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## Statehouse Update - 3/15/2008

by Marty Ryan, Legislative Director

### *A really good cause*

[House File 2391](#) needs a boost. [HF 2391](#) is legislation establishing a commission on Native American affairs within the [Iowa Department of Human Rights](#) . Currently, the DHR consists of 8 divisions:

[Status of African-Americans](#) ;

[Commission on the Status of Iowans of Asian and Pacific Islander Heritage](#) ;

[Division of Latino Affairs](#) ;

[Persons with Disabilities](#) ;

[Iowa Commission on the Status of Women](#) ;

[Deaf Services](#) ;

[Division of Community Action Agencies](#) ; and

[Criminal & Juvenile Justice Planning](#) .

The move to extend human rights advocacy and dignity to Native Americans is long overdue. But [this bill](#) needs your help. If this bill were to pass upon the sole basis of legislators who represent Native Americans it would not gain the recognition it deserves. Iowa's population of Native Americans is concentrated in certain areas of the state. For this reason, we ask you to [contact your legislators](#) and encourage them to "support [HF 2391](#) , establishing a commission on Native American Affairs within the [Dept. of Human Rights](#) ."

Also, please contact House Leadership and ask them to consider this bill for debate by the full House as soon as possible. Speaker of the House Pat Murphy can be reached at: [Pat.Murphy@legis.state.ia.us](mailto:Pat.Murphy@legis.state.ia.us) or by calling (515) 281-5566. House Majority Leader Kevin McCarthy can be contacted by emailing him at: [Kevin.McCarthy@legis.state.ia.us](mailto:Kevin.McCarthy@legis.state.ia.us) or by calling his office, (515) 281-7497.

### *Open up in there!*

Open records and public meetings are essential to fully exercise our First Amendment right to "petition the government for a redress of grievances." A [study committee](#) convened during the legislative interim and created a draft legislative bill that eventually evolved into [Senate File 2378](#) . The meat of [SF 2378](#) is enforcement, and this is the strength of the bill. However, the bill contains some weaknesses.

[Professor Arthur Bonfield](#) was an advisor to the committee. In his own words, he tells his students that “ [where government operates in the dark mould \(sic\) grows](#) ”. In the process of providing guidance and advice to the committee about problems that currently don't exist, he planted a few mold spores. For instance, section 22 of the bill ([found on page 14, line 16 through page 16, line 22](#) ) adds four more exceptions to [Section 22.7 of the Iowa Code](#) . Section 22.7 lists numerous exceptions to open records, and Professor Bonfield was even astounded at the number of exceptions and suggested [rewriting and consolidating](#) them. Nevertheless, the Professor's suggestions will bring the number of exceptions to a total of 63. Two of these four new exceptions are very troublesome.

Exception # 62 ([page 16, line 6 through line 17](#) ) is called the deliberate privilege exception and excepts “tentative, preliminary, draft, speculative, or research material” from being open records until such time “the materials are actually used for the final formulation, recommendation, adoption, or execution of any official policy or action of a government body.” One relevant example of why this exception is unacceptable is the possibility of a city council bringing a proposed ordinance forward at a city council meeting and passing it; waiving the 2nd and 3rd readings; and having the ordinance take effect immediately without anyone other than city officials having access to the document prior to its consideration. Further, any research material that contributed to the ordinance is off limits until after the ordinance has been adopted. An ordinance could be in effect based upon irrational or bogus research, and the public will be subjected to its affects.

Exception #63 ([page 16, line 18 through 22](#) ) allows a governmental body to hold a closed session in order to avoid disclosing records “containing information that would permit . . . disclosure of that information.” The language of this exception is too broad and sweeping and will invite some public bodies to place a tiny amount of specific information into a record to make the entire document [or file] a confidential record. The ACLU of Iowa suggests the exception to read: “[Information in records](#) Records containing information that would permit a governmental body subject to chapter 21 to hold a closed session pursuant to section 21.5 in order to avoid public disclosure of that information.” This rewording of the paragraph will allow redaction of specific confidential information while keeping the remainder of the document accessible to the public, and quite possibly preventing a closed session based upon frivolous technicalities.

Please contact your [state senator](#) and urge him/her to insist upon amending section 22 of [the bill](#) . Also, please contact the following senators who are very familiar with the bill and urge them to make appropriate changes: Sens. [Mike Connolly](#) (D-Dubuque), [Staci Appel](#) (D-Ackworth), [Jerry Behn](#) (R-Boone), [Jeff Danielson](#) (D-Cedar Falls), [Thurman Gaskill](#) (R-Corwith), [Mary Lundby](#) (R-Marion), and [Pat Ward](#) (R-West Des Moines).

***Protecting your identity – yeah, right!***

[House File 2610](#) moved out of the [House Labor Committee](#) as [House Study Bill \(HSB\) 717](#) on March 4 on an 11 YES to 5 No vote, “without recommendation”. This is less than a hearty endorsement for the bill when it passes “without recommendation”. It now goes to the entire House for a vote.

## **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.

### ***The most misunderstood bill – ever***

The following was written last year in the [April 13 Statehouse Update](#). Nothing has changed.

[SF 199](#) is greatly misunderstood. Some people are claiming that the Iowa Civil Rights Commission has this power already. Yes, the Commission can subpoena witnesses in the course of a hearing, but this bill will allow ICRC employees who investigate complaints to subpoena witnesses in the course of an investigation – before it gets to the hearing stage. This subpoena power, which is expected to be used rarely, will likely result in better fact-finding, thereby eliminating the need for some complaints to go to a hearing.

This subpoena power would be used only when potential witnesses or parties to a complaint refuse to cooperate. In the majority of cases pending before the ICRC, parties or witnesses willingly cooperate in the investigation by providing testimony or pertinent information.

State agencies that possess the authority to issue subpoenas currently include: Inspections & Appeals, Iowa Dept. of Personnel, Racing & Gaming Commission, the Banking Superintendent, Savings & Loan Division, the Office of Consumer Advocate, and a few more.

Please ask [your representative](#) to support this sensible and money-saving legislation.