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Statehouse Update - 3/30/2008

by Marty Ryan, Legislative Director

The end is in sight

The second self-imposed deadline of the Legislature intended to get bills out of committees, known warmly as the 2nd Funnel Date, is now behind us. (Ironically, the [Iowa Finance Authority](#) served funnel cakes to everyone at the Capitol earlier in the week.) Non-money bills and non-revenue-producing bills must have cleared certain [standing committees](#) in the House **and** in the Senate to be eligible for debate this year. Although a bill may die, issues live on forever.

Bills of interest to the ACLU of Iowa are sitting in mixed company. Several bills that we opposed are dead for the year, and a few bills we support have survived the funnel deadline. On the other hand, a few bills we oppose made the cut, and a handful of bills that we supported died premature deaths.

First, the sad news

One of the ACLU of Iowa's priorities for this year was to push for enactment of a bill that would require law enforcement to videotape interviews with suspects in custody. We couldn't get the bill ([HSB 580](#)) out of committee, but it did earn a subcommittee hearing. We'll be back next year.

Another one of the ACLU-IA's priorities was the support of a bill that would provide for a private cause of action in consumer fraud cases. This is one of those rare occasions in which the ACLU-IA agrees with the Attorney General. (Or, is that the other way around?). [House File 2142](#), introduced by [Rep. Eric Palmer](#) (D-Grinnell), would have provided the intended results of our desires, but the bill was drastically changed as it emerged from the [House Judiciary Committee](#). [HF 2142](#) became [HF 2590](#) and did nothing more than state the General Assembly's intent. The bill did not survive the 2nd funnel deadline.

Next, the good news

A bill that will require an impact statement of [certain legislation](#) on minorities made it through committees in both chambers, thereby making it eligible for debate at any time before adjournment. The bill, [HF 2393](#), also requires that each application for a grant from a state agency include a minority impact statement.

The significance of this piece of legislation is huge. Iowa incarcerates minorities at a disproportionate rate far greater than the national average. As a matter-of-fact, "in seven states - Iowa, Vermont, New Jersey, Connecticut, Wisconsin, North Dakota, and South Dakota - the black-to-white ratio of incarceration is greater than 10-to-1." Mauer, Marc & King, Ryan S. [Uneven Justice: State Rates of Incarceration By Race and Ethnicity](#); The Sentencing Project, July, 2007 - page 10. Identifying the impact that legislation will have on minorities should shed light on why Iowa is a leader in this undesirable category and lead to the reduction of our disproportionate rate of minority incarceration.

"'Minority persons' includes individuals who are women, persons with a disability, Blacks, Latinos, Asians or Pacific Islanders, American Indians, and Alaskan Native Americans."

And finally - ugly news

Pressure from several lobbying interests was heavy in the final days of the second funnel deadline to get a bill passed out of a Senate committee that would allow law enforcement officers access to log books at pharmacies through a real-time repository. Fortunately, they were unsuccessful. [HF 2265](#) would have allowed law enforcement personnel to peek into the electronic logbooks of retailers who sell products containing [pseudoephedrine](#) - as the purchase occurs.

Pseudoephedrine (a common cold and allergy medication used by millions is also an ingredient in making the illegal drug methamphetamine) may be obtained from a pharmacy or retailer only by signing a log book after presenting a government-issued photo identification card. Under this proposed law, the minute a consumer purchases this legal product they become a suspect in a crime investigation. Now, just about every law enforcement official in Iowa will argue that the previous statement is not true - but it is. The ability of law enforcement officers to scan logbooks quicker than you can get out the store is a threat to privacy rights and creates a dangerous dragnet that places a purchaser's name among a list of potential abusers.

In his dissent of [U.S. v. Salerno](#), 481 U.S. 739, 763, 107 S.Ct. 2095, 2110 (1987), the late Supreme Court Justice Thurgood Marshall wrote: "Our society's belief, reinforced over the centuries, that all are innocent until the state has proved them to be guilty, like the companion principle that guilt must be proved beyond a reasonable doubt, is "implicit in the concept of ordered liberty," [Palko v. Connecticut](#), 302 U.S. 319, 325, 58 S.Ct. 149, 152, 82 L.Ed. 288 (1937), and is established beyond legislative contravention in the Due Process Clause." [HF 2265](#) attempts to contravene our basic principles.

This bill does nothing more than issue a fishing license to law enforcement so that they may sit in a chair and go from pond to pond (pharmacy to pharmacy) and test the waters (log books) for those fish not smart enough to use fake IDs, accomplices, or both.

The bill does provide that a real-time electronic repository will not occur "unless sufficient funding is received to implement and maintain" the provisions of the act. But we've been scammed before. If the bill would have been enacted, law enforcement would have rushed to seek federal funding by claiming that they had the approval of the Iowa General Assembly to do so.

The bill is dead, thank goodness, but issues live on forever. Remain vigilant!

Chicken Little . . .

That's what we feel like as we once again ask for you to contact legislators about the horrible attack on brown-skinned people through a scam called Identity Theft.

[House File 2610](#) has been reassigned to the [House Ways & Means Committee](#) in an effort to save it from being axed by the funnel deadline. House Leadership claims that this bill will be brought up for debate sometime soon. However, it has to pass out of the [Ways & Means Committee](#) first. Let's not let that happen.

WHAT YOU CAN DO:

Please contact all members of the House, House Leadership and the Governor's Office and urge them to vote NO on [HF 2610](#) and any legislation that would harm immigrants. It is urgent to make your contacts **ASAP**.

The easiest way to send your message is to include this phrase in the subject line of your email "Vote NO HF 2610 and any bill that would harm immigrants." Be sure to include your name. This takes only 30 seconds!

Thank you for fighting to ensure that Iowa is a welcoming state that upholds the dignity and worth of all immigrants.

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See the [March 2 Statehouse Update](#) for talking points.

[That legislation](#) which "proposes a change in the law which creates a public offense, significantly changes an existing public offense or penalty for an existing offense or changes existing sentencing, parole, or probation procedures."