

1/29/02 Rereferred to Judiciary

JAN 28 2002
STATE GOVERNMENT

HOUSE FILE 2122
BY SHEY

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act concerning examination of information about closed
2 sessions of a governmental body by members of the governmental
3 body.

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

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HF 2122

1 Section 1. Section 21.5, subsection 4, Code 2001, is
2 amended to read as follows:

3 4. A governmental body shall keep detailed minutes of all
4 discussion, persons present, and action occurring at a closed
5 session, and shall also tape record all of the closed session.
6 The Except as provided in this subsection, the detailed
7 minutes and tape recording of a closed session shall be sealed
8 and shall not be public records open to public inspection. A
9 member of a governmental body may examine the detailed minutes
10 and tape recording of a closed session of the governmental
11 body upon request. However In addition, upon order of the
12 court in an action to enforce this chapter, the detailed
13 minutes and tape recording shall be unsealed and examined by
14 the court in camera. The court shall then determine what
15 part, if any, of the minutes should be disclosed to the party
16 seeking enforcement of this chapter for use in that
17 enforcement proceeding. In determining whether any portion of
18 the minutes or recording shall be disclosed to such a party
19 for this purpose, the court shall weigh the prejudicial
20 effects to the public interest of the disclosure of any
21 portion of the minutes or recording in question, against its
22 probative value as evidence in an enforcement proceeding.
23 After such a determination, the court may permit inspection
24 and use of all or portions of the detailed minutes and tape
25 recording by the party seeking enforcement of this chapter. A
26 governmental body shall keep the detailed minutes and tape
27 recording of any closed session for a period of at least one
28 year from the date of that meeting.

29 EXPLANATION

30 This bill provides that members of a governmental body that
31 holds a closed session of a meeting of that body can examine
32 the detailed minutes and tape recording of the closed session
33 upon request.

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