

Senate Amendment to  
House File 2490

H-8389

1 Amend House File 2490, as passed by the House, as follows:

2 1. Page 1, line 20, by striking <any> and inserting <the  
3 primary>

4 2. Page 1, line 22, before <internet> by inserting <primary>

5 3. Page 1, after line 29 by inserting:

6 <Sec. \_\_\_\_\_. Section 22.3, Code 2026, is amended to read as  
7 follows:

8 **22.3 Supervision — fees.**

9 1. a. The examination and copying of public records shall  
10 be done under the supervision of the lawful custodian of the  
11 records or the lawful custodian's authorized designee.

12 b. The lawful custodian shall not require the physical  
13 presence of a person requesting or receiving a copy of a public  
14 record and shall fulfill requests for a copy of a public record  
15 received in writing, by telephone, or by electronic means.

16 ~~Although fulfillment~~

17 2. a. Fulfillment of a request for a copy of a public  
18 record may be contingent upon receipt of payment of reasonable  
19 expenses, ~~the.~~ The lawful custodian shall make every  
20 reasonable effort to provide the public record requested at no  
21 cost other than copying costs for a record which takes less  
22 than thirty minutes to produce.

23 b. In the event expenses are necessary, such expenses ~~shall~~  
24 must be reasonable and shall be communicated to the requester  
25 upon receipt of the request.

26 c. A person may contest the reasonableness of the lawful  
27 custodian's expenses as provided for in this chapter.

28 3. The lawful custodian may adopt and enforce reasonable  
29 rules regarding the examination and copying of the public  
30 records and the protection of the records against damage or  
31 disorganization.

32 4. The lawful custodian shall provide a suitable ~~place~~  
33 location for the examination and copying of the public records,  
34 but if it is impracticable to do the examination and copying of  
35 the records in the office of the lawful custodian, the person

1 desiring to examine or copy shall pay any necessary expenses of  
2 providing a place for the examination and copying.

3 ~~2. All reasonable expenses of the examination and copying~~  
4 ~~shall be paid by the person desiring to examine or copy.~~

5 5. a. The lawful custodian may charge a reasonable fee  
6 for the services of the lawful custodian or the custodian's  
7 authorized designee in supervising the examination and  
8 copying of the public records. All reasonable expenses of the  
9 examination and copying shall be paid by the person desiring to  
10 examine or copy the public record.

11 b. If copy equipment is available at the office of the  
12 lawful custodian of any public records, the lawful custodian  
13 shall provide any person a reasonable number of copies of any  
14 public record in the custody of the office upon the payment of  
15 a fee. The fee for the copying service as determined by the  
16 lawful custodian shall not exceed the actual cost of providing  
17 the service. Actual costs shall include only those reasonable  
18 expenses directly attributable to supervising the examination  
19 of and making and providing copies of public records. Actual  
20 costs shall not include charges for ordinary expenses or  
21 costs such as employment benefits, depreciation, maintenance,  
22 electricity, or insurance associated with the administration of  
23 the office of the lawful custodian.

24 c. Costs for legal services should only be utilized for  
25 the redaction or review of legally protected confidential  
26 information. ~~However, a~~

27 d. A county recorder shall not charge a fee for the  
28 examination and copying of public records necessary to complete  
29 and file claims for benefits with the Iowa department of  
30 veterans affairs or the United States department of veterans  
31 affairs.

32 Sec. \_\_\_\_ . Section 22.7, subsection 11, paragraph a, Code  
33 2026, is amended by adding the following new subparagraphs:

34 NEW SUBPARAGRAPH. (6) The last date the individual,  
35 who resigned from or was discharged by the government body,

1 performed work or actively carried out essential functions  
2 of the position, regardless of whether the information is  
3 contained in a written document, contract, agreement, or  
4 arrangement.

5 NEW SUBPARAGRAPH. (7) The amount of moneys and public  
6 benefits provided to the individual for any continuation of  
7 pay, severance, or other compensation or benefits in excess of  
8 the amounts owed for work performed by the individual prior  
9 to the individual's last day as an employee, contractor, or  
10 appointee for the government body, regardless of whether the  
11 information is contained in a written document, contract,  
12 agreement, or arrangement.>

13 Sec. \_\_\_\_ . NEW SECTION. **22.8A Injunction to restrain**  
14 **vexatious requester.**

15 1. The district court may grant an injunction restraining  
16 the right of a person found to be a vexatious requester to  
17 examine public records under section 22.2 from a specific  
18 government body, or may impose reasonable limitations on the  
19 manner, frequency, or scope of such requests. A hearing shall  
20 be held on a request for injunction after reasonable notice, as  
21 determined by the court, is given to the person alleged to be a  
22 vexatious requester. The government body seeking an injunction  
23 shall ensure compliance with the notice requirement. Such an  
24 injunction may be issued only if the petition supported by  
25 affidavit shows, and if the court finds, all of the following:

26 a. The requests, considered in totality, would clearly not  
27 be in the public interest.

28 b. The requests, considered in totality, constitute a  
29 pattern of vexatious conduct.

30 c. The continuation of such requests would substantially and  
31 irreparably injure the government body's ability to perform the  
32 government body's duties or functions.

33 d. Less restrictive measures under this chapter are  
34 inadequate to provide sufficient relief.

35 2. In an action brought under this section, the court shall

1 take into account the policy of this chapter that free and  
2 open examination of public records is generally in the public  
3 interest even though such requests may cause inconvenience or  
4 embarrassment to public officials or others. A court may issue  
5 an injunction under this section only if the government body  
6 seeking the injunction demonstrates by clear and convincing  
7 evidence that this section authorizes the issuance of the  
8 injunction.

9 3. In determining whether conduct constitutes vexatious  
10 conduct under this section, the court may consider any of the  
11 following:

12 a. The number, frequency, timing, scope, and content of  
13 public requests.

14 b. The nature of oral and written communications related to  
15 the public requests.

16 c. Any prior administrative or judicial findings regarding  
17 the conduct of the requester.

18 d. All other relevant circumstances.

19 4. For purposes of this section:

20 a. "*News media*" includes any person who regularly gathers,  
21 prepares, photographs, records, writes, edits, reports, or  
22 publishes news for monetary consideration.

23 b. (1) "*Vexatious conduct*" means a pattern of public  
24 records requests that satisfies one or more of the following:

25 (a) The requests are designed primarily to harass the  
26 government body, its officers, or its employees.

27 (b) The government body shows by clear and convincing  
28 evidence that the requests impose an unreasonable burden on the  
29 government body and compliance would substantially interfere  
30 with essential governmental operations.

31 (c) The requests are submitted in a manner or accompanied by  
32 communication that constitute harassment of public officers or  
33 employees as provided in section 718.4.

34 (2) "*Vexatious conduct*" does not include solely a large  
35 volume of requests made by a person or a representative of the

1 news media.

2 5. Upon finding by a preponderance of the evidence that the  
3 requester has not engaged in a pattern of vexatious conduct,  
4 a court shall order the payment of all costs and reasonable  
5 attorney fees, including appellate attorney fees, to the  
6 requester by the government body in the action brought under  
7 this section.>

8 4. Title page, by striking lines 1 and 2 and inserting  
9 <An Act relating to public meetings and records, including  
10 public notice requirements for meetings of a governmental  
11 body, supervision and fees associated with examining and  
12 copying public records, employment separation information for  
13 certain government employees, contractors, or appointees, and  
14 injunctions to restrain vexatious requesters.>

15 5. By renumbering as necessary.