires every opinion issued before September 1, 2021, by those courts to be published online. All online publications must be searchable and available free of charge.

## **Background and Assumptions**

The Colorado Supreme Court Library supports the research needs of the Judicial Department. It maintains online resources at [cscl.colibraries.org](http://cscl.colibraries.org), where the public may currently access Colorado Supreme Court and Court of Appeals opinions back to 1998. The public-facing website currently utilizes a limited Google search application that scans documents for keywords. Based on the most recent three-year average, the Department publishes approximately 250 opinions a year.

Every year, opinions are published as printed, copyrighted books: *Colorado Reports* and *Colorado Court of Appeals Reports*. The Judicial Department self-published printed opinions from 1862 to 1980. From 1980 forward, it used West Publishing Company as its publisher. One option for the Judicial Department to comply with the bill is to scan copies of the opinions through 1980 from its own publications and use the State Archive to supplement the copyrighted materials after 1980.

A lesser cost alternative is to use a vendor that specializes in online legal resources which already has electronic versions of the opinions. An initial quote estimates a one-time cost of \$97,500 to create a public-facing online portal with customized search functionality. In subsequent fiscal years, ongoing costs up to \$5,000 per year are estimated for maintenance and support. It is assumed that meeting the September 1, 2021, deadline with this application in place would be the most cost-effective, therefore the appropriation is required in FY 2020-21.

## **State Revenue**

Beginning in FY 2021-22, the bill will decrease revenue to the State Archives and Public Records Cash Fund in the Department of Personnel and Administration from public record fees associated with court opinions by approximately \$5,000 per year. This estimate is based on FY 2018-19 fee revenue to the State Archives from Court of Appeals and Supreme Court records requests.

## **State Expenditures**

The bill will increase General Fund costs in the Judicial Department by \$97,500 in FY 2020-21 and \$5,000 in FY 2021-22 and each year thereafter. These costs are shown in Table 2 and discussed below.

**Table 2**  
**Expenditures Under HB 20-1130**

	<b>FY 2020-21</b>	<b>FY 2021-22</b>
<b>Judicial Department</b>		
Online Court Archive	\$97,500	-
Maintenance and Support	-	\$5,000
<b>Total Cost</b>	<b>\$97,500</b>	<b>\$5,000</b>

**Judicial Department.** As discussed in the Background and Assumptions section above, the fiscal note assumes that the Judicial Department will hire a vendor to facilitate the requirements under the bill, estimated at \$97,500 in FY 2020-21. Ongoing maintenance costs are estimated at \$5,000 per year beginning in FY 2021-22. Actual costs will be determined through the request for proposals process and the annual budget process.

**TABOR refunds.** The bill is expected to decrease state General Fund obligations for TABOR refunds by \$5,000 per year beginning in FY 2021-22. Under current law and the December 2019 Legislative Council Staff forecast, the bill will correspondingly decrease the amount refunded to taxpayers via sales tax refunds made available on income tax returns for tax year 2022. A forecast of state revenue subject to TABOR is not available beyond FY 2021-22.

## **State Appropriations**

The bill requires an appropriation of \$97,500 from the General Fund to the Judicial Department in FY 2020-21.

## **Effective Date**

The bill takes effect August 5, 2020, if the General Assembly adjourns on May 6, 2020, as scheduled, and no referendum petition is filed.

## **State and Local Government Contacts**

Information Technology  
Legislative Legal Services

Judicial  
Personnel

Legislative Council Staff