



TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

KIM REYNOLDS
LT. GOVERNOR

May 3, 2012

The Honorable Matt Schultz
Secretary of State of Iowa
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

Senate File 430, an Act relating to violations of the open records and public meetings laws and the creation of the Iowa Public Information Board, and including effective date provisions.

The above Senate File is hereby approved this date.

Sincerely,

A handwritten signature in black ink that reads "Terry E. Branstad".

Terry E. Branstad
Governor

cc: Secretary of the Senate
Clerk of the House



Senate File 430

AN ACT

RELATING TO VIOLATIONS OF THE OPEN RECORDS AND PUBLIC MEETINGS
LAWS AND THE CREATION OF THE IOWA PUBLIC INFORMATION BOARD,
AND INCLUDING EFFECTIVE DATE PROVISIONS.

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

Section 1. Section 21.6, subsection 3, paragraph a,
subparagraph (3), Code Supplement 2011, is amended to read as
follows:

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

Sec. 2. Section 22.7, Code Supplement 2011, is amended by
adding the following new subsection:

NEW SUBSECTION. 65. Tentative, preliminary, draft,
speculative, or research material, prior to its completion for
the purpose for which it is intended and in a form prior to the
form in which it is submitted for use or used in the actual
formulation, recommendation, adoption, or execution of any
official policy or action by a public official authorized to
make such decisions for the governmental body or the government
body. This subsection shall not apply to public records that
are actually submitted for use or are used in the formulation,
recommendation, adoption, or execution of any official policy
or action of a governmental body or a government body by a
public official authorized to adopt or execute official policy
for the governmental body or the government body.

Sec. 3. Section 22.10, subsection 3, paragraph b, subparagraph (3), Code Supplement 2011, is amended to read as follows:

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

Sec. 4. NEW SECTION. 23.1 Citation and purpose.

This chapter may be cited as the "*Iowa Public Information Board Act*". The purpose of this chapter is to provide an alternative means by which to secure compliance with and enforcement of the requirements of chapters 21 and 22 through the provision by the Iowa public information board to all interested parties of an efficient, informal, and cost-effective process for resolving disputes.

Sec. 5. NEW SECTION. 23.2 Definitions.

1. "*Board*" means the Iowa public information board created in section 23.3.

2. "*Complainant*" means a person who files a complaint with the board.

3. "*Complaint*" means a written and signed document filed with the board alleging a violation of chapter 21 or 22.

4. "*Custodian*" means a government body, government official, or government employee designated as the lawful custodian of a government record pursuant to section 22.1.

5. "*Government body*" means the same as defined in section 22.1.

6. "*Governmental body*" means the same as defined in section 21.2.

7. "*Person*" means an individual, partnership, association, corporation, legal representative, trustee, receiver, custodian, government body, or official, employee, agency, or political subdivision of this state.

8. "*Respondent*" means any agency or other unit of state or local government, custodian, government official, or government employee who is the subject of a complaint.

Sec. 6. NEW SECTION. 23.3 Board appointed — executive director.

1. An Iowa public information board is created consisting of nine members appointed by the governor, subject to confirmation