

**First Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 07-0163.01 John Hershey

**SENATE BILL 07-045**

---

**SENATE SPONSORSHIP**

**McElhany,**

**HOUSE SPONSORSHIP**

**McGihon,**

---

**Senate Committees**

Finance  
Appropriations

**House Committees**

---

**A BILL FOR AN ACT**

101 **CONCERNING FEES FOR PROVIDING PUBLIC RECORDS.**

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Sets the fee that a custodian may charge for copies of certain public records at a specified amount per standard page or the actual cost of copies provided in a form other than on a standard page. Allows the custodian to charge an extra fee in a specified amount for the labor required to retrieve and copy the records if the request exceeds a specified number of pages or if the pages to be copied are located in multiple buildings or in a remote storage facility.

---

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 24-72-205 (1) and (2), Colorado Revised Statutes,  
3 are amended, and the said 24-72-205 is further amended BY THE  
4 ADDITION OF A NEW SUBSECTION, to read:

5 **24-72-205. Copy, printout, or photograph of a public record.**

6 (1) In all cases in which a person has the right to inspect ~~any~~ A public  
7 record, ~~he~~ THE PERSON may request ~~that he be furnished copies, printouts~~  
8 A COPY, PRINTOUT, or ~~photographs~~ PHOTOGRAPH of ~~such~~ THE record. The  
9 custodian ~~may~~ SHALL furnish ~~such copies, printouts~~ A COPY, PRINTOUT,  
10 or ~~photographs~~ for PHOTOGRAPH AND MAY CHARGE a ~~reasonable fee to be~~  
11 ~~set by the official custodian, not to exceed one dollar and twenty-five~~  
12 ~~cents per page unless actual costs exceed that amount~~ DETERMINED IN  
13 ACCORDANCE WITH SUBSECTION (5) OF THIS SECTION; except that, when  
14 the custodian is the secretary of state, fees shall be determined and  
15 collected pursuant to section 24-21-104 (3), AND WHEN THE CUSTODIAN  
16 IS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL, FEES  
17 SHALL BE DETERMINED AND COLLECTED PURSUANT TO SECTION 24-80-102  
18 (10). Where ~~fees~~ THE FEE for A certified ~~copies~~ COPY or other ~~copies,~~  
19 ~~printouts~~ COPY, PRINTOUT, or ~~photographs~~ PHOTOGRAPH of ~~such~~ A record  
20 ~~are~~ IS specifically prescribed by law, ~~such~~ THE specific ~~fees~~ FEE shall  
21 apply.

22 (2) If the custodian does not have facilities for making ~~copies,~~  
23 ~~printouts~~ A COPY, PRINTOUT, or ~~photographs~~ PHOTOGRAPH of ~~records~~  
24 ~~which the applicant~~ A RECORD THAT A PERSON has the right to inspect, the  
25 ~~applicant~~ PERSON shall be granted access to the ~~records~~ RECORD for the  
26 purpose of making ~~copies, printouts~~ A COPY, PRINTOUT, or ~~photographs~~  
27 PHOTOGRAPH. The ~~copies, printouts~~ COPY, PRINTOUT, or ~~photographs~~

1 PHOTOGRAPH shall be made while the ~~records are~~ RECORD IS in the  
2 possession, custody, and control of the custodian thereof and shall be  
3 subject to the supervision of ~~such~~ THE custodian. When practical, ~~they~~  
4 THE COPY, PRINTOUT, OR PHOTOGRAPH shall be made in the place where  
5 the ~~records are~~ RECORD IS kept, but if it is impractical to do so, the  
6 custodian may allow arrangements to be made for ~~this purpose~~ THE COPY,  
7 PRINTOUT, OR PHOTOGRAPH TO BE MADE AT OTHER FACILITIES. If other  
8 facilities are necessary, the cost of providing them shall be paid by the  
9 person desiring a copy, printout, or photograph of the ~~records~~ RECORD.  
10 The ~~official~~ custodian may establish a reasonable schedule of times for  
11 making ~~copies, printouts~~ A COPY, PRINTOUT, or ~~photographs~~ PHOTOGRAPH  
12 and may charge the same fee for the services rendered ~~by him or his~~  
13 ~~deputy~~ in supervising the copying, printing out, or photographing as ~~he~~  
14 THE CUSTODIAN may charge for furnishing ~~copies~~ A COPY, PRINTOUT, OR  
15 PHOTOGRAPH under ~~subsection (1)~~ SUBSECTION (5) of this section.

16 (5) A CUSTODIAN MAY CHARGE A FEE NOT TO EXCEED  
17 TWENTY-FIVE CENTS PER STANDARD PAGE FOR A COPY OF A PUBLIC  
18 RECORD OR A FEE NOT TO EXCEED THE ACTUAL COST OF PROVIDING A  
19 COPY, PRINTOUT, OR PHOTOGRAPH OF A PUBLIC RECORD IN A FORMAT  
20 OTHER THAN A STANDARD PAGE.

21 **SECTION 2. Effective date.** This act shall take effect at 12:01  
22 a.m. on the day following the expiration of the ninety-day period after  
23 final adjournment of the general assembly that is allowed for submitting  
24 a referendum petition pursuant to article V, section 1 (3) of the state  
25 constitution, (August 8, 2007, if adjournment sine die is on May 9, 2007);  
26 except that, if a referendum petition is filed against this act or an item,  
27 section, or part of this act within such period, then the act, item, section,

- 1 or part, if approved by the people, shall take effect on the date of the
- 2 official declaration of the vote thereon by proclamation of the governor.