

House File 637 - Introduced

HOUSE FILE 637

BY THOMPSON

(COMPANION TO SF 218 BY
WHITING)

A BILL FOR

1 An Act relating to the assessment of fees when a person
2 requests examination and copying of public records.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 22.3, Code 2021, is amended to read as
2 follows:

3 **22.3 Supervision — fees.**

4 1. The examination and copying of public records shall
5 be done under the supervision of the lawful custodian of the
6 records or the custodian's authorized designee. The lawful
7 custodian shall not require the physical presence of a person
8 requesting or receiving a copy of a public record and shall
9 fulfill requests for a copy of a public record received in
10 writing, by telephone, or by electronic means. Fulfillment
11 of a request for a copy of a public record may be contingent
12 upon receipt of payment of reasonable expenses, to be incurred
13 in fulfilling the request and such estimated expenses shall
14 be communicated to the requester upon receipt of the request.
15 The lawful custodian may adopt and enforce reasonable rules
16 regarding the examination and copying of the records and the
17 protection of the records against damage or disorganization.
18 The lawful custodian shall provide a suitable place for
19 the examination and copying of the records, but if it is
20 impracticable to do the examination and copying of the records
21 in the office of the lawful custodian, the person desiring to
22 examine or copy shall pay any necessary expenses of providing a
23 place for the examination and copying.

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

1 expenses directly attributable to supervising the examination
2 of and making and providing copies of public records. Actual
3 costs shall not include charges for legal services for the
4 redaction or review of public records and ordinary expenses or
5 costs such as employment benefits, depreciation, maintenance,
6 electricity, or insurance associated with the administration
7 of the office of the lawful custodian. However, a county
8 recorder shall not charge a fee for the examination and copying
9 of public records necessary to complete and file claims for
10 benefits with the Iowa department of veterans affairs or the
11 United States department of veterans affairs.

12

EXPLANATION

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

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This bill relates to fees associated with public records
16 requests.

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The bill provides that expenses for a request for
18 examination or copies of public records must be reasonable.

19

The bill provides that the fees charged for supervising
20 the examination of and copying public records by the lawful
21 custodian shall not include charges for legal services for the
22 redaction or review of the public records.