

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

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

SENATE
Amended 3rd Reading
March 25, 2014

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".**

SENATE
Amended 2nd Reading
March 24, 2014

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>.)

HOUSE
3rd Reading Unamended
February 24, 2014

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

HOUSE
Amended 2nd Reading
February 21, 2014

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) 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, INCLUDING THE
12 AMOUNT OF ANY CURRENT FEE. UNDER ANY SUCH POLICY, THE CUSTODIAN
13 SHALL NOT IMPOSE A CHARGE FOR THE FIRST HOUR OF TIME EXPENDED IN
14 CONNECTION WITH THE RESEARCH AND RETRIEVAL OF PUBLIC RECORDS.
15 AFTER THE FIRST HOUR OF TIME HAS BEEN EXPENDED, THE CUSTODIAN
16 MAY CHARGE A FEE FOR THE RESEARCH AND RETRIEVAL OF PUBLIC
17 RECORDS THAT SHALL NOT EXCEED THIRTY DOLLARS PER HOUR. ANY FEE
18 CHARGED FOR THE RESEARCH AND RETRIEVAL MUST BE THE SAME FOR ALL
19 REQUESTING PARTIES, WHETHER THE PERSON REQUESTING THE RECORDS
20 IS AN INDIVIDUAL, A REPRESENTATIVE OF THE MEDIA, A PUBLIC OR
21 PRIVATE ENTITY, OR A FOR-PROFIT OR NONPROFIT ENTITY.

1 (b) ON JULY 1, 2019, AND BY JULY 1 OF EVERY FIVE YEAR PERIOD
2 THEREAFTER, THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL
3 APPOINTED PURSUANT TO SECTION 2-3-304 (1), C.R.S., SHALL ADJUST THE
4 MAXIMUM HOURLY FEE SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION
5 (6) IN ACCORDANCE WITH THE PERCENTAGE CHANGE OVER THE PERIOD IN
6 THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR
7 STATISTICS, CONSUMER PRICE INDEX FOR DENVER-BOULDER-GREELEY,
8 ALL ITEMS, ALL URBAN CONSUMERS, OR ITS SUCCESSOR INDEX. THE
9 DIRECTOR OF RESEARCH SHALL POST THE ADJUSTED MAXIMUM HOURLY
10 FEE ON THE WEB SITE OF THE GENERAL ASSEMBLY.

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

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