

House File 867

H-1403

1 Amend House File 867 as follows:

2 1. Page 7, after line 22 by inserting:

3 <a. As a condition of the appropriation in this subsection,
4 the offices of the governor and the lieutenant governor shall
5 address all public record requests submitted to the offices
6 pursuant to chapter 22 on or before June 11, 2021, by July 1,
7 2021. If the offices fail to address such a public record
8 request by July 1, 2021, the offices shall not expend the
9 moneys appropriated in this subsection until the offices
10 address the public record request.

11 b. As a condition of the appropriation in this subsection,
12 the offices of the governor and the lieutenant governor shall
13 address all public record requests submitted to the offices
14 pursuant to chapter 22, on or after June 12, 2021, within
15 twenty calendar days after receipt. If the offices fail to
16 address such a public record request within twenty calendar
17 days after receipt, the offices shall not expend the moneys
18 appropriated in this subsection until the offices address the
19 public records request.>

20 2. Page 18, after line 22 by inserting:

21 <DIVISION ____
22 PUBLIC RECORDS

23 Sec. _____. Section 22.3, Code 2021, is amended to read as
24 follows:

25 **22.3 Supervision — fees.**

26 1. The examination and copying of public records shall
27 be done under the supervision of the lawful custodian of the
28 records or the custodian's authorized designee. The lawful
29 custodian shall not require the physical presence of a person
30 requesting or receiving a copy of a public record and shall
31 fulfill requests for a copy of a public record received in
32 writing, by telephone, or by electronic means. Fulfillment
33 of a request for a copy of a public record may be contingent
34 upon receipt of payment of reasonable expenses, to be incurred
35 in fulfilling the request and such estimated expenses shall

1 be communicated to the requester upon receipt of the request.
2 The lawful custodian may adopt and enforce reasonable rules
3 regarding the examination and copying of the records and the
4 protection of the records against damage or disorganization.
5 The lawful custodian shall provide a suitable place for
6 the examination and copying of the records, but if it is
7 impracticable to do the examination and copying of the records
8 in the office of the lawful custodian, the person desiring to
9 examine or copy shall pay any necessary expenses of providing a
10 place for the examination and copying.

11 2. All reasonable expenses of the examination and copying
12 shall be paid by the person desiring to examine or copy. The
13 lawful custodian may charge a reasonable fee for the services
14 of the lawful custodian or the custodian's authorized designee
15 in supervising the examination and copying of the records.
16 If copy equipment is available at the office of the lawful
17 custodian of any public records, the lawful custodian shall
18 provide any person a reasonable number of copies of any public
19 record in the custody of the office upon the payment of a fee.
20 The fee for the copying service as determined by the lawful
21 custodian shall not exceed the actual cost of providing the
22 service. Actual costs shall include only those reasonable
23 expenses directly attributable to supervising the examination
24 of and making and providing copies of public records. Actual
25 costs shall not include charges for legal services for the
26 redaction or review of public records and ordinary expenses or
27 costs such as employment benefits, depreciation, maintenance,
28 electricity, or insurance associated with the administration
29 of the office of the lawful custodian. However, a county
30 recorder shall not charge a fee for the examination and copying
31 of public records necessary to complete and file claims for
32 benefits with the Iowa department of veterans affairs or the
33 United States department of veterans affairs.

34 3. Notwithstanding subsections 1 and 2, a lawful custodian
35 shall not require payment from a member of the general assembly

1 in connection with the member's request to examine or copy a
2 public record.>

3 3. By renumbering as necessary.

SMITH of Black Hawk