

JAN 27 2004
STATE GOVERNMENT

HOUSE FILE 2093
BY HUTTER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the charge imposed to obtain a copy of a
2 public record.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2093

1 Section 1. Section 22.3, Code 2003, is amended to read as
2 follows:

3 22.3 SUPERVISION.

4 1. Such-examination Examination and copying of public
5 records shall be done under the supervision of the lawful
6 custodian of the records or the custodian's authorized
7 designee. The lawful custodian may adopt and enforce
8 reasonable rules regarding the work and the protection of the
9 records against damage or disorganization. The lawful
10 custodian shall provide a suitable place for the work, but if
11 it is impracticable to do the work in the office of the lawful
12 custodian, the person desiring to examine or copy shall pay
13 any necessary expenses of providing a place for the work. All
14 expenses of the work shall be paid by the person desiring to
15 examine or copy the records. The lawful custodian may charge
16 a reasonable fee for the services of the lawful custodian or
17 the custodian's authorized designee in supervising the records
18 during the work. If copy equipment is available at the office
19 of the lawful custodian of any public records, the lawful
20 custodian shall provide any person a reasonable number of
21 copies of any public record in the custody of the office upon
22 the payment of a fee.

23 2. The fee for the copying service as determined by the
24 lawful custodian shall not exceed the cost of providing the
25 service. The cost shall be the sum of the actual cost of the
26 paper or other medium in which the record is contained, the
27 actual labor cost for providing the copy, and an additional
28 twenty percent representing general overhead. Any additional
29 cost may be incorporated into the fee only when documented as
30 an actual expense by the lawful custodian of the record.

31 EXPLANATION

32 The public records law provides that a fee may be charged
33 to obtain a copy of a public record; the fee is based on the
34 cost of providing the service and includes supervision costs.
35 This bill would limit the fee to actual material and labor,

1 plus a 20 percent charge for overhead, unless the custodian
2 could document a higher cost.

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