

# House Study Bill 55

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED CITIZENS'  
AIDE/OMBUDSMAN BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the receipt of and costs associated with  
2 public records requests.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1281DP 81  
5 rh/sh/8

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1 1 Section 1. Section 22.3, Code 2005, is amended to read as  
1 2 follows:  
1 3 22.3 SUPERVISION == FEES.  
1 4 1. Such The examination and copying of public records  
1 5 shall be done under the supervision of the lawful custodian of  
1 6 the records or the custodian's authorized designee. The  
1 7 lawful custodian shall make reasonable accommodations to  
1 8 facilitate receiving requests from and providing records to  
1 9 persons desiring to examine or copy public records and shall  
1 10 not require a person to make a request or receive a copy of  
1 11 the record in person. The lawful custodian may adopt and  
1 12 enforce reasonable rules regarding the work examination and  
1 13 copying of the records and the protection of the records  
1 14 against damage or disorganization. The lawful custodian shall  
1 15 provide a suitable place for the work examination and copying  
1 16 of the records, but if it is impracticable to do the work  
1 17 examination and copying of the records in the office of the  
1 18 lawful custodian, the person desiring to examine or copy shall  
1 19 pay any necessary expenses of providing a place for the work.  
1 20 2. All expenses of the work shall be paid by the person  
1 21 desiring to examine or copy. The lawful custodian may charge  
1 22 a reasonable fee for the services of the lawful custodian or  
1 23 the custodian's authorized designee in supervising the  
1 24 examination and copying of the records during the work. If  
1 25 copy equipment is available at the office of the lawful  
1 26 custodian of any public records, the lawful custodian shall  
1 27 provide any person a reasonable number of copies of any public  
1 28 record in the custody of the office upon the payment of a fee.  
1 29 The fee for the copying service as determined by the lawful  
1 30 custodian shall not exceed the actual cost of providing the  
1 31 service. Actual costs shall include only those expenses  
1 32 directly attributable to supervising the examination of and  
1 33 making and providing copies of public records. Actual costs  
1 34 shall not include charges for ordinary expenses or costs such  
1 35 as employment benefits, depreciation, maintenance,  
2 1 electricity, or insurance associated with the administration  
2 2 of the office of the lawful custodian.

### EXPLANATION

2 3  
2 4 This bill relates to the receipt of and costs associated  
2 5 with public records requests.  
2 6 The bill provides that the lawful custodian of public  
2 7 records shall make reasonable accommodations to facilitate the  
2 8 receipt of public records requests from and providing records  
2 9 to persons desiring to examine or copy public records and  
2 10 shall not require a person to make a request or receive a copy  
2 11 of the record in person. The bill further provides that the  
2 12 lawful custodian shall only charge a fee for the actual costs  
2 13 associated with copying costs and excludes ordinary expenses  
2 14 or costs such as employment benefits, depreciation,  
2 15 maintenance, electricity, or insurance costs associated with  
2 16 the administration of the office of the lawful custodian.  
2 17 LSB 1281DP 81  
2 18 rh/sh/8.1