

**House File 169 - Introduced**

HOUSE FILE 169

BY ISENHART

(COMPANION TO SF 82 BY JOCHUM)

**A BILL FOR**

1 An Act allowing the Iowa public information board and the  
2 office of ombudsman access in the performance of their  
3 duties to the minutes and audio recording of a closed  
4 session.

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

1 Section 1. Section 21.5, subsection 4, Code 2015, is amended  
2 to read as follows:

3 4. a. A governmental body shall keep detailed minutes of  
4 all discussion, persons present, and action occurring at a  
5 closed session, and shall also audio record all of the closed  
6 session.

7 b. The detailed minutes and audio recording of a closed  
8 session shall be sealed and shall not be public records open  
9 to public inspection. However, upon order of the court in  
10 an action to enforce this chapter, the detailed minutes and  
11 audio recording shall be unsealed and examined by the court  
12 in camera. The court shall then determine what part, if  
13 any, of the minutes should be disclosed to the party seeking  
14 enforcement of this chapter for use in that enforcement  
15 proceeding. In determining whether any portion of the  
16 minutes or recording shall be disclosed to such a party for  
17 this purpose, the court shall weigh the prejudicial effects  
18 to the public interest of the disclosure of any portion of  
19 the minutes or recording in question, against its probative  
20 value as evidence in an enforcement proceeding. After such  
21 a determination, the court may permit inspection and use of  
22 all or portions of the detailed minutes and audio recording by  
23 the party seeking enforcement of this chapter. A governmental  
24 body shall keep the detailed minutes and audio recording of any  
25 closed session for a period of at least one year from the date  
26 of that meeting, except as otherwise required by law.

27 (1) This paragraph "b" does not require the Iowa public  
28 information board to obtain a court order to examine the  
29 detailed minutes and audio recording of a closed session for  
30 the purpose of resolving a complaint alleging a violation of  
31 this chapter. Any portion of the minutes or recording released  
32 by a governmental body to the Iowa public information board  
33 shall remain confidential pursuant to section 23.6, subsection  
34 6.

35 (2) This paragraph "b" does not require the office of

1 ombudsman to obtain a court order to examine the detailed  
2 minutes and audio recording of a closed session when such  
3 examination is relevant to an investigation under chapter 2C  
4 and the information sought is not available through other  
5 reasonable means. Any portion of the minutes or recording  
6 released by a governmental body to the Iowa public information  
7 board shall remain confidential pursuant to section 2C.9.

8 EXPLANATION

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

11 Under current law, meetings of a governmental body under  
12 Iowa's open meetings law (Code chapter 21) are required to be  
13 preceded by public notice and shall be held in open session.  
14 A governmental body may hold a closed session under certain  
15 circumstances and the minutes and audio recording of a closed  
16 session are not accessible to the public unless the person  
17 seeking access to the records files an action in court.

18 This bill provides that the Iowa public information board  
19 is not required to obtain a court order to examine the minutes  
20 and audio recording of a closed session for the purpose  
21 of resolving complaints alleging violations of Iowa's open  
22 meetings law. Similarly, the office of ombudsman is not  
23 required to obtain a court order to examine the minutes and  
24 audio recording of a closed session when such examination is  
25 relevant to an investigation under Code chapter 2C (ombudsman's  
26 office) and the information is not available through other  
27 means.