

**Senate File 384 - Introduced**

SENATE FILE 384  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SSB 1073)

**A BILL FOR**

1 An Act relating to governmental bodies and advisory bodies and  
2 public notice requirements under the open meetings law.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 21.2, subsection 1, paragraphs a, c, e,  
2 h, and j, Code 2015, are amended to read as follows:

3 a. A board, council, commission, or other governing body  
4 expressly created by the statutes of this state or by executive  
5 order of the governor.

6 c. A multimembered body formally and directly created by  
7 one or more boards, councils, commissions, or other governing  
8 bodies subject to ~~paragraphs~~ paragraph "a" and or "b" of this  
9 subsection.

10 e. An advisory board, advisory commission, advisory  
11 committee, or task force formally and directly created by  
12 the governor or the general assembly to develop and make  
13 recommendations ~~on public policy issues~~ to the governor or the  
14 general assembly.

15 h. An advisory board, advisory commission, advisory  
16 committee, task force, or other body formally and directly  
17 ~~created by statute or executive order of this state or created~~  
18 ~~by an executive order of a political subdivision of this~~  
19 state one or more boards, councils, commissions, or other  
20 governing bodies subject to paragraph "a" or "b" or by a  
21 mayor or superintendent of schools, if the school board of a  
22 school district has expressly authorized the superintendent  
23 to act on behalf of the school district, to develop and make  
24 ~~recommendations on public policy issues~~ to the board, council,  
25 commission, or other governing body. For purposes of this  
26 paragraph, "governmental body" does not include an advisory  
27 board, advisory commission, advisory committee, task force, or  
28 other body formally or directly created by a public hospital  
29 licensed pursuant to chapter 135B.

30 j. An advisory board, advisory commission, advisory  
31 committee, task force, or other body created by an entity  
32 organized under chapter 28E, or by the administrator or joint  
33 board specified in a chapter 28E agreement, to develop and make  
34 recommendations ~~on public policy issues~~ to the entity or joint  
35 board.

1     Sec. 2. Section 21.2, subsection 2, Code 2015, is amended  
2 to read as follows:

3     2. "*Meeting*" means a gathering in person or by electronic  
4 means, formal or informal, of a majority of the members of  
5 a governmental body where there is deliberation or action  
6 upon any matter within the scope of the governmental body's  
7 ~~policy-making~~ duties. Meetings shall not include a gathering  
8 of members of a governmental body for purely ministerial or  
9 social purposes when there is no discussion of policy duties or  
10 no intent to avoid the purposes of this chapter.

11    Sec. 3. Section 21.4, subsection 2, paragraph a, Code 2015,  
12 is amended to read as follows:

13    a. Notice conforming with all of the requirements  
14 of subsection 1 ~~of this section~~ shall be given at least  
15 twenty-four hours, exclusive of Saturdays, Sundays, and any  
16 holiday when state or federal offices are closed, prior to the  
17 commencement of any meeting of a governmental body unless for  
18 good cause such notice is impossible or impractical, in which  
19 case as much notice as is reasonably possible shall be given.  
20 Each meeting shall be held at a place reasonably accessible to  
21 the public, and at a time reasonably convenient to the public,  
22 unless for good cause such a place or time is impossible or  
23 impractical. Special access to the meeting may be granted to  
24 persons with disabilities.

25

EXPLANATION

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

28     This bill relates to the regulation of a governmental body  
29 and public notice requirements under the open meetings law  
30 (Code chapter 21).

31     The bill amends the definition of governmental body under  
32 the open meetings law to specify that only advisory boards,  
33 advisory commissions, advisory committees, task forces, or any  
34 other body that are formally and directly created by specified  
35 governmental bodies or a mayor or superintendent of schools, if

1 the school board of a school district has expressly authorized  
2 the superintendent to act on behalf of the school district, are  
3 considered governmental bodies subject to the open meetings  
4 law.

5 The bill excludes from the definition of a governmental body  
6 an advisory board, advisory commission, advisory committee,  
7 task force, or other body formally or directly created by a  
8 public hospital licensed pursuant to Code chapter 135B.

9 The bill amends the definition of a meeting that is subject  
10 to the requirements of the open meetings law to exclude  
11 references to only policymaking actions, expanding the  
12 definition to include any deliberations or actions (including  
13 recommendations) taken by a governmental body as defined in the  
14 open meetings law that are within a governmental body's duties.

15 The bill excludes weekend days and state and federal  
16 holidays when state or federal office are closed when  
17 determining the 24-hour time period for purposes of public  
18 notice under the open meetings law.