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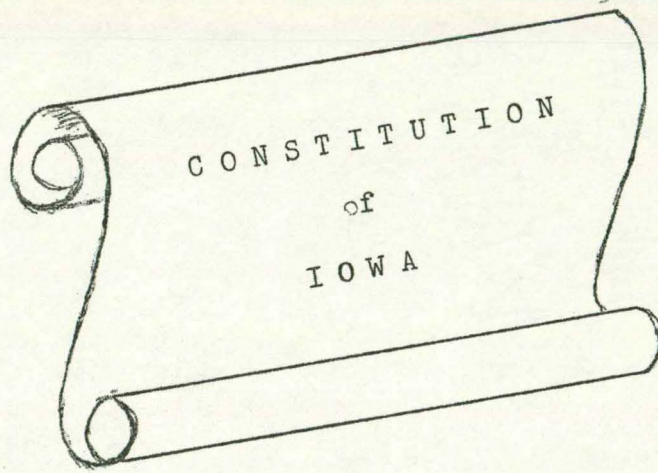
WOMEN

VOTERS

OF

IOWA

Study
of
the



THE EXECUTIVE BRANCH
OF
IOWA GOVERNMENT

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State House
DES MOINES, IOWA

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Preface

This study material on Iowa's executive department is divided into two parts: first, what we have; second, what the advocates of change say we should have, and what the critics consider misguided or impractical in the reformers' proposals.

The material is not intended to imply recommendations. We do not presume to say that what is adopted in other areas is necessarily applicable to Iowa. But we believe that the League of Women Voters of Iowa, through study of our present system of administration and proposed changes, will be able to decide, item by item, where reforms are needed, and where the traditional forms should be retained.

Table of Contents

	<u>Page</u>
Part I. THE EXECUTIVE BRANCH OF IOWA GOVERNMENT	1
Elected Officials	1
Constitutional Powers of the Governor	2
Practical Powers of the Governor	3
Some Additional Responsibilities of the Governor	6
Personnel Administration	7
Duties of Other Elected Officials	8
Part II. REORGANIZATION OF STATE ADMINISTRATION	10
History of State Reform Movements	10
Principles of Reform Moves, as Explained by Proponents	11
Proposed Methods of Achieving Reorganization	12
The Governor's Term and Individual Powers	15
Reorganization Initiated by the Governor	15
Function of the Constitution	16
Approaches to Reform in Iowa	16
Criticisms of Reorganization	17
Views of Two Iowa Political Scientists	18
Committee of One Hundred	19
Part III. SUGGESTED QUESTIONS	20

I. THE EXECUTIVE BRANCH OF IOWA GOVERNMENT

ELECTED OFFICIALS

1. The Governor. The Constitution, Article IV, provides: "The Supreme Executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of Iowa" (Section 1). Requirements for the governorship are that a candidate must be a citizen of the United States, a resident of Iowa for two years preceding the election, and at least thirty years of age (Sec. 6). He shall be elected by the qualified electors at the time and place of voting for members of the General Assembly (Sec. 2). The term of office is two years, starting the second Monday of January following the election (Sec. 15). [Note: Iowa's first constitution of 1846 had given the governor a four-year term.]

The line of succession, in case of "death, impeachment, resignation, removal from office, or other disability of the Governor", is first to the Lieutenant Governor, next to the President pro tempore of the Senate, and finally to the Speaker of the House of Representatives (Art. IV, Sec. 19). The House of Representatives shall have the sole power of impeachment, and all impeachments shall be tried by the Senate, which can convict only by concurrence of two-thirds of the members present (Art. III, Sec. 20).

The Governor's salary is established by law. The 1959 General Assembly voted an increase, effective after the present term, to \$20,000. The state provides the Governor with a residence and an automobile. On his staff the Governor now has one executive assistant, one administrative assistant, and one pardon and parole clerk.

2. The Lieutenant Governor. The Constitution (Article IV) provides that he shall be elected and shall have a term of two years (Sec. 3) and must meet the same qualifications of age and residence as the Governor (Sec. 6).
3. The Secretary of State. The Constitution specifies that he shall be elected, shall serve a two-year term, shall perform such duties as may be required by law (Art. IV, Sec. 22).
4. The Auditor of State. Same as Secretary of State (Art. IV, Sec. 22).
5. The Treasurer of State. Same as Secretary of State and Auditor (Art. IV, Sec. 22).
6. The Attorney General. The Constitution provides that "The General Assembly shall provide, by law, for the election of an Attorney General by the people, whose term of office shall be two years" (Art. V, Sec. 12).
7. The Secretary of Agriculture. The General Assembly in 1923 provided for a Secretary of Agriculture to be popularly elected for terms of two years, to replace the former multi-member State Board of Agriculture.

Members of the Commerce Commission have been popularly elected, but the 1959 General Assembly provided that the present incumbents shall serve until 1963, after which, members shall be appointed by the Governor with approval of the Senate for staggered terms of six years.

CONSTITUTIONAL POWERS OF THE GOVERNOR

The powers and duties of the Governor, in addition to "The Supreme Executive Power", are listed in the constitution as follows:

General and Executive

1. He shall be commander-in-chief of the militia, the army, and the navy (Art. IV, Sec. 7).
2. He shall transact all executive business with the officers of the government, civil and military, and may require information in writing from the officers of the executive department upon any subject relating to the duties of their respective offices (Art. IV, Sec. 8).
3. He shall take care that the laws are faithfully executed (Art. IV, Sec. 9).
4. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and laws for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the General Assembly, or at the next election by the people (Art. IV, Sec. 10).
5. The Governor shall keep and use officially the Great Seal of the State (Art. IV, Sec. 20).
6. He shall sign all grants and commissions, which shall be sealed with the Great Seal of the State and shall be countersigned by the Secretary of State (Art. IV, Sec. 21).
7. He shall commission all commissioned officers of the state militia, except the staff officers (Art. VI, Sec. 3).

Legislative Powers

8. He may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to both houses, when assembled, the purpose for which they have been convened (Art. IV, Sec. 11).
9. He shall communicate, by message, to the General Assembly at every regular session the condition of the State, and recommend such matters as he shall deem expedient (Art. IV, Sec. 12).
10. In case of disagreement between the two houses with respect to the time of adjournment, the Governor shall have power to adjourn the General Assembly to such time as he may think proper; but no such adjournment shall be beyond the time fixed for the regular meeting of the next General Assembly (Art. IV, Sec. 13).

11. He shall either sign or return to the house of origin with his objections every bill passed by the General Assembly. During terms of the legislature he has three days to act; for bills passed in the last three days of a session, he has thirty days (Art. III, Sec. 16).

12. He shall issue writs of election to fill vacancies which occur in either house of the General Assembly (Art. III, Sec. 12).

Judicial Powers

13. He shall have power to grant reprieves, commutations, and pardons, after conviction, for all offenses except treason and cases of impeachment, subject to such regulations as may be provided by law (Art. IV, Sec. 16).

14. He shall have power to suspend the execution of the sentence in a case of conviction for treason until the case is reported to the General Assembly at its next meeting, which shall make final disposition or grant a further reprieve (Art. IV, Sec. 16).

15. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law (Art. IV, Sec. 16).

16. He shall report to the General Assembly each case of reprieve, commutation, or pardon granted and the reasons and shall report all persons in whose favor remission of fines and forfeitures have been made and the amounts remitted (Art. IV, Sec. 16).

PRACTICAL POWERS OF THE GOVERNOR

Although the Governor is by law the head of the state administration, his administrative powers are limited by the constitutional provision for election of the major state officials (lieutenant governor, secretary of state, attorney general, state auditor, state treasurer) and by statutes which place limitations on his powers of appointment of heads of boards, commissions and departments. It is possible for the elected state officials to be of different parties; and in fact at present the Governor and the Lieutenant Governor are of one party, and the remaining elected officials are of the other party.

The Governor has power to appoint members of boards and officials of 29 departments and agencies without restrictions. The state senate must approve, by a two-thirds vote, appointments made by the Governor to 18 other departments and agencies, to which list will be added, after 1963, the members of the commerce commission.

The table on the following page, reprinted (with a few additions) with permission, from Russell Ross's The Government and Administration of Iowa, lists two groups of appointees. Commenting on the Governor's appointive powers, Professor Ross says,

In general, the governor is free to appoint anyone he chooses, without restrictions, to the minor administrative boards. ... In contrast, the agencies that need senatorial approval are more powerful agencies than the agencies whose members are

appointed without Senate approval with each assigned an important field of administration and vested with important responsibilities. Therefore, to hold the governor entirely responsible for the activities of many of the most important officials, many of whom are popularly elected, is unfair.

Appointments for Which Approval of Senate Is NOT Required

State Comptroller	Board of Barber Examiners
Adjutant General	Board of Embalmers Examiners
Notaries Public	Board of Cosmetology Examiners
Board of Engineering Examiners	State Board of Accountancy
Board of Architectural Examiners	Pharmacy Examiners
Nine Curators of the State	Iowa Development Commission
Historical Library	Watchmakers Board
Five members of State Board of Health	Board of Examiners in Basic Science
Two members of Commission for the Blind	Commission on Uniform State Law
Board of Podiatry Examiners	Building Code Council
Board of Chiropractic Examiners	Merit System Council
Board of Nurse Examiners	Board of Osteopathic Examiners
Board of Dental Examiners	Two members of State Printing Board
Board of Medical Examiners	Board of Iowa State Traveling
Board of Optometry Examiners	Library

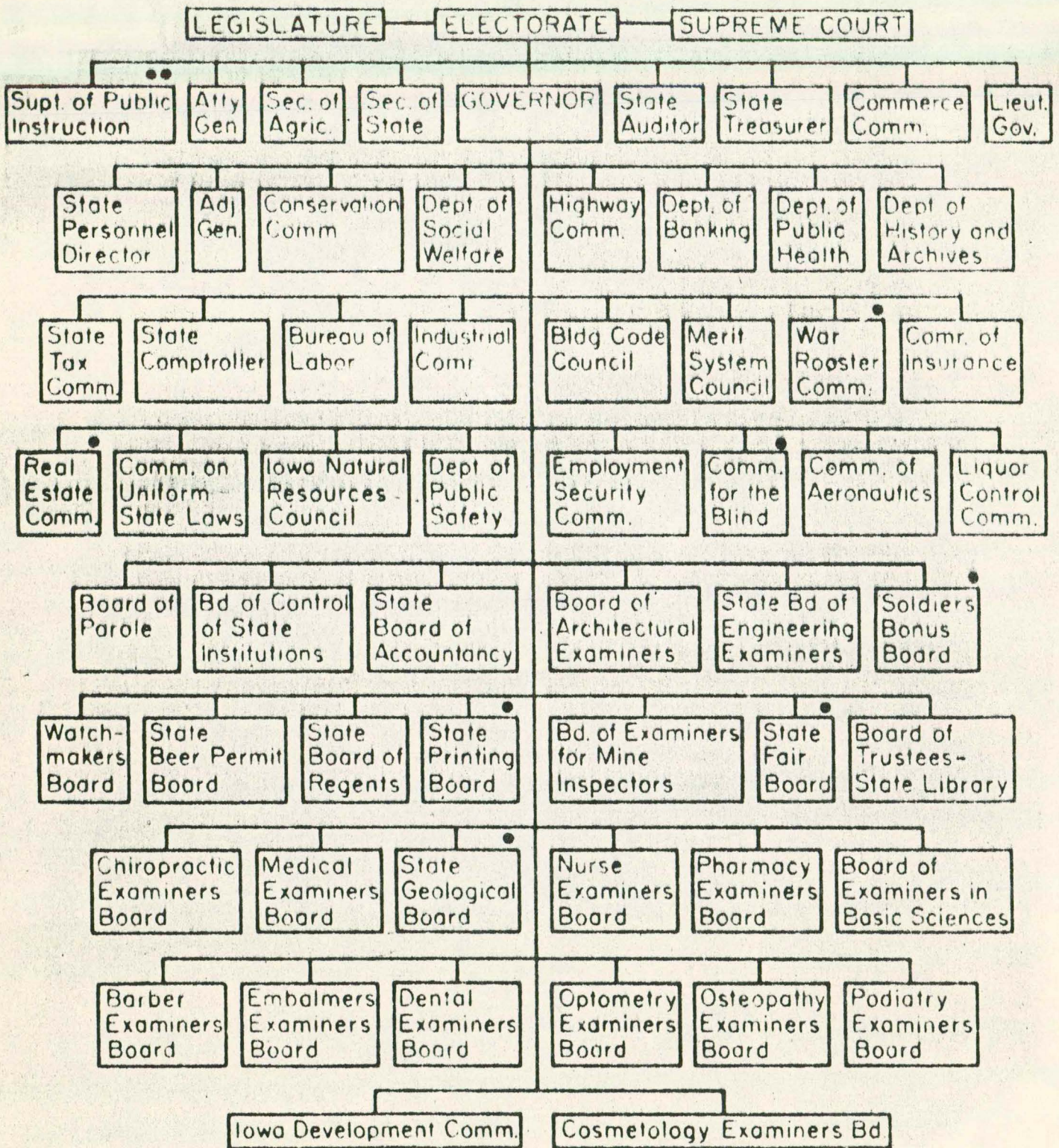
Approval by Two-thirds of Senate Required

Board of Parole	Labor Commissioner
State Tax Commission	Industrial Commissioner
State Highway Commission	Commissioner of Insurance
State Board of Regents	Superintendent of Banking
Commissioner of Public Health	Iowa Employment Security Commission
Conservation Commission	Commissioner of Public Safety
Natural Resources Council	Board of Social Welfare
One member of Board of Public	Iowa Liquor Commission
Instruction	Four members of Real Estate
Board of Control of State	Commission
Institutions	(After 1963, three members of
	State Commerce Commission)

In addition to the boards and commissions appointed by the Governor, with or without Senate approval, there are others that are wholly or partially ex officio, and a few that are either elected by members of the group involved or are appointed by other authorities.

The chart on the following page, again taken from Ross with permission, shows the administrative structure of the government of Iowa. It will be noted that the organization is marked by an extensive use of boards and commissions. Aside from the units headed by elected officials, only the Commissioner of Insurance, Industrial Commissioner, State Comptroller, Adjutant General, and Commissioner of Labor are full-time heads of departments. Some boards and commissions appoint directors, executive secretaries, etc.

ADMINISTRATIVE STRUCTURE OF IOWA



- Membership Ex officio either whole or in part
- Appointed by State Board of Public Instruction

Five commissions call for full-time services with full pay. They are the Iowa State Commerce Commission, the Iowa State Highway Commission, the State Tax Commission, the Board of Control of State Institutions, and the Iowa Liquor Control Commission. Approximately 30 other boards and commissions are composed of laymen, without expert knowledge, compensated on a per diem basis if at all, and devoting only a few days a year to their duties.

Statutes creating these boards and commissions often specify that appointments be either on a non-partisan basis or limited in the number of members of a board who can be of the same political party. The lengths of terms of office, varying from two to six years, for the most part exceed the two-year term for Governor.

As was noted above, most members of boards and commissions are appointed by the Governor, with or without Senate confirmation; but some boards are set up on an ex officio basis, in whole or in part, and a few are named or elected, in whole or in part, by other authorities. Examples of whole or part ex officio boards are the Geological Survey, Centennial Memorial Foundation, State Department of History and Archives, State Libraries Board, State Printing Board, and Iowa Real Estate Commission. The Executive Council, itself an ex officio body, names members of the Board of Examiners for Mine Inspection. The Supreme Court appoints the Board of Examiners for Court Shorthand Reporters. Half of the curators of the State Historical Society are elected by the Society, and half are appointed by the Governor. Eight members of the Board of Public Instruction are elected by the Congressional District Conventions, one from each of the congressional districts, and a ninth member is appointed by the Governor.

For more details about the boards and commissions see the Iowa Official Register (the "Redbook").

SOME ADDITIONAL RESPONSIBILITIES OF THE GOVERNOR

1. Budget system. The Governor is responsible for the preparation and presentation of the budget to the General Assembly, and for its execution after it is passed by the Assembly. This work is largely carried out by the COMPTROLLER, who is appointed by the Governor with approval of two-thirds of the Senate.

The Comptroller is the chief fiscal officer of the state and is vested with financial supervision over all governmental departments and agencies to insure that expenditures do not exceed funds appropriated for their purpose. His duties, as provided by law, include the preparation of the budget, on the basis of requests from the various state departments and agencies, and drafting legislation to make it effective. The Governor and the Comptroller hold budget hearings and prepare the final budget, which the Governor then presents to the General Assembly.

Accounting, pre-auditing, and financial reporting are the responsibilities of the Comptroller. Post-auditing is the responsibility of the State Auditor. For details on the Comptroller's duties, see Ross, Chapter 9, and the Iowa Official Register.

2. Serving ex officio on a number of boards, of which the most time-consuming is the Executive Council. Iowa's Executive Council is said to be a unique type of administrative agency. It was created by the General

Assembly in 1873, and formerly was called the State Census Board. The council is an ex officio body made up of the Governor, Secretary of State, State Auditor, State Treasurer, and Secretary of Agriculture, all constitutionally created officials except the Secretary of Agriculture. The council meets at least once a week. It appoints a secretary, who also serves as car dispatcher, secretary of the Conservation Commission and of the Board of Engineering Examiners, and who has direct supervision of the state post office employees and the telephone office employees.

Duties placed on the Executive Council by law are enumerated in the Iowa Official Register. Professor Ross, in The Government and Administration of Iowa, describes its duties as follows:

The Executive Council is charged by law with the purchase of all stores, supplies, furniture for state departments and offices; the execution of contracts for fuel, lights, and repairs; the approval of articles of incorporation and by-laws of building and loan associations, and approval of plans for liquidation of said associations; the custody of supplies for state officers and commissions; the canvassing of votes cast for state and district officers; the declaration of changes in classification of cities; the assignment of office rooms to state officers; the appointment of the Board of Examiners of Mine Inspectors; the approval of plans for buildings at the state educational institutions, under certain conditions, and the determination of the value at which property may be taken by Iowa corporations and amount of stock that may be issued on account thereof.

Ross continues:

In the last twenty years, the trend has been to relieve the Executive Council of some of the duties and responsibilities it once possessed. Many of the supervisory powers of the council have been diminished, and the tax assessment and review powers have been turned over to the State Tax Commission.

New functions of the state, while still in embryonic form, have been vested in the Executive Council. Later, however, when the functions are more fully developed, they have frequently been turned over to the appropriate administrative agencies. The Brookings Institution report in 1933 recommended that the Executive Council be abolished and that all its powers be transferred to other administrative agencies. The survey stated that this action would result in greater efficiency in state administration. A relatively large share of the council's time is spent in purchasing supplies for the state -- a task for which a centralized state purchasing agency would certainly be much better equipped.

PERSONNEL ADMINISTRATION

Perhaps this is as good a place as any to discuss Iowa's personnel administration. The Governor appoints the Merit System Council from names nominated by the agencies that participate in the Iowa merit system, and the council in turn appoints a director. But this body has only a limited authority.

Iowa's personnel administration falls in three categories:

1. The Merit System Council regulates employment of federally subsidized state employees, some 1800, who are in state agencies that administer programs under the Social Security Administration, the United States Public Health Service, and the United States Children's Bureau. These participating agencies are the State Department of Health, State and County Departments of Social Welfare, Iowa Employment Security Commission, State Services for Crippled Children, and the Iowa Mental Health Authority.

The council, composed of three members, is the central personnel department responsible for recruiting, examining, appointing, promoting, hearing appeals, and discharging employees of these agencies. It is required to make a written report to the Governor and to the state agencies at least annually on the operation of the merit system.

2. A personnel division in the office of the state comptroller was established by the 54th General Assembly. It is headed by a state personnel director, appointed by the comptroller with approval of the Governor. In 1953 the director submitted to the Executive Council a classification and compensation plan for various jobs, but no extensive use has been made of the plan. He has theoretical control over some 7,000 employees.
3. Four state agencies whose employees are largely professional administer their own personnel problems. They are the State Board of Regents, the Attorney General's office, the Supreme Court, and the State Banking Board. Their employees are exempted by statute from the authority of the Merit System Council and the personnel director.

DUTIES OF OTHER ELECTED OFFICIALS

Duties of the other elected officials are outlined in the Iowa Official Register. Some of their major duties are as follows:

1. Lieutenant Governor. He shall take over the powers and duties of the Governor, in the case of death, impeachment, resignation, removal from office or other disability of the Governor, for the residue of the term or until the Governor may return to office. While acting as governor, he shall receive the same pay as provided for the governor. He shall preside over the Senate but shall vote only when the Senate is equally divided, and then on procedural matters but not on substantive matters. His pay is \$60 per day while the General Assembly is in session.
2. Secretary of State. His duties are chiefly in three areas: (1) the land office, which maintains records of annexation or severance of land by the state, cities, or towns; (2) the Division of Corporations and Trademarks, which grants corporation charters, protects trademarks, etc.; and (3) the general or custodial office. He is the clerical officer of the state and has custody of legislative acts and resolutions, of other state records, and of those relating to cities and towns. His salary is \$10,000.

The Secretary of State is ex officio chairman of the Iowa Real Estate Commission and ex officio member of the State Executive Council, the State Board of Health, State Printing Board, State Permit Board, and Employment Agency Commission.

3. State Auditor. He makes full settlement each year between the state and all state officers and departments and all persons receiving or expending state funds; he makes a complete audit of the books, records, and accounts of every department of state. He also has charge of the municipal finance department, county accounting department, fiscal affairs of all political subdivisions, including schools and school districts and building and loan associations. He appoints county, municipal and school examiners and the examiners of building and loan associations, and examines their reports and confers and advises with them. Salary, \$10,000.

The Auditor is ex officio member of the Executive Council, Printing Board, Geological Board, Bonus Board, and Board of Health.

4. State Treasurer. He has custody of all state funds. The public revenues of the state are received and disbursed by the treasury department. A record is maintained to show the sources of all income, the funds to which such incomes apply, dates received, and amounts received. Disbursements are made upon warrants issued as certified by the state Comptroller. All accounts are audited daily by the state Auditor. Salary, \$10,000.

The Treasurer is ex officio treasurer and custodian of the Unemployment Compensation Fund, ex officio member of the State Board of Health, and the Executive Council.

5. Attorney General. He represents the state in all cases before the Supreme Court in which the state is a party; and when called upon by any state official, he must defend the state officer against court charges involving the legality of his official actions. He aids in drafting of state contracts and renders opinions on legal questions to state and other governmental officials. He has supervisory power over county attorneys. Salary, \$11,000.

He is an ex officio member of the State Printing Board.

II. REORGANIZATION OF STATE ADMINISTRATION

HISTORY OF STATE REFORM MOVEMENTS

For about a half century administrative reforms in American state government have been advocated, and since 1917 the state reorganization movement has brought about reform in some states and firm steps toward it in others.

The major target of administrative reformers has been the sprawling administrative machinery of the typical state government. Reforms have been aimed basically at achieving integration of administrative activity under the governor.

The pattern of administration in American state government, as established in the original state constitutions, assured legislative domination of the government. The early state governors had little power, and were largely figureheads to preside at ceremonies and to make speeches.

During the 19th century the public began to lose faith in the legislature and tended to establish the independence of the governor, although his power was not strengthened. It was, in fact, diffused, as the Jacksonian "democratic" movement toward popular control of the government brought about adoption of the "long ballot" by which the voters elected a number of executive officers in addition to the governor. This election of executive officers has led to an independence of individual departments often inimical to cooperation among executive officers.

The 20th century has seen a rapid change in the industrial and social structure which has brought a growth of public services performed by state governments that has assumed phenomenal proportions, so that state administration has indeed become big business. These services include mental health, old-age assistance, education, highways, public safety, conservation, agriculture, and industrial development. Concurrently has come a tremendous growth in the cost of operating state government with accompanying spectacular increases of state revenues. Numerous boards, commissions, and agencies set up to administer the new services, some of which are joint enterprises of state and federal governments, have added to the complexity of the executive department.

Administrative reorganization has been a concern of the federal government, also. In 1911 President Taft established a Commission on Economy and Efficiency in the federal government. Later, in 1937, the report of President Roosevelt's Committee on Administrative Management gave a renewed impetus to the reform movement; and following the report in 1949 of the Commission on the Organization of the Executive Branch of the Federal Government, familiarly known as the Hoover Commission, state after state set up its little Hoover commission. Early in the 1930's Iowa had commissioned the Brookings Institution to make a study of the state administration, and its two-volume report was published in 1933. Iowa's first "little Hoover" study was made by a Governmental Reorganization Committee established in the spring of 1949 by the General Assembly, and a second such study was made in 1957. (These three studies are discussed later in this paper.)

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PRINCIPLES OF REFORM MOVES, AS EXPLAINED BY PROPONENTS

Thus, the reorganization of state governments, better to meet the new developments and to achieve efficient and effective administration, has been made the serious concern of students of government and practical administrators and agencies. The following passages from important publications of such agencies and individuals summarize the basic proposals of the reformers.

1. On the use of boards and commissions to perform many state functions -- from Reorganizing State Government, published in 1950 by the Council of State Governments:

In the late 19th and early 20th century it became the custom to have many state functions performed by commissions or boards. This was part of the general reform movement of that period, a reaction to the low standards of performance prevalent among some public officials in many jurisdictions. It was felt that bi-partisan or non-partisan boards would check the influence of "politics" upon the conduct of public business. After all, proponents said, the problems of public administration were simple ones which could easily be handled by several citizens serving as watchdogs on behalf of the public. This was a time of fairly rapid expansion of governmental activities, and as new agencies were established it was natural that boards or commissions be set up to head them....

The commission idea was good for its time and is probably still valid in some cases. But by World War I some defects began to be seen. The problems of government in some areas were becoming too complex to be handled by boards of lay officials. As the prestige of reform movements ebbed, citizens of prominence and ability often drifted away from public office and were replaced by strictly party appointees. Even when manned by able and well-intentioned men, boards were not altogether satisfactory. They tended to be slow to act and difficult, if not impossible, for the governor and legislature to supervise. Consequently it became one of the principal tenets of the state reorganization movement to replace boards and commissions with single officials.

2. On the position of the governor in a complicated administrative set-up -- from W. Brooke Graves' American State Government:

The governor has always been, in theory, the head of the state administrative establishment.... Prior to the administrative reorganization movements which began in 1917, this theory was largely a fiction. In the first place, the governor had little or no control over the original, constitutional departments whose heads were chosen by popular vote. These officers owed nothing to the governor, for their power was derived from the people directly, as was his. As a rule they showed little disposition to cooperate with him, sometimes for personal reasons and sometimes for fear that they might enhance his political prestige and injure their own. The position of the governor was little better in his relations with the newer services which had multiplied rapidly and had

an almost infinite number of separate boards, commissions, and other independent agencies. The governor was thus in the unfortunate and unfair position of being held responsible for the administration of a governmental machine over which he had very limited control.

3. On the generally accepted "principles" of reorganization -- from Reorganization of State Governments in the United States (1958) by Arthur E. Buck:

- a. Concentration of authority and responsibility
- b. Departmentalization, or functional integration
- c. Undesirability of boards for purely administrative work
- d. Coordination of the staff services of administration
- e. Recognition of a governor's cabinet

4. On the reasoning behind the principles of reorganization -- from Reorganizing State Government:

In our democratic society an executive branch should be organized with two main objectives: First, it should perform with maximum effectiveness and efficiency the tasks laid upon it. Second, it should be politically responsible, in practice as well as in theory. Neither of these objectives can be attained if the executive branch consists of a sprawling mass of uncoordinated agencies. The executive should be reorganized so that it can function as a unity. The way to get unity is to establish a clear administrative hierarchy headed by a popularly elected chief executive -- in this case a governor -- upon whom the attention of the people can focus and from whom all administrative authority will flow. By making the governor responsible for administration and giving him authority commensurate with his responsibility the twin goals of administrative effectiveness and political responsibility can be achieved.

PROPOSED METHODS OF ACHIEVING REORGANIZATION

A 1955 conference sponsored by the Council of State Governments outlined the following steps for administrative integration under the governor:

1. Strengthening the office of the governor
2. Reducing the independent agencies and administrative boards and commissions and grouping them into major departments
3. Extending the gubernatorial power of appointment and removal of department heads
4. Strengthening executive controls over budgeting, accounting, purchasing, state property, etc.

More specifically, the Council of State Governments in Reorganizing State Government has provided the following outline for administrative reorganization, which has supplied the framework for most groups studying the problems of state government reorganization. The interspersed "notes" below are based chiefly on 1959 information from the National Municipal League.

- 1. Consolidate all administrative agencies into a small number of departments (usually 10 to 20) organized by function.

(NOTE: A maximum of 20 agencies is recommended in the Model State Constitution. Massachusetts, New York, New Jersey, Alaska, and Hawaii limit departmental agencies to 20, and Missouri places a constitutional limit of 14.)

- 2. Establish clear lines of authority running from the governor at the top of the hierarchy through the entire organization. The governor's authority over the organization can be implemented in several ways:

- a. Shorten the ballot by eliminating most elective administrative officials.

(NOTE: The Model Constitution recommends that only the governor shall be elected by popular vote. The New Jersey constitution is the only one among the states that provides for the election of the governor only. Alaska and Hawaii provide for the governor and one other -- in Alaska, the secretary of state; in Hawaii, the lieutenant governor. Oregon elects the governor, treasurer, and secretary of state who also functions as auditor. Twenty states elect six to eight, 10 elect nine to 14, and some elect more. Iowa elects seven: governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, and secretary of agriculture.)

- b. Give the governor powers of appointment and removal over all department heads.

- c. Round out the governor's usually vague "supreme executive power" with other specific authorities that go to make up the complete chief executive, such as the authority to require reports and to investigate any administrative activity.

- 3. Establish appropriate staff agencies responsible to the governor. These will raise administrative standards throughout the organization and properly equip the governor to direct the administration in accordance with his policies and those laid down by the legislature. A well-equipped chief executive will have the following assistance:

- a. An adequate personal office staff
- b. A functioning cabinet, composed of department heads clearly responsible to the governor

- c. A central budget office, with authority to prepare an executive budget
- d. A central accounting office, with authority to prescribe an accounting system, allot appropriated funds, pre-audit expenditures, and make final settlement of accounts
- e. A central personnel office, which will link a technically sound merit system to the governor's office for purposes of over-all coordination

(NOTE: The Model State Constitution, Art. IX, Sec. 900, under civil service of the state, provides that "all offices and positions shall be classified according to duties and responsibilities, salary ranges shall be established for the various classes, and all appointments and promotions shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive." Thirteen states which provide for the civil service in their constitutions are: Alabama, Alaska, California, Colorado, Georgia, Hawaii, Kansas, Louisiana, Michigan, Missouri, New Jersey, New York, and Ohio.)

- f. A central purchasing office
 - g. A planning agency to carry on research, evaluate programs in terms of general coordination, and advise the governor with respect to trends and future needs
4. So far as possible, eliminate the use of boards and commissions for administrative work. Plural-headed agencies tend toward lethargy, indecision, and an undesirable diffusion of responsibility. Where a variety of experience and opinion needs to be brought to bear on problems at the administrative level, it can be supplied in most cases by an advisory board which will counsel but not detract from the authority and responsibility of a single administrator. In cases where an agency has significant quasi-legislative or quasi-judicial functions, a board can be justified, but the operating affairs of the agency should be administered through a single executive. On the operating level the affairs of plural-headed agencies should be integrated as far as possible with the rest of the executive branch.
5. An independent auditor, with authority of post-audit only, should be established. This auditor, with no responsibility to the governor, should verify the financial regularity of the administration and report to the legislature.

(NOTE: One of the concepts of administrative reorganization is that the function of post-audit properly belongs to the legislature and not to the executive branch of the state government. This calls for a separation of the functions of accounting and fiscal control, on the one hand, which are considered executive in nature, from those of post-auditing, on the other, which should be carried out by an official appointed by the legislature or popularly elected.

Thirty-three states now have such a separation of the post-audit, although only four (Alaska, Hawaii, New Jersey, and Virginia) have a constitutional provision for legislative appointment of the auditor.)

THE GOVERNOR'S TERM AND INDIVIDUAL POWERS

Advocates of a strong, centralized executive department generally are agreed on the following points:

1. That the governor's term of office should be four years. There also is frequent recommendation that he should be allowed to succeed himself for a second four-year term. By the original constitutions, most governors served one year, and none was permitted a term of more than two years. At present 19 states use a two-year term, and 31 have adopted a four-year term. Increasingly it is being suggested that a four-year term is necessary to carry a responsible public program to fruition.
2. That the governor shall have enlarged authority to appoint and remove administrative officers. A 1958-59 study (Book of the States) shows that in almost half of the states the governor plays a part in the appointment of 50 per cent or less of the major state officials. The removal powers of the governor are generally weak, with only Alaska, Missouri, and New Jersey providing broad removal powers. It has been suggested that, where the chief executive does not have discretionary powers of appointment and removal, the terms of state officers ought at least to coincide with that of the governor rather than being for fixed terms which lap over from one administration to the next.
3. The Model State Constitution recommends that the governor be given an item veto power in appropriation bills passed by the legislature. A majority of the states already empower the governor to veto specific items in appropriation bills. (One authority fixes the number at 39, another at 44. Iowa is not one of these states.) It is pointed out that this item veto authority often has allowed elimination of excessively wasteful appropriations without jeopardizing essential appropriations. In material prepared on reorganization of state government by the Council of State Governments in 1958 for the Western Governors' Conference, the question is raised, "Should this power of item veto include not only the elimination of particular items but also the reduction of certain amounts?"

REORGANIZATION INITIATED BY THE GOVERNOR

One more point among proposals for achieving administrative reorganization which might be mentioned here is a proposal in the Model State Constitution that the governor be granted power to initiate plans for administrative reorganization, subject to legislative disapproval. Alaska is the only state which has given constitutional status to this plan; but

legislative authorization, either on a temporary or permanent basis, has been granted in four states: Michigan, New Hampshire, Pennsylvania, and South Carolina. Governor Loveless in an address to the 1959 General Assembly proposed that this power be granted in Iowa, but no action was taken during the legislative session.

FUNCTION OF THE CONSTITUTION

The question rises as to what function the constitution should serve in the movement toward administrative integration. A spokesman for the National Municipal League says:

On this point, our assumption is that constitutions should confine themselves to fundamental matters, that they should not deal with unnecessary details, and that they should avoid rigidity and the foreclosure of different approaches in the future. This assumption, as applied to the question of integration, calls for a policy of dealing sparingly with the subject in a state constitution. It would not justify the introduction into the constitution of a complete set of specifications for full administrative integration along the lines recommended by most reorganization commissions. Instead, it poses the constitutional issue as one of eliminating specific constitutional impediments to integration, or facilitating integration at selected crucial points, and of otherwise preserving constitutional neutrality on questions of how state administration is to be organized and conducted.

APPROACHES TO REFORM IN IOWA

An important study of Iowa administration is contained in the Brookings Institution's 1933 Report on a Survey of Administration in Iowa. It is in most libraries, and it is recommended for reading. A brief and by no means exhaustive list of recommendations includes: a four-year term for the governor; increased powers of appointment and removal by the governor; elimination of the Executive Council and transfer of its powers to the governor; establishment of an office of state purchasing agent; appointment by the governor of the attorney general; reconstruction of the office of secretary of state to a pure bureau of records, attached to the governor's office, and eventual appointment of the secretary of state by the governor; eventual appointment of the secretary of agriculture.

The survey did not recommend a sweeping reorganization, which would "eliminate all boards, substitute commissioners for them, and make the commissioners appointive without terms and removal at pleasure by the governor." (Read Vol. I, pages 81-83, on this subject.)

No sweeping changes resulted from this report and its recommendations. Over the years many committees have been appointed by the General Assembly to investigate and report on various aspects of reorganization, but little concrete action has resulted.

A major move in this direction was taken in 1949 when the 53rd General Assembly provided for an Iowa Governmental Reorganization Commission. This group of nine, all members of the state legislature, submitted a 112-page report to the legislature in 1951. In a capsule resume of this report in The Government and Administration of Iowa, Professor Ross wrote:

Three major weaknesses of administrative organization were cited: first, a large degree of diffusion of authority and responsibility; second, an overuse of independent boards and commissions with their overlapping memberships; third, too great a difference in the composition of the state agencies within the executive branch, leading to a complex and inconsistent framework. Four major gains would result from reorganizing the Iowa administrative structure: centralization of responsibility and authority; increased efficiency; greater economy in government; and simplification of structure.

Professor Ross goes on to state that this "little Hoover" report did not receive favorable attention by the 1951 state legislature, and that of the bills that would have activated the reorganization, only two of minor import were passed.

A few specifics among the commission's recommendations were for: transferring some of the duties of the Executive Council to a new department of building and supplies; establishing a department of finance under a single head, appointed by the governor with consent of the senate and responsible to the governor; establishment of a department of industry and labor under a single administrator appointed by the governor, to replace the divisions of industrial commissioner, commissioner of labor, department of mine inspectors; placing the department of liquor control under a single administrator; etc.

Again in 1957 a reorganization commission was appointed, but its report also resulted in little change.

CRITICISMS OF REORGANIZATION

Literature abounds which advocates state administrative reform, but little material opposing it is available. The comparatively slow pace at which states are reorganizing their administrative departments and adopting the recommendations of the reformers, however, would of itself indicate that there is opposition. The strength of the opposition no doubt varies, state by state and region by region. A spokesman for the National Municipal League says there is general acceptance of the principles of administrative integration and "a minor undertone of dissent." What proportion of the public listens to that "undertone" is hard to judge.

One authority divides the reorganization critics into three groups:

1. Those who are mainly concerned over what they claim to be an over-concentration of authority in the governor.
2. Those who are primarily disbelievers in "standards" or "principles" of reorganization. They question the assumption that a unity of power and responsibility through single-headed departments and a strong chief executive will insure either continuity of policy or reliable popular control.

3. Those who say there is a lack of actual proof of accomplishments following reorganization, and who claim that proponents have never been able to give reliable evidence to show that their promises have been fulfilled.

A frequently expressed opposition to giving the governor powers of appointment and dismissal, in addition to the fear of over-centralization, is that the right of the people to elect their officials is being taken away, with a resulting loss of popular control.

It is argued that modern government is so large and complex that the concept of a chief executive with complete control of every phase of administration is impractical. "Even a highly institutionalized chief executive is limited in scope; ultimately administrative responsibility always must rest upon individual officials making decisions at all levels of the hierarchy."

VIEWS OF TWO IOWA POLITICAL SCIENTISTS

In the 1949 fall issue of the Iowa Law Review, Professor Kirk H. Porte then head of the political science department at the State University of Iowa and now professor emeritus, expressed doubts about the workability of an integrated executive branch of government. He was discussing the General Assembly's act in 1949 setting up a Governmental Reorganization Committee, which called on the committee to reduce the number of offices, agencies, boards, commissions, and departments by consolidating those having similar functions and abolishing those not necessary, and to eliminate overlapping and duplication of effort of these various agencies.

Professor Porter outlined four possible solutions and, in effect, ruled each one out as impossible of achievement or defective in principle. They are:

1. Merging of services. This merger would have to be done on the basis of some common denominator, he says. The danger is of merging for economy reasons to the detriment of interests of people affected. An example of possible mismatching of divisions was to combine orphanages, penitentiaries, and hospitals.
2. Forming a governor-cabinet organization. He denies the arguments that an administrative organization ought to have only 10 or 12 departments and that a governor cannot be effective with more than six to 10 immediate subordinates. He argues that the cabinet plan has a weakness because department heads, who are rivals for appropriations, do not constitute a suitable body for deliberations on matters of broad state policy.
3. Consolidating agencies. Mr. Porter says if agencies will not cooperate, neither will they make out if placed in one department under a strong head.
4. Giving more power to the governor. Professor Porter asserts that it is nonsense to say that the chief executive should be responsible for "administration" and that his "power should be commensurate with his responsibility." He cites two fallacies: (a) that no executive could have power commensurate with his responsibility, and if he did, he would be a dictator; and (b) it is impossible to draw a line between policy determination and administration.

- 1 -

Professor Russell Ross of the SUI political science department advocates the following reforms in the administrative organization of the state:

1. Appointment by the governor of the lieutenant governor, attorney general, secretary of state, state treasurer, and secretary of agriculture, as a beginning of concentration of authority.
2. Appointment of the state auditor by the legislature, or some responsible part of that body, such as the interim committee. Pre-audit should be made by the comptroller and should be under the control of the governor; but the post-audit, as a check on the legal expenditure of funds, should be made to the legislature.
3. Extend the term of the governor to four years, so that he has time to develop and put through his program.
4. Grant the governor the power of vetoing individual items in appropriation bills. Professor Ross said the state building program for educational institutions might have gone ahead as legislated in 1957 if the governor had had the power of item veto.
5. Give the governor increased power of appointment and removal, and remove some of the requirements for geographical (district) distribution of appointees, in order to focus on getting the most able appointee.
6. Have single heads of boards and commissions that do administrative work, appointed by and responsible to the governor. In addition, use advisory boards where they are needed.
7. Establish a merit system for all non-professional employees.
8. Increase the governor's personal staff.
9. Eliminate the state Executive Council; establish a state purchasing officer to take over some of the duties of the council and reassign other duties to appropriate persons and departments.

COMMITTEE OF ONE HUNDRED

The sub-committee on Governmental Organization of the Governor's Commission on Economic and Social Trends in Iowa (Committee of One Hundred) in its final report in October, 1958, discussed reorganization of the executive branch and recommended changes. This report appears in Kit No. I, A Study of the Constitution of Iowa, League of Women Voters of Iowa, August 1959. A re-reading of the report is recommended.