NOTE: The governor signed this measure on 5/2/2014.

An Act

HOUSE BILL 14-1193

BY REPRESENTATIVE(S) Salazar, Exum, Foote, Gardner, Ginal, Hullinghorst, Labuda, Lee, Melton, Peniston, Pettersen, Rosenthal, Schafer, Tyler, Wright, Young, Lebsock;
also SENATOR(S) Kefalas, Crowder, Guzman, Heath, Herpin, Kerr, Lundberg, Nicholson, Schwartz, Tochtrop, Carroll.

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

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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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.

(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 WEB SITE 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.

Mark Ferrandino SPEAKER OF THE HOUSE OF REPRESENTATIVES	Morgan Carroll PRESIDENT OF THE SENATE
Marilyn Eddins CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES	Cindi L. Markwell SECRETARY OF THE SENATE

APPROVED_____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO