

FILED APR 07 2005

SENATE FILE 403
BY COMMITTEE ON GOVERNMENT
OVERSIGHT

(SUCCESSOR TO SSB 1295)

Passed Senate, Date 4-18-05 Passed House, Date 4-27-05
Vote: Ayes 48 Nays 0 Vote: Ayes 100 Nays 0
Re-passed Approved 4-5-05
4-28-05 48-0

A BILL FOR

1 An Act providing for the receipt of and costs relating to public
2 records requests.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 403

1 Section 1. Section 22.3, Code 2005, is amended to read as
2 follows:

3 22.3 SUPERVISION -- FEES.

4 1. Such The examination and copying of public records
5 shall be done under the supervision of the lawful custodian of
6 the records or the custodian's authorized designee. The
7 lawful custodian shall make reasonable accommodations to
8 facilitate receiving requests from and providing records to
9 persons desiring to examine or copy public records and shall
10 not require a person to make a request or receive a copy of
11 the record in person. The lawful custodian may adopt and
12 enforce reasonable rules regarding the ~~work~~ examination and
13 copying of the records and the protection of the records
14 against damage or disorganization. The lawful custodian shall
15 provide a suitable place for the ~~work~~ examination and copying
16 of the records, but if it is impracticable to do the ~~work~~
17 examination and copying of the records in the office of the
18 lawful custodian, the person desiring to examine or copy shall
19 pay any necessary expenses of providing a place for the work.

20 2. All expenses of the work shall be paid by the person
21 desiring to examine or copy. The lawful custodian may charge
22 a reasonable fee for the services of the lawful custodian or
23 the custodian's authorized designee in supervising the
24 examination and copying of the records during the work. If
25 copy equipment is available at the office of the lawful
26 custodian of any public records, the lawful custodian shall
27 provide any person a reasonable number of copies of any public
28 record in the custody of the office upon the payment of a fee.
29 The fee for the copying service as determined by the lawful
30 custodian shall not exceed the actual cost of providing the
31 service. Actual costs shall include only those expenses
32 directly attributable to supervising the examination of and
33 making and providing copies of public records. Actual costs
34 shall not include charges for ordinary expenses or costs such
35 as employment benefits, depreciation, maintenance,

1 electricity, or insurance associated with the administration
2 of the office of the lawful custodian.

3 EXPLANATION

4 This bill relates to the receipt of and costs associated
5 with public records requests.

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

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SENATE FILE 403

H-1465

1 Amend Senate File 403, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 7 through 11 and
4 inserting the following: "lawful custodian shall not
5 require the physical presence of a person requesting
6 or receiving a copy of a public record and shall
7 fulfill requests for a copy of a public record
8 received in writing, by telephone, or by electronic
9 means. Fulfillment of a request for a copy of a
10 public record may be contingent upon receipt of
11 payment of expenses to be incurred in fulfilling the
12 request and such estimated expenses shall be
13 communicated to the requester upon receipt of the
14 request. The lawful custodian may adopt and".

15 2. By renumbering as necessary.

COMMITTEE ON GOVERNMENT OVERSIGHT

ALONS of Sioux, CHAIRPERSON

H-1465 FILED APRIL 21, 2005

Lundby
Courtney

Succeeded By
① / HF 403

SSB#1295
Government Oversight

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
GOVERNMENT OVERSIGHT BILL
BY CO-CHAIRPERSON LUNDBY)

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

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SENATE FILE 403

AN ACT

PROVIDING FOR THE RECEIPT OF AND COSTS RELATING TO PUBLIC RECORDS REQUESTS.

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JOHN P. KIBBIE
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 403, Eighty-first General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4.5.05, 2005

THOMAS J. VILSACK
Governor