

Major Legislation

It was a legislature confronted with more than its share of momentous problems. And it was tackling them with inexperienced leadership.

So if it seemed in the beginning that the Sixty-Fourth General Assembly was doing a Stephen Leacock, perhaps it could be excused on grounds that with so many major items calling for prompt attention, even experienced leaders would have been hard put to know where to start.

Leacock was the fellow, it will be recalled, who jumped on his horse one day and galloped off in all directions at once. That's how it was in the beginning as the Sixty-Fourth engaged busily in trying to take up, simultaneously, such toughies as hiking school aid to stop spiraling property taxes, liberalizing the abortion bill, tightening the drug abuse laws, reapportioning congressional and legislative seats, reducing judicial districts and reorganizing some agencies of state government.

But in the broad and diverse field of making new laws, and revising old ones, it is the end product that counts. And in the end, even critics admitted it was a productive session, although they were not happy with what it produced.

Before taking a more detailed look at the prod-

uct, it is only fitting to observe that if historians should find nothing in its record to set it apart from its predecessors, they surely should find the Sixty-Fourth unique in that it benefited from two of the most pleasant surprises a legislature could experience.

The first came early in February when the Citizens Conference on State Legislatures, headquartered in Kansas City, announced that Iowa's legislature ranked sixth best among those of the 50 states in a two-year evaluation study conducted by the privately-funded organization. The study was designed to judge the operating capabilities of state legislatures based on the degree to which they are (1) functional, (2) accountable, (3) informed, (4) independent, and (5) representative.

The legislatures of California, New York, Illinois, Florida, and Wisconsin were ranked ahead of Iowa in that order. The report listed the Iowa legislature's three weaknesses as (1) lack of sufficient staff, (2) low salaries, and (3) lack of adequate physical facilities for legislators to work.

Later in the session, the organization sent Donald Glickman, deputy director of research and program development, to report that Iowa's legislature was being considered to take part in one of 10 two-year experimental projects on the professional staffing of standing committees. Lieutenant Governor Jepsen and Speaker Harbor agreed that Iowa was interested, thereby opening the way for

a grant of up to \$300,000 a year should Iowa be chosen to participate.

The legislature's second surprise was of even greater magnitude: President Nixon was planning to appear before a joint session on a swing through the Midwest. Thus it was that on March 1, 1971, he became the first President ever to address the Iowa legislature.

The House chamber was jammed to overflowing and standing room was at a premium for the President's 20-minute speech, interrupted three times by applause. He renewed his plea for revenue sharing with the states and said he was adding \$100 million to the \$1 billion he originally had requested for a federal program to aid rural community development.

The big news, however, came in his proposal to reduce the posts in his cabinet to eight from 12, abolishing the Department of Agriculture and dividing it among four new cabinet posts.

Under this reorganization plan, the President said, the farmer's interests would be represented by four cabinet officers instead of only one, giving rural America more representation "wherever decisions are being made that affect that interest."

Surprises from the outside over, the legislature went back to making a few of its own as it shaped its program. One in particular caught the public eye. It was the legislature's approval of a bill designed to wipe out, by June 30, 1971, all but \$3

million of the \$11.1 million deficit indicated in Governor Ray's budget figures for 1969-71.

The bill, in effect until July 1, 1971, froze unspent capital appropriations of recent years; banned out-of-state travel by state employees and prohibited filling job vacancies in state government without approval by a majority of the Executive Council; and arrested stockpiling of motor vehicles and office supplies.

Although this was quick response by the legislature to the question of how to deal with the projected deficit, it merely backed up in law an executive order issued by Governor Ray less than a week after he delivered his budget message. Meanwhile, it became obvious that neither the executive order nor the new freeze law was the last word so far as the deficit was concerned. For Democrats maintained they did not go far enough. According to their calculations, the deficit would be more than \$11.1 million. Some placed it at \$25 million and one, Senator Eugene Hill, an experienced member of the Senate Appropriations Committee, predicted it at \$44 million.

Once the legislature settled on a course, it wasted little time giving second passage to these constitutional amendments initiated and passed the first time by the 1969-70 legislature:

HJR 6: Authorizing the Iowa Supreme Court to remove judges from the bench upon showing good cause.

HJR 7: Lengthening the terms of elective state officials (except Secretary of Agriculture, an office established by law rather than the constitution) to four years. At present these terms are for two years.

These two amendments will be submitted to the people at the general election on November 7, 1972. One of the remaining two amendments initiated in 1969-70 was passed the second time in 1971 by the House and is awaiting action by the Senate in 1972. It would repeal the prohibition of lotteries, opening the way for legalized bingo. If passed by the 1972 Senate, it, too, will be submitted to the people on November 7. The fourth amendment adopted by the Sixty-Third General Assembly, to lower the voting and adult rights age limits to 19 from 21, was dropped after the legislature ratified the amendment to the United States Constitution lowering the voting age to 18. Iowa was the tenth state to ratify the amendment.

Aside from the amendments, the 1971 legislature passed 287 bills and three resolutions. Governor Ray signed them all into law, but only after vetoing specific items in 11 of the bills. In each case the veto was exercised on a non-money item in an appropriations bill. It will be recalled that after the 1970 session, Attorney General Turner won a decision in district court that this new veto power was restricted to money items in appropriations bills. The Supreme Court reversed that decision, holding non-money items could be vetoed.

In eight of the bills involved, the items vetoed were quite similar in that they required approval by the legislative Budget and Financial Control Committee of expenditures for capital improvements and real estate purchases. These bills and the items, or sections, on which the Governor exercised his veto included: SF 543, Section 2; SF 545, Section 3; SF 555, Section 3; SF 556, second paragraph of Section 1; SF 561, Section 2; SF 572, Sections 3, 4, 5; HF 720, Section 7; HF 723, Section 4.

The other three vetoes included:

SF 544: Subsection 3 of Section 1, limiting to 15 per cent the amount of a \$1 million appropriation that could be allocated to any alcoholism or detoxification facility.

SF 565: Section 12, providing that no one may be admitted to a state mental health institute on a voluntary basis unless referred by a local center.

SF 586: Section 5, repealing the authority of the State Board of Regents to issue bonds, backed by student tuition and fees, to finance new buildings at state universities. This section was in the form of an amendment tacked onto a \$3 million appropriations bill by the House in the wee small hours of the morning the legislature left for home. As we shall see, this action enraged the Senate.

The list of major legislation passed by the 1971 legislature is long. It included adoption of bills:

Increasing the individual income tax rates about one-third in middle and upper brackets.

Increasing the cigarette tax of 10 cents a pack to 13 cents.

Increasing the beer tax of 12 cents a gallon to 14 cents.

Increasing the corporation tax of 4 per cent on the first \$25,000 of taxable income to 6 per cent; of 6 per cent on \$25,000 to \$100,000 to 8 per cent, and of 8 per cent on \$100,000 and over to 10 per cent.

Increasing the annual license fee for fishing to \$4 from \$3; for hunting to \$5 from \$3 and for a combination license to \$8 from \$5.

Applying the sales tax to only the cash difference paid for new and used cars.

Authorizing double-homestead tax exemption for homeowners over 65 with annual incomes less than \$4,000, and for the totally disabled.

Creating six soil conservancy districts.

Redrawing the state's seven congressional districts into six of nearly equal population based on the 1970 census. Five incumbent congressmen were left unopposed. Congressmen John Kyl of the Fourth, a Republican, and Neal Smith of the Fifth, a Democrat, were assigned to the new Fourth district.

Reapportioning the 150 legislative districts on the basis of the 1970 census. On July 1, 1971, three separate actions were filed in the Iowa Supreme Court challenging the constitutionality of the new apportionment.

Rearranging the state's 18 judicial districts into eight new districts to distribute the work load more evenly.

Freezing school taxes for 1971-72 to the dollar amount raised from property taxes the previous year.

Authorizing the phase-in, over a 10-year period beginning in 1972-73, of a new foundation plan for distributing state school aid, intended to relieve property taxes.

Reorganizing the Iowa Liquor Control Commission.

Reorganizing several state subdivisions into a new General Services Department.

Lowering to 18 from 21 the age limit at which individuals may participate in political party affairs.

Tightening drug abuse control laws.

Stipulating that the Commissioner of Public Safety shall serve at the pleasure of the Governor.

Requiring retailers collecting from \$50 to \$500 in sales tax each month to remit it to the state on a monthly, rather than quarterly, basis.

Taxing rural electric cooperatives at a lower rate than privately-owned utilities and giving them the right to continue to serve present customers should they be living in an area that might be annexed by a city already served by a privately-owned or municipally-owned utility.

The legislature defeated bills to:

Establish a regional jail system.

Change the abortion law by making it a personal matter between the woman and her physician.

Appropriate direct state aid to private schools.

Major legislation passed by the Senate and awaiting action in the House in 1972 included bills to:

Extend to 65 feet from 60 feet the legal length of twin-trailer trucks.

Establish a unified court system.

Merge state air, water, and solid waste pollution control divisions into a single agency.

Major legislation passed by the House and awaiting action by the 1972 Senate were bills to:

Revise the municipal "home rule" code.

Legalize use of highways to transport mobile homes up to 80 feet long and 14 feet, 5 inches wide.

Establish a user fee for major state parks.

Here is the box score of the 1971 session:

	<i>House Bills</i>	<i>Senate Bills</i>	<i>House Joint Resolutions</i>	<i>Senate</i>	<i>Totals</i>
Introduced	731	593	16	10	1,350
Withdrawn	49	63	0	3	115
Indefinitely postponed	3	0	0	0	3
Failed to pass	6	5	0	0	11
Passed one house, no vote in the other	60	51	3	0	114
Substitution made for ..	20	25	0	2	47
Tabled	0	0	0	0	0
Passed both houses but in different form	3	1	0	0	4
Sent to Sec. of State	0	0	3	0	3
Signed by Governor	141	146	2	1	290
Became law without Governor's signature	0	0	0	0	0
Recalled from Gov.	1	0	0	0	1
Vetoed by Gov.	0	0	0	0	0
Item vetoed by Gov.	2	9	0	0	11
Passed over veto	0	0	0	0	0
New laws	141	146	2	1	290

As usual, appropriations bills were the last to be considered and a bitter fight erupted the last week over how much money to allocate the state universities.

The economy-minded House shaved some \$19 million off Governor Ray's revised budget and appropriated \$200.7 million for these Regents institutions for 1971-73. The Regents had requested \$229 million and the Governor at first trimmed this to \$225 million, then to \$219 million. The institutions received \$183 million in 1969-71.

In a more generous mood, the Senate voted to boost the House figure to \$206.7 million. A deadlock ensued and a House-Senate conference committee failed to reach a compromise late in the evening of the next to the last day of the session.

A second conference committee was named, and at 1:15 a.m. on the session's last day, its members agreed on a figure of \$205 million, plus \$8 million for tuition grants for private school students for 1971-73.

The dispute ended when the House passed the compromise bill at 4:30 a.m., June 19, about 30 minutes after it was passed by the Senate.

Before adjourning at 5:11 a.m., the House also passed a bill appropriating \$3 million to the Regents to replace tuition and fees already used to retire building bonds. But it did so only after adding the highly controversial amendment, referred to earlier, repealing the authority of the Regents to issue building bonds in the future. The House then adjourned without waiting to find out whether the Senate would accept this appendage.

As might have been expected, the Senate was outraged at the House action. One irate Senator called it "a cheap trick" and another, equally miffed, observed that this was a splendid example "why it is called 'the lower House'."

The House action left the Senate in the embarrassing predicament of having either to:

1. Reject the bill, thereby losing the \$3 million appropriation so sorely needed by the Regents, or to
2. Pass it with the amendment, which was opposed by a majority of the Senators, in the hope this section would be vetoed by the Governor.

After both parties caucused, and after routing Governor Ray from bed with two telephone calls to inquire whether he might see his way clear to using his item veto power in event it approved the bill, the Senate, with great reluctance, finally passed it and adjourned at 6:47 a.m., June 19.

That ended a working day of 21 hours, 17 minutes, longest in Iowa legislative history, surpassing the old record of 20 hours, 43 minutes set July 1-2, 1967.

Thus did the legislature adjourn on a sour note, even though legislators who returned June 29 to close the books were refreshed and in a better mood than when they left the Statehouse as the early morning sun streaked the summer sky 10 days earlier.

Those 10 days were needed to wrap up last-minute details and with this done, Lieutenant Governor Jepsen and Speaker Harbor rapped the session to an end at 12:45 p.m., June 29, although journals would show all of this business conducted on June 19.

The session lasted 160 days, second in length for a regular session only to the 175 days required by the 1967 legislature. The record for the longest run still is held by an extra session of the Fortieth General Assembly, called to revise the state code. It started April 18, 1923, and adjourned July 30, 1924,—after one year, three months and 12 days of intermittent meetings.