

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0528.01 Bob Lackner x4350

HOUSE BILL 13-1037

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HOUSE SPONSORSHIP

Salazar,

SENATE SPONSORSHIP

(None),

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House Committees  
Local Government

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING CHARGES IMPOSED BY A CUSTODIAN OF PUBLIC RECORDS  
102 FOR THE ACTUAL COSTS OF PROVIDING A COPY OF SUCH  
103 RECORDS UNDER THE "COLORADO OPEN RECORDS ACT".

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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>.)*

In determining the fee that a custodian of public records is authorized to impose under the "Colorado Open Records Act" (CORA) for the copying of a public record, the bill provides that the fee may not exceed the actual costs of providing the copy in accordance with existing

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.

law as well as an amount representing any additional actual costs necessarily incurred by the custodian in complying with the request as long as any such additional component of the fee is a nominal amount.

In connection with any such additional component of the fee as specified in the bill, the following additional requirements apply:

- ! A custodian is required to use the least expensive means available to him or her in responding to a request for copying of a public record under CORA;
- ! No copying fee imposed under CORA may reflect time spent by the custodian in determining whether the public record at issue is subject to inspection or copying under the act; and
- ! No fee imposed under CORA may reflect time spent by a public employee in responding to the request for inspection or copying of a public record if the public employee already receives an hourly wage or other form of compensation for responding to requests for inspection or copying under the act.

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

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

4 **24-72-205. Copy, printout, or photograph of a public record.**

5 (5) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6) OF THIS  
6 SECTION, a custodian may charge a fee not to exceed twenty-five cents per  
7 standard page for a copy of a public record or a fee not to exceed the  
8 actual cost of providing a copy, printout, or photograph of a public record  
9 in a format other than a standard page.

10 (6) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION, IN  
11 DETERMINING THE FEE THAT A CUSTODIAN IS AUTHORIZED TO IMPOSE  
12 UNDER THIS PART 2 FOR THE COPYING OF A PUBLIC RECORD, SUCH FEE MAY  
13 NOT EXCEED THE ACTUAL COSTS OF PROVIDING THE COPY IN ACCORDANCE  
14 WITH PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION AS WELL AS AN  
15 AMOUNT REPRESENTING ANY ADDITIONAL ACTUAL COSTS NECESSARILY

1 INCURRED BY THE CUSTODIAN IN COMPLYING WITH THE REQUEST AS LONG  
2 AS ANY SUCH ADDITIONAL COMPONENT OF THE FEE IS A NOMINAL AMOUNT.

3 (b) IN CONNECTION WITH ANY SUCH ADDITIONAL COMPONENT OF  
4 THE FEE DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (6), THE  
5 FOLLOWING ADDITIONAL REQUIREMENTS APPLY:

6 (I) A CUSTODIAN SHALL USE THE LEAST EXPENSIVE MEANS  
7 AVAILABLE TO HIM OR HER IN RESPONDING TO A REQUEST FOR COPYING OF  
8 A PUBLIC RECORD UNDER THIS PART 2. AN EXAMPLE OF THE LEAST  
9 EXPENSIVE MEANS INCLUDES, WITHOUT LIMITATION, ASSIGNING THE TASK  
10 OF PROVIDING COPIES OF THE PUBLIC RECORD REQUESTED TO THE LOWEST  
11 PAID EMPLOYEE CAPABLE OF PERFORMING THE TASK.

12 (II) NO FEE IMPOSED UNDER THIS PART 2 FOR COPYING A PUBLIC  
13 RECORD MAY REFLECT TIME SPENT BY THE CUSTODIAN IN DETERMINING  
14 WHETHER THE PUBLIC RECORD AT ISSUE IS SUBJECT TO INSPECTION OR  
15 COPYING UNDER THIS PART 2.

16 (III) NO FEE IMPOSED UNDER THIS PART 2 FOR COPYING A PUBLIC  
17 RECORD MAY REFLECT TIME SPENT BY A PUBLIC EMPLOYEE IN RESPONDING  
18 TO THE REQUEST FOR COPYING A PUBLIC RECORD IF THE PUBLIC EMPLOYEE  
19 PERFORMING THE COPYING ALREADY RECEIVES AN HOURLY WAGE OR  
20 OTHER FORM OF COMPENSATION FOR RESPONDING TO REQUESTS FOR  
21 COPYING UNDER THIS PART 2.

22 **SECTION 2. Effective date - applicability.** This act takes effect  
23 July 1, 2013, and applies to any record request made on or after said date.

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