

Senate File 2053 - Introduced

SENATE FILE 2053

BY JOCHUM

(COMPANION TO HF 2019 BY
ISENHART)

A BILL FOR

1 An Act relating to deliberations or actions of governmental
2 bodies under Iowa's 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 e, h, and
2 j, Code 2014, are amended to read as follows:

3 e. An advisory board, advisory commission, or task force
4 created by the governor or the general assembly ~~to develop and~~
5 ~~make recommendations on public policy issues.~~

6 h. An advisory board, advisory commission, advisory
7 committee, task force, or other body created by statute or
8 executive order of this state or created by an executive order
9 of a political subdivision of this state ~~to develop and make~~
10 ~~recommendations on public policy issues.~~

11 j. An advisory board, advisory commission, advisory
12 committee, task force, or other body created by an entity
13 organized under chapter 28E, or by the administrator or joint
14 board specified in a chapter 28E agreement, ~~to develop and make~~
15 ~~recommendations on public policy issues.~~

16 Sec. 2. Section 21.2, subsection 2, Code 2014, is amended
17 to read as follows:

18 2. "*Meeting*" means a gathering in person or by electronic
19 means, formal or informal, of a majority of the members of
20 a governmental body where there is deliberation or action
21 upon any matter within the scope of the governmental body's
22 ~~policy-making~~ duties. Meetings shall not include a gathering
23 of members of a governmental body for purely ministerial or
24 social purposes when there is ~~no discussion of policy or no~~
25 intent to avoid the purposes of this chapter.

26 EXPLANATION

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

29 Current law requires that meetings of governmental bodies be
30 preceded by public notice and be held in open session unless
31 certain exemptions apply.

32 Under Code section 21.2, "governmental body" is defined
33 as a board, council, commission, or other governing body
34 expressly created by state law or executive order or of
35 a political subdivision or tax-supported district in this

1 state; a multimember body formally and directly created by
2 one or more boards, councils, or commissions of the state
3 or a political subdivision; and board of regents-directed
4 bodies in charge of managing intercollegiate athletic programs
5 at state universities. This definition includes certain
6 advisory boards, commissions, and task forces that develop and
7 make public policy recommendations, and an advisory board,
8 advisory commission, advisory committee, task force, or other
9 body organized under Code chapter 28E (joint exercise of
10 governmental powers) that develops and makes recommendations
11 on public policy issues. This definition also includes the
12 governing body of a drainage or levee district. The definition
13 does not include nonprofit organizations and publicly supported
14 nonprofit organizations which conduct pari-mutuel wagering
15 generally, except for nonprofit corporations whose facilities
16 or indebtedness are supported in whole or in part with property
17 tax revenue and who are licensed to conduct pari-mutuel
18 wagering under Code chapter 99D, nonprofit corporations that
19 are successors to such a nonprofit corporation that built such
20 facilities, and nonprofit corporations licensed to conduct
21 gambling games under Code chapter 99F.

22 A "meeting" that subjects a governmental body to the notice
23 and open meeting requirements means a gathering in person or
24 by electronic means, either formal or informal, of a majority
25 of the members of the governmental body, for the purpose of
26 deliberating or acting upon any matter within the scope of the
27 governmental body's policy-making duties. This definition of a
28 meeting for Code chapter 21 purposes does not include purely
29 ministerial or social gatherings when there is no discussion of
30 policy or no intent to avoid the purposes of the open meetings
31 law.

32 This bill eliminates the requirement that the open
33 meeting law only applies when such deliberations or actions
34 of a governmental body relate to the governmental body's
35 policy-making duties.