

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0315.02 Bob Lackner x4350

HOUSE BILL 14-1193

HOUSE SPONSORSHIP

Salazar,

SENATE SPONSORSHIP

Kefalas,

House Committees
Local Government

Senate Committees

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.

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 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. ANY FEE THE
12 CUSTODIAN CHARGES A REQUESTOR FOR THE RESEARCH AND RETRIEVAL
13 OF PUBLIC RECORDS MUST BE NOMINAL IN COMPARISON TO THE TIME THE
14 CUSTODIAN SPENDS RESPONDING TO THE VOLUME OF REQUESTS. THE
15 CUSTODIAN SHALL NOT UNDER ANY CIRCUMSTANCES CHARGE AN HOURLY
16 FEE FOR THE RESEARCH AND RETRIEVAL OF PUBLIC RECORDS THAT
17 EXCEEDS THREE TIMES THE STATE MINIMUM WAGE.

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

19 **SECTION 3. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.