

**Senate Study Bill 1073 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED IOWA PUBLIC  
INFORMATION BOARD BILL)

**A BILL FOR**

1 An Act relating to governmental bodies and advisory bodies and  
2 public notice requirements under the open meetings law and  
3 the confidentiality of peace officers' investigative reports  
4 under the open records law.  
5 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 state~~  
19 one or more boards, councils, commissions, or other governing  
20 bodies subject to paragraph "a" or "b" or by a mayor or  
21 superintendent of schools to develop and make recommendations  
22 ~~on public policy issues to the board, council, commission, or~~  
23 other governing body.

24 j. An advisory board, advisory commission, advisory  
25 committee, task force, or other body created by an entity  
26 organized under chapter 28E, or by the administrator or joint  
27 board specified in a chapter 28E agreement, to develop and make  
28 recommendations ~~on public policy issues to the entity or joint~~  
29 board.

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

32 2. "*Meeting*" means a gathering in person or by electronic  
33 means, formal or informal, of a majority of the members of  
34 a governmental body where there is deliberation or action  
35 upon any matter within the scope of the governmental body's

1 ~~policy-making~~ duties. Meetings shall not include a gathering  
2 of members of a governmental body for purely ministerial or  
3 social purposes when there is no discussion of ~~policy~~ duties or  
4 no intent to avoid the purposes of this chapter.

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

7 a. Notice conforming with all of the requirements  
8 of subsection 1 ~~of this section~~ shall be given at least  
9 twenty-four hours, excluding weekend days, prior to the  
10 commencement of any meeting of a governmental body unless for  
11 good cause such notice is impossible or impractical, in which  
12 case as much notice as is reasonably possible shall be given.  
13 Each meeting shall be held at a place reasonably accessible to  
14 the public, and at a time reasonably convenient to the public,  
15 unless for good cause such a place or time is impossible or  
16 impractical. Special access to the meeting may be granted to  
17 persons with disabilities.

18 Sec. 4. Section 22.7, subsection 5, Code 2015, is amended  
19 by striking the subsection and inserting in lieu thereof the  
20 following:

21 5. Records or information compiled for law enforcement  
22 purposes, but only to the extent that the production of such  
23 law enforcement records or information could reasonably be  
24 expected to do any of the following:

- 25 a. Interfere with enforcement proceedings.  
26 b. Deprive a person of a right to a fair trial or an  
27 impartial adjudication.  
28 c. Constitute an unwarranted invasion of personal privacy.  
29 d. Disclose the identity of a confidential source, including  
30 a state, local, or foreign agency or authority or any private  
31 institution which furnished information on a confidential  
32 basis, and, in the case of a record or information compiled by  
33 criminal law enforcement authority in the course of a criminal  
34 investigation or by an agency conducting a lawful national  
35 security intelligence investigation, information furnished by

1 a confidential source.

2 e. Disclose techniques and procedures for law enforcement  
3 investigations or prosecutions, or disclose guidelines for law  
4 enforcement investigations or prosecutions if such disclosure  
5 could reasonably be expected to risk circumvention of the law.

6 f. Endanger the life or physical safety of any individual.

7

EXPLANATION

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

10 This bill relates to the regulation of a governmental body  
11 and public notice requirements under the open meetings law  
12 (Code chapter 21) and the confidentiality of law enforcement  
13 records under the open records law (Code chapter 22).

14 The bill amends the definition of advisory bodies that  
15 are subject to the requirements of the open meetings law and  
16 specifies that only advisory boards, advisory commissions,  
17 advisory committees, task forces, or any other body formally  
18 and directly created by specified governmental bodies or a  
19 mayor or superintendent of schools are considered governmental  
20 bodies subject to the open meetings law.

21 The bill amends the definition of a meeting that is subject  
22 to the requirements of the open meetings law to exclude  
23 references to only policymaking actions, expanding the  
24 definition to include any deliberations or actions (including  
25 recommendations) taken by a governmental body as defined in the  
26 open meetings law that are within a governmental body's duties.

27 The bill excludes weekend days when determining the 24-hour  
28 time period for purposes of public notice under the open  
29 meetings law.

30 The bill strikes a provision in Code section 22.7 relating to  
31 the confidentiality of peace officers' investigative reports  
32 and replaces this confidentiality provision with language from  
33 the federal Freedom of Information Act (5 U.S.C. §552(b)(7))  
34 relating to the confidentiality of law enforcement records or  
35 information under certain circumstances.