

KIM REYNOLDS
GOVERNOR

OFFICE OF THE GOVERNOR

ADAM GREGG
LT GOVERNOR

May 17, 2024

The Honorable Paul Pate
Secretary of State of Iowa
State Capitol
Des Moines, Iowa 50319

Dear Mr. Secretary,

I hereby transmit House File 2539, an Act relating to penalties associated with open meetings violations.

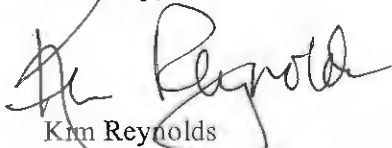
House File 2539, as introduced, would have required public officials to receive training on their responsibilities under chapters 21 and 22. Unfortunately, this provision was removed during the legislative process. This is a laudable goal and one that I hope the Legislature will continue to pursue.

The final version of the bill increases damages assessed against governmental bodies who violate Iowa's open meeting laws and amends the definition of a "meeting" in chapter 21. Although well-intentioned, the amendment to the definition is unnecessary and will cause confusion. Open meeting laws need to be clear; otherwise, their application and enforcement will be inconsistent and varied.

I am committed to working with the Legislature and stakeholders on making our open meeting laws stronger.

For these reasons, I respectfully disapprove of House File 2539 in its entirety.

Sincerely,


Kim Reynolds
Governor of Iowa

cc: Secretary of the Senate
Clerk of the House



House File 2539

AN ACT

RELATING TO PENALTIES ASSOCIATED WITH OPEN MEETINGS VIOLATIONS.

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

Section 1. Section 21.2, subsection 2, Code 2024, is amended to read as follows:

2. "*Meeting*" means a gathering in person or by electronic means, formal or informal, of a majority of the members of a governmental body where there is deliberation or action upon any matter within the scope of the governmental body's policy-making duties. ~~Meetings shall~~ "*Meeting*" does not include a gathering of members of a governmental body for purely ministerial or social purposes when there is no discussion of policy or no intent to avoid the purposes of this chapter, or a gathering including members of a local governmental body that is hosted or organized by a political party, political candidate, or civic organization.

Sec. 2. Section 21.6, subsection 3, paragraphs a and d, Code 2024, are amended to read as follows:

a. Shall assess each member of the governmental body who participated in its violation damages in the amount of not more than two thousand five hundred dollars and not less than ~~one~~ five hundred dollars. However, if a member of a governmental body knowingly participated in such a violation, damages shall be in the amount of not more than ~~two~~ twelve thousand five hundred dollars and not less than ~~one~~ five thousand dollars. These damages shall be paid by the court imposing

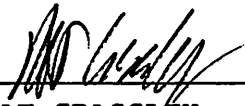
it to the state of Iowa, if the body in question is a state governmental body, or to the local government involved if the body in question is a local governmental body. A member of a governmental body found to have violated this chapter shall not be assessed such damages if that member proves that the member did any of the following:

(1) Voted against the closed session.

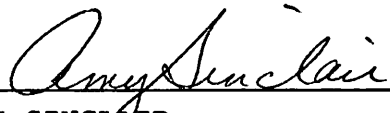
(2) Had good reason to believe and in good faith believed facts which, if true, would have indicated compliance with all the requirements of this chapter.

(3) Reasonably relied upon a decision of a court, a formal opinion of the Iowa public information board, the attorney general, or the attorney for the governmental body, given in writing, or as memorialized in the minutes of the meeting at which a formal oral opinion was given, or an advisory opinion of the Iowa public information board, the attorney general, or the attorney for the governmental body, given in writing.

d. Shall issue an order removing a member of a governmental body from office if that member has engaged in a prior violation of this chapter ~~for which damages were assessed against the member during the member's term.~~

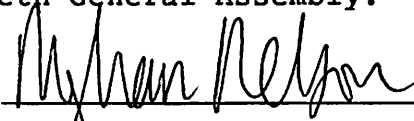


PAT GRASSLEY
Speaker of the House



AMY SINCLAIR
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2539, Ninetieth General Assembly.



MEGHAN NELSON
Chief Clerk of the House



KIM REYNOLDS
Governor

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DISAPPROVED
Approved May 17th, 2024