

House File 2539 - Introduced

HOUSE FILE 2539
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 2062)

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 more
5 than two thousand five hundred dollars and not less than ~~one~~
6 five hundred dollars. However, if a member of a governmental
7 body knowingly participated in such a violation, damages
8 shall be in the amount of not more than ~~two~~ twelve thousand
9 five hundred dollars and not less than ~~one~~ five thousand
10 dollars. These damages shall be paid by the court imposing
11 it to the state of Iowa, if the body in question is a state
12 governmental body, or to the local government involved if the
13 body in question is a local governmental body. A member of a
14 governmental body found to have violated **this chapter** shall not
15 be assessed such damages if that member proves that the member
16 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 1. An elected or appointed public official who is a member
35 of a governmental body shall complete a course of training of

1 not less than one and not more than two hours regarding the
2 responsibilities of the governmental body and the governmental
3 body's members under chapters 21 and 22 not later than the
4 ninetieth day after the date the member does one of the
5 following, as applicable:

6 *a.* Takes the oath of office.

7 *b.* Assumes responsibilities, if the member is not required
8 to take an oath of office.

9 *c.* Reelected or reappointed to the position.

10 2. The Iowa public information board shall ensure that the
11 training is made available. The Iowa public information board
12 may provide the training and may also approve any acceptable
13 course of training offered by a governmental body or other
14 entity. The Iowa public information board shall ensure that at
15 least one course of training approved or provided by the Iowa
16 public information board is available at no cost.

17 3. The Iowa public information board or other entity
18 providing the training shall provide a certificate of course
19 completion to persons who complete the training required by
20 this section. A governmental body shall maintain and make
21 available for public inspection the record of the governmental
22 body's members' completion of the training.

23 *a.* Completing the required training as a member of
24 the governmental body satisfies the requirements of this
25 section with regard to the member's service on a committee or
26 subcommittee of the governmental body and the member's service
27 on any other governmental body.

28 *b.* The training required by this section may be used to
29 satisfy any corresponding training requirements concerning
30 chapters 21 and 22 as required by law for the members of a
31 governmental body.

32 4. If one or more members of a governmental body fail to
33 complete the training required by this section, the failure
34 does not affect the validity of an action taken by the
35 governmental body. However, the member must complete training

1 within sixty days or may be fined pursuant to section 21.6,
2 subsection 3.

3 Sec. 3. Section 23.10, subsection 3, paragraph b,
4 subparagraph (1), Code 2024, is amended to read as follows:

5 (1) Require the respondent to pay damages as provided for in
6 section 21.6, 21.12, or 22.10, whichever is applicable, to the
7 extent that provision would make such damages payable if the
8 complainant had sought to enforce a violation in court instead
9 of through the board.

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EXPLANATION

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The inclusion of this explanation does not constitute agreement with

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the explanation's substance by the members of the general assembly.

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Under current law, a court is required to assess a person who
14 participated in a violation of Code chapter 21 (open meetings)
15 damages between \$100 and \$500. This bill increases the damages
16 to between \$500 and \$2,500. Under current law, if a violation
17 was knowingly committed, a court is required to assess the
18 person damages between \$1,000 and \$2,500. The bill increases
19 the damages to between \$5,000 and \$12,500.

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

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The bill requires an elected or appointed public official
26 who is a member of a governmental body to complete a course of
27 training regarding the responsibilities of the governmental
28 body and the governmental body's members under Code chapters
29 21 and 22 (open records) not later than the 90th day after the
30 date the member does one of the following: (1) takes the oath
31 of office, (2) assumes responsibilities, if the member is not
32 required to take an oath of office, or (3) is reelected or
33 reappointed to the position.

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The bill requires the Iowa public information board to
35 ensure that the training is made available. The board may

1 provide the training and approve any acceptable course of
2 training offered by a governmental body or other entity.
3 The board shall ensure that at least one course of training
4 approved or provided by the board is available at no cost.

5 The bill requires the board or other entity providing
6 the training to provide a certificate of course completion,
7 which the governmental body must make available for public
8 inspection.

9 The bill provides that if a member fails to complete the
10 required training, the failure does not affect the validity of
11 an action taken by the governmental body. However, the member
12 must complete training within 60 days or may be subject to
13 penalties and damages pursuant to Code section 21.6.