

FEB 22 2005
Place On Calendar

HOUSE FILE 372
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 59)

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

A BILL FOR

1 An Act relating to meetings of governmental bodies.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 372

HOUSE FILE 372

H-1185

- 1 Amend House File 372 as follows:
- 2 1. Page 1, line 7, by inserting after the words
- 3 "includes a" the following: "prearranged".
- 4 2. Page 1, line 11, by striking the word "any"
- 5 and inserting the following: "the same".
- 6 3. Page 1, line 12, by inserting after the word
- 7 "duties" the following: "with the intent to conceal
- 8 material facts and circumstances".
- 9 4. By renumbering as necessary.

By BOAL of Polk

H-1185 FILED MARCH 24, 2005

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1 Section 1. Section 21.2, subsection 2, Code 2005, is
2 amended to read as follows:

3 2. "Meeting" means a gathering in person or by electronic
4 means, formal or informal, of a majority of the members of a
5 governmental body where there is deliberation or action upon
6 any matter within the scope of the governmental body's policy-
7 making duties. A meeting includes a series of gatherings of
8 members who constitute less than a majority of the members at
9 each gathering, but who collectively constitute a majority of
10 the members, where the series of gatherings includes
11 deliberation or action upon any matter within the scope of the
12 governmental body's policy-making duties. Meetings A meeting
13 shall not include a gathering of members of a governmental
14 body for purely ministerial or social purposes when there is
15 no discussion of policy or no intent to avoid the purposes of
16 this chapter.

17 EXPLANATION

18 This bill expands the definition of a meeting under the
19 open meetings law to include serial gatherings of members of a
20 governmental body who constitute less than a majority of the
21 members at each gathering, but who collectively constitute a
22 majority of the members, where the series of gatherings
23 includes deliberation or action upon any matter within the
24 scope of the governmental body's policy-making duties.
25 Currently, a majority of the members of a governmental body
26 who attend a gathering and deliberate or take action upon any
27 matter within the scope of the governmental body's policy-
28 making duties are subject to the requirements of Iowa's open
29 meetings law, which requires advance public notice and public
30 access.

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Chair: Boal
Hutter
Whitehead

HSB 59
STATE GOVERNMENT

SENATE/HOUSE FILE _____

BY (PROPOSED CITIZENS'

AIDE/OMBUDSMAN BILL)

Successor

SF (11) 372

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

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TLSB 1279DP 81

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STATE OF IOWA



Telephone: (515) 281-3592

Toll Free: 1-888-426-6283

TTY: (515) 242-5065

Fax: (515) 242-6007

E-mail: ombudsman@legis.state.ia.us

Website: <http://www4.legis.state.ia.us/cao>

WILLIAM P. ANGRICK II
CITIZENS' AIDE/OMBUDSMAN

CITIZENS' AIDE/OMBUDSMAN
OLA BABCOCK MILLER BUILDING
1112 EAST GRAND AVENUE
DES MOINES, IOWA 50319

Memorandum In Support of Legislative Proposal

To: Members of the Iowa General Assembly
From: William P. Angrick II, Citizens' Aide/Ombudsman

A handwritten signature in black ink, appearing to read 'WPA', is written over the 'From:' line of the memorandum.

The purpose of this bill is to amend the definition of "meeting" under section 21.2, subsection 2, to include serial gatherings, where less than a majority of the members attend each gathering, but where the members collectively constitute a majority. Currently, a majority of the members must attend a gathering before it can be considered a meeting. The potential exists for a governmental body to hold a series of gatherings, each with less than a majority of its members, with the intent to circumvent the requirements for a meeting. The amendment would preclude that from occurring.

A number of states, including Arkansas, California, Colorado, Connecticut, Florida, Hawaii, Illinois, Kansas, Kentucky, Rhode Island, Tennessee, Virginia and Wisconsin, have forbidden serial meetings through court decisions, statutory changes, or attorney general opinions. In *State ex. rel. Lynch v. Conta*, 71 Wis. 2d 662 (1976), the Wisconsin supreme court extended the requirements of the state's open meetings law to a "walking quorum," which it defined as a series of gatherings among groups of members of a governmental body, each less than quorum size, who agree, tacitly or explicitly, to act uniformly in sufficient number to reach a quorum. The court recognized that a walking quorum may produce a predetermined outcome and in turn render the public-held meeting a mere formality. This same rationale underlies the need for this bill.