A BILL FOR AN ACT

CONCERNING REQUIREMENTS GOVERNING THE IMPOSITION OF A FEE
FOR THE RESEARCH AND RETRIEVAL OF PUBLIC RECORDS UNDER
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.

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

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

24-72-205. Copy, printout, or photograph of a public record - imposition of research and retrieval fee. (6) (a) A CUSTODIAN MAY
IMPOSE A FEE IN RESPONSE TO A REQUEST FOR THE RESEARCH AND
RETRIEVAL OF PUBLIC RECORDS ONLY IF THE CUSTODIAN HAS, PRIOR TO
THE DATE OF RECEIVING THE REQUEST, EITHER POSTED ON THE
CUSTODIAN'S WEB SITE OR OTHERWISE PUBLISHED A WRITTEN POLICY THAT
SPECIFIES THE APPLICABLE CONDITIONS CONCERNING THE RESEARCH AND
RETRIEVAL OF PUBLIC RECORDS BY THE CUSTODIAN, INCLUDING THE
AMOUNT OF ANY CURRENT FEE. UNDER ANY SUCH POLICY, THE CUSTODIAN
SHALL NOT IMPOSE A CHARGE FOR THE FIRST HOUR OF TIME EXPENDED IN
CONNECTION WITH THE RESEARCH AND RETRIEVAL OF PUBLIC RECORDS.
AFTER THE FIRST HOUR OF TIME HAS BEEN EXPENDED, THE CUSTODIAN
MAY CHARGE A FEE FOR THE RESEARCH AND RETRIEVAL OF PUBLIC
RECORDS THAT SHALL NOT EXCEED THIRTY DOLLARS PER HOUR. ANY FEE
CHARGED FOR THE RESEARCH AND RETRIEVAL MUST BE THE SAME FOR ALL
REQUESTING PARTIES, WHETHER THE PERSON REQUESTING THE RECORDS
IS AN INDIVIDUAL, A REPRESENTATIVE OF THE MEDIA, A PUBLIC OR
PRIVATE ENTITY, OR A FOR-PROFIT OR NONPROFIT ENTITY.
(b) On July 1, 2019, and by July 1 of every five year period thereafter, the Director of Research of the Legislative Council appointed pursuant to Section 2-3-304(1), C.R.S., shall adjust the maximum hourly fee specified in paragraph (a) of this subsection (6) in accordance with the percentage change over the period in the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index for Denver-Boulder-Greeley, all items, all urban consumers, or its successor index. The Director of Research shall post the adjusted maximum hourly fee on the website of the General Assembly.

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

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