

*Governmental Organization*  
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GOVERNOR'S COMMISSION ON ECONOMIC AND SOCIAL TRENDS IN IOWA

("Committee of One Hundred")

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Final Report of the Sub-Committee on

GOVERNMENTAL ORGANIZATION

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STATEMENT ON REORGANIZATION OF THE  
EXECUTIVE BRANCH OF STATE GOVERNMENT

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The Iowa constitution vests the "supreme executive power" of the state in the hands of the governor, but does not provide adequate machinery to enable him to exercise this executive power. Though the governor is regarded as the chief administrator of the state, and is held responsible for the success of the administration in the minds of the people, his power to direct the administration has been sharply restricted.

State government is performing duties on a larger scale than ever before. New functions have been added, such as old-age assistance programs, health and welfare systems, a state park system and many others. Historic functions have expanded because of rising demands for public services. Moreover, the state is performing duties formerly carried out entirely by local government, such as highway administration and public welfare.

The Committee on Governmental Organization believes that responsibility for efficient administration of the executive branch should be centered in the governor,

and that the governor should be given authority commensurate with this responsibility.

The committee concurs in the principles of executive reorganization stated in the Brookings Institution report of 1933, the Report of the Government Reorganization Commission of 1950 and the report of the Government Reorganization Study Committee of 1957. We do not necessarily give specific endorsement to all the departmental structures proposed in these documents.

To the end of centering responsibility and authority for administration of the state government in the hands of the governor, the committee makes the following recommendations:

1. The state government ballot should be shortened so that only the governor and lieutenant governor are elected. Their terms of office should be extended to four years. Other present elective offices would be filled by appointment. These are: Secretary of State, Auditor, Treasurer, Attorney General, Secretary of Agriculture, and Commerce Commissioners.

2. Existing departments, boards and commissions should be consolidated into a logical organization by function. Boards and Commissions which exercise primarily administrative functions should be replaced by single executive heads. Advisory and appeal boards may be advisable in some areas of administration. The Committee is suggesting no change in the two policy-making boards operating in the field of education--the Board of Regents and the Board of Public Instruction.

3. To provide continuity and efficiency in the operation of government, an effective personnel system should be created. All state employees other than departmental executives should be placed under a single state civil service with a merit system for appointments and promotions.

4. The governor should be given power to control more effectively the expenditures of state agencies. He should be given the power of item veto in appropriations bills. All financial matters should be centered in one state agency directly responsible to the governor. The post-auditing function should be transferred to a legislative auditor.

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The committee believes that these five changes would greatly strengthen the administrative efficiency of the state government. They would also make more effective the people's voice in state government.

Responsibility would clearly be fixed in the governorship, and the governor would be given the necessary tools to administer the government. The governor would be elected for a long enough term to carry out his policies. He would not be under the compulsion of running for re-election each two years. Through the power of appointment, he could effectively see that his policies were being carried out.

By instituting a complete civil service system, the danger of a four-year term governor building up a "political machine" in state government would be avoided.

The committee believes that democratic government in Iowa would be more effective if these changes were made.

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STATEMENT ON REORGANIZATION OF THE LEGISLATIVE  
BRANCH OF STATE GOVERNMENT

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"Modernization of the American state legislatures is considered by many to be the most important piece of unfinished business in the area of government reorganization... The conclusion is clear that the state legislatures are poorly equipped to serve as policy-making agencies in mid-twentieth-century America... The Committee...believes that the state legislatures can--and should--function as dynamic, coordinate, efficient policy-formulating bodies." -- from preface to the 1954 report of the Committee on American Legislatures of the American Political Science Association.

The Committee on Governmental Organization concurs in these views and believes that three changes -- all of which will require constitutional amendments -- will help Iowa achieve a "dynamic, coordinate, efficient policy-formulating" General Assembly. Other changes should be made, but the Committee is limiting its recommendations to these: (1) re-apportionment; (2) annual sessions; and (3) four-year terms for all legislators.

1. Re-apportionment. The membership of the General Assembly should be re-apportioned to provide equality of representation. At the present time representation in both houses of the General Assembly is, in effect, based on area rather than population. The constitutional provision that no county may have more than one Senator makes popular representation impossible in the Senate. Failure to re-apportion itself, in addition to constitutional provisions emphasizing representation on a county-area basis in the House, also results in unfair popular representation in this body.

The Committee recommends that the Iowa Constitution be amended to provide for one house to be apportioned on districts of equal population size and for the other to be apportioned on an area basis with some weight given to the population factor. The constitutional amendment should also provide for automatic enforcement provisions to ensure that apportionment will occur every ten years.

2. Annual sessions. In our statement on reorganization of the executive branch we indicated that state government is performing duties on a larger scale than ever before, and cited several of the added functions that have become state problems. If the General Assembly is to give adequate attention to these accumulating duties, it is essential that it have more time for deliberation. This could be accomplished in several ways: by lengthening the present biennial sessions, by adopting "split" sessions, or by authorizing annual sessions.

It is the opinion of the Committee that specified annual sessions will provide the best solution to the legislative log-jam that occurs every two years in Iowa, and will permit adequate financial planning to meet the needs of state agencies.

It is also the belief of the Committee that any legislative matter should be eligible for enactment at any session, and that the even-numbered year session, for example, should not be designated solely as a budgetary session.

3. Four-year terms. Consistent with our recommendations regarding the term of office of the Governor, we recommend that Representatives, as well as Senators, be elected for four-year terms.

In order to maintain public interest and to make it possible for all electors to vote for state officers every two years, we further recommend a system of staggered terms, coordinated with the senatorial and representative districts.

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STATEMENT ON REORGANIZATION OF THE JUDICIAL BRANCH  
OF STATE GOVERNMENT

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The Governmental Organization Committee believes that the judicial system of the state government is antiquated in many respects, and strongly endorses the proposals of the Judicial Administration Committee of The Iowa State Bar Association for modernization of Iowa's courts.

Briefly, the proposal before the Iowa State Bar Association would (1) establish a unified trial court, (2) create a system of internal administration, and (3) provide for the selection of judges by appointment. Within a ten-year transition period, all courts below the district court (superior, municipal, police, mayor's, and justice of the peace) would be abolished and their functions would be taken over by the expanded district court, called the unified court. The unified court would not have fixed "terms" in each county; rather, the judges would be assigned by a "chief judge" to hold court according to the need. "Associate judges" would hold court in county seats and other major towns on a regular schedule to handle ordinance violations, minor criminal offenses, and small civil cases. Traffic bureaus would be installed for uncontested, minor traffic violations.

Under the proposal, the Governor would appoint all judges. A state judicial nominating commission would nominate three individuals in case of a vacancy on the Supreme Court, and the Governor would make his selection from among these three nominees. Supreme Court justices would hold office until they reached the compulsory retirement age of 72. The position of Chief Justice would be a permanent one.

Judges and associate judges of the unified trial court would be appointed by the Governor from a list of three nominees submitted by district judicial nominating commissions. Judges of the unified court would be appointed for eight years, and associate judges for four years. At the end of their terms, these officials

would come before the voters for approval or rejection, and would be retained for another term if approved by a majority voting.

The major object of the proposal is to assure finer, speedier justice for all litigants. The Governmental Organization Committee believes that "justice delayed is justice denied" and recommends that the proposal of the Judicial Administration Committee be adopted and that the 1959 General Assembly take steps to amend the Constitution so that the proposal may become effective.

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#### STATEMENT ON REORGANIZATION OF LOCAL GOVERNMENT

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All units of local government in Iowa are created by the state legislature and as such are completely subject to the will of the state. The legislature can grant as little or as much self-government to these units as it sees fit. Traditionally, Iowa municipalities have been granted extremely limited powers to decide purely local affairs at the local level. The Committee not only recommends a broadening of home rule powers for cities and towns but also the granting of greater legislative powers to counties so that they can escape from the straight jacket of absolute control by the General Assembly in matters of a local nature.

Iowa's 99 counties are all organized in the same manner. Whether the population is 3,000 or 200,000 they all have the same basic county offices. It is the belief of the Governmental Organization Committee that the structure of county government in Iowa needs a thorough overhauling to meet the needs of the twentieth century. We do not propose here to detail all the defects in our nineteenth century county government--studies under way by the Iowa Legislative Research Bureau and the Iowa College-Community Research Center will bring these to light.

Specifically, we recommend that the Boards of Supervisors be given sufficient power so that they can be held responsible for the efficient operation of county government. We recommend that all elective county offices (auditor, county attorney, clerk of the district court, coroner, county recorder, sheriff and treasurer) be abolished and the functions of these offices be performed by officials appointed

by and responsible to the Board of Supervisors. The Supervisors should be empowered to determine the salaries of these and other officials subject to their appointment. We also recommend that all boards and commissions (excepting the Board of Education) that have autonomous or semi-autonomous status be made subject to the over-all control of the Board of Supervisors.

We recommend that the legislature authorize optional forms of government from which counties may choose. The county-manager and county-executive forms of government should be included in these options.

The 1957 General Assembly authorized the appointment of one county superintendent of schools to serve two or more adjacent counties. The precedent established by this legislation is endorsed by the Governmental Organization Committee, and we recommend that the legislature investigate to determine whether other county functions could be performed on a multi-county basis.

The Committee is aware that Iowa may have more counties than are necessary in this age of easy communications, but, mindful of the fact that only three counties in the United States have been abolished in the last sixteen years, the Committee makes no recommendation in this regard.

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#### STATEMENT ON CONSTITUTIONAL CONVENTION

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Constitutional amendments will be necessary to accomplish many of the recommendations contained in the preceding statements. In the opinion of the Governmental Organization Committee, the best way to solve the problems posed in the preceding statements, and many others that face the State of Iowa, is through a constitutional convention. The Committee recommends that a state-wide bi-partisan constitutional revision committee be established and provided with adequate funds to enable it to properly study the problems of revising Iowa's Constitution. This committee should make a report to the people of Iowa prior to the election of 1960. The Committee urges all Iowans to vote in favor of a constitutional convention in 1960 when the question, "Shall there be a convention to revise the Constitution, and amend the same?" will appear on the ballot.

As a minimum, we recommend that the 1959 General Assembly take steps to liberalize the present constitutional amending process to permit the people of the state to initiate constitutional proposals and to reduce the time required for constitutional amendments to become effective.