

CHAPTER 150

GOVERNMENT - STATE

SENATE BILL 07-045

BY SENATOR(S) McElhany;
also REPRESENTATIVE(S) McGihon, Carroll M., Carroll T., Garcia, Gardner B., Green, Hicks, Kerr J., and Liston.

AN ACT

CONCERNING FEES FOR PROVIDING PUBLIC RECORDS.

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

SECTION 1. 24-72-205 (1) and (2), Colorado Revised Statutes, are amended, and the said 24-72-205 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

24-72-205. Copy, printout, or photograph of a public record. (1) In all cases in which a person has the right to inspect ~~any~~ A public record, ~~he~~ THE PERSON may request ~~that he be furnished copies, printouts~~ A COPY, PRINTOUT, or ~~photographs~~ PHOTOGRAPH of ~~such~~ THE record. The custodian ~~may~~ SHALL furnish ~~such copies, printouts~~ A COPY, PRINTOUT, or ~~photographs for~~ PHOTOGRAPH AND MAY CHARGE a ~~reasonable fee to be set by the official custodian, not to exceed one dollar and twenty-five cents per page unless actual costs exceed that amount~~ DETERMINED IN ACCORDANCE WITH SUBSECTION (5) OF THIS SECTION; except that, when the custodian is the secretary of state, fees shall be determined and collected pursuant to section 24-21-104 (3), AND WHEN THE CUSTODIAN IS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL, FEES SHALL BE DETERMINED AND COLLECTED PURSUANT TO SECTION 24-80-102 (10). Where ~~fees~~ THE FEE for A certified ~~copies~~ COPY or other ~~copies, printouts~~ COPY, PRINTOUT, or ~~photographs~~ PHOTOGRAPH of ~~such~~ A record ~~are~~ IS specifically prescribed by law, ~~such~~ THE specific ~~fees~~ FEE shall apply.

(2) If the custodian does not have facilities for making ~~copies, printouts~~ A COPY, PRINTOUT, or ~~photographs~~ PHOTOGRAPH of ~~records which the applicant~~ A RECORD THAT A PERSON has the right to inspect, the ~~applicant~~ PERSON shall be granted access to the ~~records~~ RECORD for the purpose of making ~~copies, printouts~~ A COPY,

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

PRINTOUT, or ~~photographs~~ PHOTOGRAPH. The ~~copies, printouts~~ COPY, PRINTOUT, or ~~photographs~~ PHOTOGRAPH shall be made while the ~~records are~~ RECORD IS in the possession, custody, and control of the custodian thereof and shall be subject to the supervision of ~~such~~ THE custodian. When practical, ~~they~~ THE COPY, PRINTOUT, OR PHOTOGRAPH shall be made in the place where the ~~records are~~ RECORD IS kept, but if it is impractical to do so, the custodian may allow arrangements to be made for ~~this purpose~~ THE COPY, PRINTOUT, OR PHOTOGRAPH TO BE MADE AT OTHER FACILITIES. If other facilities are necessary, the cost of providing them shall be paid by the person desiring a copy, printout, or photograph of the ~~records~~ RECORD. The ~~official~~ custodian may establish a reasonable schedule of times for making ~~copies, printouts~~ A COPY, PRINTOUT, or ~~photographs~~ PHOTOGRAPH and may charge the same fee for the services rendered by ~~him or his deputy~~ in supervising the copying, printing out, or photographing as ~~he~~ THE CUSTODIAN may charge for furnishing ~~copies~~ A COPY, PRINTOUT, OR PHOTOGRAPH under ~~subsection (1)~~ SUBSECTION (5) of this section.

(5) (a) A CUSTODIAN MAY CHARGE A FEE NOT TO EXCEED TWENTY-FIVE CENTS PER STANDARD PAGE FOR A COPY OF A PUBLIC RECORD OR A FEE NOT TO EXCEED THE ACTUAL COST OF PROVIDING A COPY, PRINTOUT, OR PHOTOGRAPH OF A PUBLIC RECORD IN A FORMAT OTHER THAN A STANDARD PAGE.

(b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (5), AN INSTITUTION, AS DEFINED IN SECTION 24-72-202 (1.5), THAT IS THE CUSTODIAN OF SCHOLASTIC ACHIEVEMENT DATA ON AN INDIVIDUAL PERSON MAY CHARGE A REASONABLE FEE FOR A CERTIFIED TRANSCRIPT OF THE DATA.

SECTION 2. 30-1-103 (2) (j), Colorado Revised Statutes, is amended to read:

30-1-103. Fees of county clerk and recorders. (2) In cities and counties and in every county, the following fees shall apply:

(j) For copies of records, ~~one dollar twenty-five cents per page, five dollars per sheet for plats or documents in excess of eight and one-half inches in width or fourteen inches in length, and two dollars for each marriage license~~ A FEE IN AN AMOUNT DETERMINED PURSUANT TO SECTION 24-72-205 (5), C.R.S.;

SECTION 3. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 8, 2007, if adjournment sine die is on May 9, 2007); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 19, 2007