

Iowa Politics Roundup: Ban on Texting While Driving Signed Into Law

Written by Lynn Campbell
Friday, 02 April 2010 12:25

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Iowa law-enforcement officials said the real goal of a new state law banning texting while driving is to change the behavior of Iowans. A yearlong campaign to educate drivers about the law will emphasize that when tempted to grab for that cell phone, "it can wait."

"Drive to your destination and then make your phone call or send your text message," said Public Safety Commissioner Gene Meyer. "The goal here is to prevent distracted driving, particularly by reading or typing or sending text messages while driving. We in law enforcement will certainly enforce this law, but the real goal is going to be to change the behavior of drivers."

Governor Chet Culver on Thursday signed the bill into law, hailing it as a significant public-safety measure. As of July 1, it will be illegal for Iowa drivers to read, write, or send a text message while driving. Teens with an instruction permit, restricted license, or intermediate license will be banned from all cell-phone usage, including talking and texting, while driving.

Meyer said what's key is the message that the law sends. "Most Iowans are law-abiding citizens," he said. "By passing this law, many Iowans will just obey it because it's the law. And when they do that, our roads and highways are going to be dramatically safer."

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The law includes a one-year education period when violators will be given warnings. The \$30 fines won't begin until July 1, 2011. In the meantime, the Department of Public Safety has already created marketing tools such as coffee mugs and lanyards that say, "Don't drive intoxicated."

Under the new law, texting while driving will be a secondary offense, which means motorists can't be pulled over just for that reason. It would still be legal for adult drivers to use a global-positioning-system device, dial a phone number, turn a phone on or off, and read texts concerning emergency, traffic, or weather alerts.

Exceptions to the law are made for public-safety and health-care professionals performing their official duties and responding to emergencies, and for trucking and transit companies that use digital-dispatch systems.

Penalties for texting while driving increase to \$500 and a 90-day license suspension if it results in a serious injury, and \$1,000 and a 180-day license suspension if it results in death.

Legislature Adjourns for the Year

The 2010 Iowa legislature adjourned shortly after noon Tuesday on the 79th day of session, making it the shortest in nearly four decades. The mid-day adjournment was dramatically different from last year, when lawmakers pulled a weekend of all-nighters before adjourning in the early-morning hours on a Sunday.

"I can't think of a better time to adjourn than over the lunch hour when it's 72 degrees outside," said House Speaker Pat Murphy (D-Dubuque).

A traditional legislative session is 110 days in the first year and 100 days in the second year. The last time lawmakers went home so early was in 1972, when the session adjourned on March 24, the 75th calendar day of session. "We came into this session, as you all know, trying to be done in 80 days. We're going to accomplish it in 79," said Senate Majority Leader Mike Gronstal (D-Council Bluffs). "I think we probably exceeded people's expectations on that."

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Democratic leaders ended the year touting that they had balanced the budget without raising taxes, reorganized and streamlined state government to save \$250 million, increased spending for K-12 schools by \$145 million (up to \$2.5 billion), expanded efforts to bring health insurance to all children, and made it easier for rural residents to access health care.

They also said they took a first step toward ensuring that tax credits are eliminated if they aren't creating jobs or accomplishing their goals, denied weapons to domestic abusers, expanded gun rights for law-abiding citizens, banned texting while driving, made Iowa the first in the nation to approve all 10 U.S. Department of Defense legislative priorities for military families, and approved a \$5-million Save Our Small Business Fund.

But Republicans said the budget crafted by Democrats spends more money than the state can afford, will increase property taxes, and will result in 2,500 pink slips for teachers.

"The legislature convened with a \$1.1-billion hole in the state budget. It looks like we're adjourning with a \$1-billion hole for next year," said House Minority Leader Kraig Paulsen (R-Hiawatha). "Much to the dismay of House Republicans, it is a disappointing and frustrating result of this session. Balancing the budget is not good enough if it's on the backs of the property taxpayer, and that's what this body did."

Representative Scott Raecker (R-Urbandale), ranking member of the House Appropriations Committee, said the Fiscal Year 2011 budget will contain the second-largest amount of spending in state history. He said the budget approved by the legislature will spend \$5.3 billion from the general fund but also uses \$724 million of one-time resources for ongoing expenses and has \$175 million of underfunding, for a total budget spending \$6.2 billion.

"I believe our priorities are misplaced when we're passing a budget that will result in up to 2,500 Iowa teachers losing their jobs ... while at the same time supporting an amendment that will allow for funds to be spent to heat a sidewalk in West Union," Raecker said.

Raecker said property taxes will increase up to \$175 million because of underfunding to K-12 education, and the state's cash reserves will be cut in half to \$199 million. And he said while

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state-government reorganization saved \$71 million from the state general fund, Democrats have added \$72 million to the budget in the final days of the session, negating savings from reorganization.

But Gronstal said the state will have more than \$380 million in its ending balance and reserves on July 1, 2011, the start of the Fiscal Year 2012.

"I think that's very responsible budgeting," Gronstal said. "We came in talking about keeping a focus on our priorities, having a balanced budget without raising taxes. We put together a state-government-reorganization bill that saved the state a quarter of a billion dollars. That put us in a position where we're going to have a budget that spends less than the expenditure limitation."

Same-Sex-Marriage Supporters Celebrate One-Year Anniversary

This Saturday is the one-year anniversary of *Varnum V. Brien*, the Iowa Supreme Court decision legalizing same-sex marriages in Iowa.

One Iowa and Lambda Legal will hold an anniversary gala Saturday night at the Temple for Performing Arts in downtown Des Moines. Senate Majority Leader Gronstal and House Speaker Murphy will be guest speakers at the event, along with plaintiffs Kate and Trish Varnum; Sharon Malheiro, the board president of the Davis Brown Law Firm; and Lambda Legal's Camilla Taylor, the lead attorney in the case.

A lesbian couple and openly gay legislator were among those who hailed this week's anniversary during a Statehouse press conference.

"I am legally married to the person I love in the state of Iowa," said Mary Evans of Urbandale, who said that she and Stephanie McFarland have been together since 1997 and have two daughters, ages four and six. "Over the last year, we have enjoyed new protections for our

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family. We were able to have health insurance as a family. Last Saturday, we filed our first Iowa tax return as a married couple. And we save about \$10 a month on our car insurance. Most importantly, Stephanie and I begin each day knowing we are a legally married couple in the state of Iowa."

According to the Iowa Department of Public Health, 1,783 same-sex couples got married in Iowa in 2009. "For thousands of Iowans, we stand a little taller, a little prouder, with the recognition that our relationships and our families were treated equally by the state of Iowa," said One Iowa Executive Director Carolyn Jenison.

Culver this week said he personally believes that marriage is between one man and one woman but supports *Varnum V. Brien* and doesn't support a constitutional amendment banning gay marriages. Republicans made several failed attempts this year to begin the legislative process to pass a constitutional amendment banning gay marriage.

"My personal view hasn't changed at all," Culver said. "I respect the Supreme Court's decision as I've said after they came down with the opinion. ... Regardless of our personal views, we have a line that needs to be drawn between the executive branch, the judicial branch. I think Iowans are ready to move on and accept that unanimous decision."

As same-sex-marriage supporters mark the one-year anniversary, Let Us Vote Iowa organizers are encouraging same-sex-marriage opponents to attend "pro-family" events scheduled for many cities in Iowa.

"While the difference between supporters of marriage and supporters of homosexuality has been stark all year long, this weekend will mark the most dramatic divergence of world views since last April's opinion was made public," Let Us Vote Iowa said in a news release.

Weapons-Permit Bill in the Hands of the Governor

The legislature gave final approval Monday to a bill that would make Iowa a "shall issue" instead of a "may issue" state when issuing weapons permits, largely taking away the discretion of

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county sheriffs.

"What we have today is not equal protection and/or treatment under the law depending on where you live," said Representative Clel Baudler (R-Greenfield), a retired state trooper. "A new report published by MSNBC shows that more guns in the hands of law-abiding citizens result in fewer deaths from the use of firearms."

"This bill is a first step forward to restoring true constitutional rights to carry a weapon," said Representative Dwayne Alons (R-Hull). "Law-abiding citizens have the right to defend themselves."

The legislation was backed by the National Rifle Association. Under Senate File 2379, people who want a permit to acquire or carry a weapon must demonstrate knowledge of firearm safety in one of five ways. A county sheriff must approve or deny the application within 30 days. Disqualifiers from obtaining a permit include the applicant being under 21 or addicted to alcohol, or the sheriff having probable cause that at least one action has occurred in the past two years making the person more likely to use a weapon unlawfully or in such a way that would endanger themselves or others.

Others who would be denied a permit would be a person convicted of a felony, a fugitive from justice, a user of any controlled substance, a person involuntarily committed or declared by the court to be mentally incompetent, an illegal U.S. resident, a person dishonorably discharged from the Armed Forces, or a person who has renounced citizenship.

Culver this week declined to say whether he'll sign the bill into law.

"There are any number of bills which I will take under consideration and in some cases, use the whole 30-day period that we have," he said. "The focus obviously this week has been adjournment, getting a budget passed, and I really don't have a whole lot of comments on particular bills that I haven't signed yet, other than to say I will carefully consider every one of them."

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Republican Gubernatorial Debate Will Be Live Online

The first Republican gubernatorial debate will now be broadcast live online next Wednesday, following public pressure from the Iowa Democratic Party, the Culver campaign, and the media this week. Sioux City TV station KTIV planned to not broadcast the event until several days later.

"Iowa's voters should not just be disappointed, but outraged, to hear that the Republican candidates for governor agreed to a closed debate," Iowa Democratic Party Chair Michael Kiernan said earlier this week. "It is wrong to allow only a select few people to know what these candidates say before the voters know."

The debate will now air live online at 1 p.m. April 7 on the Web sites of KTIV of Sioux City, KWWL of Waterloo, and KTTC of Rochester, Minn. The program will then be broadcast over the air that evening from 7 to 8 p.m. The debate will also be rebroadcast on KTIV at 1:30 p.m. on Sunday, April 11, and at 2 p.m. on KTTC.

"We're excited to use new-media technologies to bring this debate live to anyone who wishes to see it," said KTIV News Director Bridget Breen. "Our goal is to provide opportunities for the voters of Iowa to hear from the candidates and by partnering with our sister stations, we reach two-thirds of the state over the air. With a live broadcast online, anyone across the state or around the world will be able to see this debate live as it happens."

Following Thursday's decision, Kiernan said: "Voters and members of the media should be pleased with KTIV's announcement today. Open debates are paramount to our democratic process. By providing a forum for this debate and the necessary access, KTIV is providing a sincere service to Iowans."

Romney Mum on 2012 Run During Des Moines Visit

Mitt Romney was silent on a possible repeat run for president Monday, taking no questions from the press and choosing not to address the issue in remarks to a crowd of about 250 at the

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public library in downtown Des Moines.

Romney signed copies of his book *No Apologies* at the library before speaking to Iowa State University students in Ames on Monday night. The runner-up of the 2008 Iowa Republican caucuses had a relaxed look at the event, wearing jeans and telling several jokes to the crowd.

The former Massachusetts governor mentioned President Obama only a couple times during his remarks, referencing the national debt and health-care reform. He said the president decided government control of health care is the best way to solve the health-care crisis. But Romney said he thinks consumer- and market-based approaches are "by far the better way to solve our challenges."

"Well, if you like how they've managed Fannie Mae and Freddie Mac and the post office and the railroads, Amtrak, why then you'll like how they manage health care," Romney said of Democrats. "That's not the right answer. If you've got a problem in health care, the answer is not to have government play a bigger roll but to get it to respond to a consumer-driven market."

Eric Fehrstrom, a consultant for Romney's political-action committee, said Romney will likely make a decision on a run sometime after the midterm elections. Romney did help out other Republican candidates during his brief trip to the state, attending a state-party fundraiser and meeting with Republican Party of Iowa Chair Matt Strawn and former Governor Terry Branstad, who's seeking the Republican gubernatorial nomination.

This weekly summary comes from IowaPolitics.com, an online government and politics news service. Reporter Andrew Duffelmeyer and other correspondents contributed to this report.