

House File 2062 - Introduced

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BY MOHR

A BILL FOR

1 An Act relating to open meetings and open records, providing
2 penalties, and making penalties applicable.

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

1 Section 1. Section 21.6, subsection 3, paragraphs a and d,
2 Code 2024, are amended to read as follows:

3 a. Shall assess each member of the governmental body who
4 participated in its violation damages in the amount of not
5 more than five ~~hundred~~ thousand dollars and not less than
6 one ~~hundred~~ thousand dollars. However, if a member of a
7 governmental body knowingly participated in such a violation,
8 damages shall be in the amount of not more than ~~two-thousand~~
9 ~~five-hundred~~ twenty-five thousand dollars and not less than ~~one~~
10 ten thousand dollars. These damages shall be paid by the court
11 imposing it to the state of Iowa, if the body in question is a
12 state governmental body, or to the local government involved if
13 the body in question is a local governmental body. A member of
14 a governmental body found to have violated this chapter shall
15 not be assessed such damages if that member proves that the
16 member did any of the following:

17 (1) Voted against the closed session.

18 (2) Had good reason to believe and in good faith believed
19 facts which, if true, would have indicated compliance with all
20 the requirements of this chapter.

21 (3) Reasonably relied upon a decision of a court, a formal
22 opinion of the Iowa public information board, the attorney
23 general, or the attorney for the governmental body, given in
24 writing, or as memorialized in the minutes of the meeting at
25 which a formal oral opinion was given, or an advisory opinion
26 of the Iowa public information board, the attorney general, or
27 the attorney for the governmental body, given in writing.

28 d. Shall issue an order removing a member of a governmental
29 body from office if that member has engaged in a prior
30 violation of this chapter ~~for which damages were assessed~~
31 ~~against the member during the member's term.~~

32 Sec. 2. NEW SECTION. 21.12 Member education course
33 required.

34 Upon election or appointment to a governmental body, a
35 person shall complete an educational course provided by the

1 governmental body on the provisions of chapters 21 and 22 that
2 are relevant to the person's position.

3 EXPLANATION

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

6 Under current law, a court is required to assess a person
7 who participated in a violation of Code chapter 21 (open
8 meetings) damages between \$100 and \$500. This bill increases
9 the damages to between \$1,000 and \$5,000. Under current law,
10 if a violation was knowingly committed, a court is required to
11 assess the person damages between \$1,000 and \$2,500. The bill
12 increases the damages to between \$10,000 and \$25,000.

13 The bill requires a court to issue an order removing a member
14 of a governmental body from office if that member has engaged
15 in a prior violation of Code chapter 21 regardless of whether
16 damages were assessed against the member during the member's
17 term, which is a prerequisite to removal under current law.

18 The bill requires members elected or appointed to a
19 governmental body to take an educational course provided by
20 the governmental body on the provisions of Code chapter 21
21 and Code chapter 22 (open records) that are relevant to the
22 member's position. By operation of law, failing to take such
23 an educational course is a violation of Code chapter 21 and
24 subjects the person to the penalties provided in Code section
25 21.6.