

JAN 13 1999  
STATE GOVERNMENT

HOUSE FILE 46  
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:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

HF 46

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 if a quorum is present. A record of the vote  
7 for a closed meeting shall be entered in the minutes of the  
8 meeting and if under the jurisdiction of one of the houses, in  
9 the journal of the house of the legislative body. However, if  
10 the meeting is held under the jurisdiction of one of the  
11 houses and the general assembly is not in session, the record  
12 of the vote shall be entered in the minutes of the meeting and  
13 later recorded in the journal on the first day when that house  
14 is 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.

30 | 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 if a quorum is present. A record of the vote for a closed  
13 meeting must be entered in the minutes of the meeting and in  
14 the journal of the house of the legislative body, if  
15 applicable.

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

26  
27  
28  
29  
30  
31  
32  
33  
34  
35