

IPIB SUNSHINE WEEK PRESENTATION
by Keith Luchtel
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Iowa Code Chapter 23, creating the Iowa Public Information Board, was enacted in 2012. In 2013 some technical corrections were made, and operating funds appropriated.

Governor Branstad was a strong supporter of the creation of an entity that would serve the public's rights to information. There were obviously many legislators of both parties, too many to name today, who also saw the value in such an entity. A study committee was formed and the author of Iowa's Open Records and Meetings statutes, Iowa Law School Professor and Associate Dean Emeritus Arthur Bonfield, served as the committee's advisor.

A bill was proposed by the study committee and the legislative battles began. It took six long years to get the bill through the amendment process and enacted. Opposition came from more groups of public entities than I knew existed! Bill Monroe of the Iowa Newspaper Association, Sue Toma of the Iowa Broadcasters Association, Kathleen Richardson of the Iowa Freedom of Information Council, and I attended hearings packed with hordes of opponents to the bill. Standing Room Only! But we had the support of key legislators and Professor Bonfield.

The battle was waged over several sessions. Senator Pam Jochum was a leader of the effort from the beginning – when she was a state representative. Other proponents retired during the process! Finally, it appeared we had a good chance at passage. Pam got the bill through the Senate and it was assigned in the House of Representatives to Representative Walt Rogers, a freshman legislator. Was I worried? You bet!! I had a reputation for helping new legislators of both parties assigned to handle bills for my clients. I enjoyed meeting and working with them and they learned to put up with me for the duration of their legislative careers. But with this controversial bill??!! As it turned out, Walt was a quick learner and dedicated to the cause. I could not have asked for a better House floor manager! Democrat Pam and Republican Walt worked together and got it done!

Governor Branstad appointed the first board in July of 2012: Attorney **Bob Andeweg**, Urbandale Mayor; Professor **Tony Gaughan**, Drake Law School; **Jo**

Martin, Spirit Lake, semi-retired newspaper publisher; **Andy McKean**, Anamosa, a former City Attorney, County Supervisor, State Representative, and State Senator; Bettendorf Councilman **Gary Mohr**, Executive Director, External Affairs for Eastern Iowa Community College; **Bill Monroe, Chair**, Johnston, retired Iowa Newspaper Association Executive Director; **Kathleen Richardson**, Des Moines, Director and Associate Professor at the Drake University School of Journalism and Mass Communication, former Executive Secretary of the Iowa Freedom of Information Council and former coordinator for the Expanded Media Coverage program for the Iowa Supreme Court; **Suzan Stewart**, Sioux City, Senior Managing Attorney with MidAmerican Energy Company; **Peggy Weitzl**, Carroll, Treasurer of Carroll County. Suzan Stewart, a former Board Chair, is the only original Board member still serving.

Before we opened for business, Bill Monroe and I made it known to all those lobbyist friends whose clients opposed the IPIB legislation that we would be pleased to meet with them individually. Even better, we offered to speak at their conventions with plenty of time for questions from their members. These offers were welcomed.

Bill and I made several appearances around the state. We put attendees at ease: we were not going to be a “gotcha” entity. We did not want to penalize anyone. We especially wanted to help them comply with the existing law. We would always be available to give advice whenever they needed it. And we would be legally bound by our statute to stand behind that advice. We pointed out that with a staff of three we could not fulfill our mission if we were having to prosecute people. We expected to be an asset to them. They were pleased that we took seriously our statutory duty to provide education and assistance to those charged with application of existing law. We made a lot of friends and prevented a lot of problems with those appearances.

Another concern I had was the expectations of my long-time friends and clients. The Board’s powers are limited to those granted by statute. We can interpret and apply existing law, but we cannot change it. However, the Board has a statutory duty to make recommendations to the Governor and General Assembly proposing legislation reflecting state policy to provide “as much public access as possible to government information as is consistent with the public interest.” The Board has done so every year.

A lot of other work was performed before we could operate. We needed a location for an office, we needed furniture and equipment for that office, we needed to have Administrative rules prepared and adopted and we needed staff. My special thanks to attorneys Julie Pottorff and Pam Griebel, then of the Attorney General's Office and now retired. Julie, of course, is now our Board Chair. We had lots of help from other agencies who welcomed the IPIB and assisted in establishing it by making staff available and providing furniture and equipment from their surplus.

The IPIB opened for business on July 8, 2013. I took our first complaint early that morning before our furniture was delivered. Board staff consisted of myself as Executive Director and Cindy Meyerdirk, as Administrative Assistant. Attorney Margaret Johnson, an Iowa native, was to be my deputy. After her military service in the Army JAG Corp, she was an assistant district attorney in Colorado Springs. She later returned to Iowa and was serving as Fremont County Attorney. She was not able to join the staff until July 22nd. We thought she would be worth the wait. By July 24th we realized we could not do without her.

We anticipated an annual case rate of 300 to 350. From July 5th until December 31st of 2013 we handled 251 cases! Business continues to be good. Last calendar year we handled 743 cases. Many were resolved in less than a day and 80% were resolved within five working days.

Last calendar year 13% of our services were provided to the media, 49% to citizens and 38% to government officials and staff. Contacts were initiated by Iowans from 83 of our 99 counties.

The IPIB website is a tremendous Iowa asset thanks to the efforts of Margaret. Last year it had 20,480 visits, 86% of whom were first-time visitors. It contains applicable statutes, case decisions, contact and complaint filing guidance, legal opinions, practical advice, and training materials for public employees.

Under the guidance of James Madison, whose birthday we commemorate this Sunshine Week, our founders wisely provided a constitutional right that few other countries provide: the essential right of access to records and meetings concerning the activities of our government entities. It is encouraging that individual Iowans recognize the value of openness in government. They actively pursue means by

which they can obtain firsthand information to better participate in and influence our democratic processes. An informed public and trusted free press are essential components of a participatory democracy.

I will always be grateful for the opportunity afforded me by the Iowa Broadcasters and the Iowa Newspaper Associations to pursue enactment of the legislation creating the IPIB. I am especially grateful for their patience and belief in me. Six years it took! They could have concluded they had an incompetent lobbyist. Lucky for me they recognized it was an exceedingly difficult bill to enact.

I also want to acknowledge two members of the current staff, Deputy Director Brett Toresdahl and our newest staff member, Legal Counsel Zach Goodrich. While not here at the beginning, they have also made significant contributions to our success.

In conclusion, I return to the beginning. Opposition to the bill was led by a highly regarded lobbyist who was a law professor at the Drake Law School and a former Republican House Majority Leader. I often worked with and against Larry and many other lobbyists over the years. He absolutely hated the IPIB bill!

Lobbyists, if they are going to be effective, quickly learn not to take opposition personally. Larry came to mind as I was thinking of the professionalism of this Board and its staff. They have mastered the ability to disagree without being disagreeable. Today's opponent may well be tomorrow's ally. I have disagreed with many of you at one time or another. But I was never offended, you have all earned my greatest respect. I admire your professionalism! I just wish I could have been more convincing!!

Larry was stricken with cancer a few months after the IPIB bill was enacted. My last visit with Larry was at the hospital in the spring of 2013. We reminisced and shared a lot of laughs. Larry knew the end was near. As I began to make my farewells. He looked at me and said, "You know, Keith, the mood is right over there on the Hill, and I think the time is right, for enactment of the Larry Pope Memorial Bill!" I laughingly replied: "And just what might that be?" Larry's answer: "Repeal of that awful IPIB bill you got enacted!" It was our last good laugh together. He died a few days later at age 73. I intend a long life and hope the IPIB will also outlive me! My best wishes and thanks to all