

*The*  
**PALIMPSEST**



Senator Mowry Discusses Finances in Appropriations Committee.

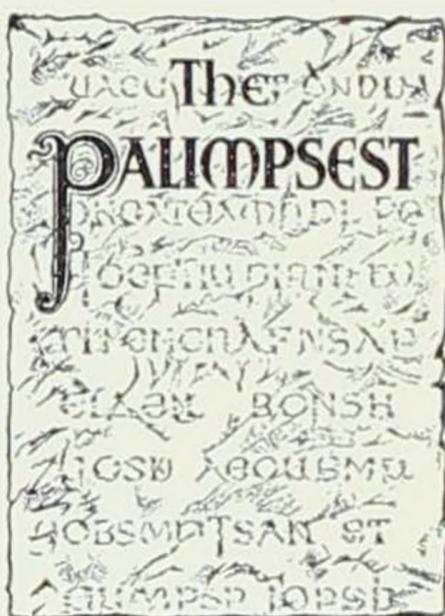
**The 63rd General Assembly of Iowa**  
(Second Session)

Published Monthly by  
**The State Historical Society of Iowa**

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**JULY 1970**

SPECIAL GENERAL ASSEMBLY ISSUE — FIFTY CENTS



## The Meaning of Palimpsest

In early times a palimpsest was a parchment or other material from which one or more writings had been erased to give room for later records. But the erasures were not always complete; and so it became the fascinating task of scholars not only to translate the later records but also to reconstruct the original writings by deciphering the dim fragments of letters partly erased and partly covered by subsequent texts.

The history of Iowa may be likened to a palimpsest which holds the record of successive generations. To decipher these records of the past, reconstruct them, and tell the stories which they contain is the task of those who write history.

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FRANK T. NYE

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## Illustrations

Pictures furnished by the author, except for electronic tracer photograph which came from Photo Ideas, Inc.

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Special thanks for assistance to William R. Kendrick, chief clerk of the House, and Marvin R. Selden, State Comptroller, and his staff.

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# THE PALIMPSEST

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## The 63rd G. A. Reconvenes

It would be a cold day in January if the Iowa legislature ever was required to meet annually. That's what opponents of the Annual Sessions Amendment said in the 1968 debates. As it turned out, they had a point. The temperature ranged from absolute zero to a frosty 20 degrees above on January 12, 1970, the day the Sixty-Third General Assembly became Iowa's first to meet in annual sessions, as required by a constitutional amendment ratified by the people at the general election on November 5, 1968.

Supporters of the amendment had a point, too. They had predicted, among other things, that annual sessions would enable the legislature to get off to faster starts. Indeed, the second regular session of the Sixty-Third got down to business faster than any of its predecessors.

There were several reasons. The committees that served in 1969 were still intact, eliminating the necessity to await their appointment and organization. There was no need for traditional

time-consuming inaugural ceremonies inasmuch as Governor Robert D. Ray and Lieutenant Governor Roger W. Jepsen were only midway through their two-year terms. The 1969 legislative officers, Secretary of the Senate Carroll A. Lane and Chief Clerk of the House William R. Kendrick, were at their posts. In truth, it was more as if members of the Sixty-Third were returning from an overnight recess than from a seven-months adjournment between its first and second regular sessions.

There was an exception. The important office of President Pro Tempore of the Senate had been left vacant after the 1969 session by the resignation of Senator Seeley G. Lodwick, Wever farmer, to accept a federal appointment. Senate Republicans, caucusing October 29, 1969 in Des Moines, nominated Senator Elmer F. Lange, Sac City dairy manufacturer executive, to fill it and he was elected without opposition within minutes after the 1970 session opened. The Senate Republican majority also took advantage of the caucus to return Senator Robert R. Rigler, New Hampton banker, to his old post as party leader. He succeeded the 1969 leader, Senator David M. Stanley, Muscatine lawyer, who resigned to run for congressman in the First District. A 15-year legislative veteran, Senator Rigler was thoroughly experienced in the position, having held it in 1963, 1965, and 1967.

The Republican House leaders of 1969 were back for another go and so were the 1969 Democratic minority leaders of both House and Senate, who had caucused with their members to map 1970 strategy on December 8, 1969 in Des Moines.

However, with six new senators and two new representatives there was a slight change in the make-up of the two chambers as the 1970 session went to work. The newcomers were victors in special elections to fill vacancies created by seven resignations and one death following the 1969 session. Democrats gained a Senate seat in the process, reducing the Republican majority's edge there to 44 to 17. The 86 to 38 Republican majority in the House remained unchanged.

The newly-elected Democratic Senator was Joan Orr, 46, Grinnell housewife and former school teacher. She captured the Eighteenth District seat vacated by Senator Kenneth Benda, Hartwick banker, when he resigned to accept appointment to the Iowa Commerce Commission. Mrs. Orr became the third woman among the 61 Senators—the first time the hallowed halls of that deliberative body ever had been graced at one time by the presence of three members of the fair sex. In the other five special elections for Senate seats, Republicans succeeded Republicans.

Earl G. Bass, 54, Malvern farmer, in the Sixth District to succeed Senator Vern Lisle of Clarinda, who resigned.

Glen E. Bortell, 55, St. Charles youth ranch owner, in the Twelfth District to succeed Senator Joseph B. Flatt of Winterset, who resigned.

S. J. Brownlee, 42, Emmetsburg farm manager, in the Forty-Fifth District to succeed Senator Walter B. Hammer, Estherville, who died.

Wilson L. Davis, 52, Keokuk contractor-engineer, in the First District to succeed Senator Lodwick.

W. R. Rabedeaux, 50, Wilton Junction utility executive-publisher, in the Fourteenth District to succeed Senator Stanley.

Senator Davis, winner of his seat by only three votes, took it pending outcome of a contest brought by his Democratic foe, Gilbert McCarty of Keokuk. Eighty-two votes were in dispute but the contest committee found no change from the official tally and Senator Davis was officially seated early in the session.

A seat in each party was at stake in the two special elections for Representative and each party held its own seat. Elected were:

Lucile Duitscher, 47, Clarion Democrat and housewife, in Wright County to succeed Representative Ray V. Bailey, Clarion Democrat, who resigned to accept appointment to the Iowa Board of Regents.

Kenneth L. Logemann, 32, Northwood Republican and farmer, in Winnebago-Worth Counties to succeed Representative James T. Klein, Lake

Mills Republican, who resigned to accept appointment to the Iowa Employment Security Commission.

So carefully had leaders planned opening transitional moves to annual, from biennial, sessions that all newly-elected legislators took their oaths of office before the 1970 session convened except Mr. Logemann. He was sworn in shortly after Speaker William H. Harbor rapped the opening gavel about 10 a.m. in the House.

At caucuses the night before the legislature assembled, Republican leaders declared flatly that the session would be a short one—with no spring recess—and that public-interest “people bills” would be given green-light priority over special-interest bills. Moving swiftly to indicate compliance, the two chambers made short shrift of routine business after opening-day prayers by the Rev. Dr. Robert W. Rae of Des Moines in the Senate, and by the Rev. Delbert V. Terry of Emerson in the House. Quickly, new members were assigned to committees and to seats, reporters were told where they could sit in the press box and each chamber notified the other it was ready for business as the brisk efficiency spilled over into the rotunda.

In the Senate, Lieutenant Governor Jepsen did his thing to keep the spirit of the fast-moving pace by dispensing with opening-day remarks in favor of this appropriate one-sentence bit of wisdom:

"Blessed be the man who, having nothing to say, abstains from giving us wordy evidence of the fact." In the House, Speaker Harbor noted that the membership was sharing a new experience with the advent of annual sessions. "We are all feeling our way so to speak," he acknowledged, "but with complete cooperation it will be most productive in what are the best interests of our beloved state. This being an election year, Iowans in all parts of the state will be watching us to see if their approval of annual sessions was well-founded. In order to show that the electorate's confidence was put in good hands, each of us present must pledge his cooperation and self-discipline so that the most pressing of public interest issues occupy our time in committee and on the floor. To be otherwise could only mean a prolonged session with worthwhile accomplishments being overshadowed by our verbosity."

Speaker Harbor told the House he was implementing two guidelines to help speed the session along: 1. Points of personal privilege would be limited to 15-minute periods prior to the noon recess and to adjournment each day. 2. No member could yield his own time to another during floor debate. He based his decision to impose these guidelines on authority granted in Mason's *Manual of Legislative Procedure*.

Even before the Speaker delivered his remarks the House had moved quickly to pass and send

to the Senate the session's first resolution, inviting Governor Ray to deliver his "State of the State" message that very afternoon. No sooner had he concluded his remarks than the House received its first 21 new bills of the session. Not to be outdone, the Senate quickly adopted the House invitation to the Governor, passed another resolution of its own, and received 16 new bills. Then it went the House one better by actually passing three bills without a dissenting vote before taking time out for lunch.

Introduction of the resolutions and bills unveiled a new numbering system designed to make it easy to distinguish those of 1970 from those introduced in 1969. In the 1969 session, as in all biennial sessions, bills were numbered starting with the figure "1" in both chambers. The 1969 numbers went through 829 in the House and 699 in the Senate. Numbering of 1970 bills in both chambers started with the figure "1001." The 1969 joint resolutions were numbered from "1" and went through 19 in the House and 30 in the Senate. The 1970 joint resolutions were numbered from "101."

Certainly the opening-day transition to annual sessions was well executed and offered a good omen for the future. True, this was not the first time an Iowa legislature had met in regular session the year after its predecessor. The Thirty-First General Assembly's 1906 session was followed in

1907 by the Thirty-Second General Assembly's session when the legislature moved its biennial meeting date to odd-numbered years from even-numbered years. But those were separate General Assemblies. The Sixty-Third, then, was the first General Assembly to meet twice in regular session on an annual basis. And in the first two hours of its second regular session it had performed so expertly that the stage was set for the Governor's message on the very first afternoon.

## The Governor's Message

Governor Ray set precedent when he stepped to the rostrum in the House chamber shortly after 1:30 p.m. to address a joint session of the 1970 legislature on its opening day. Not only was an Iowa General Assembly meeting annually for the first time, but also an Iowa Governor was appearing for the first time before the second regular session of an Iowa General Assembly.

With the breaking of new ground, no one knew quite what to expect. Would the Governor use the occasion to report on the state's economic health, as Governors are required to do at the first session of each General Assembly? Would he use it to outline the legislation he hoped the session would pass, as Governors do traditionally in their inaugural addresses at the first regular session? Or would he do both?

One thing legislators wanted to hear was the Governor's views on the pressing fiscal problems facing virtually all governmental units from the courthouse to the statehouse. The Republican majority in 1969 had carried out his "no general tax increase" pledge to the letter, although it was against the better judgment of some of its members. Now pleas for financial help were being

sounded by officials at every level of government. Moreover, irate farmers were forming groups in some areas to protest rising property taxes and to demand that part of the burden be shifted to other sources.

In the field of education, the Board of Regents had raised student tuitions and added a so-called "surcharge" on a "temporary" basis when the appropriation to operate the schools for the 1969-71 biennium fell short of what members felt was needed. This action not only hit students and parents in the pocketbook, it also raised hackles on legislators who felt the appropriation was adequate and that the tuition hike and surcharge were unnecessary.

Iowa public schools at the secondary level were demanding more state aid so they could go easier on the property taxpayer. Iowa municipalities were protesting the 30-mill limit the law allows them to levy against property. Either the limit should be lifted, city officials said, or they should be given the option of levying taxes on incomes, earnings, sales and wheels, to provide the funds needed to carry out normal services. Counties, too, wanted help. But it seemed the state was in no position to help, for State Comptroller Marvin Selden already was estimating there would be only \$1.2 million in the state's till as of June 30, 1971. And Democrats were predicting a deficit.

The picture was anything but bright, therefore,

when Governor Ray faced the Sixty-Third General Assembly on January 12, 1970. He was well aware of it and he wasted little time letting the legislature know where he stood on the money issue.

"While the surplus at the end of the biennium will be thin," he said, "we are operating within our means and we did not raise taxes. I am as insistent today as I was a year ago that we will not have a general tax increase, and I am confident that the recent revenue and expenditure figures released by the state comptroller's office support my position that this can be accomplished."

Some adjustments within departmental budgets had been necessary, Governor Ray said, and "it may be necessary to submit some readjustments to you in the form of amendments to current appropriations," but: "I stand firm that there shall be no general tax increase, and I will not approve one this session. Within our present tax structure, however, we will continue to press for additional revenue and funds from sources not anticipated a year ago."

For example, he continued, revenues can be affected by changes in the federal income tax law, federal revenue sharing could become a reality and implementation of efficiency-improving recommendations by the Governor's Economy Committee could save millions of dollars for use elsewhere. If any additional funds should become

available, Governor Ray said they should go first for these purposes:

1. Additional assistance to old age recipients.
2. Aid to municipalities for matching funds to construct sewage plants to help control pollution.

Governor Ray promised that any appropriation shifts he might recommend during the session would be accompanied by a method to fund them. Having made his position clear in reporting on the state's condition, Governor Ray turned the spotlight on issues he felt needed legislative attention. In some cases they were items included in his first inaugural address that the 1969 legislature never got around to enacting; in others they were being presented for the first time. Regardless of their label, they presented a formidable and challenging work program for the 1970 session.

In the area of better government, Governor Ray repeated his 1969 request for creation of the office of ombudsman so Mr. John Q. Public would have a place to take his grievances against government. He also pointed to money-saving recommendations made by the Governor's Economy Committee that would help carry out his 1969 plea to stretch tax dollars. He specifically asked the legislature to restructure the Iowa Liquor Control Commission, to issue automobile license plates for five-year periods instead of annually, and to shift the marketing division from the Department of Agriculture to "other agencies" to effect a saving of \$4.2

million or more. He also asked the legislature to increase benefits for employees under the Iowa Public Employees Retirement System, for an incentive awards program for state employees, and for four-year terms for elective state officials who now serve two-year terms.

Local government was next on his list and the Governor asked the legislature to give municipalities the authority to levy optional local taxes. He also favored:

Sharing with municipalities the cost of sewage treatment facilities to qualify for Federal matching funds.

Giving an office created in 1969 to work with municipalities and counties the name "Department of Local Affairs."

Correcting a flaw in the 1969 bill increasing salaries of certain county officers.

On the subject "Law Enforcement, Public Safety, and the Courts," the Governor recommended:

Completion of revisions in the drafting of criminal penalty laws, including sex offender laws, as quickly as possible.

Establishment of a state crime laboratory.

A unified court system.

An increase in salaries of highway patrol members.

Photographs on drivers licenses and voluntary identification cards for non-drivers.

Repeal of the restriction that only a resident of a city may be hired as chief of police in that city.

Creation of an area jail system.

A formula for functional classification of highways.

Turning to "Transportation," the Governor called for:

A new Department of Transportation, consolidating all subdivisions dealing with that area of government.

Clarification of truck reciprocity laws. If this can't be done, he warned, he would support pre-emptive Federal legislation, even though it might be undesirable, because it would offer a solution of a problem that "has reached a staggering level of complexity" so far as states are concerned.

The legislature to be prepared to receive a state railroad regulation proposal, depending on the outcome of Congressional legislation in this field.

On "Education," the Governor reviewed the work of his Educational Advisory Committee, which is to offer recommendations affecting the state's over-all school system to the Sixty-Fourth General Assembly. The report is expected to include a recommendation on the feasibility of a new state college in Western Iowa. Governor Ray praised the legislature for adopting his 1969 proposal to award tuition grants for needy students attending private colleges in Iowa. He said 1,913 grants were allocated during the first year of the program, which had helped "to instill new life into Iowa's invaluable private institutions of higher education."

In the area of "Health and Welfare," Governor Ray reviewed the work incentive, rubella vaccine, alcoholism, and drug abuse programs. He recommended adoption of a family court division in the

district court system and called for revision of the state's divorce law.

Focusing on "Economic Development," Governor Ray said his administration is emphasizing "improved marketing programs for our agricultural industry" and he praised business and industry for cooperation with the Iowa Development Commission to create 11,000 new jobs in 1969 compared to 7,000 in 1968. The state is constantly working to promote tourism the governor reminded legislators. In the economic development area he specifically requested:

An increase in benefits under the workmen's compensation law.

Protection of employees from losing wages they have earned.

A collective bargaining rights law for state employees.

Under the subject, "Better Living," Governor Ray praised legislative leaders for pledging the session's attention to bills concerned with people. In this connection he called for stronger pollution control laws, for consolidating the Iowa Water and Iowa Air Pollution Control Commissions. Finally, he asked that eminent domain laws be changed to give more protection to the landowner involved.

Under the heading, "Youth," Governor Ray said his summer Youth Opportunity Program involved 22 projects and gave employment to 1,100 disadvantaged youth. He then renewed his 1969

plea for lowering the voting age. In his inaugural address he had not mentioned a specific minimum age but this time he set it at 19.

Governor Ray did not miss the opportunity to congratulate these first annual-session legislators for "being trail-blazers of history," and for having accomplished much in the interim between sessions that should help keep the session productive and short.

"It is fitting," he said, "that this innovation of annual sessions should occur at the beginning of a new decade. Our minds boggle at grasping the changes in human life which have taken place just in the last 10 years, and they would boggle more if they could foresee the changes which will take place in the next decade of even swifter accelerating transformation. The increase in population in the next 30 years will equal that of the last 970 years. Iowa is not itself a victim of this population proliferation, but Iowa and Iowans cannot escape its many unsettling and even potentially devastating consequences."

Governor Ray observed that at a meeting in Boston over the year-end, leading scientists had passed a resolution calling for concentration on problems of violence, armaments, war, pollution, hunger, malnutrition, and the quality of life in the Seventies. Then, saying some have predicted this decade offers "the last, best chance for a new age," he reminded legislators "we have a joint

responsibility to help guide this commonwealth and its people wisely into the Seventies."

Legislation commonly is a hard, grinding "nuts and bolts job," he continued, "but we can bring a new dimension and a fresh gleam to those nuts and bolts if we frame them in the context of our broader purposes, our deeper commitments. This is the true significance of the new state symbol and accompanying theme: 'Iowa—A Place to Grow.' "

So the opening day of Iowa's first annual session drew to a close. It was a session that would end on April 16 after 95 days—partly productive and partly passive, particularly on tax reform.

## Major Legislation

Republicans described it as a "no general tax increase" session that put emphasis on "people" bills. But Democrats labeled the Republican program one of "promises without performance," and challenged the "no tax increase" claim. Property taxes, they said, were going up at the local level because the Republican-controlled legislature had refused to give counties, municipalities, and school districts more state aid.

The two parties espoused these positions as the Sixty-Third General Assembly completed its second regular session on April 16, 1970. There was little doubt that the flavor of debates on key bills late in the session had set the tone for the 1970 election campaign. The looming question was: "Who's responsible for rising property taxes?" And each party was pointing the finger at the other.

Governor Ray and fellow Republicans claimed credit for proving it possible not only to conduct two legislative sessions without a general tax increase but to repeal the service tax on new construction and advertising as well. They said prudent management had enabled the stretching of tax dollars to do extra duty in an inflationary

period. What Republicans had done at the state level, they said, school boards, city councils, and county supervisors could do locally.

But Democrats pointed to the rising costs of services at the local level. The only way subdivisions could raise more revenue, they said, was through the property tax unless the state coughed up more aid. And, moreover, there was a ceiling on property taxes in some cases. Therefore, the Democrats argued, subdivisions were entitled to more financial help from the state. Sometimes, they charged, the state itself had forced property tax increases by ordering subdivisions to do things that increased costs without putting up the money to pay for them. So the Republican-controlled state government really was to blame for the fiscal predicament of subdivisions.

A preliminary to the big election battle was staged in the Senate by the two parties in the session's last week over a resolution creating a study committee to recommend changes in Iowa's tax structure to the next legislature. It was a Republican-sponsored resolution but Democrats wanted property tax relief action now. To emphasize their point they offered an amendment to give the ways and means committee five days to bring in a plan revising the tax structure. When Republicans rejected that proposal, Democrats offered another to reconvene the legislature in two months to hear recommendations from the com-

mittee. It lost, too. So Democrats finally joined Republicans to pass the resolution, authorizing presiding officers to name the 16-member study committee. This was the legislature's response, then, to the demands for property tax relief by taxpayer revolt groups that had sprung up during the session in Western and North Central Iowa.

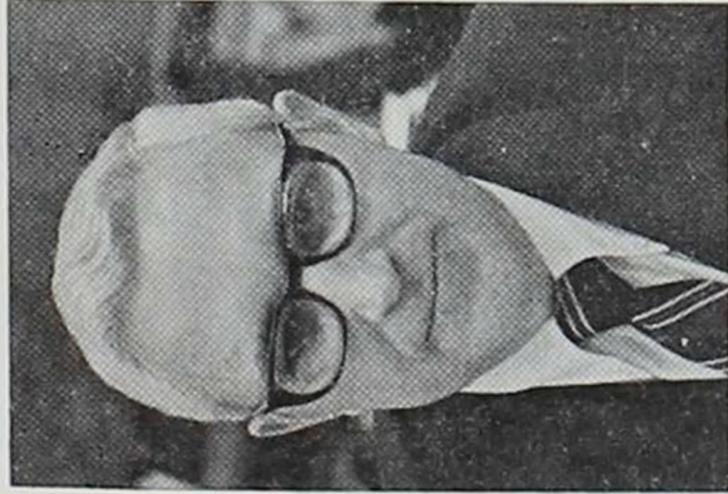
Moreover, it was one of the last acts of the Sixty-Third as it completed its second session and brought the first annual-session legislature to a close. Although the 1970 session lasted only 95 days, compared to 131 days for the 1969 session, its record in laws passed compared favorably. Of the Sixty-Third's 630 new laws, 303 were passed in 1970 and 327 in 1969.

Several laws enacted in 1970 got their start in 1969, of course, when they had been passed by one chamber but not acted on by the other. The 19-year-old vote amendment and the so-called election reform bill were good examples. The Senate passed both in 1969 but the House adjourned before acting on either. When the 1970 session convened, the House passed both. Bills not acted on by either House or Senate in 1969 also were still alive for action in 1970 and many were passed.

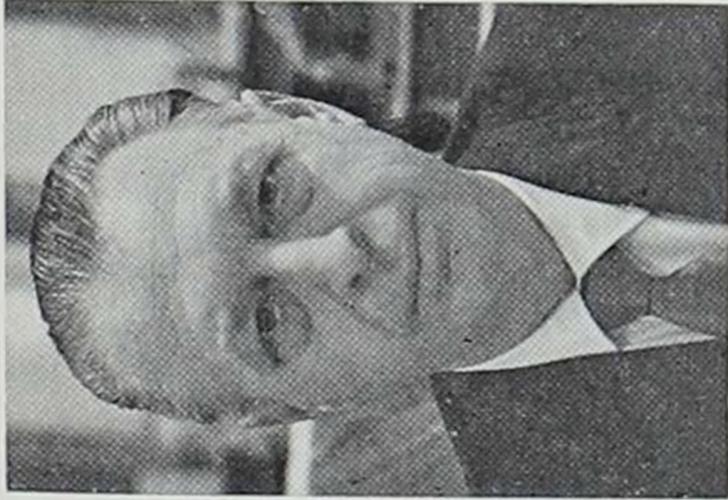
So, in any comparison between the Sixty-Third General Assembly and its predecessors, the fact that it had met in two regular sessions to their one had to be taken into account. Here, then, is the

NEW MEMBERS ELECTED TO FILL VACANCIES IN SENATE AND

THE HOUSE



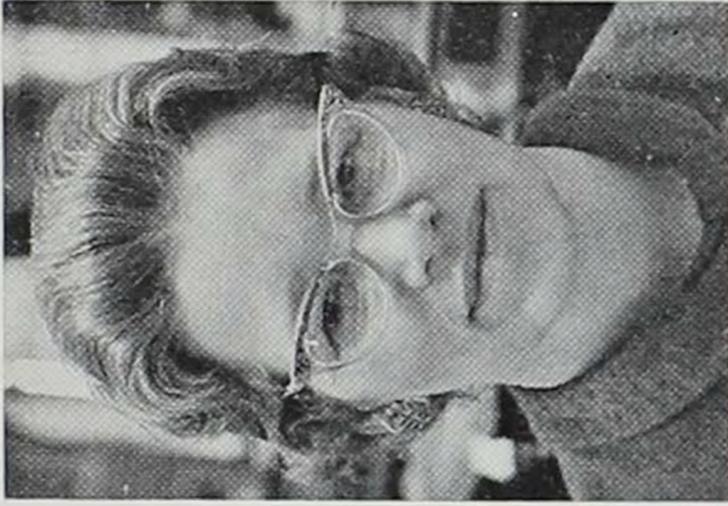
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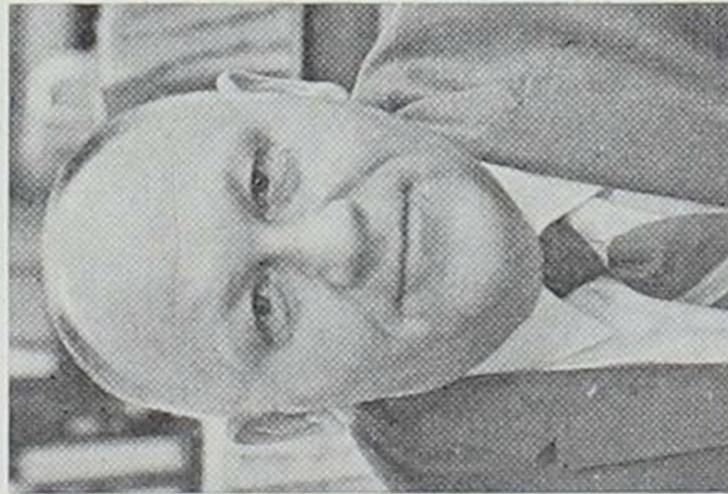
BASS



BORTELL



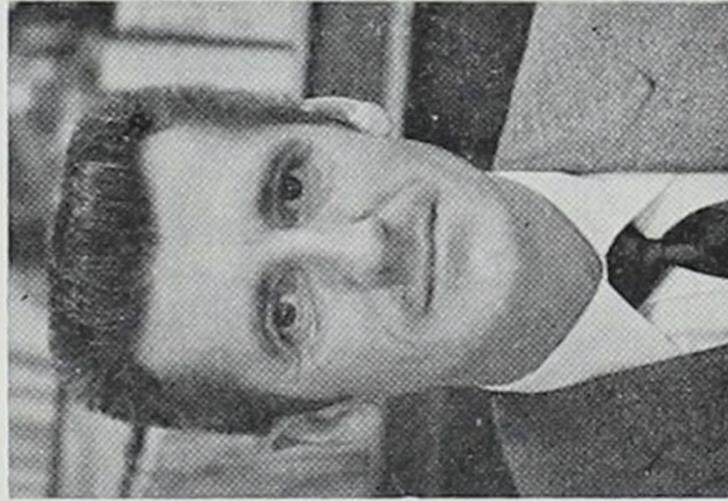
DUTSCHER



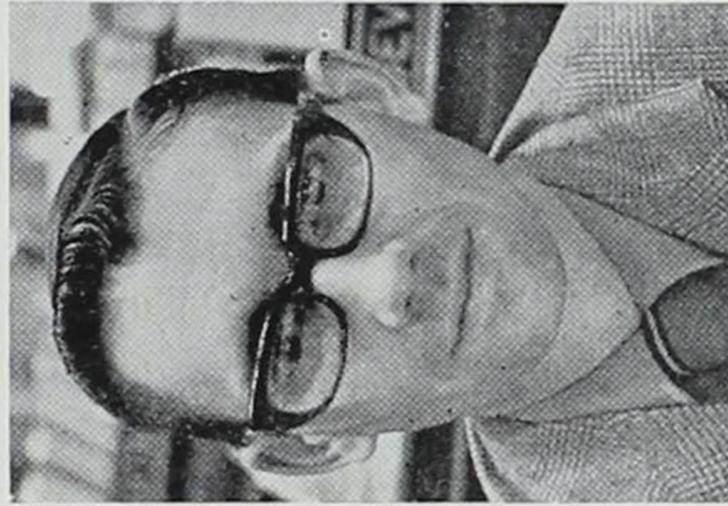
RABEDAUX



ORR



BROWNLEE



LOGEMANN



*House Republican Majority Leaders.*

(Seated): Speaker William Harbor, Speaker Pro Tempore Floyd Millen.  
(Standing): Assistant Leader Andrew Varley, Leader Ralph McCartney, Assistant Leader Rudy Van Drie.



*House Democratic Minority Leaders.*

Leader William Gannon, Assistant Leaders Tom Renda, A. June Franklin.



Lieutenant Governor Roger Jepsen with Senators Minnette Doderer, Joan Orr, Charlene Conklin.



Senate Desk Staff (from left): Dan O'Brien, reading clerk; Ruth Fisher, assistant Senate secretary; Carroll Lane, secretary; Ardith Martin, engrossing clerk; Roberta Hickerson, assistant journal clerk; Dorothy Nepstad, journal clerk.

A SENATOR'S DAY — FOOD, THOUGHT, FUN



Senators meet constituents in new legislative cafeteria.



Senate Social Services Committee ponders problem.

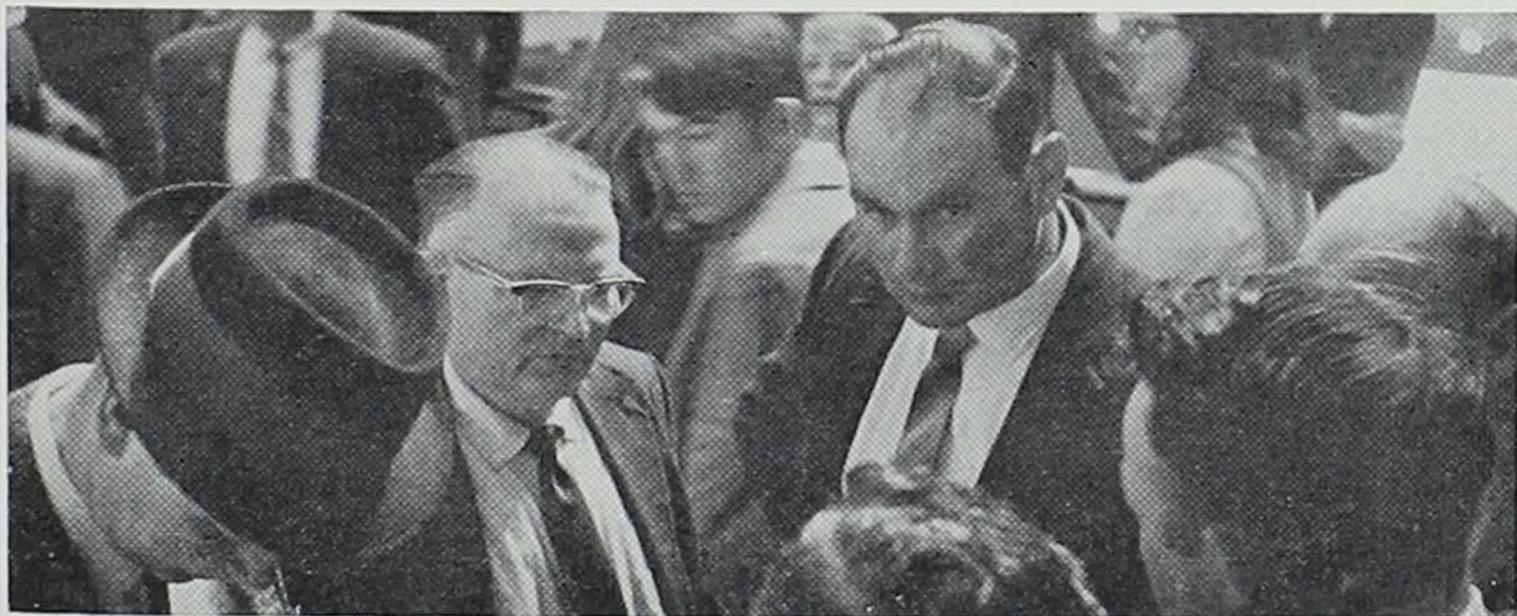


Gift day in the Senate (from left): Democratic Leader Andrew Frommelt, Senator J. Henry Lucken, Lt. Gov. Roger Jepsen (seated), President Pro Tempore Elmer Lange, Republican Leader Robert Rigler.

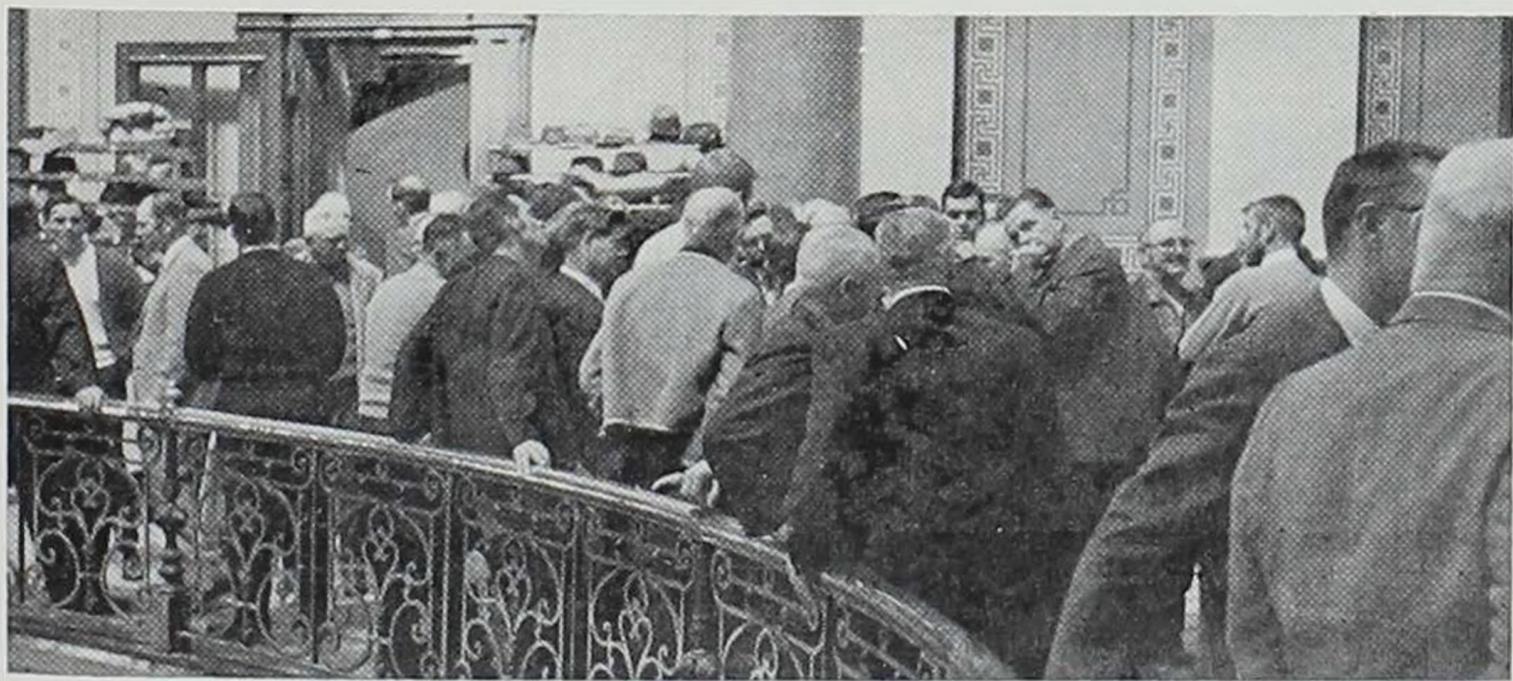
## FARMERS PROTEST PROPERTY TAXES IN CAPITOL



They corner Senator Gene Glenn in the Senate Chamber.



Listen to Representative Dewey Goode, who has the longest service record in the 63rd General Assembly.



Farmers from central and northern Iowa congregate in the rotunda as they make contact with their legislators.



These enthusiastic pages served the Senate.



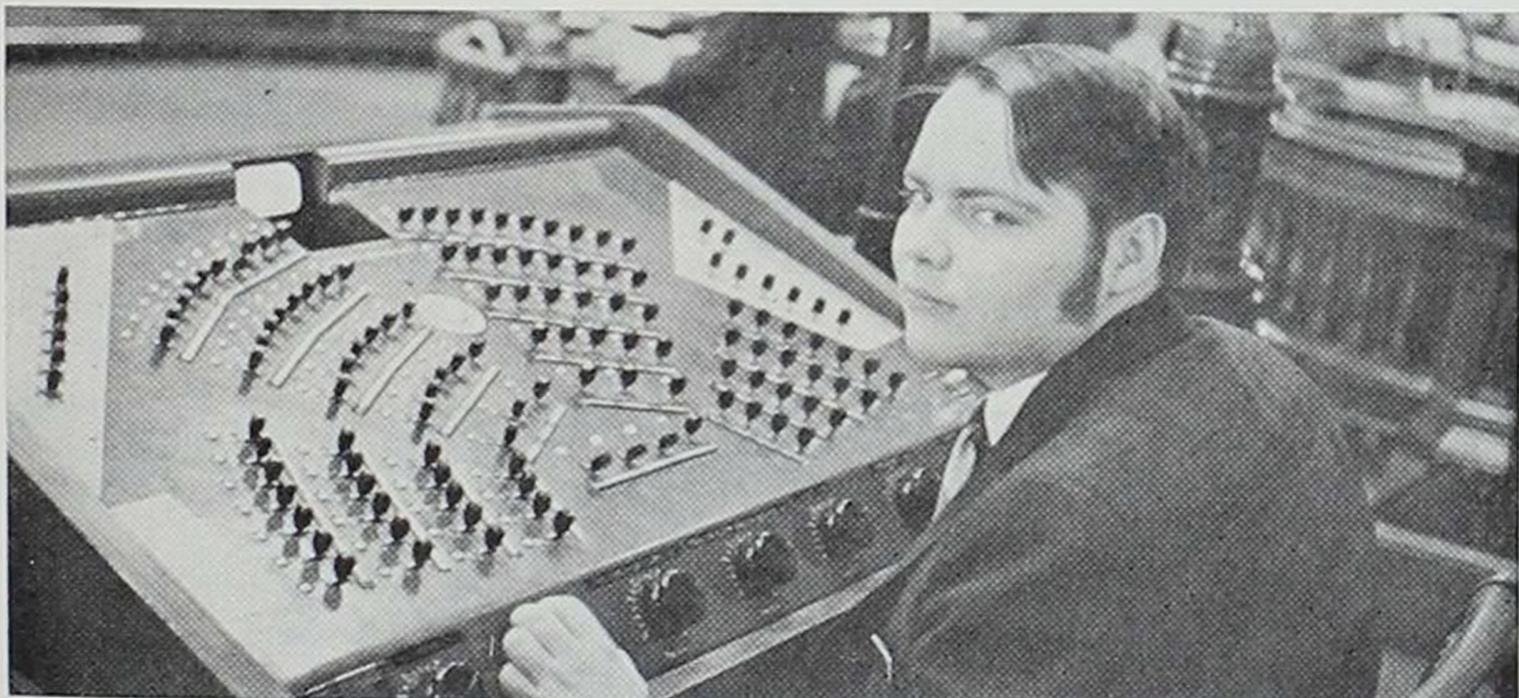
Senator Mowry poses with two pretty Senate pages.



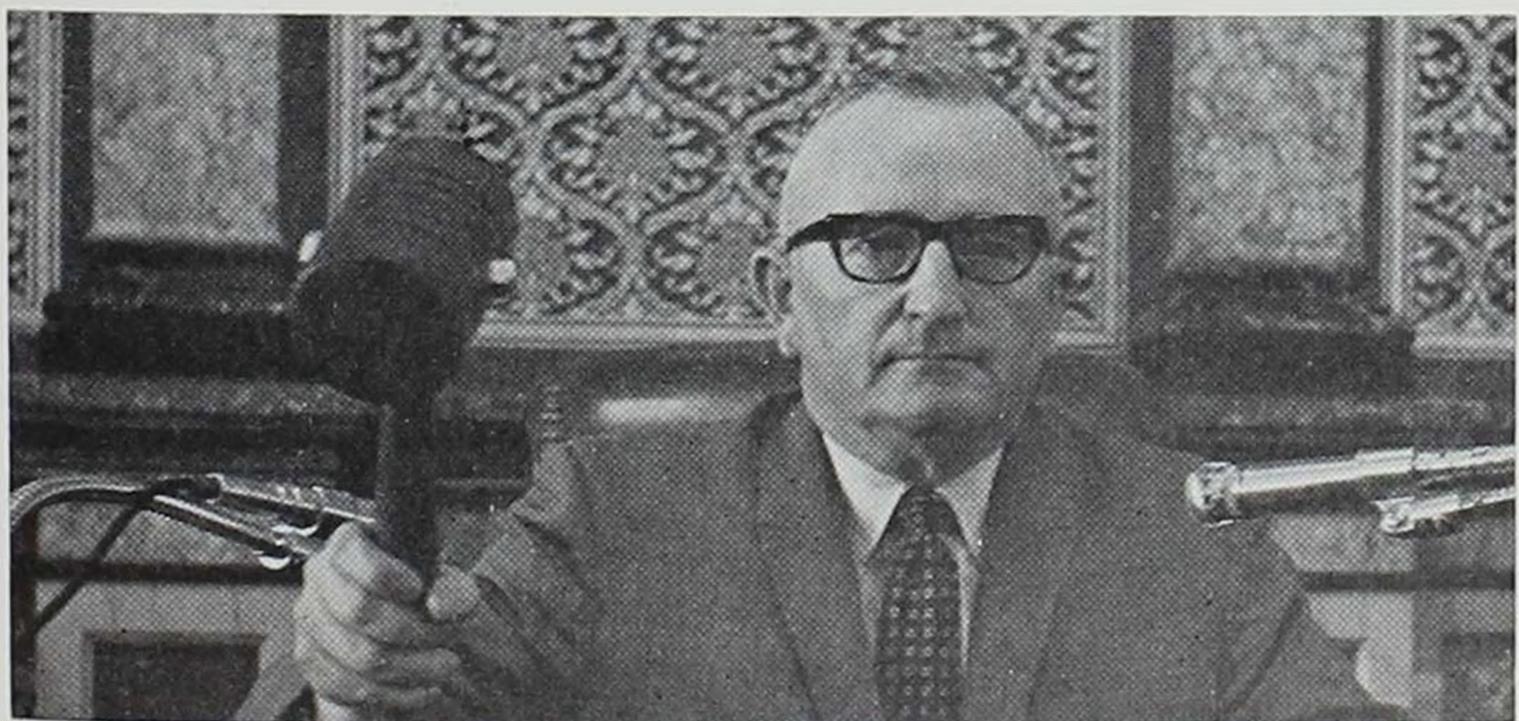
Boy pages had girls outnumbered in the House.



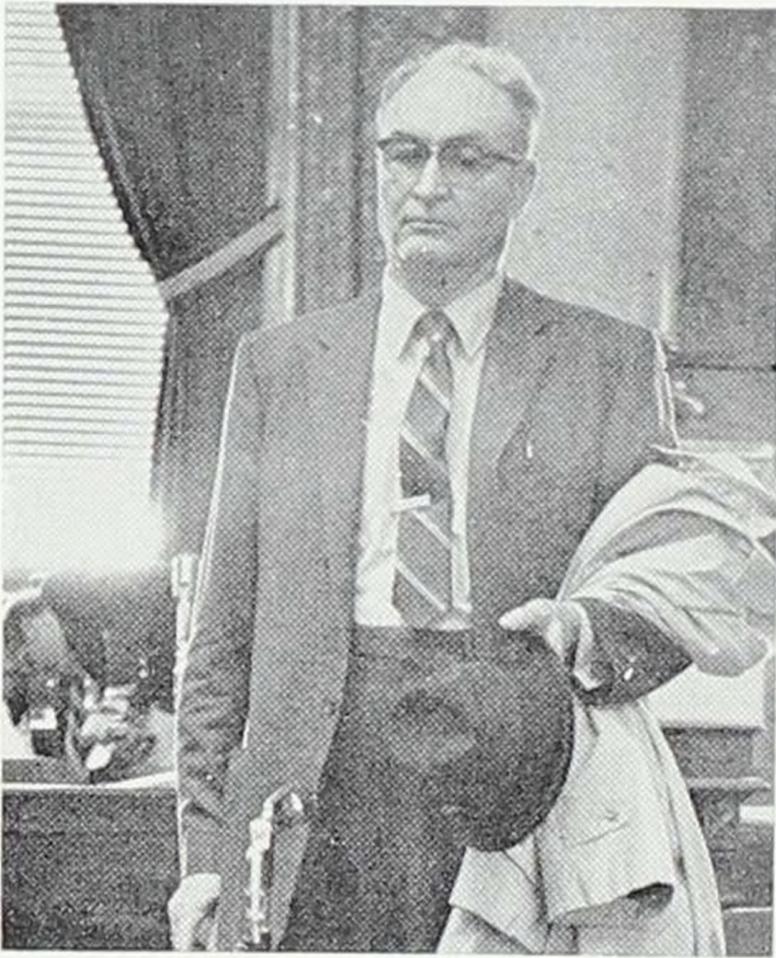
Former Representative Elmer Vermeer is now Governor Ray's legislative liaison man.



Mark Wampler is House public speaking control board operator.



Speaker William Harbor bangs the adjournment gavel.



On the last day of the session Senator George E. O'Malley left the desk he had occupied for 22 years for the last time. It was a sad farewell for the dean of the Senate, who had played a stellar role throughout his career before going into retirement.



Scene in the Senate Chamber 30 minutes after the session closed.

record of the Sixty-Third General Assembly, including action in both the First and Second regular sessions:

	<i>House Bills</i>	<i>Senate Bills</i>	<i>House Joint Resolutions</i>	<i>Senate</i>	<i>Totals</i>
Introduced .....	1,196	1,018	27	26	2,267
Withdrawn .....	131	108	5	2	246
Indefinitely Postponed .....	9	2	1	0	12
Failed to Pass .....	6	5	0	0	11
Passed one house, no vote in the other .....	77	96	3	4	180
Substitution made for .....	54	50	3	1	108
Tabled .....	1	1	0	0	2
Passed both houses but in different form .....	1	1	0	0	2
Passed both houses but not enrolled .....	0	1	0	0	1
Sent to Sec. of State .....	0	0	3	10	13
Signed by Governor .....	306	321	1	2	630
Became Law Without Governor's Signature ....	0	0	0	0	0
Recalled from Governor ....	0	1	0	0	1
Vetoed by Governor .....	2	1	0	0	3
Item in bill vetoed by Governor .....	1	0	0	0	1
Passed over veto .....	0	0	0	0	0
New laws .....	306	321	1	2	630

Two important items do not show in the table. One had to do with Governor Ray's rescue of the legislature from the distasteful job of settling a dispute over whether jurisdiction of the Iowa Braille and Sight-Saving School at Vinton should be transferred to the Iowa Commission for the Blind from the Iowa Board of Regents. He did it by calling a temporary truce and asking that proposed legislation for the transfer be withdrawn. A grateful legislature complied.

The other item found the legislature refusing to consider enactment of a new apportionment plan after the Iowa Supreme Court, on February

10, 1970 held the 1969 plan unconstitutional—just as Democratic legislators had predicted at the time it was passed. In a strange decision, the court ruled, 9 to 0, that the 1969 plan was unconstitutional because population deviations among the districts were too great. Then it divided, 7 to 2, in favor of using the plan anyway for the 1970 election of the 1971-72 legislature. The court explained it was too late to adopt a new, constitutional plan in time for the 1970 election—even though the 1968 apportionment amendment adopted by the people established clearly that if the court should find that an apportionment plan does not comply with the constitution, it “shall within ninety days adopt or cause to be adopted an apportionment plan which shall so comply.”

Senate Democrats twice proposed that the legislature itself adopt a constitutional plan. But the Republican majority in the Senate refused to go along. So the people will elect in 1970 a legislature based on an apportionment plan already declared unconstitutional by the Iowa Supreme Court.

Major legislation passed in 1969 was reviewed in *The Palimpsest* for October, 1969. So this will deal only with that passed in 1970 which, as already noted, completes the record of the Sixty-Third.

It would be difficult to reach a consensus on 1970's most important bills for every bill is “most

important" to someone. But there seems to be a consensus that a new concept was introduced in state government budgeting with Governor Ray's proposal to shift funds—including some capital funds—from some areas of government to meet what he considered to be more pressing needs in others. It might be likened to the "family budgeting system" wherein Mom and Dad sometimes make midyear changes in spending plans to keep costs below income.

Governor Ray sent his proposal to the legislature on March 18. To say it caused some legislators, including many Republicans, to go almost into a state of shock would be putting it mildly. In brief, he asked for \$17.9 million from some areas to meet estimated needs totaling \$17,615,000 in others. The \$17.9 million would include transfers totaling \$16.9 million. Half the remaining \$1 million would come from an extension of the service tax to newsprint and ink, and from fees the Department of Public Safety would be required to charge for certain services it had been rendering free to the public. Here's how the Governor proposed to get the \$17.9 million:

\$10 million by transferring, for one year, that amount from sales tax revenue normally channeled into the road use tax fund.

\$3.2 million from capital funds voted in 1969 to build the Eagle Ridge rehabilitation center near the State Men's Reformatory at Anamosa.

\$3 million from a windfall created by changing the renewal period for drivers licenses to four years from two years.

\$700,000 from capital funds allocated to the Board of Regents for purchase of a site near Atlantic for a new state college in Western Iowa.

\$500,000 from extension of the 3% service tax to newsprint and ink.

\$500,000 from Department of Public Safety fees to be charged for certain public services.

The money thus gained would be used, the Governor said, to meet these needs:

\$7.2 million in matching funds to qualify municipalities for \$12.2 million in Federal funds for water pollution control and sewage treatment plants.

\$5 million to return to counties the revenue lost to them by enactment of the state law freezing property taxes on homes of minimum income senior citizens.

\$3.2 million to supplement payments to old age assistance recipients.

\$1 million to increase assistance payments to nursing homes for care of the elderly.

\$500,000 to give highway patrol members a 6 per cent pay increase.

\$200,000 to fund color photographs on drivers licenses.

\$150,000 to help finance Board of Regents bond lettings.

\$150,000 to fund a new state conservancy board, which would help administer the state's pollution control program.

\$100,000 to replace money spent from the state contingency fund.

\$50,000 to the Department of Health for administration of the law requiring municipalities to have solid waste disposal plants by July 1, 1975.

\$30,000 to fund a new office of ombudsman.

\$10,000 to fund a fertilizer-pesticides review board.

\$10,000 for the Toolesboro Mounds Historical Site.

\$10,000 seed money for the World Food Fair project.

\$5,000 to establish state rights to newly-discovered Cold Water Cave in Winneshiek county.

From the outset it was obvious that three items in the Governor's proposal were in trouble: The transfers of \$10 million from Highway Commission funds, \$3.2 million from the Department of Social Services for Eagle Ridge, and \$700,000 from Board of Regents capital funds for a Western Iowa college site.

In the end, the legislature went along reluctantly with the \$10 million transfer, reduced the \$3.2 million request by \$50,000, and cut the \$700,000 virtually in half. It also added a \$1.5 million appropriation of its own, made several other changes and approved the fund-shifting proposal. As adopted by the legislature the plan shifted or raised funds totaling \$19,038,000 (compared to the Governor's \$17.9 million), to meet needs totaling \$18,740,000 (compared to the Governor's \$17,615,000).

The biggest deviation from the Governor's proposal was repeal of the property tax on cows over three years old, together with a \$1.5 million appropriation to counties to replace revenue they would lose as a result. This was action the governor had neither requested nor expected.

Four proposed amendments to the State Constitution were passed for the first time in 1970 and must be reaffirmed by the 1971-72 legislature before submission to the people. They were:

SJR 7: lowering the voting and majority rights ages to 19 from 21, with the exception of the right to hold public office.

SJR 1002: authorizing the Supreme Court to remove judges from office with good cause.

HJR 6: extending terms of elective State officers (except Secretary of Agriculture, an office established by statute rather than in the constitution) to four years from two years.

HJR 10: repealing the prohibition against lotteries to open the way for legalized bingo.

Other major legislation passed in 1970 covered subjects ranging from eminent domain to nursing homes, from interest rates on public bonds to improved pension benefits for public employees.

A new trend was indicated—one bound to stir a hot fight relative to the separation of church and state in the future—when the legislature adopted bills:

Creating a five-member private school board to counsel and advise the Iowa Board of Public Instruction on problems dealing with non-public schools.

Opening special services now available to public school students to non-public schools as well. Advocates argued this would not cost the public school district a penny more than they are spending. Opponents said the cost would reach into the millions over the long haul.

In the so-called "people" department, the legislature passed:

A five-bill package strengthening the hand of landowners in condemnation proceedings brought by utilities and pipeline companies.

A "no fault" dissolution of marriage bill revising Iowa's divorce laws. Another bill was necessary later in the session to clarify some of the earlier bill's provisions relating to public records.

A bill providing a 16 per cent increase in Iowa Public Employees Retirement System (IPERS) benefits. Also a bill bringing deductions from paychecks for IPERS benefits into conformance with Federal Social Security deductions. This bill authorized deductions from the first \$7,800 of annual salary instead of the first \$7,000.

A bill requiring the establishment of sanitary disposal plants by July 1, 1975.

A bill increasing benefits under the workmen's compensation law.

A bill setting minimum ages at which children may work at various jobs.

A bill improving the vacation schedule for state employees.

A bill requiring utilities to give consumers advance notice of rate increases.

A bill setting up seven classifications for nursing homes and another creating an examining board for nursing home administrators.

A bill requiring insurance companies to give customers a reason before canceling policies.

A bill permitting drug addicts to seek help from a physician without being reported to the police, or to their parents.

The legislature also passed bills:

Raising the interest rate on municipal, county, and school bonds to 7 per cent from 6 per cent.

Extending to two miles from one mile the distance over which a municipality would have zoning jurisdiction in counties without zoning agencies.

Authorizing the State Executive Council to negotiate for the acquisition of Terrace Hill, famed Hubbell mansion in Des Moines, for a possible home for Iowa's future governors.

Amending the civil rights law to prohibit discrimination against women in employment, housing, or public accommodation.

Tightening the state's election laws.

Requiring county-wide voter-registration in counties of over 50,000 population.

Requiring municipalities to set up equal-population voting precincts after every Federal decennial census.

Imposing a franchise tax on banks, savings and loan institutions, and production credit associations, based on income. Also to repeal the moneys and credits tax on banks and to substitute a personal property tax.

Repealing the law empowering counties to decide by local option whether or not to permit sale of liquor by the drink.

Making pay raises the 1969 legislature granted to county auditors, treasurers, clerks, and recorders retroactive to July 1, 1968.

Increasing by four inches the allowable height of over-size loads moved on highways under annual permits and to allow designation of days and routes for movement on secondary roads and safety responsibility requirements.

Increasing to 8 per cent from 5 per cent the fee an employment agency may charge on annual gross earnings

when employment lasts less than 60 days, and to require employment agencies to file maximum fee schedules for other placements with the state labor commissioner.

In the area of education, the legislature voted to:

Set a \$53 per student allowable growth increase in computing state aid to public schools, and to cut off aid to districts spending more than 20 per cent above the state average per-pupil cost.

Require all counties to become part of a merged school area by July 1, 1971.

Repeal the 1969 law setting up a new school in Western Iowa.

In other matters the legislature voted to:

Create a state criminalistics laboratory.

Authorize the educational radio-television facility board to move administrative offices from Des Moines to the Area XI campus near Ankeny.

Require legislative candidates to circulate nomination petitions only in districts in which they seek election rather than the county at large.

Increase the mobile home tax to 10-cents per square foot semi-annually from 7½-cents.

Place an excise tax of 10-cents a head on cattle and 5-cents on calves sold for slaughter to provide funds for promotion of beef if approved by producers in a referendum.

Limit additional homestead tax credit to those over 65 with net incomes of less than \$3,500 a year, including social security, interest on government bonds, and private pensions.

Increase to \$4,200 from \$3,600 a year the maximum income of persons eligible for low rent housing and to in-

crease the income a dependent may earn to \$600 from \$100 a year.

This list only scratches the surface of legislation passed in 1970 and doesn't get into that which fell by the wayside. In this category were the Governor's requests to create the office of ombudsman, to enact a unified court system, to give public employees the right to bargain collectively, to change the abortion law, to give cities the authority to levy taxes other than on property and to restructure the Iowa Liquor Control Commission along lines suggested by the Governor's Economy Committee.

Some of these bills never reached the floor of either house. But a highly controversial "home protection" bill did. It called for drastic changes in the state's trespass laws. Patterned after a year-old Nebraska law, it was tagged the "shoot your neighbor" bill by opponents and went down to defeat midway through the session.

Another bill, seeking to legalize telephone wiretaps and electronic devices to obtain evidence against law violators, made it all the way to the Governor, where it turned out to be one of three to feel the sting of his veto pen.

In his March 17 veto message, Governor Ray said that although he had conferred with law enforcement officials on the bill, [House File 720] he was not convinced of the need for "this brutal weapon of eavesdropping and wiretapping."

He observed that "small invasions of liberty carry with them the winds of tyranny" and repeated earlier statements that "wiretapping is repugnant to me." Arguments that wiretaps could curb narcotics traffic were unconvincing, Governor Ray said, in the face of advice "that there now exist adequate methods to stop the user and the pusher."

"I have also been informed," he continued, "that such a law would be expected to be used in most felony-type cases, which is far broader than ever anticipated in the original concept of authorizing wiretapping."

The Governor quoted the late Supreme Court Justice Louis Brandeis as saying "the right to be let alone is the most comprehensive of rights and the right most valued by civilized man."

Earlier in the session the Governor vetoed a bill seeking to increase annual salaries of municipal court clerks and bailiffs by \$2,000. In vetoing the bill, Governor Ray did not dispute that these officials, in the 14 cities with municipal courts, perform essential public services "and may well deserve the salary increases which the bill provides."

"However," he continued, "this action represents piecemeal legislation at the state level affecting the salaries of local officials. In my opinion, House File 506 is inappropriate at this time in view of the pending court reform bill which fixes

the responsibility for setting such salaries at the local level. I believe this would be more in keeping with the general philosophy of Home Rule, adopted by a vote of the people at the 1968 General Election."

The Governor's final veto, of Senate File 1144, came May 14 after the legislature had gone home. It was a bill to permit pharmacists in Iowa to fill prescriptions written by doctors in other states. Governor Ray said:

I know this bill was drafted to allow controlled drugs to be filled through the mail by an Iowa mail order house, but in addition to affecting that operation, it would also affect the dispensing of drugs by other establishments in the state . . . I cannot justify in my mind opening the door to another avenue for those who will use any devious means to obtain drugs for abuse. The allowing of prescriptions written by people any place in this country—people who would be unknown to our pharmacists—would make it difficult and, in some cases, impossible to ascertain the authenticity of the written prescription, the person who wrote it, and the person who was asking for it to be filled.

The 1970 session took leave of its work April 16—the Senate closing at 6:30 p.m., the House 20 minutes later—95 days after it had convened. Together with the 1969 session, the Sixty-Third General Assembly was in session 226 days—longer than any other regular session in the State's history. Clocks were stopped at 6 p.m., April 16 until formal adjournment on April 21, giving the

staff time to complete the routine cleanup work.

When a few legislators gathered April 21, three Democratic senators filed an official protest that all actions taken after 4:50 p.m., April 15 were unconstitutional. They pointed out the House had actually adjourned *sine die* at that hour instead of recessing overnight as the Senate had done. It was agreed to let the legislative staff work out the solution with legal counsel.

Clocks were still at 6 p.m., April 16 in legislative halls when final details were disposed of and a letter from Governor Ray was read. He praised legislators for holding down taxes and spending, and for pioneering annual sessions.

Then, although the clocks had not moved, still maintaining the fiction that it was April 16, it was really 12:04 p.m., April 21 when Lieutenant Governor Jepsen and Speaker Harbor faced each other through open doors of the Senate and House Chambers and rapped simultaneous adjournment.

## Significance of Work

There are so many laws on the books already that Mr. John Q. Public must wonder at times what's left to legislate. Haven't we reached the point of saturation, he might reason, where all a legislature has to do is calculate how much money is needed to run the government for a year or so, how to raise it, and go home?

However, a discerning review of the record of Iowa's first annual-session legislature might serve to remind him of the undulating forces that make up our vibrant, throbbing, representative form of government; to remind him of the constantly changing pressures resulting in new situations that demand a never-ending reappraisal of existing laws just to stay abreast of the times.

Indeed, ours is a vibrant form of government and perhaps the legislative branch reflects that more than either the executive or judicial branch, for its job is to make law. It has to be alert, responsive and creative to deal with such wide-ranging proposals as curbing campus rioters (without silencing honest dissent), eliminating seats in the legislature itself, tightening eminent domain laws to protect landowners, raising interest rate ceilings to make public bonds salable,

improving the pension plan for Iowa public employees and dipping into State coffers for money to fund tuition grants to private school students.

"Vibrant" was a word Governor Ray emphasized in his inaugural address when he said legislative enactment of his program would make for "a more vibrant Iowa." Any objective analysis of the Sixty-Third General Assembly's record would show it had responded, in large measure, to his call for action.

To be sure, it went off on tangents at times—as what parliamentary body hasn't? This is in the very nature of our form of government, with no one branch subservient to another. In the end, though, it transacted legislation of far-reaching significance and perhaps none more so than that eliminating 35 of its own seats—11 in the Senate, 24 in the House—in compliance with the 1968 apportionment amendment adopted by the people to make the legislature more compact, more efficient and more responsive.

It was significant, too, regardless of the politics that might be involved, that a single General Assembly actually made it through two regular sessions without enacting a general tax increase at the state level. Whether this would have repercussions in the future, only the future could tell. But the mere fact that it was done rated attention.

In the view of the *Waterloo Daily Courier* the 1969-70 legislature "largely accomplished what it

set out to accomplish—keep spending under control,” and this summed up the thinking of many citizens.

“Economy,” the *Courier* went on to say, “is never a glamorous political program and it arouses wails of anguish from agencies and their leaders who have difficulty distinguishing their function from God’s will . . .”

But the KCRG Stations in Cedar Rapids expressed another point of view embraced by many citizens:

The battle cry of the Republican majority has been—and will be in the campaign—“A no tax increase budget was passed.” But we wonder whether the legislature has not simply passed the fiscal buck to other branches of government, which will have to raise existing taxes . . . and take the heat for it.

The advantages and disadvantages of annual sessions, the legislature’s over-all record and the rural-urban split over some bills—along with the “no tax increase budget”—were among the subjects drawing the editorial attention of other media. Here’s a sampling:

The Sixty-Third General Assembly—first in Iowa history to meet yearly—sat for a record total of 226 days (95 this year) but couldn’t find the time, the will or the way to reach some major goals set for it by Gov. Robert Ray and the 1968 G.O.P. state platform.—*Des Moines Register*.

It is perhaps a bit unfair to consider this first annual session (legislature) as indicative of what is to come . . .

While it (the 1970 session) lasted as long as a regular session of some 10 years ago, it did have some problems left over from the 131 days it was in session in 1969. Unfortunately, many of these problems are also carried over to 1971 . . . Many observers felt that the sessions did not accomplish much and most of it could easily have been left to 1971.—*Fairfield Ledger*.

Governor Ray has been criticized for succeeding in providing for operation of the state government through the period ending June 30 next year without a general tax increase. For this we believe he should be commended. Had the Governor and the legislature approved a tax increase the probability is that the unfairness in Iowa's tax structure would have become even more maladjusted than it is now.—*Cedar Valley Daily Times* (Vinton).

If annual sessions of this first biennium have proven anything at all, it has been that they have not worked as well as had been hoped.—*Oskaloosa Herald*.

It was on the whole a mixed bag, as it usually is, as any democratic assembly reflecting, even vaguely, the variety of opinions held by the people it represents will be. And it's those people who will make the final, the meaningful appraisal of this Sixty-Third General Assembly—at the polls in June and November.—*Iowa City Press-Citizen*.

It was to be expected that the issue of annual sessions would be raised before the session actually adjourned this year . . . but frankly, one session is not enough to make a wise decision on how successful annual sessions are in Iowa . . . If voters want to do something about the legislature and improve it, they should work for a still smaller legislature and then better pay for the fewer members.—*Marshalltown Times-Republican*.

We are a bit prejudiced on the matter, of course, since

we didn't think there was much value in annual sessions in the first place. Usually they are simply devices for raising taxes.—*Creston News Advertiser*.

. . . for the most part this Republican-controlled legislature did a better than average job . . .—*The Times-Democrat* (Davenport).

All too often a rural-urban split was apparent. We suppose it is natural for rural and urban legislators to be on opposing sides on many of the more important issues . . . But neither can exist without the other. Each faction must consider the other's interest.—*Council Bluffs Nonpareil*.

Annual sessions will go a long way toward providing Iowans with the intensity of lawmaker attention they deserve and need in order to bring Iowa's governmental posture up to date; it is equally clear that the legislative sessions alone—even held yearly—cannot get the job done.—*Ames Tribune*.

Perhaps the most unfortunate aspect of the . . . session was the divisive battle waged by some rural legislators who apparently were victims of a near-psychosis of urban domination and city persecution. And many other lawmakers are still influenced beyond reason by the powerful lobbies of special interest groups.—*Sioux City Journal*.

One thing that is impressive is the hard work done by our legislators; anyone who thinks these men go to Des Moines and have a picnic at the expense of taxpayers is living in a delusion.—*The Daily Gate City* (Keokuk).

The procedure of subcommittee study and action, reconsideration and revamping of bills, makes it appear that an interminable amount of time is consumed in getting a piece of legislation enacted.—*Fort Dodge Messenger*.

The Democratic minority remained sizable enough, and surely vocal enough, to provide the sharp and continuing opposition necessary for a viable, responsible legislature.—*Mason City Globe-Gazette*.

The General Assembly has worked hard . . . trying to solve the knotty problems of modern Iowa. We think the members have done a good job.—*Lyon County Reporter* (Rock Rapids).

Despite the political outcries and self-serving statements of those disappointed in the measures enacted or killed, it was a good session.—*Kossuth County Advance* (Algona).

Its rural flavor showed through, despite reapportionment, for it refused to face up squarely to fiscal problems of the cities while taking good care of those in the country. Moreover, the House refused to even consider three vitally important bills requested by the Governor and passed by the Senate: court reorganization, collective bargaining guidelines for public employees and restructuring the Iowa Liquor Control Commission . . . (but) . . . it did redeem the pledge of Republican leaders to give "people" legislation priority over special-interest bills. And, whether or not one agrees with the wisdom of the policy, it did carry out Gov. Robert Ray's pledge that there would be "no general tax increase."—*Cedar Rapids Gazette*.

In the final analysis, it is up to each citizen to decide for himself how to rate the performance of the Sixty-Third. Those who might disagree on the caliber of performance, however, could readily agree it was a hard-working, industrious General Assembly that tried to meet problems, did meet



Senate Schools Committee at Work.



Citizens Reapportionment Commission

(Seated): Carstensen, Burks (staff), Kibbie (vice chairman), Mrs. Green, Webster (chairman)  
(Standing): Reilly, Benson, Lowe, Hansen, Evans, Fulton, Swanson, Shirley, Schneider, Lee