

## Major Legislation

Probably no legislature in recent Iowa history acted on as many major issues as the 59th General Assembly.

It took three separate actions on reapportionment, the issue that required so much time in 1959 without being solved.

It also lost little time, once under way, in approving the proposed amendment passed by the 58th General Assembly for reorganization of the judiciary so it could be submitted to the people in June of 1962.

Moreover, the 59th General Assembly passed another amendment providing that any amendments or revision of the state constitution proposed in convention would have to be ratified by the people before taking effect. One reason the people voted against a constitutional convention in 1960, it was reported, was because the present constitution doesn't guarantee a referendum of a convention's action. This amendment must be passed in 1963 and ratified by the people before taking effect.

In addition, the legislature:

1. Redrew the state's eight congressional districts into seven new ones effective in 1962 — a



move necessitated by the loss of a seat in the United States House of Representatives because Iowa's 1950-1960 population increase fell below that of the Nation's.

2. Changed the formula for distributing the state's road use tax fund to give (a) the primary system 47 per cent instead of 42, (b) the secondary system 40 per cent instead of 50, and (c) the municipal system 13 per cent instead of 8. These percentage splits were to apply after taking about \$3 million off the top of the fund for Iowa's share of the Inter-State system and for administrative expenses.

3. Passed a law permitting cities of over 75,000 population to participate in the Federal low rental housing program upon a 60 per cent favorable vote of the people.

4. Passed legislation permitting the state to participate in the Federal Kerr-Mills medical aid program but made no appropriation for the state's cost.

5. Approved an annual budget of \$190 million — \$600,000 above the \$189.4 million recommended by the Governor. It included \$14.7 million a year for capital needs.

6. Passed a law setting the Iowa-Nebraska boundary at the center of the Missouri River's main channel excepting that the community of Carter Lake, on the Nebraska side, would remain a part of Iowa. This was done in the face of the



prospect that the Nebraska legislature would not agree to such a boundary line unless Carter Lake was to be included as a part of Nebraska.

The legislature passed a total of 336 bills and joint resolutions of which Governor Erbe signed 328 and allowed another (a bill changing the name of Iowa State Teachers College to State College of Iowa) to become law without his signature. He vetoed the remaining seven bills. Here is the session box score:

	<i>House Bills</i>	<i>Senate Bills</i>	<i>Joint Resolutions</i>		<i>Total</i>
			<i>House</i>	<i>Senate</i>	
Introduced .....	717	546	38	36	1,337
Withdrawn .....	54	42	7	0	103
Indefinitely postponed	70	3	2	0	75
Failed to pass.....	2	8	0	1	11
Passed by both houses, concurrency refused	0	0	0	0	0
Passed by one house, no vote in other house .....	124	160	1	4	329
Substitution made for	32	16	1	0	49
Governor signed .....	163	160	1	4	328
Became law without governor's signature	1	0	0	0	1
Governor vetoed .....	4	3	0	0	7
Passed over veto .....	0	0	0	0	0
New laws .....	164	160	1	4	329

The legislature also passed 37 concurrent resolutions, including 23 of 31 originating in the Senate and 14 of 18 originating in the House. In ad-



dition, the Senate passed four of six resolutions, and the House nine of nine, requiring action only in the chamber where they were introduced.

Because reapportionment actions took three separate forms, they presented an understandably confusing picture to many citizens and call for an explanation.

The first action was the adoption of the Shaff plan for an amendment to change the method of apportioning legislative seats contained in the Constitution. It bore the name of Senator David O. Shaff, Clinton Republican, who had introduced it in 1959 in somewhat different form from that in which it was adopted in 1961. It must be adopted in identical form by the 1963 legislature and ratified by the people before it can become a part of the Constitution. Thus, it cannot take effect, if ratified, until 1965, and probably not until 1967, at the earliest.

The other two actions more properly should be labeled redistricting rather than reapportionment. They merely carried out the mandate for reapportionment that is in the Constitution now.

One action provided that Johnson County, ninth largest in the state in population according to the 1960 census, would get a second seat in the Iowa House beginning in 1963. This same action provided that Wapello County, ninth largest in 1950, would lose one of its two seats starting in 1963.



The other action was 50 years overdue. It provided for redistricting the Senate on the basis of population, as called for by the Constitution, except that no county could have more than one Senate seat. This action came late in the session after Senator Clifford M. Vance, Mount Pleasant Republican, chairman of the Senate redistricting committee, requested an interpretation by Attorney General Evan L. Hultman of the constitutional provision calling for Senate redistricting. The Attorney General ruled that the provision, as adopted in 1904, clearly calls for redistricting the Senate every 10 years after the Federal census. This mandate the legislature should have carried out beginning in 1911 and every 10 years thereafter, but, aside from two partial redistrictings in 1941 and 1953, the legislature had not acted. The redistricting act passed by the 1961 session will take effect in 1962 unless pending litigation prevents it.

In other actions the legislature approved, and Governor Erbe signed, two bills which former Governor Loveless had vetoed in 1959. One permits businesses to detain and search suspected shoplifters; the other sets a minimum age for entry of children into kindergarten and first grade. The legislature also passed laws permitting local subdivisions to establish nursing homes, declaring the oak as Iowa's official tree, and requiring the sale of unclaimed dogs to hospitals and laboratories.



The legislature refused to pass the following highly debatable bills to:

Oust the present elected Board of Public Instruction in favor of an appointive board.

Establish an "implied consent" law requiring blood, urine or other tests in intoxicated driver cases.

Establish a statewide high school driver education program.

Set up penalty clauses for school boards which raised their budgets by more than three per cent per pupil over the previous year's budget.

Provide general school aid for unapproved schools.

Require a brucellosis testing program for cattle.

Establish a public utilities commission.

Permit housewives to get cash discounts in lieu of trading stamps.

Ban billboards from the Inter-State highways in Iowa.

Legalize cigaret vending machines.

Also defeated in the House was a bill to lower the voter age limit from 21 to 18 even though it had the approval of both political parties.

These lists include most — but not all — of the matters given consideration by the legislature.

Governor Erbe got a workout with his desk pen in vetoing seven bills. He disapproved:

S.F. 105 — requiring rules and regulations adopted by state administrative agencies to be submitted to the legislature for approval before becoming effective. The Governor's grounds were that the legislature should not have an automatic "veto" in such matters. A second bill with the



same objective, but phrased differently to meet the Governor's objections, was passed later in the session and signed by the Chief Executive.

S.F. 353 — requiring the Highway Commission to buy access control rights from owners of property along highways on grounds it would be an unjustifiable expense in building modern roads. However, the Governor recognized inequities in the existing access control law and advised the Commission to review and revise its rules and regulations based on that law.

S.F. 441 — preventing reorganization of school districts in Scott County which would have made it impossible to combine a district containing valuable industrial plants with other districts. He reasoned that this would be a departure from the state's reorganization policy because it proposed favorable tax treatment only to certain industries.

S.F. 452 — blocking proposed changes in rules of civil procedure in the state court system on grounds that these rules had been approved by the Supreme Court, as required by the present law, and that they would result in speeding up litigation.

H.F. 397 — exempting county homes from the nursing home license law on grounds their residents should have the same protection from fire and hazardous conditions as those in private nursing homes.

H.F. 574 — exempting some materials used in



manufacturing from the two per cent sales tax on grounds it would be unjustified. In addition, the Governor said, such exemptions would reduce the state's income by \$1 million a year, thereby upsetting the close balance between appropriations and estimated revenue.

H.F. 711 — forcing reorganization of state central committees of the two political parties on the basis of the seven new districts prior to the expiration of terms of present members elected from the eight existing districts. The Governor held that this would cause unnecessary confusion and that the proposed method of election was ambiguous.

The session ground to a halt at 11:40 a.m. on May 6 in the Senate and three minutes later in the House. However, clocks were stopped at 11:15 a.m. in both chambers and started again May 10 when formal adjournment took place at 11:30 a.m. The last four days did not count as a part of the session under this maneuver but allowed time for legislative staffs to complete paper work. The session lasted 118 days — two days longer than the 1959 session — setting a new record for length of a regular session.

FRANK T. NYE