

**Senate File 2322 - Introduced**

SENATE FILE 2322  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SF 480)

(SUCCESSOR TO SF 218)

**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 2022, 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  
6 the records or the custodian's authorized designee. The  
7 lawful custodian shall not require the physical presence of  
8 a person requesting or receiving a copy of a public record  
9 and shall fulfill requests for a copy of a public record  
10 received in writing, by telephone, or by electronic means.  
11 ~~Fulfillment~~ Although fulfillment of a request for a copy of  
12 a public record may be contingent upon receipt of payment of  
13 reasonable expenses to be incurred in fulfilling the request  
14 and, the lawful custodian shall make every reasonable effort  
15 to provide the public record requested at no cost other  
16 than copying costs for a record which takes less than thirty  
17 minutes to produce. In the event expenses are necessary, such  
18 ~~estimated~~ expenses shall be reasonable and communicated to the  
19 requester upon receipt of the request. A person may contest  
20 the reasonableness of the custodian's expenses as provided for  
21 in this chapter. The lawful custodian may adopt and enforce  
22 reasonable rules regarding the examination and copying of the  
23 records and the protection of the records against damage or  
24 disorganization. The lawful custodian shall provide a suitable  
25 place for the examination and copying of the records, but if  
26 it is impracticable to do the examination and copying of the  
27 records in the office of the lawful custodian, the person  
28 desiring to examine or copy shall pay any necessary expenses of  
29 providing a place for the examination and copying.

30 2. All reasonable expenses of the examination and copying  
31 shall be paid by the person desiring to examine or copy. The  
32 lawful custodian may charge a reasonable fee for the services  
33 of the lawful custodian or the custodian's authorized designee  
34 in supervising the examination and copying of the records.  
35 If copy equipment is available at the office of the lawful

1 custodian of any public records, the lawful custodian shall  
2 provide any person a reasonable number of copies of any public  
3 record in the custody of the office upon the payment of a fee.  
4 The fee for the copying service as determined by the lawful  
5 custodian shall not exceed the actual cost of providing the  
6 service. Actual costs shall include only those reasonable  
7 expenses directly attributable to supervising the examination  
8 of and making and providing copies of public records. Actual  
9 costs shall not include charges for ordinary expenses or  
10 costs such as employment benefits, depreciation, maintenance,  
11 electricity, or insurance associated with the administration of  
12 the office of the lawful custodian. Costs for legal services  
13 should only be utilized for the redaction or review of legally  
14 protected confidential information. However, a county recorder  
15 shall not charge a fee for the examination and copying of  
16 public records necessary to complete and file claims for  
17 benefits with the Iowa department of veterans affairs or the  
18 United States department of veterans affairs.

19 EXPLANATION

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

22 This bill relates to fees associated with public records  
23 requests.

24 The bill provides that although fulfillment of a request  
25 for copies of public records may be contingent upon receipt  
26 of payment of reasonable expenses, the lawful custodian shall  
27 make every reasonable effort to provide the public records at  
28 no cost other than copy costs for a record that takes less than  
29 30 minutes to produce. A person is allowed to contest the  
30 reasonableness of the fees charged by the custodian.

31 The bill provides that actual costs shall only include  
32 reasonable expenses directly attributable to supervising the  
33 examination of and making of copies of public records. Costs  
34 for legal services shall only be charged for the redaction or  
35 review of confidential information.