

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.

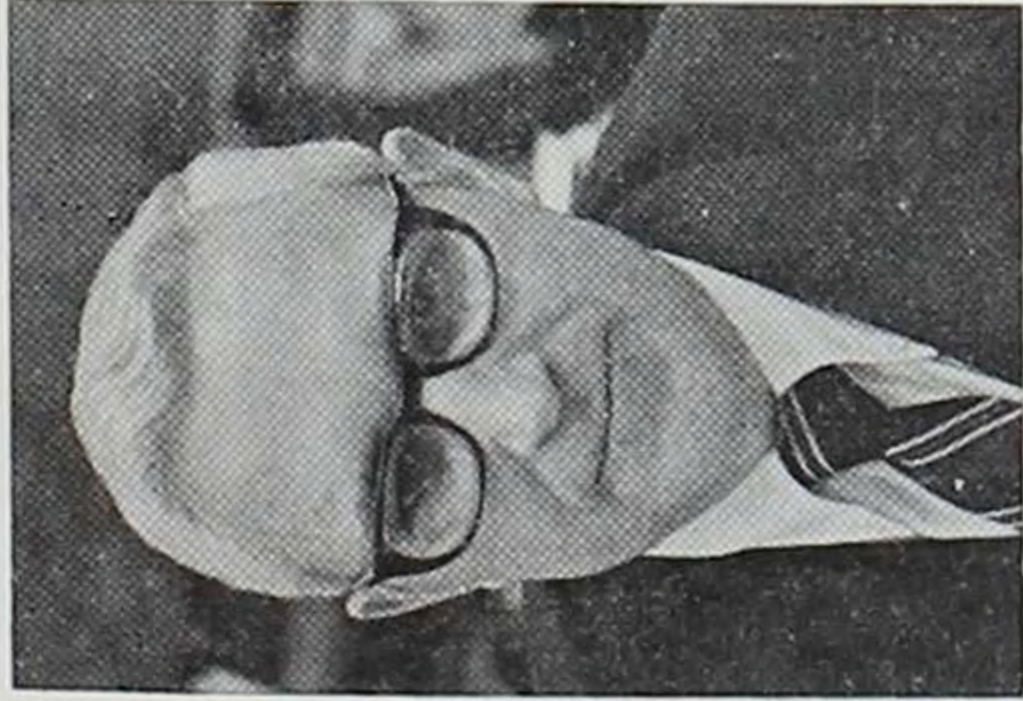
Moreover, it was one of the last acts of the Sixty-Third as it completed its second session and brought the first annual-session legislature to a close. Although the 1970 session lasted only 95 days, compared to 131 days for the 1969 session, its record in laws passed compared favorably. Of the Sixty-Third's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



DAVIS



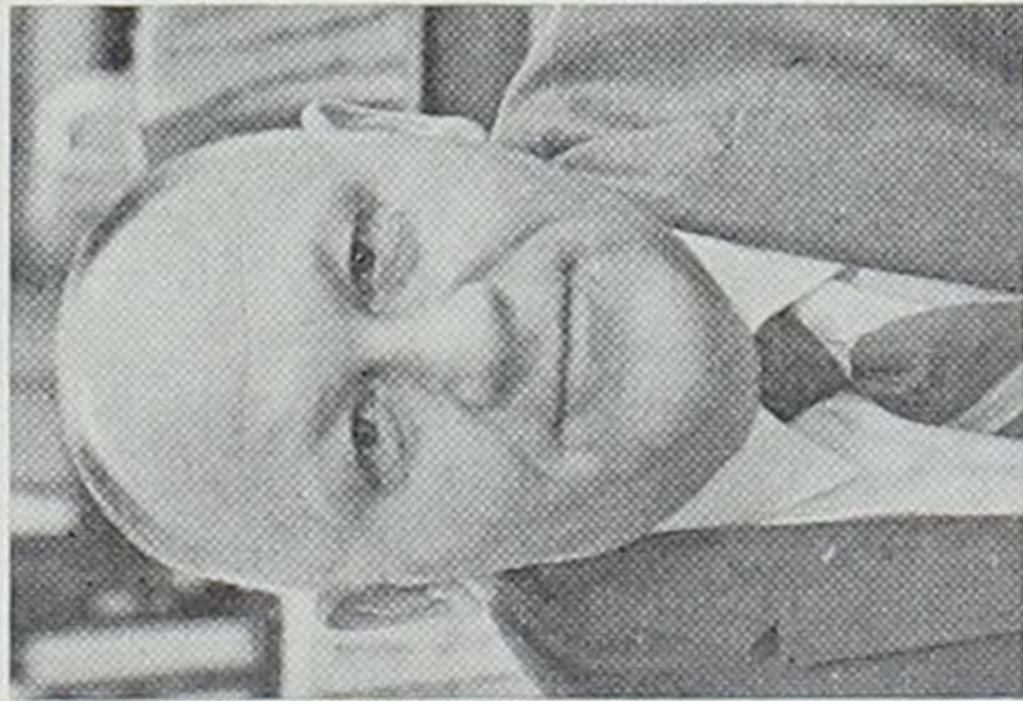
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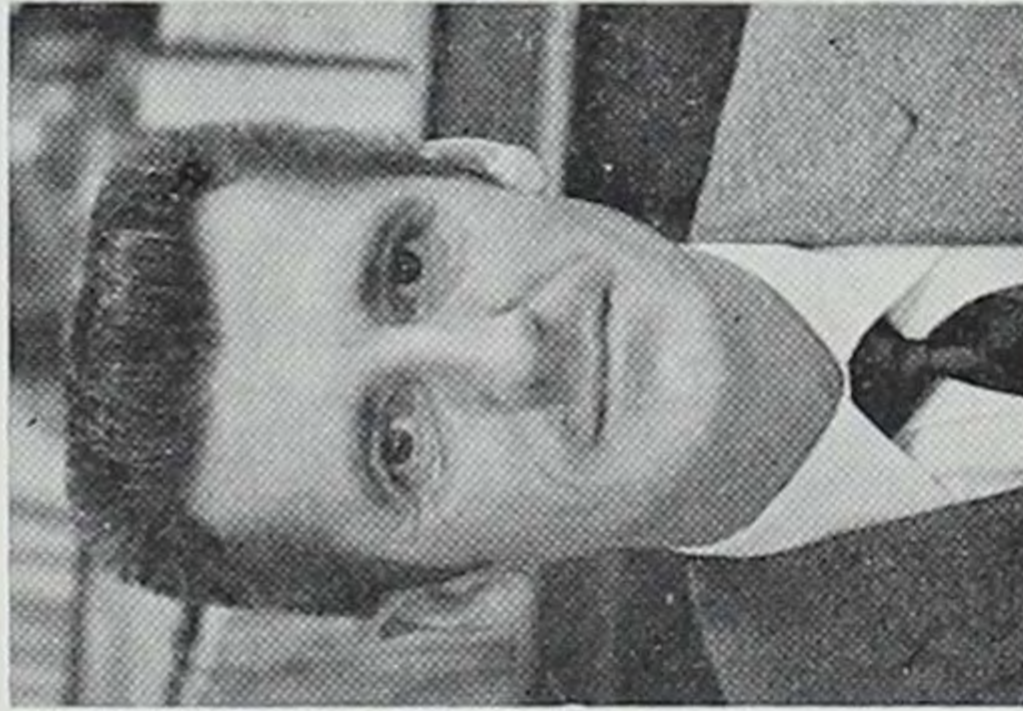
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RABEDAUX



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.



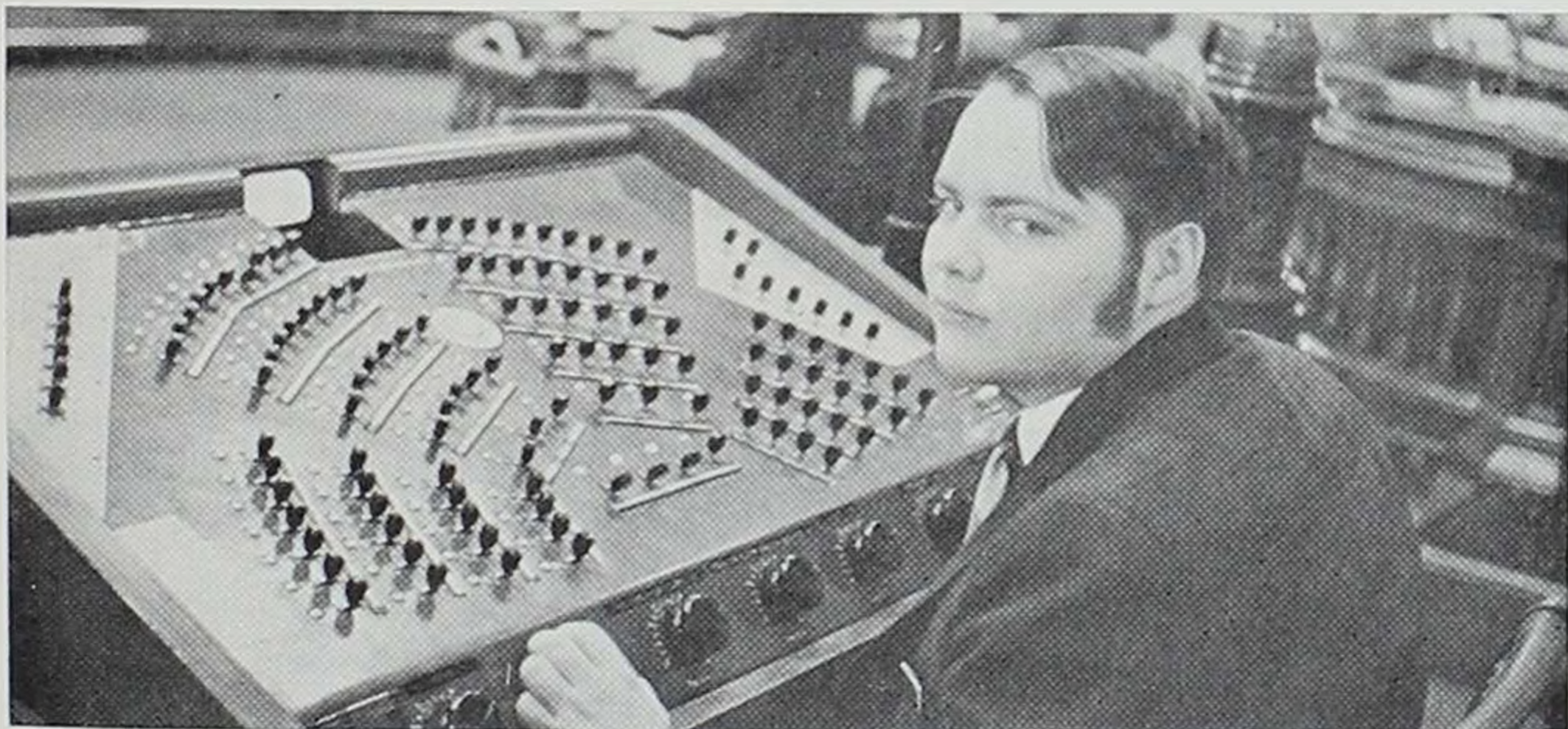
Senator Mowry poses with two pretty Senate pages.



Boy pages had girls outnumbered in the House.



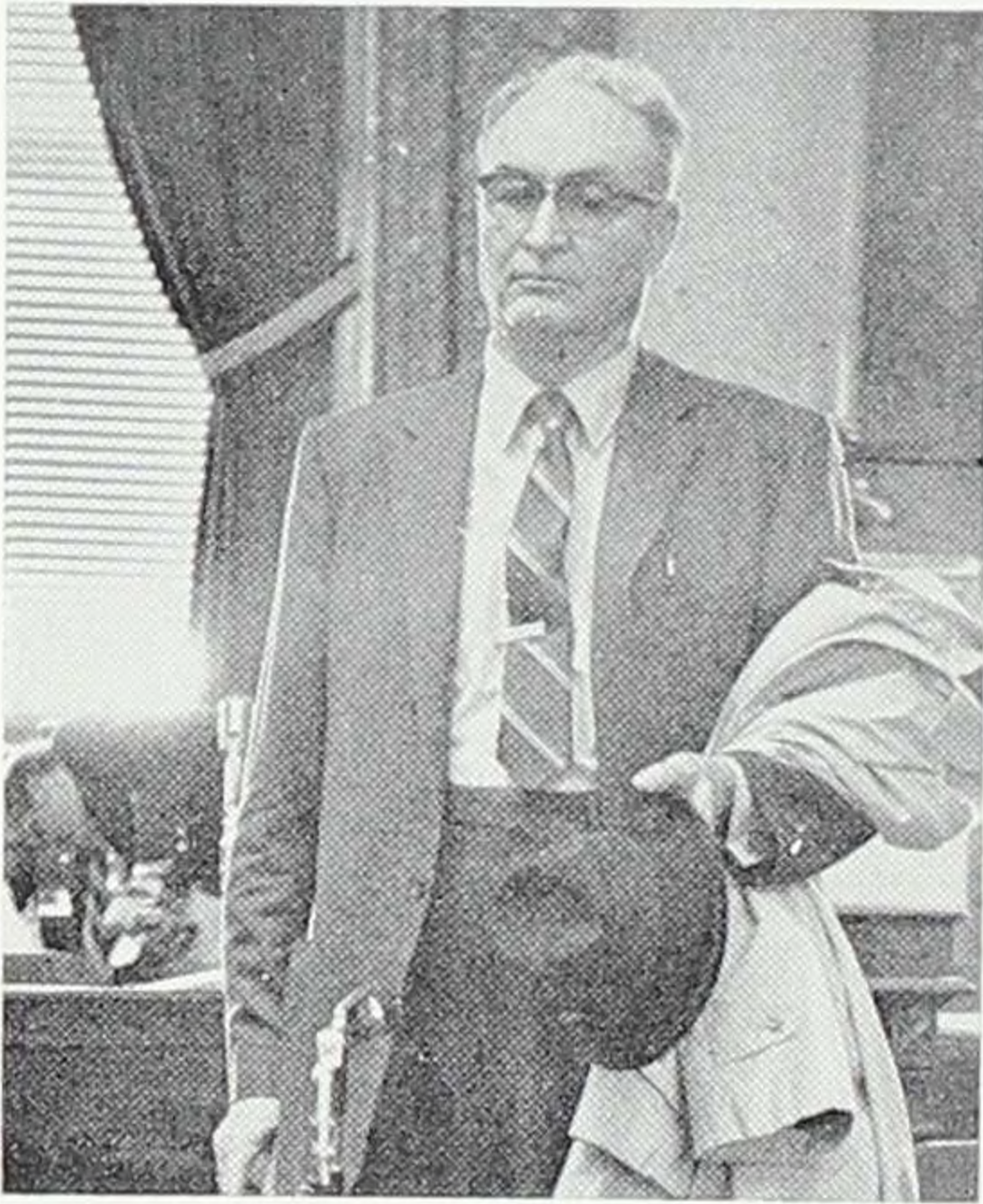
Former Representative Elmer Vermeer is now Governor Ray's legislative liaison man.



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.