

**Senate File 218 - Introduced**

SENATE FILE 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.

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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.