

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
GOVERNMENT OVERSIGHT BILL
BY CHAIRPERSON KOESTER)

A BILL FOR

1 An Act allowing the office of citizens' aide and the Iowa
2 public information board access to the minutes and audio
3 recording of a closed session in the performance of their
4 duties.

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

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1 Section 1. Section 21.5, subsection 4, Code 2013, is amended
2 to read as follows:

3 4. a. A governmental body shall keep detailed minutes of
4 all discussion, persons present, and action occurring at a
5 closed session, and shall also audio record all of the closed
6 session.

7 b. The detailed minutes and audio recording of a closed
8 session shall be sealed and shall not be public records open
9 to public inspection. However, upon order of the court in
10 an action to enforce this chapter, the detailed minutes and
11 audio recording shall be unsealed and examined by the court
12 in camera. The court shall then determine what part, if
13 any, of the minutes should be disclosed to the party seeking
14 enforcement of this chapter for use in that enforcement
15 proceeding. In determining whether any portion of the
16 minutes or recording shall be disclosed to such a party for
17 this purpose, the court shall weigh the prejudicial effects
18 to the public interest of the disclosure of any portion of
19 the minutes or recording in question, against its probative
20 value as evidence in an enforcement proceeding. After such
21 a determination, the court may permit inspection and use of
22 all or portions of the detailed minutes and audio recording by
23 the party seeking enforcement of this chapter. A governmental
24 body shall keep the detailed minutes and audio recording of any
25 closed session for a period of at least one year from the date
26 of that meeting, except as otherwise required by law. This
27 paragraph does not require the office of citizens' aide or the
28 Iowa public information board to obtain a court order for the
29 purpose of inspecting the detailed minutes and audio record of
30 a closed session in the performance of their duties or under
31 chapter 2C.

32 EXPLANATION

33 Under current law, meetings of a governmental body under
34 Iowa's open meetings law (Code chapter 21) shall be preceded
35 by public notice and shall be held in open session. A

1 governmental body may hold a closed session under certain
2 circumstances and the minutes and audio recording of a closed
3 session are not accessible to the public unless the person
4 seeking access to the records files an action in court.

5 This bill provides that the office of citizens' aide and
6 the Iowa public information board are not required to obtain
7 a court order to inspect the minutes and audio recording of a
8 closed session in the performance of their duties under Code
9 chapter 2C.

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