

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 14-0315.02 Bob Lackner x4350

HOUSE BILL 14-1193

HOUSE SPONSORSHIP

Salazar,

SENATE SPONSORSHIP

Kefalas,

House Committees
Local Government

Senate Committees
State, Veterans, & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING REQUIREMENTS GOVERNING THE IMPOSITION OF A FEE**
102 **FOR THE RESEARCH AND RETRIEVAL OF PUBLIC RECORDS UNDER**
103 **THE "COLORADO OPEN RECORDS ACT".**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill allows a custodian of public records under the "Colorado Open Records Act" to impose a fee in response to a request for the research and retrieval of such records only if the custodian has, prior to the date of receiving the request, either posted on the custodian's web site

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.

HOUSE
3rd Reading Unamended
February 24, 2014

HOUSE
Amended 2nd Reading
February 21, 2014

or otherwise published a written policy that specifies the applicable conditions concerning the research and retrieval of public records by the custodian. Any fee the custodian charges the requestor for the research and retrieval of public records must be nominal in comparison to the time the custodian spends responding to the volume of requests. The bill prohibits the custodian under any circumstances from charging an hourly fee for the research and retrieval of public records that exceeds three times the state minimum wage.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-72-205, **add** (6)
3 as follows:

4 **24-72-205. Copy, printout, or photograph of a public record**
5 **- imposition of research and retrieval fee.** (6) (a) A CUSTODIAN MAY
6 IMPOSE A FEE IN RESPONSE TO A REQUEST FOR THE RESEARCH AND
7 RETRIEVAL OF PUBLIC RECORDS ONLY IF THE CUSTODIAN HAS, PRIOR TO
8 THE DATE OF RECEIVING THE REQUEST, EITHER POSTED ON THE
9 CUSTODIAN'S WEB SITE OR OTHERWISE PUBLISHED A WRITTEN POLICY THAT
10 SPECIFIES THE APPLICABLE CONDITIONS CONCERNING THE RESEARCH AND
11 RETRIEVAL OF PUBLIC RECORDS BY THE CUSTODIAN. UNDER ANY SUCH
12 POLICY, THE CUSTODIAN SHALL NOT IMPOSE A CHARGE FOR THE FIRST
13 HOUR OF TIME EXPENDED IN CONNECTION WITH THE RESEARCH AND
14 RETRIEVAL OF PUBLIC RECORDS. AFTER THE FIRST HOUR OF TIME HAS BEEN
15 EXPENDED, THE CUSTODIAN MAY CHARGE A FEE FOR THE RESEARCH AND
16 RETRIEVAL OF PUBLIC RECORDS THAT SHALL NOT EXCEED THIRTY
17 DOLLARS PER HOUR.

18 (b) ON JULY 1, 2019, AND BY JULY 1 OF EVERY FIVE YEAR PERIOD
19 THEREAFTER, THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL
20 APPOINTED PURSUANT TO SECTION 2-3-304 (1), C.R.S., SHALL ADJUST THE
21 MAXIMUM HOURLY FEE SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION

1 (6) IN ACCORDANCE WITH THE PERCENTAGE CHANGE OVER THE PERIOD IN
2 THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR
3 STATISTICS, CONSUMER PRICE INDEX FOR DENVER-BOULDER-GREELEY,
4 ALL ITEMS, ALL URBAN CONSUMERS, OR ITS SUCCESSOR INDEX. THE
5 DIRECTOR OF RESEARCH SHALL POST THE ADJUSTED MAXIMUM HOURLY
6 FEE ON THE WEB SITE OF THE GENERAL ASSEMBLY. ANY CUSTODIAN MAY
7 CHARGE A FEE THAT DOES NOT EXCEED THE MAXIMUM HOURLY RATE ONLY
8 WHERE THE CUSTODIAN HAS, PRIOR TO THE DATE OF THE IMPOSITION OF
9 THE FEE, EITHER POSTED THE AMOUNT OF THE FEE ON THE CUSTODIAN'S
10 WEB SITE OR INCLUDED THE AMOUNT OF THE FEE IN THE WRITTEN POLICY
11 REFERENCED IN PARAGRAPH (a) OF THIS SUBSECTION (6), AS APPLICABLE.

12 **SECTION 2. Effective date.** This act takes effect July 1, 2014.

13 **SECTION 3. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.