

JAN 14 1998
STATE GOVERNMENT

HOUSE FILE 2036
BY CORMACK

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the general assembly by providing for public
2 access to meetings.

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

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1 Section 1. NEW SECTION. 2.17A OPEN MEETINGS.

2 1. As used in this section, unless the context otherwise
3 requires:

4 a. "Closed session" means a meeting of a legislative body
5 where attendance is limited to members of the general
6 assembly, members of the legislative body, and other persons
7 invited by the legislative body.

8 b. "Legislative body" means any body of the general
9 assembly created by statute or authorized by the general
10 assembly which is limited to any of the following:

11 (1) A standing committee.

12 (2) A subcommittee of a standing committee on
13 appropriations.

14 (3) A conference committee.

15 (4) The legislative council.

16 (5) A caucus of the members of a political party of one or
17 both houses of the general assembly.

18 (6) A multimembered body formally and directly created by
19 one or more bodies described in subparagraphs (1) through (5).

20 c. "Meeting" means any gathering in person or by
21 electronic means of a majority of the members of a legislative
22 body, where there is deliberation or action taken upon any
23 matter affecting policymaking within the legislative body's
24 jurisdiction. A meeting shall not include a gathering of
25 members of a legislative body for purely ministerial or social
26 purposes when there is no discussion of policy or no intent to
27 avoid the purposes of this section.

28 d. "Open session" means a meeting where attendance is
29 available to all members of the public.

30 2. A meeting of a legislative body shall be held in open
31 session unless a closed session is authorized under this
32 section. A legislative body may hold a closed session if
33 authorized by rules adopted by the legislative council for
34 itself or legislative bodies under its jurisdiction, by the
35 senate for legislative bodies under its jurisdiction, or by

1 the house of representatives for legislative bodies under its
2 jurisdiction. However, regardless of these rules, a
3 legislative body cannot authorize a closed session unless at
4 least by the affirmative vote of either two-thirds of the
5 members of the legislative body or all of the members present
6 at the meeting. A record of the vote for a closed meeting
7 shall be entered in the minutes of the meeting and if under
8 the jurisdiction of one of the houses, in the journal of the
9 house of the legislative body. However, if the meeting is
10 held under the jurisdiction of one of the houses and the
11 general assembly is not in session, the record of the vote
12 shall be entered in the minutes of the meeting and later
13 recorded in the journal on the first day when that house is
14 next in session. If the meeting is held under the
15 jurisdiction of both houses and involves members from both
16 houses, the record of the vote shall be entered in the journal
17 of both houses.

18 3. a. The legislative council, the senate, and the house
19 of representatives shall adopt rules necessary to administer
20 this section. The rules shall include procedures for
21 providing notice of a meeting prior to the meeting.

22 b. The legislative remedies provided in rules adopted
23 under this subsection shall be the exclusive remedy available.
24 A court or administrative agency shall not have jurisdiction
25 to hear a case involving an alleged violation of this section,
26 shall not interpret this section, and shall not enforce,
27 enjoin, award damages, or invalidate any legislative action,
28 including but not limited to the enactment of a statute,
29 because of an alleged violation of this section.

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EXPLANATION

31 This bill provides that meetings of a legislative body must
32 be open to the public, unless the legislative body votes to
33 close the meeting. This applies to a standing committee, a
34 subcommittee of a standing committee on appropriations, a
35 conference committee, the legislative council, or a caucus of

1 the members of a political party of one or both houses of the
2 general assembly. It also applies to smaller bodies created
3 by one of these entities such as a subcommittee. The bill
4 does not apply to gatherings for purely ministerial or social
5 purposes when there is no discussion of policy or no intent to
6 avoid the purposes of the bill.

7 A legislative body may close a meeting to the public only
8 according to rules adopted by the legislative council, the
9 senate, or the house of representatives, and at least by an
10 affirmative vote of either two-thirds of the members of the
11 legislative body or all of the members present at the meeting.
12 A record of the vote for a closed meeting must be entered in
13 the minutes of the meeting and in the journal of the house of
14 the legislative body, if applicable.

15 The legislative council, the senate, and the house of
16 representatives are required to adopt rules necessary in order
17 to administer the provisions of the bill, including rules
18 providing for prior notice of a meeting. The bill provides
19 that the legislative remedies provided in the rules are the
20 exclusive remedy available. A court or administrative agency
21 does not have jurisdiction to hear a case involving an alleged
22 violation of this section or take action on any legislative
23 action because of an alleged violation of the bill's
24 provisions.

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