

House File 2394 - Introduced

HOUSE FILE 2394

BY M. SMITH, STUTSMAN, and
MOORE

A BILL FOR

1 An Act relating to fees charged for the services of a lawful
2 custodian in examining and copying public records.

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

1 Section 1. Section 22.1, subsection 3, paragraph a, Code
2 2014, is amended to read as follows:

3 a. As used in this chapter, "*public records*" includes all
4 records, documents, tape, or other information, stored or
5 preserved in any medium and in the format typically used by the
6 government body, of or belonging to this state or any county,
7 city, township, school corporation, political subdivision,
8 nonprofit corporation other than a fair conducting a fair event
9 as provided in chapter 174, whose facilities or indebtedness
10 are supported in whole or in part with property tax revenue
11 and which is licensed to conduct pari-mutuel wagering pursuant
12 to chapter 99D, or tax-supported district in this state, or
13 any branch, department, board, bureau, commission, council, or
14 committee of any of the foregoing.

15 Sec. 2. Section 22.3, subsection 2, Code 2014, is amended
16 to read as follows:

17 2. All expenses of the examination and copying shall be paid
18 by the person desiring to examine or copy.

19 a. The lawful custodian may charge a reasonable fee for the
20 services of the lawful custodian or the custodian's authorized
21 designee in supervising the examination and copying of the
22 records as provided in paragraph "b". If copy equipment is
23 available at the office of the lawful custodian of any public
24 records, the lawful custodian shall provide any person a
25 reasonable number of copies of any public record in the custody
26 of the office upon the payment of a fee.

27 b. (1) The fee for the examination and copying service
28 requested by a resident of this state, as determined by the
29 lawful custodian, shall not exceed the actual cost of providing
30 the service. Actual costs shall include only those expenses
31 directly attributable to supervising the examination of and
32 making and providing copies of public records. Actual costs
33 shall not include charges for ordinary expenses or costs such
34 as employment benefits, depreciation, maintenance, electricity,
35 or insurance associated with the administration of the office

1 of the lawful custodian.

2 (2) The nonresident fee for the examination and copying
3 service requested by a nonresident of this state, as determined
4 by the lawful custodian, shall be based upon a reasonable fee
5 for expenses attributable to supervising the examination of
6 and making and providing copies of public records, which shall
7 include but not be limited to the actual costs as provided in
8 subparagraph (1).

9 c. A lawful custodian is not required to reformat a public
10 record to suit the needs of a person desiring to examine
11 or copy the record under this section. However, a lawful
12 custodian may elect to reformat a public record and may charge
13 the person reformatting costs which may include but are not
14 limited to any fees charged by a nongovernment body to reformat
15 the public record.

16 d. For purposes of this section:

17 (1) "Nonresident" means an individual or business entity who
18 is not a resident as defined in subparagraph (2).

19 (2) "Resident" means either of the following:

20 (a) For an individual, the place which the individual
21 declares is the individual's home with the intent to remain
22 there permanently or for a definite, or indefinite or
23 indeterminable length of time.

24 (b) For a business entity, a partnership, firm,
25 association, corporation, sole proprietorship, or other
26 business concern, formed under and governed by the laws of this
27 state, as evidenced at the request of the lawful custodian by a
28 certificate of existence from the office of the secretary of
29 state dated within the last three months prior to making the
30 public record request.

31 EXPLANATION

32 The inclusion of this explanation does not constitute agreement with
33 the explanation's substance by the members of the general assembly.

34 This bill relates to fees charged for the services of a
35 lawful custodian in examining and copying public records.

1 Under current law, a lawful custodian may charge a
2 reasonable fee for expenses associated with the lawful
3 custodian's services in the examination and copying of a public
4 record, but those fees are limited to actual costs directly
5 attributable to the custodian's examination and copying costs.

6 The bill provides that fees charged for a resident public
7 record request relating to the services of a lawful custodian
8 in examining and copying a public record are limited to the
9 actual costs as provided under current law, but that fees
10 charged for a nonresident public record request shall be
11 based upon a reasonable fee for expenses attributable to the
12 examination and copying of the public record, which shall
13 include but not be limited to actual costs.

14 The bill provides that a lawful custodian is not required
15 to reformat a public record to suit the needs of a person
16 desiring to examine or copy the record under this Code section.
17 However, a lawful custodian may elect to reformat a public
18 record and may charge the person reformatting costs which
19 may include but are not limited to any fees charged by a
20 nongovernment body to reformat the public record. The bill
21 makes a conforming change in the definition of public records.

22 The bill provides definitions of resident and nonresident
23 for purposes of the bill.