

# House Study Bill 136

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL  
BY CHAIRPERSON ELGIN)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to violations of the open meetings and open  
2 records law by a member of a governmental body, the lawful  
3 custodian of a public record, or any other appropriate person.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2025HC 81  
6 rh/sh/8

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1 1 Section 1. Section 21.6, subsection 3, paragraph d, Code  
1 2 2005, is amended to read as follows:  
1 3 d. Shall issue an order removing a member of a  
1 4 governmental body from office if that member has ~~engaged done~~  
1 5 ~~either of the following:~~  
1 6 ~~(1) Intentionally acted contrary to a formal opinion of~~  
1 7 ~~the attorney general or the advice of the attorney for the~~  
1 8 ~~governmental body, where such opinion or advice concluded that~~  
1 9 ~~the action taken would be a violation of this chapter.~~  
1 10 ~~(2) Engaged in two a prior violations violation of this~~  
1 11 ~~chapter for which damages were assessed against the member~~  
1 12 ~~during the member's term.~~  
1 13 Sec. 2. Section 22.10, subsection 3, paragraph d, Code  
1 14 2005, is amended to read as follows:  
1 15 d. Shall issue an order removing a person from office ~~or~~  
1 16 ~~terminating the person's governmental employment~~ if that  
1 17 ~~person has engaged done either of the following:~~  
1 18 ~~(1) Intentionally acted contrary to a formal opinion of~~  
1 19 ~~the attorney general or the advice of the attorney for the~~  
1 20 ~~governmental body, where such opinion or advice concluded that~~  
1 21 ~~the action taken would be a violation of this chapter.~~  
1 22 ~~(2) Engaged in two a prior violations violation of this~~  
1 23 ~~chapter for which damages were assessed against the person~~  
1 24 ~~during the person's term.~~

## EXPLANATION

1 25 This bill relates to violations of the open meetings and  
1 26 open records law by a member of a governmental body, the  
1 27 lawful custodian of a public record, or any other appropriate  
1 28 persons.  
1 29 The bill provides that a court shall issue an order  
1 30 removing a member of a governmental body or a lawful custodian  
1 31 of a public record from the person's office or terminating the  
1 32 employment of any other appropriate person in the office of  
1 33 the lawful custodian upon a finding by a preponderance of the  
1 34 evidence that the person has intentionally acted contrary to a  
2 1 formal opinion of the attorney general or the advice of the  
2 2 attorney for the governmental body, where such opinion or  
2 3 advice concluded that the action taken would be a violation of  
2 4 either the public records or open meetings law, or where the  
2 5 member or person engaged in a prior violation of either the  
2 6 public records or open meetings law for which damages were  
2 7 assessed against the member during the member's term or  
2 8 against the person during the person's term.  
2 9 LSB 2025HC 81  
2 10 rh:nh/sh/8