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# STATE GOVERNMENT IN IOWA

BY  
BRIAN  
CARTER

FEB 24 1995

# STATE GOVERNMENT IN IOWA

By  
Brian Carter

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# Contents

|   |           |
|---|-----------|
| Foreword.....   | vi        |
| Preface.....  | vii       |
| <b>1. Government in the Hawkeye State.....</b>  | <b>1</b>  |
| Government and Economics.....   | 1         |
| Iowa and the Federal Government.....  | 4         |
| Relationships to Local Government.....  | 7         |
| The Constitution of Iowa.....   | 8         |
| Articles I and II—Bill of Rights and Voting Rights.....                                     | 8         |
| Articles III, IV, V—Structure of Iowa Government.....                                       | 9         |
| Articles VI through IX and Article XI—Miscellaneous.....                                    | 9         |
| Article XII—Schedule.....   | 9         |
| Article X—Amending the Constitution.....  | 9         |
| Constitutional Amendment, Constitutional Convention Proposition, and Special Elections..... | 10        |
| <b>2. The Iowa Legislature.....</b>   | <b>11</b> |
| The Legislators.....  | 11        |
| Organization of the Legislature.....  | 12        |
| Presiding Officers.....   | 12        |
| The Floor Leaders.....  | 13        |
| Standing Committee Chairpersons.....  | 14        |
| Influences on Legislators.....  | 15        |
| The Constituency.....   | 15        |
| The Party.....  | 15        |
| Fellow Legislators.....   | 15        |
| The Press.....  | 15        |
| Lobbyists.....  | 15        |
| How a Bill Becomes Law.....   | 16        |
| Kinds of Legislation.....   | 16        |
| Bill Drafting.....  | 17        |
| Introducing Bills.....  | 17        |
| Committee Consideration.....  | 18        |
| The Legislative Calendar.....   | 18        |
| Final Measures.....   | 20        |
| The Informal Process.....   | 21        |
| The Party Caucus.....   | 21        |
| The Backrooms.....  | 22        |
| The Unwritten Rules.....  | 22        |
| Other Functions of the Legislature.....   | 23        |
| Creating a State Budget.....  | 23        |
| Approving Appointments.....   | 24        |
| Election Canvassing Body.....   | 24        |
| Oversight of Executive Agencies.....  | 24        |
| Oversight of Administrative Rules.....  | 24        |

|   |           |
|---|-----------|
| Constituent Services .....                          | 25        |
| Impeachment .....                                   | 25        |
| Reapportionment .....                               | 25        |
| An Evaluation of the Legislature .....              | 25        |
| Improving the Legislature .....                     | 26        |
| <b>3. The Governor .....</b>                        | <b>29</b> |
| Requirements of Office .....                        | 29        |
| Powers and Duties .....                             | 29        |
| Commander in Chief .....                            | 29        |
| Formal Legislative Powers .....                     | 29        |
| Quasi-judicial Powers .....                         | 31        |
| Formal Executive Powers .....                       | 31        |
| Informal Powers .....                               | 32        |
| Head of Political Party .....                       | 32        |
| Informal Legislative Powers .....                   | 32        |
| Informal Executive Powers .....                     | 34        |
| Additional Powers and Duties .....                  | 34        |
| State Spokesperson .....                            | 35        |
| Ceremonial Head of State .....                      | 35        |
| Responsibility for Budget Preparation .....         | 35        |
| Representative in Collective Bargaining .....       | 35        |
| Head of the State Executive Council .....           | 35        |
| Aides to the Governor .....                         | 35        |
| The Lieutenant Governor .....                       | 35        |
| Iowa Administrative Rules Coordinator .....         | 36        |
| The Department of Management .....                  | 37        |
| Past and Future Reform .....                        | 37        |
| <b>4. The Executive Branch Agencies .....</b>       | <b>39</b> |
| Elected Executive Officials .....                   | 41        |
| Secretary of Agriculture and Land Stewardship ..... | 41        |
| Attorney General .....                              | 41        |
| Auditor of State .....                              | 42        |
| Secretary of State .....                            | 42        |
| State Treasurer .....                               | 42        |
| Executive Departments .....                         | 43        |
| Department of the Blind .....                       | 43        |
| Department of Commerce .....                        | 43        |
| Department of Corrections .....                     | 44        |
| Department of Cultural Affairs .....                | 45        |
| Department of Economic Development .....            | 46        |
| Department of Education .....                       | 47        |
| Department of Elder Affairs .....                   | 48        |
| Department of Employment Services .....             | 48        |
| Department of General Services .....                | 48        |
| Department of Human Rights .....                    | 49        |
| Department of Human Services .....                  | 49        |
| Department of Inspections and Appeals .....         | 51        |
| Department of Natural Resources .....               | 51        |
| Department of Personnel .....                       | 51        |
| Department of Public Defense .....                  | 51        |
| Department of Public Health .....                   | 51        |
| Department of Public Safety .....                   | 52        |
| Department of Revenue and Finance .....             | 53        |

|   |           |
|---|-----------|
| Department of Transportation.....                   | 54        |
| Other State Agencies.....                           | 55        |
| Campaign Finance Disclosure Commission.....         | 55        |
| Civil Rights Commission.....                        | 55        |
| College Aid Commission.....                         | 56        |
| State Fair Board.....                               | 56        |
| Law Enforcement Academy.....                        | 56        |
| Public Employment Relations Board.....              | 56        |
| Board of Regents.....                               | 56        |
| Citizens Aide/Ombudsman.....                        | 57        |
| <b>5. The Judiciary.....</b>                        | <b>59</b> |
| The Judiciary in Iowa.....                          | 59        |
| The Iowa Supreme Court.....                         | 59        |
| Iowa Court of Appeals.....                          | 61        |
| Iowa's District Courts.....                         | 61        |
| The Juvenile Court.....                             | 63        |
| Court Procedure in Criminal Cases.....              | 65        |
| Procedure in Civil Cases.....                       | 66        |
| The Magistrate Courts.....                          | 66        |
| Judicial Reform in Iowa.....                        | 67        |
| <b>6. Financing State and Local Government.....</b> | <b>69</b> |
| State Taxes.....                                    | 69        |
| Iowa Taxes Compared With Other States.....          | 70        |
| State Expenditures.....                             | 71        |
| Financing Local Government.....                     | 72        |
| County Government Finance.....                      | 75        |
| Municipal Finance.....                              | 75        |
| Townships.....                                      | 76        |
| Financing School Systems.....                       | 76        |
| Future Issues in Government Finance.....            | 78        |
| <b>7. Politics, Elections, and Voting.....</b>      | <b>80</b> |
| Iowa's Political Parties.....                       | 80        |
| Party Organization in Iowa.....                     | 81        |
| The Iowa Caucus-Convention System.....              | 81        |
| The Primary System in Iowa.....                     | 83        |
| Developments Outside Political Parties.....         | 83        |
| Voting in Iowa.....                                 | 84        |
| Voter Registration.....                             | 85        |
| Elections in Iowa.....                              | 85        |
| City Elections.....                                 | 85        |
| School Elections.....                               | 85        |
| Special Elections.....                              | 85        |
| Voting and Election Reform.....                     | 86        |
| Politics for Teenagers in Iowa.....                 | 87        |
| In Conclusion.....                                  | 87        |
| <b>Glossary.....</b>                                | <b>89</b> |
| <b>Index.....</b>                                   | <b>95</b> |

# Foreword

For the last sixteen years State Government in Iowa has served as a reference and guide to the structure and operations of Iowa's state government. As with previous editions, this publication is written primarily for high school students, nonetheless many other readers will find it a valuable resource.

Brian Carter, the author, is a former state representative and high school social studies teacher. In this edition he has updated the many changes that have occurred and has once again attempted to produce a comprehensive introduction to the many complexities of state government. We thank Mr. Carter for his many hours of dedicated work in bringing about

this fifth edition.

We also appreciate the efforts of Janice Pohl of the Institute's staff who had primary responsibility for the preparation of the manuscript for publication. As Director of The Institute of Public Affairs, I am pleased to continue our association with this project. As our founding fathers so correctly asserted, a functioning democracy rests, in no small part, on a well informed citizenry. I hope this publication serves in its way to add to the available information about our own state government and contributes to citizen understanding of and involvement with the policies and politics of Iowa.

Tim J. Shields, *Director*  
*Institute of Public Affairs*  
*Division of Continuing Education*  
*The University of Iowa*  
*Iowa City, Iowa (1990)*

# Preface

Only a person who has been away from Iowa for several years or has not picked up a newspaper in that time would fail to know that there has been tremendous social and economic changes in our state in the last decade. Not since the 1930s has there been such a pivotal decade. With these social and economic changes have come numerous changes in state and local government and the political process.

During four years of the 1980s (1982 to 1986) it was my privilege to serve in the Iowa General Assembly and play at least a small role in bringing about some of those changes. Indeed, the last green button (the "yes" button) that I pushed in my legislative career was for final passage of the 1986 government reorganization act. True to form, the speaker and the majority leader had saved this monumental bill for last until everything else they wanted was disposed of.

In 1985, I made extensive use of my legislative position and resources to write the fourth edition of this text. Since leaving the legislature and returning to the daily rigors of social studies education, however, I had gotten a little behind on the latest trends, and developments in state and local government. Consequently, it was personally satisfying to research and rewrite this text for the fifth time in the latter months of 1989 and the early months of 1990.

The main purpose of the text remains the same—to fill the void left by nationally published government texts concerning the specifics of Iowa government, and to instill in students a pride and appreciation for the relatively high quality government we have in this state.

If you are a high school student or simply an interested citizen, you should have a basic understanding of Iowa government after reading this book. Your knowledge, however, will be far from complete. This text deals mainly with structure and only slightly with the process of government. If you want to understand that process better, you need to really "get into

it" by reading the newspaper, following pending bills in the legislature, talking and writing to state and local officials, and working in a political campaign.

If you are a social studies teacher, I would encourage you not to limit yourself to this text in teaching about state government. Use the newspaper to show your students what is currently going on in regard to state government. Acquaint them with the state and local government offices that are in your community. Also, a variety of materials can be obtained by calling the Legislative Public Information Office or contacting your state representative.

Another concern I want to share with my fellow teachers involves the length and detail of this text. With each edition there has been an increase in each of these dimensions. I am concerned that we may be moving past our target readers, high school students. On the other hand, I continue in my desire to give readers specific and current information about Iowa state and local government. To resolve this conflict you may decide to lightly consider or even skip certain sections of the text when assigning reading to your students. I don't think, for example, that high school students need to understand all the basics of our school finance law. However, if you want to teach it, you will find it in the latter part of Chapter Six.

As with past editions I am indebted to numerous people for their help in writing this edition. The number of state officials who helped me by providing insights and information is so long that I won't try to list them all. I do want to thank the Institute of Public Affairs, at The University of Iowa, and especially Janice Pohl, who edited the text, for all their help and assistance.

Through a fifth cooperative effort I believe we have produced another readable and comprehensive text which can be of great value to both students and adults. I hope you, the readers, agree.

*Brian Carter  
Keokuk, Iowa  
May, 1990*



# 1. Government in the Hawkeye State

THIS BOOK IS ABOUT state government in Iowa. This may be a topic that you know a great deal about already. Chances are, however, if you are like most high school students (and like the author of this book when he was in high school), Iowa government is something you are aware of, but really not too knowledgeable about.

Certainly local government is somewhat familiar to you. Depending on the size of your community, you may know some people who serve on the city council, serve on the board of supervisors of your county, work in the courthouse or in city hall, or serve on the local school board. Our national government is probably somewhat familiar to you also. News about the president, the congress, the supreme court, or federal government agencies is constantly in newspapers and national magazines, on television, and is generally widely discussed by people. In addition, your social studies texts in school probably deal extensively with our national government.

But what about state government? Too often it gets lost in the shuffle between what we learn about local government and what we learn about national government through school texts and through the mass media. As a result many people have a hazy, vague concept of Iowa state government as a group of buildings in Des Moines where the governor works and where the state legislature meets every once in a while.

It now appears that more and more decisions made by state government have a greater effect on our lives than those decisions made on the national and local levels of government. In fact, recent events indicate that state governments are likely to have increasingly important roles in our federal system of government.

## Government and Economics

Many Iowans celebrated the beginning of the 1990s with a sense of relief at the passing of the decade. During the 1980s there occurred more economic stress and change than in any decade since the 1930s. For many Iowans the decade was a good one; for thousands of others it was a time of personal turmoil and declining standard of living. One Iowa writer called it the "awful eighties—10 tough years that reshaped Iowa."<sup>1</sup>

Like the other states, Iowa started the decade with the worst recession since the great depression. Unlike other states, the recession in Iowa lasted longer, continuing through most of 1983. Unemployment exceeded ten percent. Banks and

businesses closed, and thousands left the state looking for better opportunities.

Then, as the overall economy began to improve in 1984, the state became mired in the national farm crisis. A combination of falling land values, high interest rates, and low commodity prices served to drive many farmers out of business or into near poverty. In 1985 average farm income hit a twenty year low. With farmers having little money to spend, implement dealers, car dealers, and other retail businesses dependent on the farm economy began to go out of business. People selling their homes often took large losses. Iowa was really hurting.



Cartoon by Frank Miller; published through the courtesy of the Des Moines Register

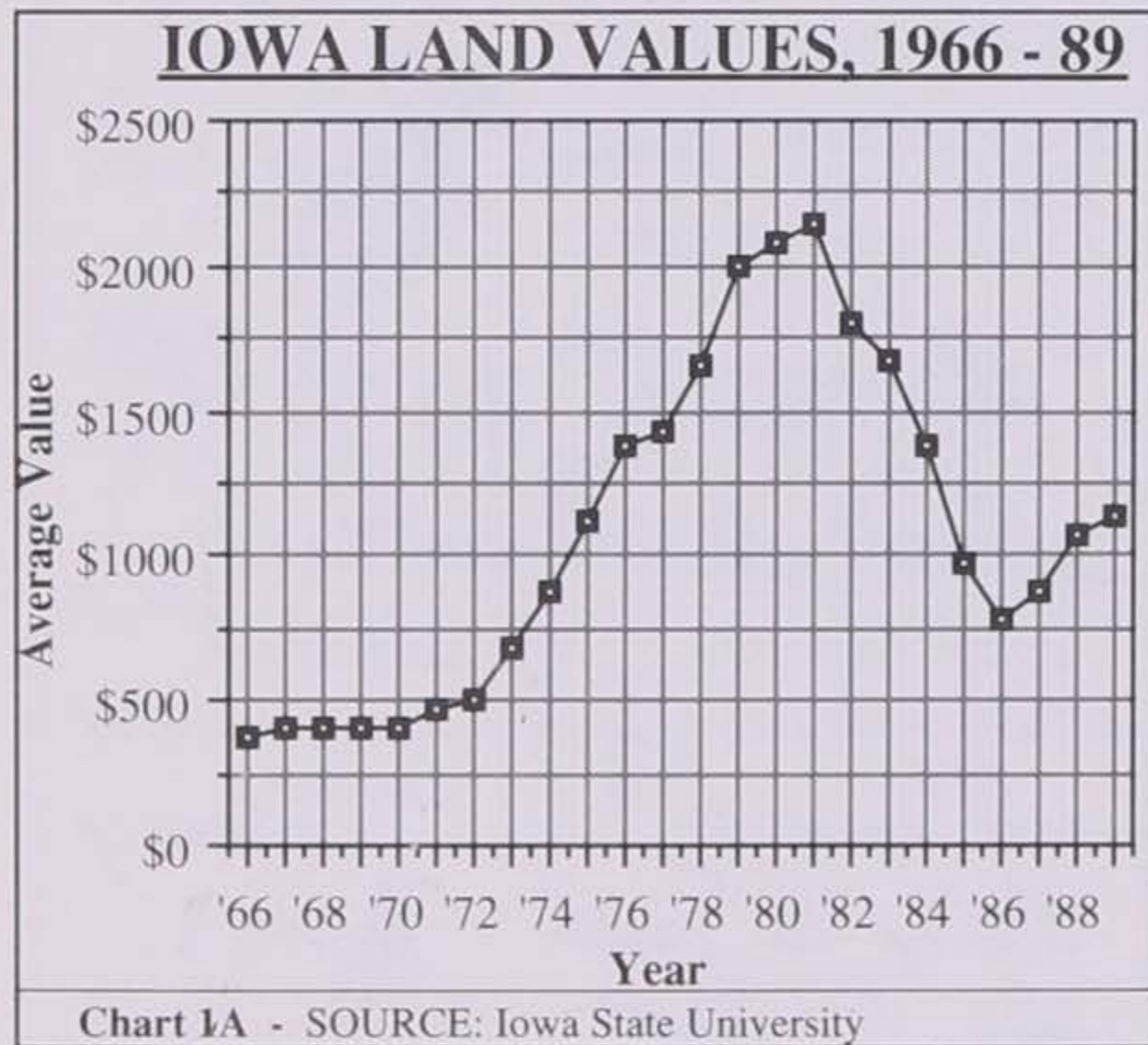
A study of economic, social, and political forces written two-thirds of the way through the decade painted a rather grim picture. The poverty rate in Iowa increased from ten percent

in 1979 to almost 15 percent in 1985 exceeding the national poverty rate. Real wages declined by nine percent during the period. Thousands of good paying manufacturing jobs disappeared. In their place came lower paying service jobs in businesses, stores and restaurants. By 1987 Iowa's population had declined by 2.9% and 84,000 people.<sup>2</sup>

By 1986 Iowa ranked forty-third among the states in average wages paid. Many Iowans were stunned to learn that four of the sixteen poorest areas of the nation were now located in Iowa.<sup>3</sup>

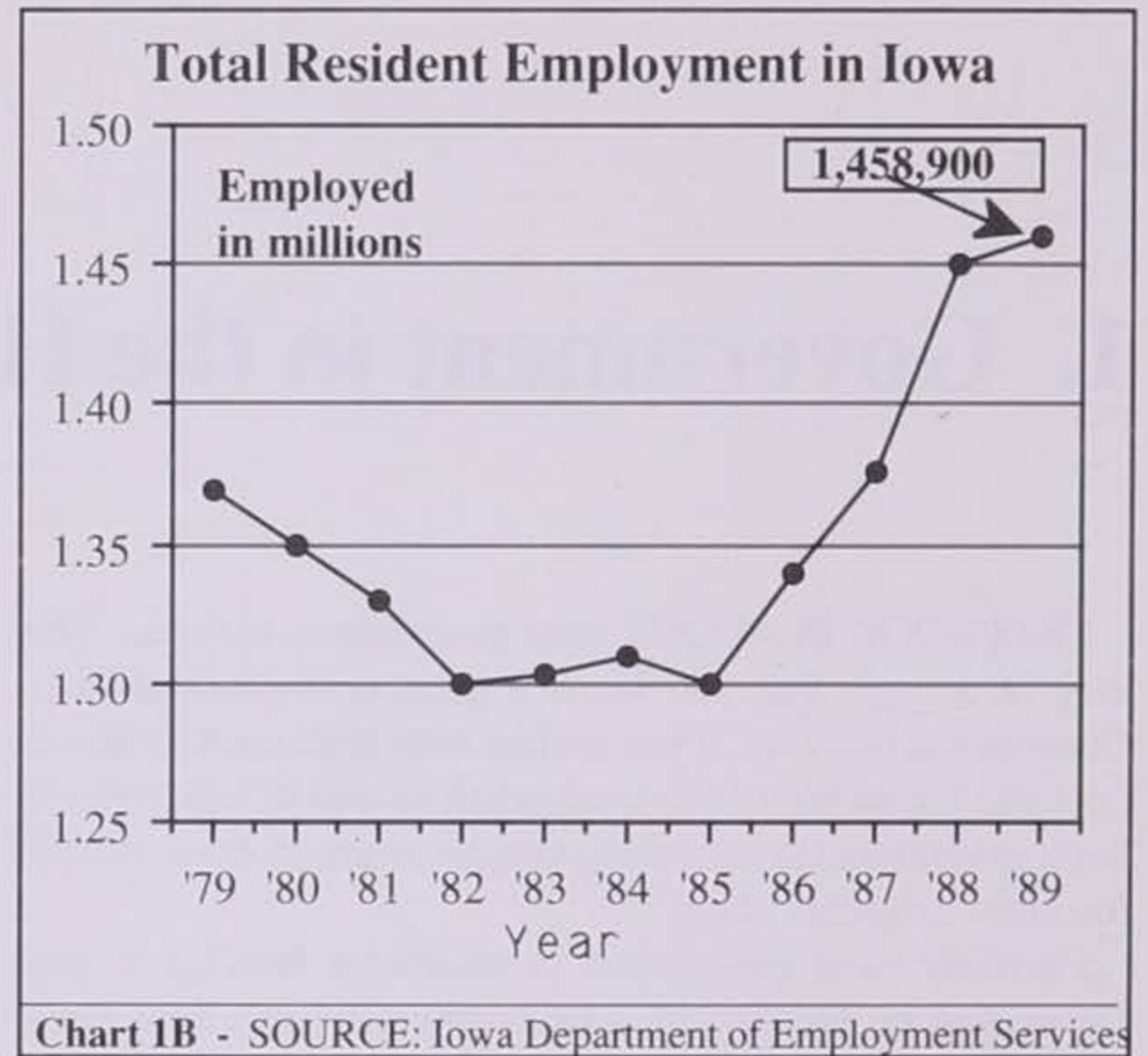
In 1986 there were twelve thousand fewer farms than there had been at the start of the decade. The precipitous fall in the value of farmland from 1981 through 1986 did serious damage to the financial viability of many farmers who had borrowed against the land in the prosperous 1970s.

Gradually, in late 1986 and early 1987, the economy began to turn around. The 1985 federal farm bill pumped millions into the rural economy. Some new high tech industries located and expanded in Iowa. Interest rates declined and traditional industries like farm implements and meat packing began to add workers. The Iowa insurance industry expanded by leaps and bounds creating thousands of new jobs. Good schools, relatively low housing costs, and a relatively low crime rate were factors which were helping to attract newcomers to Iowa from other states.



By 1989 a record number of Iowans were employed (see chart 1B). The state's population was growing again. Farm land prices were increasing for the third straight year. Iowa had its lowest unemployment rate since 1979. In fact, some areas suffered from a shortage of workers. Average farm income was \$30,000 annually and only ten percent of farmers (compared to 33% in 1985) were still in financial difficulty. Iowans entered the 1990s in generally good economic health, but with some hard lessons learned from the 1980s.

What sort of impact did this economic turmoil and change



have on state government? Economic conditions usually impact heavily on what government is able to do and on what government is willing to do. The story of Iowa government in the 1980s clearly illustrates this fact.

The economic downturn severely constrained what state government was able to do. During the first two-thirds of the decade the state struggled annually to balance its budget. In the process schools often received their state payment late, real welfare benefits declined twenty percent<sup>1</sup> and teacher salaries dropped in comparison with other states. Vacancies in state agencies and institutions went unfilled because of a lack of money to pay salaries. Almost annually the budget enacted by the legislature in May was cut back by the governor in the fall, out of financial necessity as revenue estimates declined.

The state tried all sorts of bookkeeping tricks to balance the budget, but finally resorted to raising the sales tax a penny in 1983. In 1986, in large part due to economic pressures, the legislature completed a massive overhaul of the executive branch of state government, streamlining state government and eliminating several hundred state jobs in the process. Soon, after the restructuring bill went into effect Iowa's economy began to pick up, leading to improved growth in state tax revenues. By the summer of 1989 the state reported a one month record for tax collections (May 1989), an eleven percent annual growth in tax collections, and an end of the year general fund balance of about one hundred million dollars.

Economic conditions also changed what state government was willing to do. Gambling? In 1980 most Iowans thought it was something that best remained out of Iowa. However, by the end of the decade, in large part due to a desire to create jobs and spur economic development, the legislature had legalized pari-mutuel betting, passed excursion boat gambling, and created a state lottery with much of the profits earmarked for economic development.

Liquor? For fifty years the state liquor store system represented a convenient compromise between drinkers and abstainers. Then, in the middle of the decade, Iowa became the first state to ever voluntarily give up control of the retail distribution of wine and hard liquor.

Tourism? At the start of the 80s most Iowans thought of their state as a great place to live, but not such a great place to visit. Since then, in the interest of creating jobs and bringing money into the state, government spending on tourism promotion has quadrupled. Thousands of tourists are now lured to vacation in Iowa or at least spend some time in Iowa while passing through.

Indeed, state government's approach to economic devel-



**The Old Capitol in Iowa City served as the Iowa Statehouse from 1846 until 1857. Now a prominent feature on The University of Iowa campus, it is one of the state's best known landmarks. Photo courtesy of The University of Iowa.**

opment—encouraging the growth of business and creation of jobs—has changed tremendously in the last ten years. In response to the hard times of the decade, the state is now much more active in recruiting businesses and encouraging their expansion. Numerous programs have been created to assist in economic development. Today, state government promotes private sector economic activity almost as much as it regulates it.

Entering the 1990s Iowa is a very different place than it was ten years ago. We have sixty thousand fewer people and twenty thousand fewer farms. The population has shifted

somewhat to urban and suburban areas while many small towns and small town businesses have declined. Many more Iowans work in service jobs while fewer work in manufacturing and agriculture. Some rural areas of the state remain depressed, while much of the state, particularly our largest urban areas and the cities next to them are thriving.

Most significantly, however, the resources, values, and traditions that have made Iowa a good place in which to live and work have remained unchanged. A 1980s economic study stated, "We believe the opportunities that lie ahead for a state so rich with resources....a state populated with hardworking quality oriented people are without limit. But new programs, innovative thinking and courageous leadership will be required if we are to live to our potential."<sup>5</sup>

The actions of state government clearly have an impact on Iowans. Let's look at some typical Iowans in the spring of 1990.

Mike Sammons is a nineteen year old freshman at the University of Iowa. He usually doesn't pay too much attention to the Iowa Legislature. However, the legislative debate over freezing tuition at the three state universities has really grabbed his attention.

Mike's older sister Laurie is also very aware of state government. A school teacher, she has earned an extra one thousand dollars the past year doing extra curriculum work for her school. The money to fund her work came from a special fund created by the state to improve education and teachers' salaries.

Laurie's father-in-law, Fred, is also keenly interested in a new state law. As part owner of a motel in the Quad Cities, he is waiting to see if river boat gambling, recently allowed by the legislature, will come to the Quad Cities and how much his business will grow as a result.

Fred's brother Joe is not nearly so positive about state government. Recently, he was forced to close the gasoline station he owned because state and federal law mandated he do something about his leaky underground gasoline storage tanks.

His teenage daughter, Sue, is benefitting from a recent state law. Unhappy at her current school, she plans to take advantage of the new state open enrollment law and transfer next year to an adjacent school system.

Action or inaction by state government affects our lives in numerous ways. The ability of state government to act is in turn constrained by economic circumstances in the state, in the nation, and by actions of the Federal government.

For example, Iowa enters the 1990s with a record number of homeless people, despite a strong economy during the last three years. While the causes of homelessness are complex, a basic reason for the increase in the 1980s has been the huge decline in federal spending for low income housing.

In the mid 1980s, state government attempted to deal with a farm crisis caused in large part by high interest rates, a strong dollar overseas, and low commodity prices. All these economic factors were national or international in scope. State

governments could influence these factors in only a very limited way. Consequently, Iowa and other states have looked to Washington, D.C. for leadership.

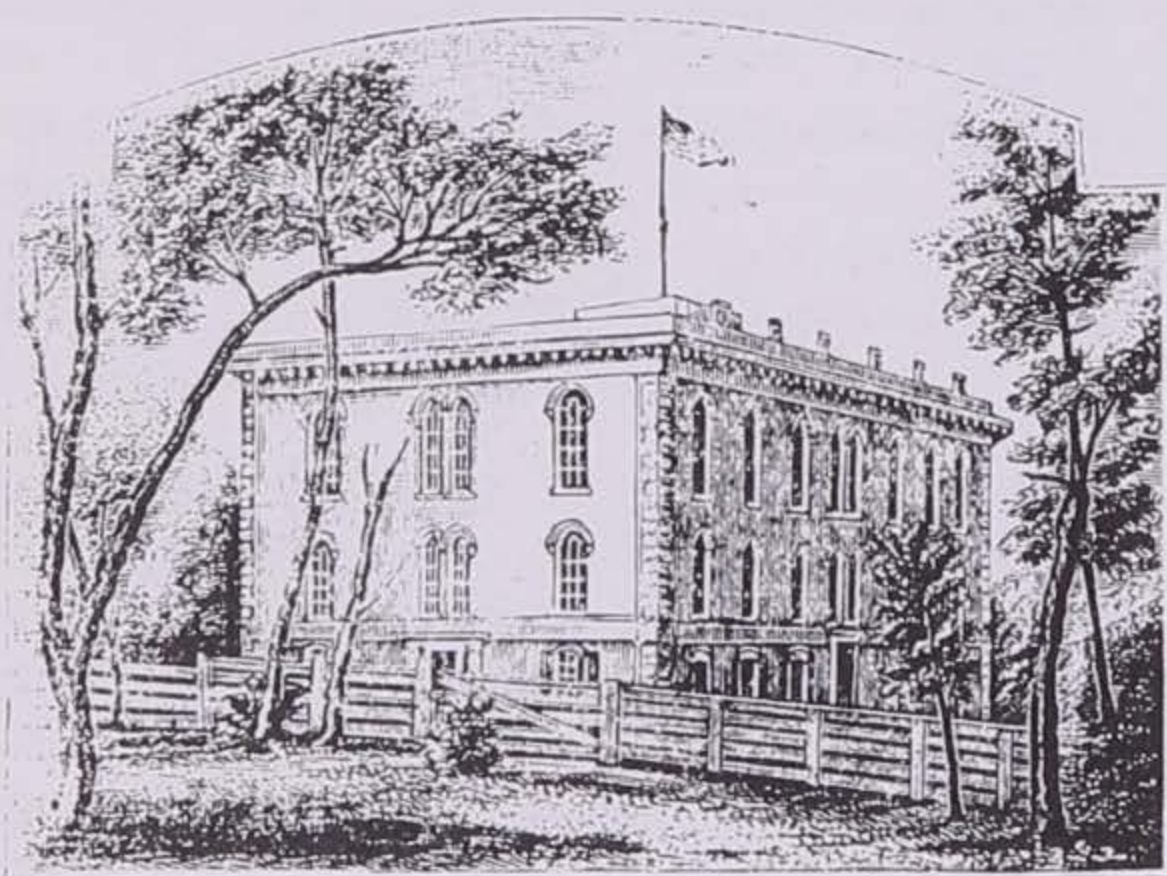
## Iowa and the Federal Government

And what about the federal government? Does it not have something to do with the state and the economy and the actions of state and local government? Yes, it does. To understand the relationship of the federal government to state and local government, we need a brief history lesson.

Recall the Constitution of the United States (1787) and the Bill of Rights (first ten amendments—1789). The Tenth Amendment says:

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the states *are reserved to the states respectively, or to the people.*”

And so, theoretically state government has power and responsibility in certain areas where the federal government has no authority. These areas include establishing educational programs and standards, control of intrastate transportation



**The Old Brick Capitol in Des Moines was built in 1857 and served as the state Capitol until 1884. The building, which was destroyed by fire in 1892, stood where the Civil War Soldiers' and Sailors' monument is located now. Drawing courtesy of the State Historical Society.**

and commerce, liquor control and distribution, vocational and professional licensing, public welfare, and a certain degree of supervision of the units of local government.

The net result was that for the first 140 years of the United States Constitution, the federal government exercised relatively little power over the states, except when there was a war going on.

“When Jefferson was in the White House in 1802, the entire federal establishment in Washington numbered 291 officials; the entire executive branch, 132 people. Congress consisted of 32 senators and 106 representative, all of whom had to get along with a total staff of 13 among them (Congress has 3,500 today). The Supreme Court had six justices, one clerk among them.

The business of the national government then was defense,

minting money, conducting foreign relations, collecting revenue, maintaining lighthouses for navigation, and running the postal service, which in those days belonged to the Treasury Department and—would you believe?—turned a profit. Almost all the things that governments do that affect the lives and fortunes of its citizens were done by the state and local governments, and that was not much. The federal government got along on customs and excise taxes.”<sup>6</sup>

Beginning with the Great Depression of the 1930s, the power, responsibility, and spending of the federal government increased enormously. This trend has created a significant change in U.S. federalism. (Federalism means the relationship between states and the federal government and the way the two levels share power.)

There was a definite shift in power to the federal level. By the late 1960s Washington D.C. seemed to be regulating and providing for everything and anything. State governments also grew because they had to create new agencies and offices in order to qualify for federal funds.

According to one writer, “The dimensions of the governmental transformation from 1964 to 1980 are so numerous that it would require a volume to catalog them. In the area of functional federalism, the federal government experienced major shifts from President Johnson through Carter. In quantitative and qualitative terms, the national government’s domestic role expanded exuberantly.”<sup>7</sup>

Since 1980, however, reference has constantly been made to what has become known as the “New Federalism.” This means a decreasing role for the federal government in the funding and administration of government programs (apart from national defense) and an increasing role for state government.

A major advocate of the new federalism in the 1980s was President Ronald Reagan. His administration sought large cuts in many federal programs and the outright elimination of others. By the end of the decade, however, the Reagan Administration had not really achieved its goals. Although a few programs had been eliminated and others had been consolidated into block grant programs, the federal government was still funding the same programs and services it had a decade earlier.

The main difference came in the amount of federal aid going to state and local governments. Between 1978 and 1988 there was a 25% reduction in real federal aid.<sup>8</sup> In the same period, the percentage of state and local revenues coming from the federal aid declined from 27% to 17%.<sup>9</sup> Similarly, the percentage of federal spending going for block and general purpose grants to state and local governments declined from 20 to 14.4 percent.<sup>10</sup>

Why was the federal share declining? In the eighties Washington D.C. needed more money to pay for a military build-up and the mounting interest on the national debt. Also, a major federal tax cut which went into effect in 1982 made federal revenues less than they otherwise would have been.

This trend has resulted in a financial “squeeze” on state and local governments and an enhanced role for states in the fed-

eral system. "In the new federalism state governments became the paramount field managers, planners and partial funders of the majority and largest of the federal intergovernmental assistance and regulatory programs. States also experienced a dramatic revitalization of their historic role as a source of significant innovative policy initiatives."<sup>11</sup>

Let's take a quick look at how the system works. State and local governments receive federal aid through what are called "categorical" programs. A listing of only a few of the most familiar programs includes Food Stamps, Aid to Dependent Children, Medicaid, financial aid to college students through low interest loans and direct grants, soil conservation grants, research grants, school lunch programs, and highway planning and construction funds.

### **FEDERAL BLOCK GRANTS**

1. Alcohol, Drug Abuse and Mental Health Services
2. Maternal and Child Health Services
3. Preventive Health Services
4. Community Services
5. Community Development
6. Education
7. Low-Income Home Energy Assistance
8. Social Services

**Chart 1C** - Courtesy Legislative Fiscal Bureau

In some cases the money goes directly to state or local governments, which spend it on such things as preparing school lunches, doing university research, and highway construction. In other cases the money goes to state government officials who then distribute it to eligible individuals. Food Stamps, Aid to Dependent Children, and Medicaid funds go to welfare recipients. Soil conservation funds go to farmers. Scholarships and loans go to college students.

Some programs, such as Food Stamps, are totally federally funded. Most categorical programs, however require state government to pay a fixed share of the program. For example, the federal government pays approximately sixty percent of the cost of Aid to Dependent Children and the state pays forty percent.

There are also federal block grants. These payments have fewer rules and regulations governing their use than do categorical grants. This money comes to state government in the form of eight block grants (see chart 1C). Appropriate state agencies then spend the funds in combination with state money.

The combined funds go to finance a variety of programs and services. In some cases the people who actually do the work

are themselves not government employees. They are employed by private non-profit corporations established to receive federal and state funds and in return provide designated services.

For example, regional mental health agencies provide individual and family counseling and therapy. Regional substance abuse agencies help get people off drugs and alcohol. Family planning agencies supply counseling and contraceptives. Community action programs run "Head Start" and weatherize homes of poor people. Area agencies on aging run senior citizen centers and provide "Meal On Wheels" to elderly shut-ins. Regional agencies provide part time and full time care and education to mentally retarded adults.<sup>12</sup>

All areas of the state benefit from these government funded private non-profit corporations. In most cases county governments also contribute to the funding of the agencies. Clients also contribute to the funding of the agencies. Those who can afford it pay fees based on their ability to pay.

In almost every case federal legislation has been behind the creation of the programs. For example, it was the enactment of the "Older Americans Act" two decades ago that led to the creation of senior citizens' centers. Also, in almost every case the state plays a regulatory role in seeing that the programs are correctly managed. In some cases county governments also have a role in overseeing the programs. It is truly a federal-state-local government partnership.

Government services are also provided by government employees. Education Block Grants finance the work of school employees. Social Service Block Grants help finance programs run by employees of the Iowa Department of Human Services. Conservation funds pay the salaries of state soil conservation officials who advise farmers and develop conservation plans.

Regardless of whether the federal funds are block grant or categorical, and regardless of whether services are performed by non-profit corporations or government employees, the crucial point is that most government programs are not strictly federal, state or local. Instead the programs are provided through an intricate combination of federal, state and local funding and authority. This is the way current federalism works.

Two other aspects of federalism need to be mentioned. First, not only does federalism mean joint federal-state spending for programs and services, it also means joint federal-state regulation. For example, both the state (Department of Employment Services) and the federal government (Occupational Health and Safety Administration-OSHA) are concerned with protecting the health and safety of workers on the job. Both the Federal Environmental Protection Agency and the Iowa Department of Natural Resources are concerned about cleaning up toxic waste sites in Iowa.

Generally there is an attempt by federal and state officials to avoid duplication and overlapping of authority. Sometimes the federal government promulgates minimum standards which

state government can match or exceed, but not lower.

For example, state law and federal rules requires the removal and clean-up of leaky underground gas tanks. State law, however, speeds up the federal time table established for compliance.

Also, there recently have been instances of the federal government turning regulatory authority back to the states. For example, in 1984 the federal government relinquished regulation of radiation machines and radioactive materials (often found in hospitals) to the Iowa Department of Health.

Federalism also involves relations among states. Numerous interstate compacts, or agreements between two or more states for mutual cooperation in certain areas, are now in existence. For example, Iowa belongs to an interstate compact, the driver license compact, with thirty other states. If you get a speeding ticket in another state, thanks to this compact, Iowa officials will soon know about it.

Federalism—a tremendously complex system of federal state cooperative programs—is clearly here to stay. But equally clear is the fact that out of fiscal necessity the federal share of the partnership must decrease.

Entering the 1990s the Federal government continues to struggle with huge deficits. Annually it spends billions of dollars more than it takes in. The attempt to break this “bad habit” is the main reason for the real decline in Federal payments to state and local government.

What’s wrong with all this deficit spending? First it is expensive. The Federal government has to spend over 150 billion dollars annually just to pay interest on the debt. Despite the New Federalism and the federal Gramm-Rudmann law, which requires gradual deficit reductions, the federal deficit continues to remain unacceptably high. From deficits exceeding \$200 billion dollars annually in the 1980s, the deficit had been reduced to about one hundred forty billion in 1990. Total federal debt in 1990 exceeded 2.7 trillion. The government finances its annual deficit by borrowing. This in turn is a factor contributing to high interest rates.

Virtually everyone believe the annual deficits must be reduced. This probably means less federal aid to state and local governments.

Where does this trend leave Iowa? If the federal government does less, will this mean state government should do more? Should federal funds and programs be replaced by state programs and funding or eliminated entirely? There are several sides to every question and this one is no exception.

There are several arguments to support less federal action.

1. Iowa has consistently placed near the bottom among the states in terms of per person federal spending (the total amount of federal money going to state government, local government, individuals and businesses divided by Iowa’s population). This is explainable in large part by Iowa’s lack of military bases, national parks, and the fact that Iowa has relatively few defense contractors. Compared to most other states Iowa gets back less from the federal government than it pays in federal

taxes. If the federal government taxed and spent less, this disparity would be lessened.

2. Tax money can be spent more efficiently by state and local government officials who are sensitive to the needs of their constituents. The federal government is simply too huge, bureaucratic, and far away to cope with local problems in Iowa. A federal program designed to alleviate poverty may work well in urban Chicago, but work poorly in rural Iowa. Secondly, maintenance of federal, regional, and local offices to administer programs is a very inefficient way of getting the job done.

3. The budget-making process for state and local officials is complicated by the fact that they can never be sure just exactly how many federal funds they are going to receive. Routinely the legislature must provide, in its annual Block Grant Bill, for proration of federal funds if there is a shortfall.

4. The federal government has on occasion coerced state governments into certain actions by threatening to withhold federal funds. For example, in 1986, the Iowa Legislature raised the drinking age to twenty-one. The cause of this action



**The present Statehouse in Des Moines was erected in 1884.**

had less to do with concern about nineteen and twenty year olds drinking than from federal pressure. Washington D.C. threatened to annually withhold eighteen million dollars in federal highway funds, if the state did not comply with the federal age twenty-one mandate.

And now for the other side of the coin. Some programs are arguably better off being nationwide rather than subject to the will of each state.

1. Consider income maintenance (welfare). Already there is a great variation in the amount of benefits paid in each state. With less federal involvement these disparities can only increase. What might happen if Iowa paid double the benefits that Missouri paid? There would probably be a considerable influx of poor people into Iowa from Missouri.

2. For one group of Iowans federal spending is extremely important. Federal farm payments per acre have greatly increased. In 1988, three-fourths of Iowa farm profits came from

### Where the Action Is: the Statehouse

On January 17, 1984, employees of the legislature and other offices located in the Statehouse, a few dozen honored guests and dignitaries, and any Iowan who wanted to come gathered at the capitol for a gala centennial celebration. It was the 100th anniversary of the Statehouse. The day started when Governor Branstad, legislative leaders, and five former governors (Blue, Erbe, Hughes, Fulton, Ray) made a horse-drawn carriage procession from downtown Des Moines to the Statehouse. On arrival, they were greeted by legislators. The day continued with speeches, office open houses, a mock legislative session, and a gala four-hour ball in the rotunda that evening. Many of the celebrants chose to dress in the style of Iowans of the 1880s. As this celebration so obviously indicates, Iowans are justifiably proud of their Statehouse in Des Moines. Not only is it functional as a state capitol, but also its ornate interior and exterior magnificence, capped by the famed golden dome, add a sense of dignity and accomplishment to the institution of Iowa government.

Our present Statehouse is the third we have had since Iowa became a state. The first, now known as Old Capitol, is located in Iowa City, where it is still a central attraction of The University of Iowa campus. In 1857 the government was moved from Iowa City to Des Moines. For the next twenty-six years Iowa government was housed in a rectangular three-story building known as the Old Brick Capitol. This building was destroyed by fire in 1892.

In 1870, in spite of considerable opposition to "wasting money on an extravagant building," the legislature passed a bill calling for a new capitol building. After the construction of a defective foundation, and its subsequent removal, work was begun on the capitol in earnest in 1873. The building was dedicated in 1884. In that same year the legislature first convened in the Statehouse. Final construction was completed in 1886.

Unlike the U.S. Capitol building in Washington, D.C., Iowa's Statehouse houses all three branches of government. The senate chamber is located on the second floor on the south side of the building; the house of representatives occupies the north side of the same floor. The supreme court occupies the northwest corner of the first floor and the governor's ceremonial office is located just southwest of the rotunda on the first floor.

#### Facts About the Statehouse:<sup>14</sup>

1. The capitol is 247 feet wide and 364 feet long. The golden dome rises 275 feet above the ground floor.
2. The Statehouse dome is gilded with 23-carat gold leaf. When the dome was gilded at a cost of \$3,500. Since then it has been regilded in 1927 at a cost of \$16,500 and in 1965 at a cost of \$79,938.
3. In 1904 a fire heavily damaged much of the house chambers. The damage was subsequently repaired without the house of representatives missing a session in the Statehouse.

federal aid.<sup>13</sup> This aid, however, is scheduled to decline in the next decade.

3. Another area where federal legislation is important involves protecting the environment. Air and water pollution does not stop at state boundaries. It would do Iowa little good to enact strong laws protecting the environment if the states around us disregarded it. After a decade of neglect in the 1980s, the importance of maintaining and enforcing federal environmental standards is becoming more generally accepted.

4. What can the state of Iowa do to raise commodity prices for farmers? What can the state do to lower interest rates? The answers to the last two questions are "nothing" and "very little" respectively. In short, there are national problems that only the national government can deal with adequately.

What services should government provide and what level of government should have the responsibility to provide those services? These are questions as old as our constitution; they are still relevant in the 1990s.

### Relationships to Local Government

Just as federal power has grown over the years at the expense of the states, so has the authority of the state government increased at the expense of local government. There is a key difference in this analogy, however. The relationship of state powers to federal powers is spelled out by the U.S. Constitution.

Although there is wide latitude in how the Constitution is interpreted, it nevertheless spells out certain powers as reserved or delegated to the federal government, concurrent powers to be exercised by both state and federal governments, and powers reserved for the states.

In contrast, local governments are created by state government and, with a few exceptions, can do only what the state government allows them to do. Just as state laws cannot contradict federal law, local ordinances and regulations cannot contradict state laws. In addition, cities, counties and school districts in Iowa must observe numerous rules, regulations, procedures, and practices in all areas of government that have been dictated to them by the Iowa legislature.

What makes a group of houses or buildings a city? It is not the population size, but the fact that the state government has granted a certificate of incorporation to the city. Why don't cities in Iowa utilize a local income tax or sales tax to raise needed revenue? They can, but only if they observe the limitations and follow the procedures enacted by the legislature in regard to local option taxes.

Suppose a city council denies a liquor license to a citizen with a poor reputation. Unless the applicant is a convicted felon or did not follow the correct application procedures, the state will probably overrule the city and grant the license.

Not only are units of local government heavily dependent on state government for the granting of governmental privileges, but more and more they are dependent on the state for finances. Iowa government now pays over one-half of the costs of local school districts, and the various welfare programs are financed almost totally by the state and federal governments. Much of the money that cities and counties spend on road and street maintenance also comes from the state government.

As we observed earlier, many government programs such as substance abuse counseling, mental health services, public health, programs for the elderly, public education, and road maintenance and repair are paid for with a combination of federal, state and local government funds.

Before you get the impression that state government totally dominates the affairs of local government, let us look at some of the exceptions we mentioned a little earlier. In 1968 the voters of Iowa approved what was known as the "home rule" amendment to the Iowa Constitution. Prior to this amendment, cities in Iowa could do only what the state government specifically allowed them to do. As a result of home rule, cities can now do anything as long as their actions do not conflict with state laws. To implement this amendment, the Iowa Legislature in 1972 enacted home rule for Iowa cities. This law removed many restrictions on cities, but also outlined specific procedures that cities must follow in certain areas of government.

A similar provision for Iowa counties was not too far behind. In 1976, the general assembly proposed and in 1978 the people approved a state constitutional amendment entitled Home Rule for Iowa Counties. This amendment said: "Counties...are granted home rule power and authority, not inconsistent with the laws of the general assembly, to determine their local affairs and government except that they shall not have power to levy any tax unless expressly authorized by the general assembly."<sup>15</sup>

In 1981, the state legislature enacted a county home rule statute. This statute combined and simplified many of the state laws counties use and enforce. However, the new legislation did very little to increase home rule powers of counties.

A primary reason for this was that Iowa law continued to specify in detail county government structure. The situation may change in the 1990s. In 1988 the legislature passed a bill allowing counties to develop new forms of government in addition to the supervisor system. These new forms include a county executive form, a manager form, and a charter form. The act also allows the creation of city-county consolidated governments or a county-county consolidated government.<sup>16</sup> In short, the act gives considerably more flexibility to citizens in regard to the kind of county government they choose.

There are two other reasons why state government does not dominate the affairs of local government. First, representatives to the Iowa Legislature are *locally elected*. As a result, they are obligated to listen to what their constituents say about the desires and capacities of local governments to run their own

affairs. Second, the Iowa Constitution places certain limits on state control of local government. It forbids the legislature to change county seats or county boundary lines without first getting the approval of the people in the counties affected. Also, it forbids the legislature from passing local or special laws which apply to only one county or one city.

Perhaps it is best to say that state and local government in Iowa operate in a partnership to tax, regulate, and provide services to the citizens. The financial details of this partnership are somewhat intricate and will be looked at in more detail in chapter six. Now it is time to consider the cornerstone of state government, the Iowa Constitution.

## The Constitution of Iowa

All of you probably know that Iowa became a state in 1846. Yet the Iowa Constitution under which we now live was not written until 1857. Iowa's first constitution was written in 1844, but was rejected by the people of Iowa (then a territory) because of an objection to boundary lines imposed by the U.S. Congress. A second state constitution was written. It was approved by the people and the U.S. Congress in 1846. Subsequently, Iowa became a state with its first capitol in Iowa City.

In the first ten years of statehood, however, numerous objections arose to the 1846 constitution. One principal objection was that the constitution did not allow the state to charter banks. Since the constitution was almost impossible to amend, a new constitutional convention convened in Iowa City in 1857. This convention wrote our present constitution.

One thing you will immediately notice about Iowa's constitution is that it creates a structure of government very similar to the structure of the federal government. Government in Iowa, as in many states, was patterned on the model established for the nation in 1787. Both levels of government are based on a written constitution. Both have three branches of government: the legislative, the executive, and the judicial. The twin principles of separation of powers and checks and balances that have proven so effective in maintaining our federal government have also been incorporated into Iowa government. The Iowa legislature has two houses as does the U.S. Congress, the governor has veto power as does the president, and the Iowa Supreme Court has the power of judicial review as does the U.S. Supreme Court. In many important respects, however, Iowa government differs from the federal government. Now let's review the Iowa Constitution.

### Articles I and II—Bill of Rights and Voting Rights

Like the U.S. Constitution, the Iowa Constitution has a bill of rights. This section guarantees to Iowans all the basic rights of freedom of speech, freedom of religion, freedom of the press, freedom to assemble, security from illegal search and seizure, and freedom from excessive bail. It subordinates the military to civil power and in explicit terms guarantees Iowans all the rights of "due process of law." The Iowa Bill of Rights is patterned after the U.S. Bill of Rights, but is more detailed



and lengthy than the original document. Article II defines voting rights and procedures in Iowa.<sup>17</sup>

### Articles III, IV, V—Structure of Iowa Government

Articles III, IV, and V establish and explicitly state the powers and duties of the legislative, executive, and judicial departments of government. A substantial part of Article III is devoted to denying certain powers to the Iowa legislature. Article IV, in addition to spelling out the powers and duties of the governor, also states the duties of the lieutenant governor; provides for the elective offices of state auditor, state treasurer, and secretary of state; and establishes the line of succession should the governor die while in office. Article V establishes the Iowa Supreme Court and grants the legislature the power to create lower state courts and establishes the office of attorney general. Much of this article has been changed or added to by constitutional amendments.

### Articles VI through IX and Article XI—Miscellaneous

The final articles of the constitution deal with several matters. Article VI establishes a state militia (now the Iowa National Guard). Article VII places limitations on the kind and amount of state debt that can be incurred and the way the debts can be paid off. Article VIII gives Iowa government the authority to charter and regulate banks. Article IX establishes a state board of education (this provision has been superseded by a law which created a new board and the State Department of Education)<sup>18</sup> and grants the Iowa Legislature control over school funds and school bonds. Article XI, as its title implies, deals with miscellaneous matters such as the boundaries of the state and the minimum size of counties.

### Article XII—Schedule

This article provides the schedule by which the new constitution and the new government it created went into operation.

### Article X—Amending the Constitution

Amendments are made to the Iowa Constitution in three steps. First, the amendment must be *proposed* by a majority vote of both houses of the legislature. Second, it must be *re-adopted* by a new general assembly. Finally, it must be *voted on* by the people at a general election and passed by a majority of the popular vote. This may seem like a cumbersome process, but it is thought necessary to prevent the possibility of hasty and ill-advised changes in the constitution.

Our constitution has been amended thirty-nine times. The first five amendments were ratified in 1868. The last two were ratified by the people in 1988. One of those 1988 amendments provides that the governor and lieutenant governor will campaign and be elected as a team. The other changes the duties of the lieutenant governor.

Other important changes brought about by amendments have included: (1) granting civil and voting rights to black Iowans, (2) changing the date of general elections, (3) establishing the positions of county attorney and attorney general,

## (SAMPLE BALLOT) Amendment to the Constitution of Iowa

[Notice to voters: For an affirmative vote upon any question submitted upon this ballot, make a cross(X) mark or check (√) in the square after the "YES". For a negative vote, make a similar mark in the square following the word "NO".]

Shall the following amendment to the constitution be adopted?

|     |                          |
|-----|--------------------------|
| YES | <input type="checkbox"/> |
| NO  | <input type="checkbox"/> |

[Summary: The governor and lieutenant governor shall be elected as a team. Each voter shall cast a single vote for the team preferred.]

1. Section 2 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1972, is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SEC.2. The governor and the lieutenant governor shall be elected by the qualified electors at the time and place of voting for members of the general assembly. Each of them shall hold office for four years from the time of installation in office and until a successor is elected and qualifies.

2. Section 3 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1972, is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SEC.3. The electors shall designate their selections for governor and lieutenant governor as if these two office were one and the same. The names of nominees for the governor and the lieutenant governor shall be grouped together in a set on the ballot according to which nominee for governor is seeking office with which nominee for lieutenant governor, as prescribed by law. An elector shall cast only one vote for both a nominee for governor and nominee for lieutenant governor. The returns of every election for governor and lieutenant governor shall be sealed and transmitted to the seat of government of the state, and directed to the speaker of the house of representatives who shall open and publish them in the presence of both houses of the general assembly.

(4) ending the popular election of judges, (5) changing the size of the Iowa Legislature, (6) establishing annual legislative sessions, (7) allowing the governor the power of item veto, (8) repealing the ban on lotteries, (9) creating four-year terms for elected state officials of the executive branch, and (10) giving

the legislature the power to call itself into special session.

### **Constitutional Amendment, Constitutional Convention Proposition, and Special Elections**

The Iowa Constitution requires that every ten years the people of Iowa be asked at the polls whether or not a special convention should be called to amend the constitution. Only once (1920) was such a convention called, but it did not meet for technical reasons.

Iowans tend to be wary of a convention since there is the potential for great change in our government without adequate study. Nevertheless, in 1980 there was a spirited attempt by some citizens to call a convention for the purpose of constitutionally limiting Iowans' tax burdens.

There are two other ways that the Iowa Constitution can be changed. A change in the U.S. Constitution automatically changes the relevant portion of the Iowa Constitution. Thus, when the Nineteenth Amendment was passed in 1920 giving women the right to vote, the word *male* in Section 1, Article II, of the Iowa Constitution was changed to *citizen*. Also, the Iowa Constitution cannot contradict a federal law. Thus, when congress passed a law in 1971 allowing eighteen-year olds to vote in federal elections, the twenty-one-year old voting age provision in the Iowa Constitution was made ineffective.

As a result of amendments to the U.S. and Iowa constitutions, many sections of the 1857 constitution have been changed, deleted, or rendered out of date. Still, the Iowa Constitution has stood up fairly well over time. Since 1857 many other states have had to rewrite their hopelessly outdated constitutions. Because Iowa has not, the Iowa Constitution is the eighth oldest among the fifty states.

Much of the longevity of our state constitution can be attributed to the fact that it is fairly short (as state constitutions go), leaving many of the detailed matters of establishing and operating state government to be decided by acts of the legislature. Secondly, the procedure for amending the Iowa Constitution is easy enough so that change in the document is possible, but hard enough to have prevented our constitution from becoming encumbered with dozens of minor or poorly thought out amendments.

### **Questions for Review**

1. How did tough economic condition in the 1980s impact on state government?
2. Can you think of any recent actions by state government that have affected you personally?
3. What are some major ways that Iowa changed in the 1980s?
4. What are some reasons that state government is becoming more and more important in Iowa and across the nation?
5. What are some of the problems associated with large federal deficit spending and a large national debt?
6. There are some very good reasons that both state and

local governments spend and do more than when Jefferson was president. What are some of these reasons?

7. What state and federal offices are located in your community? What non-profit corporations provide services financed by tax dollars in your community?

8. In what ways does the relationship of local government to state government differ from the relationship between state government and the federal government?

9. In 1989 the Iowa Legislature, tired of the inability or unwillingness of the federal government to raise the minimum wage, created a state minimum wage which exceeds the federal minimum wage. Did the legislators do the right thing? Should minimum wage legislation be primarily a state matter, primarily a federal matter, or should there be no minimum wage laws at all?

10. How is the Iowa Constitution amended? In what two other ways can the Iowa Constitution be changed?

11. Why do you think Iowans consistently reject the convention method of amending the Iowa Constitution?

### **References**

1. Larry Fruhing, "The 10 Tough Years That Reshaped Iowa," *The Des Moines Register*, November 12, 1989.
2. David Swenson, "A Decade of Adjustment," Institute of Public Affairs, The University of Iowa, January, 1988, pages 3-28.
3. Gene Erb and William Petroski, "Down and Out Even With a Job," *The Des Moines Register*, June 4, 1989.
4. Swenson, page 46.
5. "We Are Iowans First," Committee for Iowa's Future Growth, Gerald Kirke, Chair, December, 1984.
6. Saul Pett, "Big Government: Everything You'll Hate to Find Out," *Des Moines Sunday Register*, June 14, 1981.
7. David B. Walker, "American Federalism, Past, Present, and Future," *The Journal of State Government*, Vol. 62, No. 1, 1989, page 5.
8. *Ibid.*, page 7.
9. Book of the States, 1988-1989, The Council of State Governments, page 7.
10. Walker, page 7.
11. *Ibid.*, page 5.
12. Brian E. Carter, "Guide to Government Programs and Services in Henry and Des Moines County," 1984.
13. Swenson, page 28.
14. "Under the Golden Dome," State Printing Board, 1979.
15. Constitution of Iowa, Article Three, by 1978 Amendment.
16. Summary of Legislation Iowa General Assembly 1988 Session, Iowa Legislative Service Bureau, page 168.
17. Much of this section has been superseded by new federal laws and U.S. Supreme Court decisions.
18. How can a state law supersede the state constitution? The reason is that the last section of Article IX states that the Board of Education may be altered or abolished after 1863.

## 2. The Iowa Legislature

AFTER CHRISTMAS AND NEW YEAR'S DAY, thousands of high school students and their teachers head back to school for five more months of work and study. Students and teachers are not the only ones returning for work. At about the same time 150 men and women are preparing to begin work in the Statehouse in Des Moines. They are the 100 members of the Iowa House of Representatives and the fifty members of the Iowa Senate elected by the people to make laws for the state.

A few will commute daily from their homes to the Statehouse. Most will stay in Des Moines during the week and return to their home districts on the weekends. The legislative session will probably last three to five months. During this time more than 2,000 bills will be considered by the legislature, but only a few hundred will actually become law. Most legislators will work fifty-hour weeks attempting to keep up with this deluge of proposed legislation.

The session in an odd-numbered year starts slowly with the establishment of rules and committees. The session in an even-numbered year starts more quickly because it is basically a continuation of the previous year's session. Much of the first two months of either session will be spent in committee work. By the end of two months, various charts published in Iowa newspapers will usually show that the legislature has completed action on only a few pieces of legislation.

In the last half of the session as committee work is completed, the pace will quicken. Then, in the last week of the session, the legislators will frequently meet all day and in the evening to consider, debate, and pass hundreds of pieces of legislation.

This is the Iowa Legislature, which despite some faults, is one of the most informed, efficient, and democratic legislatures in the nation.

### The Legislators

Who serves in the legislature? The majority of legislators are men, although there are an increasing number of women (26 in 1989). The predominant occupation is farmer. In 1989, 43 legislators so stated their occupation. Nineteen legislators stated their main occupation was "legislator". Sixteen identified themselves as teachers and eleven identified themselves as lawyers.<sup>1</sup>

These numbers represent a significant change from a generation ago. In the 1950's and early sixties approximately half of the legislators were farmers. A generation ago there were

more lawyers, but few teachers, women, and members who said their main occupation was legislator. Certainly the legislature is more representative of different ages, sexes, and occupations than a generation ago.

Because Iowa ostensibly has a part time citizen legislature, legislators are most likely to be concentrated in occupations that allow them to leave for part of the year. Iowa law requires employers of twenty or more people to grant unpaid leaves of absence to people elected to public office. As of 1989, however, no legislator had found it necessary to invoke this law.

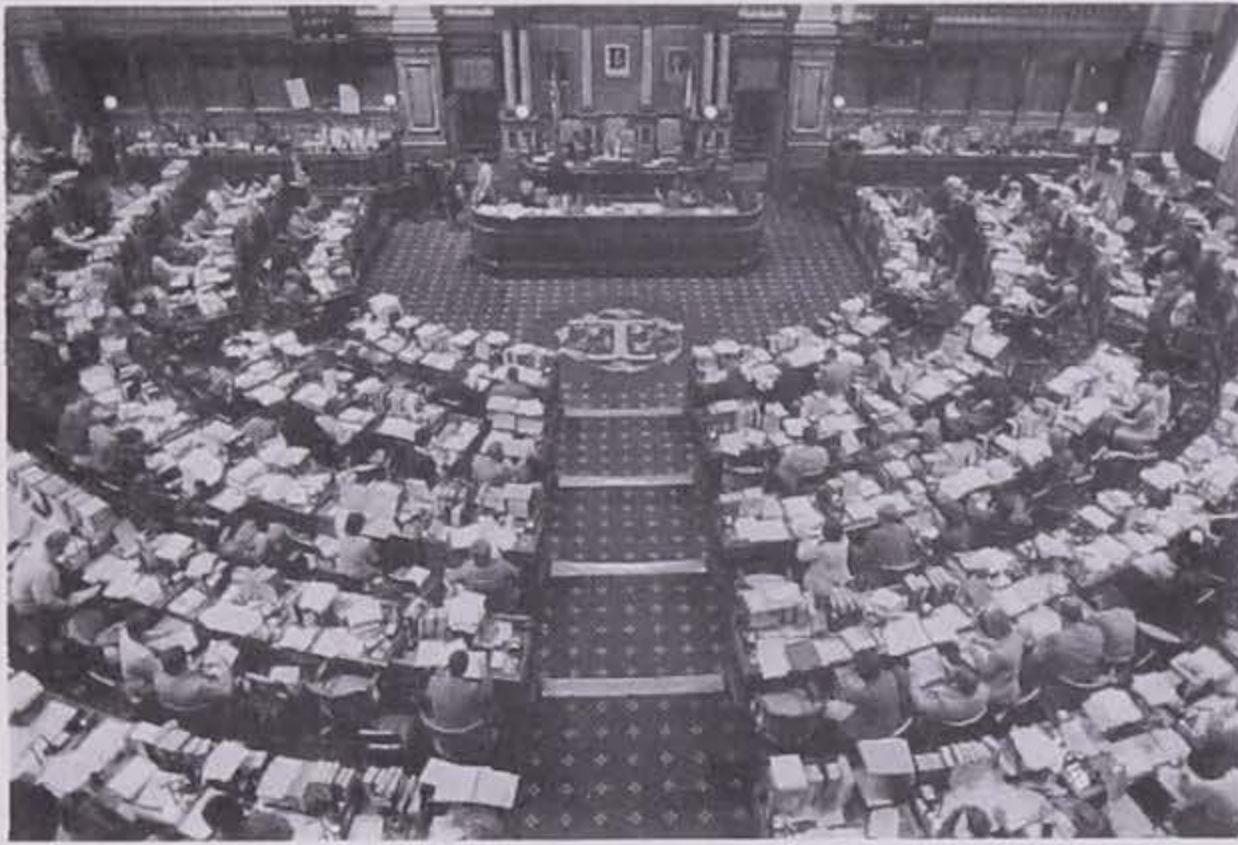
To serve in the Iowa House of Representatives, a person must be twenty-one years old, a citizen, and a resident of the district he or she represents. A person must be twenty-five to serve in the Iowa Senate. A legislator is a resident of wherever she or he says. A legislator could live 355 days a year in Des Moines and ten days in his or her district and still be a legal resident of that district. The few legislators who have tried this, however, have usually been rejected at the next election.

Representatives are elected to a two year term and senators serve a four year term. Every two years, half of the senators stand for re-election. Legislators are paid \$16,600 (1990) a year with a higher amount going to legislative leaders. Floor leaders in the House and the minority floor leader in the Senate are paid \$22,900. The speaker of the house and the senate majority leader are paid \$23,900.

Legislators also receive \$40.00 per day expense allowance



The Iowa Senate. Photo courtesy of the Public Information Office, Legislative Service Bureau.



**The Iowa House of Representatives. Photo courtesy of the Public Information Office, Legislative Service Bureau.**

(\$25 for Polk County legislators) during the legislative session, travel expenses, a constituent services expense allowance of \$75 per month, and \$40 dollars per day to attend meetings between legislative sessions.

Unlike the U.S. Congress, both house and senate members are elected from districts that are equal in population. This has been true since the famous "one man, one vote" U.S. Supreme Court decisions of the early 1960s forced the legislature to change its apportionment system. Prior to that time legislators basically represented counties—which varied considerably in population. Equal legislative districts means that all Iowans have equal representation in the legislature. It is also a major factor which works to make the members of the legislature more representative of the population in terms of occupation, sex, and age. Each house member represents about 29,000 Iowans; each senator represents about 58,000.

Equal legislative districts also have some negative aspects. Districts vary greatly in size and shape. The lines often cross county lines. The larger cities must be divided into two or more districts. As a result, it is sometimes difficult for legislators to keep their constituents informed. Also, it makes it harder for people to know who are their representatives and senators.

### **Organization of the Legislature**

An Iowa constitutional amendment in 1968 provided that the Iowa legislature convene annually on the second Monday in January. (Formerly, it met every other year.) In an odd-number year, the legislature begins the first session of a new general assembly. In an even-numbered year, the legislature begins the second session of a general assembly. General assemblies are numbered. In January 1991 the Seventy-fourth Iowa General Assembly will begin.

Presiding officers, party leaders, and some of the employees of the legislature are selected at the beginning of the first session and remain in their positions through the second session. The names and members of standing committees and budget subcommittees also are chosen at the beginning of the first session and carry over into the second.

The legislature, of course, is divided into two chambers, the house of representatives and the senate. Both chambers normally convene and adjourn at the same time. Neither chamber can adjourn for longer than three days without first getting the consent of the other.

Both the senate and the house are organized to promote maximum efficiency in studying, debating, amending, and passing legislation. As a result, certain senators and representatives are in positions of greater power than other senators and representatives. The most powerful people in each chamber are the presiding officers, floor leaders, and the standing committee chairpersons.

### **Presiding Officers**

The role of the presiding officer varies significantly between the house and the senate. The speaker of the house holds considerably more power than her or his senate counterpart.

The speaker of the house represents a house district and is a representative with full voting privileges. The speaker, on occasion, may step down from the position as presiding officer to engage in floor debate. Legally, the speaker of the house is elected by the entire house at the beginning of each new general assembly. In actuality, the speaker is elected by the members of the majority party who meet about a month before a general assembly begins. Once the majority party has named its candidate, election in the house is mere formality, since all the members of the majority party will vote for him or her. As a result, the minority party normally does not put up a candidate. Instead, the minority leader stands, following the nomination of the majority party's candidate, and moves that her or his election be made unanimous.

The presiding officers usually hold six main powers: (1) the power to decide the number and names of standing committees, (2) the power to appoint members to standing committees, budget subcommittees, interim committees, and conference committees, (3) the power to name the committee chairperson of standing committees, (4) the power to refer bills to standing committees, (5) the power to recognize legislators during debate, and (6) the power to make parliamentary rulings.

In 1989-1990 there were fifteen standing committees in the house and sixteen in the senate. In appointing members to the standing committees, the presiding officer usually takes into account the following factors: (1) party balance—legislative leaders usually make committees assignments so that the political make up of the committees reflects the same political balance found in the chamber as a whole. In the Seventy-second General Assembly, for example, there were sixty-two Democrats and thirty-eight Republicans in the house and all house committees were approximately 62 percent Democrat and 38 percent Republican; (2) special expertise of some legislators in certain areas—Senator Smith may be assigned to the Education Committee because of his or her knowledge of school finance; (3) past experience on a certain committee; and (4) the wishes of individual legislators.

The Iowa legislature does not have a seniority system, such

as can be found in the U.S. Congress. Standing committee chairpersons get their jobs through appointment by the presiding officer or majority leader. As a general rule, standing committee chairpersons have served for a while in the legislature and are always of the majority party.

Most bills are routinely referred to the appropriate standing committee that their subject indicates. However, when occasionally a bill could logically go to more than one committee, the presiding officer decides which committee will examine the bill first.

The importance of the power of a presiding officer to make parliamentary rulings is significant. Typically, this involves deciding whether or not an amendment is germane or relevant to the title of a bill. Non-germane amendments cannot be considered unless the rules are suspended. The presiding officer often relies upon the advice of the parliamentarian in the senate or the chief clerk in the house before making such a ruling.

Because Iowa voters in 1988 approved a constitutional amendment changing the duties of the lieutenant governor, a change in presiding officers will take place in the Iowa Senate in 1991. No longer will the lieutenant governor be the chief presiding officer. In all likelihood, this duty will now be

permanently handled by the president pro tempore. This office, referred to in Article four, Section eighteen of the constitution has been formally established for years by senate rules. Until 1991, however, the president pro tempore has presided only in the absence of the lieutenant governor.

Like the speaker of the house, the senate's presiding officer has the power of assigning bills to committee, recognizing speakers and making parliamentary rulings. Unlike the speaker, he or she lacks the far more significant power of determining the committee structure, appointing committee chairs, and appointing committee members. These duties are held by the senate majority leader.

### The Floor Leaders

Prior to each new general assembly, the Democratic and Republican caucuses of both chambers elect persons to serve as party leaders. These four persons—the house majority leader, the senate majority leader, the house minority leader, and the senate minority leader—wield a substantial amount of power in the legislature.

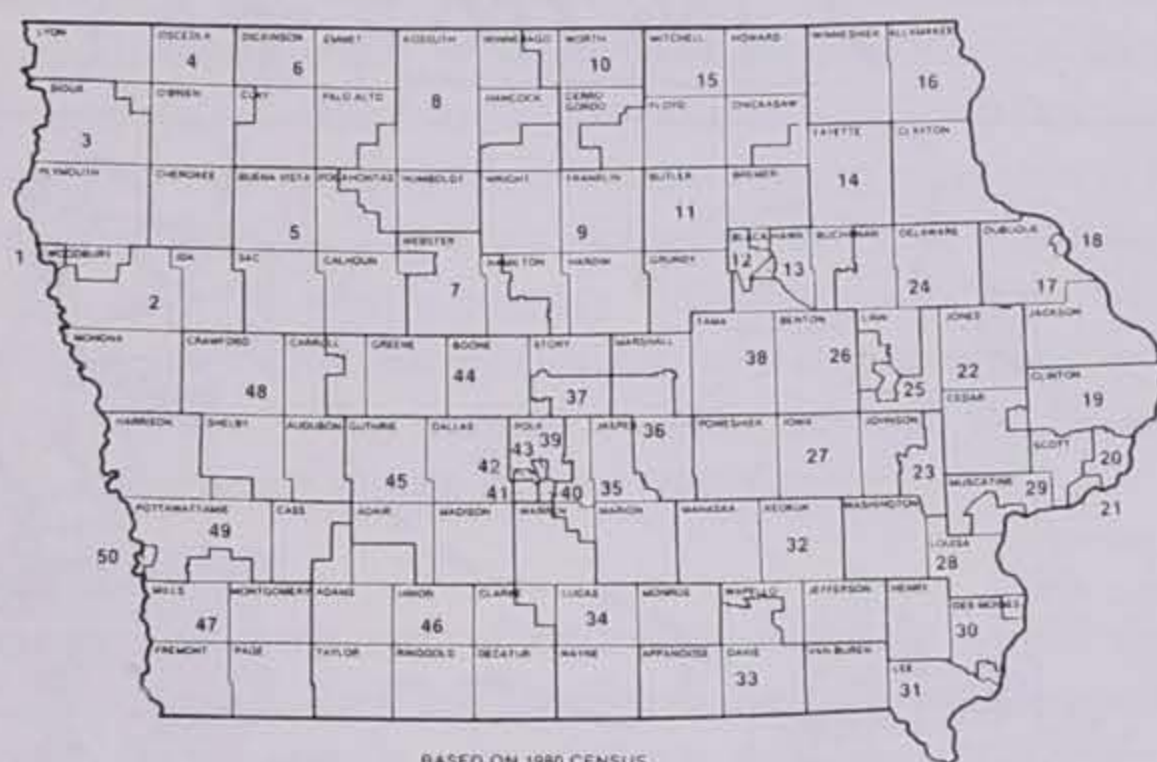
The main source of the majority leaders' power is the fact that members of the majority party almost always back them on procedural matters. For example, if the senate majority leader wants to call a party caucus, depart from the scheduled order of business, place a call on the senate (send the sergeant at arms out to compel members to return to the senate chamber), schedule bills for debate at specific times, decide when the senate's daily session will start, or decide when the senate will recess, the individual can make the necessary motion knowing that she or he has the votes to carry the motion.

Along with the speaker of house, the majority leader is highly influential in deciding the priorities of his or her party (see party caucus). In the last week of the session the majority leader may be the one to decide whether or not a certain bill gets considered.

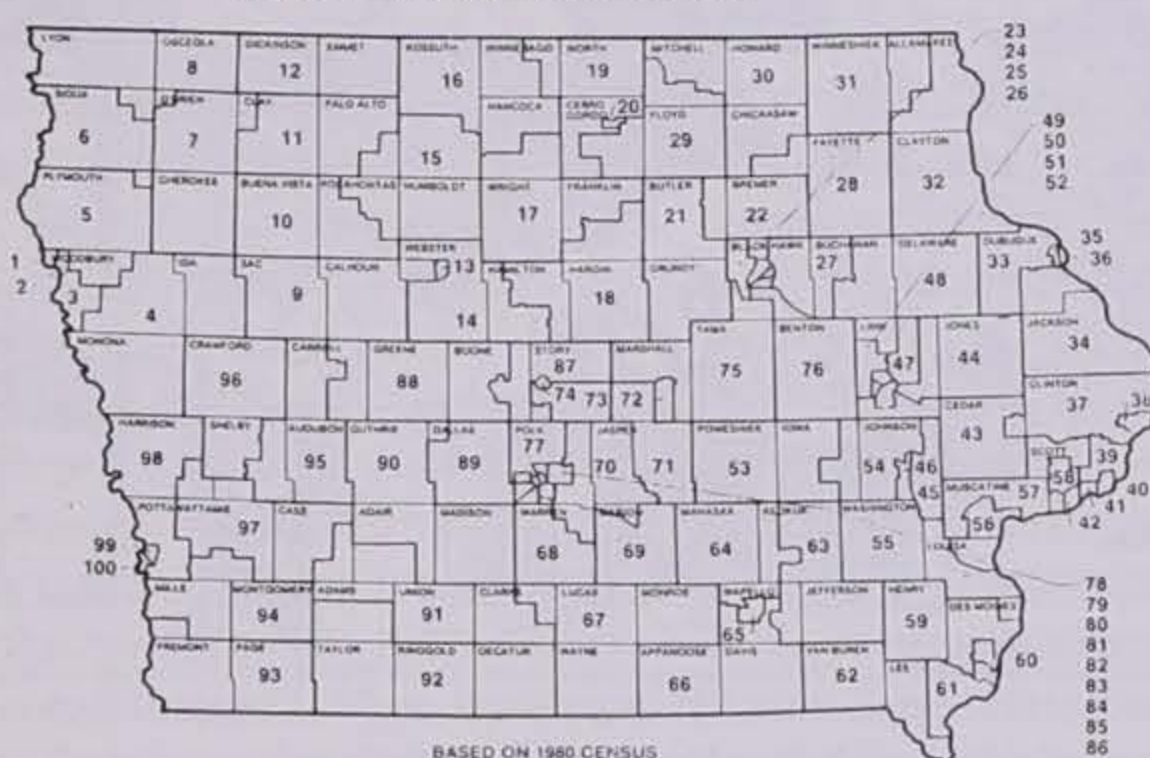
During the entire session, in fact, the majority leader's role in deciding when legislation will be debated is crucial. A good leader develops a "feel" for the sentiment of the chamber. When a bill gets bogged down in debate, the majority leader can often "pull" the bill by asking unanimous consent to stop debate on the bill and move to another one. Later, the majority leader will call the same bill up and it will pass easily.

Along with the speaker (in the house), the majority leader presides at party caucuses and serves as spokesperson for the party. Ultimately, their main task is to see that the legislation which implements the program of their party's caucus is enacted into law. To this end, they work closely with the presiding officers, the standing committee chairpersons, floor managers of bills, and with lobbyists for various interest groups. It is often in the office of the majority leader or the office of the speaker with one or both of those leaders acting as mediator that differences between legislators and differences between interest groups are "ironed out" and compromises are agreed to that are ratified later on the house or senate floor.

SEVENTY-FIRST GENERAL ASSEMBLY  
SENATORIAL DISTRICTS



SEVENTY-FIRST GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES DISTRICTS



Although a minority leader does not have nearly the power of the majority leader, her or his powers are still formidable. The leader, in cooperation with the speaker or senate majority leader, usually appoints members of the minority party to the various committees. He or she serves as a spokesperson for the minority party and presides over the caucus. A minority leader's right to take her or his party to caucus during debate is unquestioned. Sometimes the leader may use this privilege or the threat of filing numerous amendments (thus prolonging floor debate) to gain concessions from the majority party. More often, however, the leader works with majority party leaders in shaping legislation. Since resulting legislation will be less controversial and less partisan if it has the minority leader's support, his or her ideas are considered seriously.

In the house there are four assistant majority leaders and four assistant minority leaders. In the senate there are two or three such positions in each party. Their job is to advise the leaders on legislative strategy and work to keep members of their party informed of important developments. Ultimately, the power they wield depends on how much the majority and minority

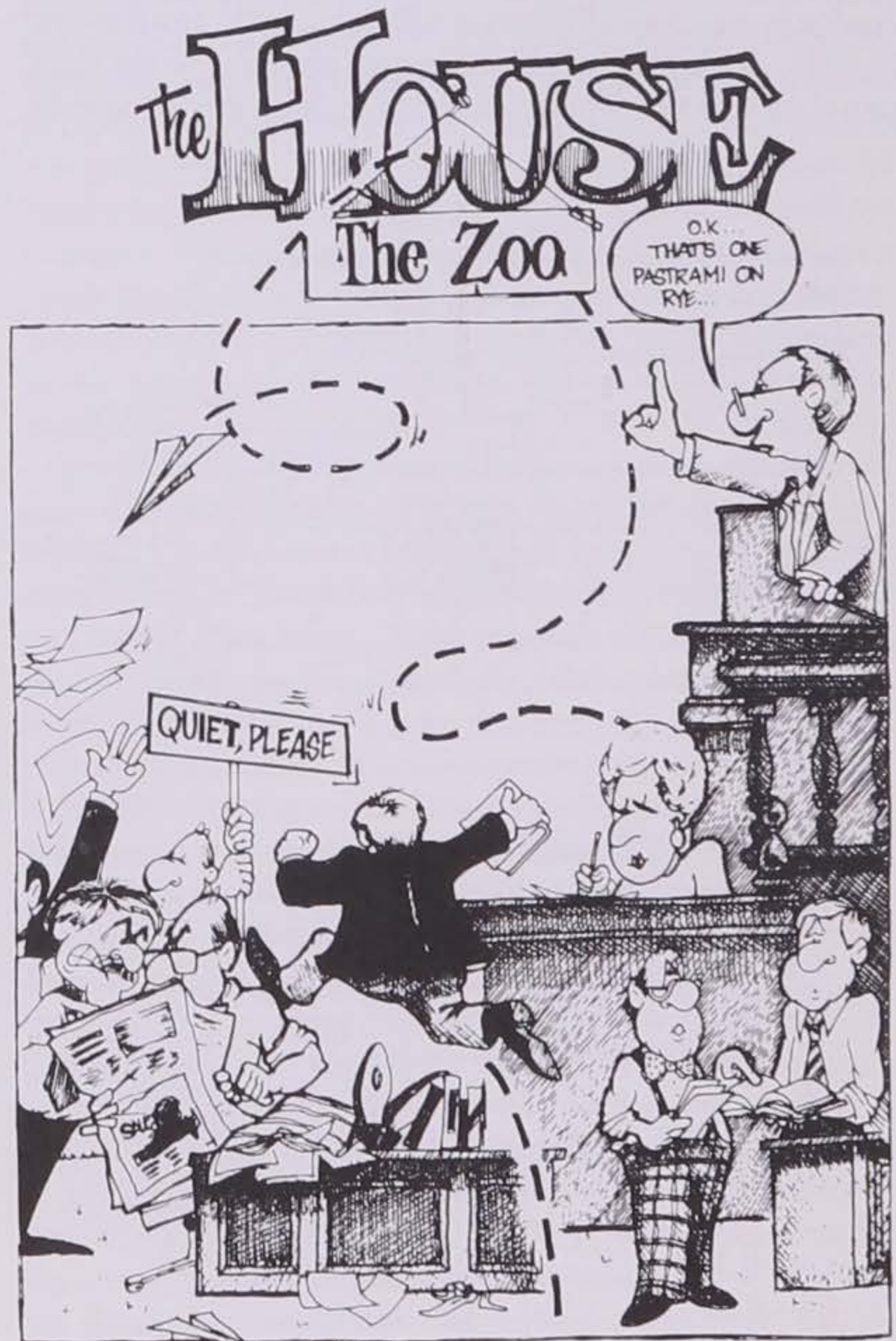
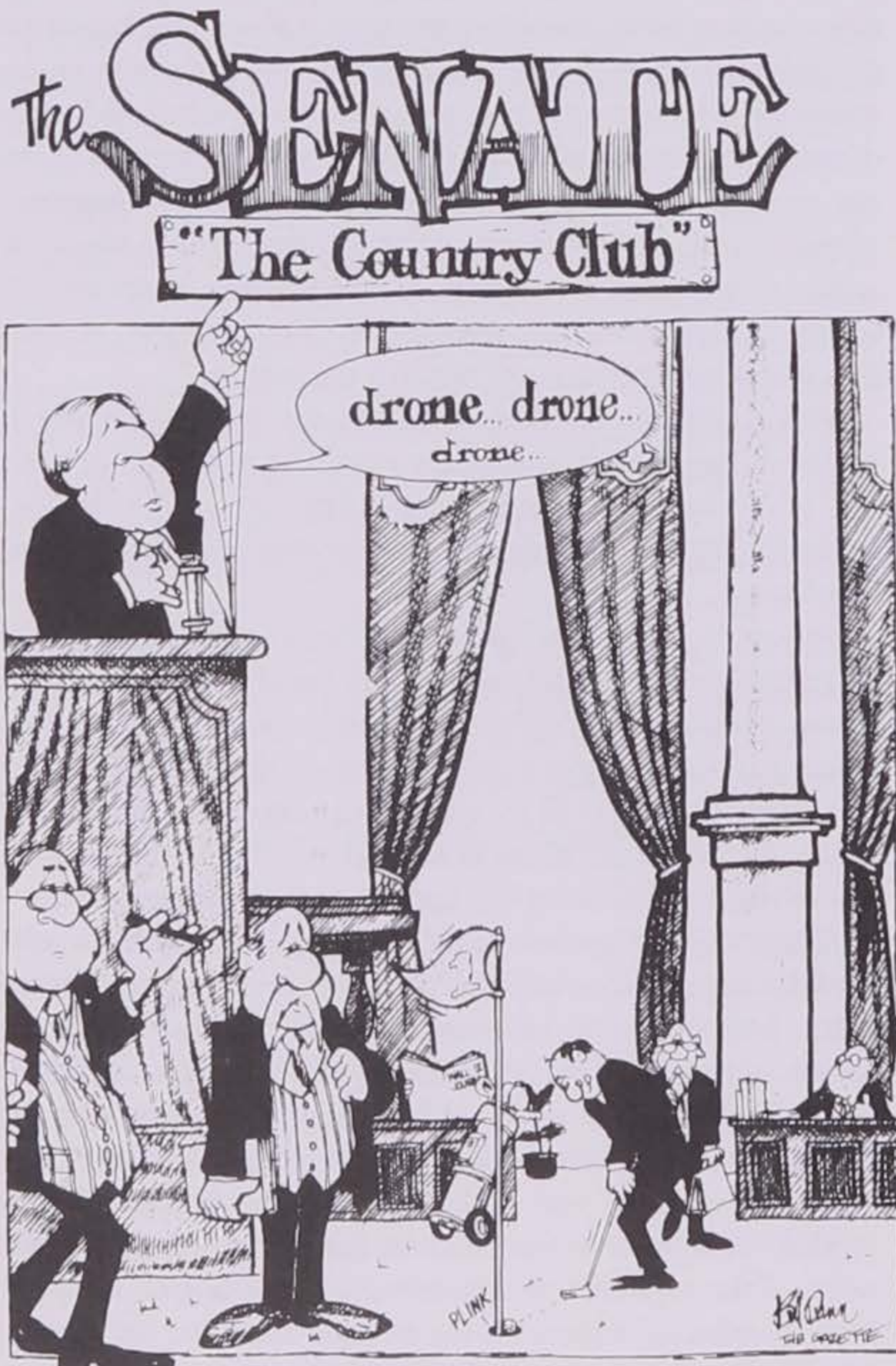
leaders and the presiding officers rely on their advice.

### Standing Committee Chairpersons

Just as in the U.S. Congress, the standing committee chairpersons have great influence within their individual committees. They determine which bills will be studied at the meetings. They preside over the committee meetings. Most importantly, they appoint the subcommittees to which individual bills are referred for study. If a chairperson, for example, does not like a certain bill, she or he will probably appoint to the subcommittee assigned to study the bill persons who are likely to report unfavorably on the bill to the entire committee.

Members of the majority party do not like to vote too often against their committee chair, because the chair may decide not to assign them to work on bills that interest them.

Committee chairs often are assigned to chair interim committees. Most committee chairs develop their own ideas for legislation in the form of study bills and bring them before the committee. Introduction as study bills is the usual way that many major bills are started.



These cartoons by Bill Dunn comment on the differing styles of the House and Senate; reproduced through the courtesy of the Cedar Rapids Gazette.

## Influences on Legislators

What influences legislators' votes once they get to Des Moines? It is impossible to say exactly what makes a particular legislator vote a certain way on an issue. Certainly a legislator's own personal experiences, opinions, and values are the main determinants of the way he or she votes. However, there are also a few main external influences that can be listed: (1) a legislator's constituency, (2) a legislator's political party, (3) fellow legislators, (4) the press, and (5) lobbyists.

### The Constituency

All legislators take into account the wishes of their constituency when they cast their votes. The degree to which they do this depends on two things: (1) the amount of knowledge they have of their constituents' feelings on pending legislation, and (2) the type of legislators they are. If constituents write or call their legislators to express support or opposition to certain bills, the legislators consider their constituents' feelings much more than if little or no mail is received.

Legislators vote on hundreds of bills and dozens of issues. Often a legislator may not know very much about or care very much about a particular bill. In that case, phone calls or letters from only a few constituents may sway her or his vote.

How the legislators view their jobs is also important. Some legislators consider it their job to represent the feelings of their home districts as closely as possible; those legislators give high priority to constituency wishes. Other legislators view themselves as officials entrusted by the people to make up their own minds on issues; they think in terms of doing what is best for the home district. These legislators do not give constituent wishes quite so high a priority. Conflicts can arise when legislators perceive that a favorable vote on a particular issue might be best for the state as a whole although the issue is opposed by many people in their own district.

### The Party

State legislators are, of necessity, activists within their political party. They are familiar with the resolutions contained in their party's state platform and sometimes vote to make those proposals law. For the most part, however, legislators pay scant attention to party platforms. They know that those documents are written in a general nonspecific manner to appeal to as many people as possible and avoid alienating any segment of the party. They also know that unless they go way out on a limb or stop doing their constituent work, it is practically impossible for their party to deny them renomination.

Instead, legislators' votes are strongly influenced by the party in government, that is, the legislative leaders, committee chairs, the party caucus, and the governor (if of the same party).

A classic dilemma facing every legislator is best expressed by the question, "Does a legislator vote his or her conscience or constituency?" Most legislators balance three rather than two factors in deciding how to vote: the feeling of their constituents (if a general feeling can be determined), their

personal convictions, and the influences of their party in the legislature.

As a rule, majority party members vote with their fellow majority party floor managers unless conscience and/or constituency influences give them a clear reason not to. Even then, a legislator will sometimes "bend" a little and expect a return of favors when she or he is floor managing a controversial measure.

Party discipline in the Iowa legislature and party line voting on substantive issues exceeds party influence in the U.S. Congress. This is due to the importance of the party caucus and the existence of a greater degree of homogeneity of political philosophy than is found in the Congress. Also, personal loyalties become more highly developed in the smaller body. Finally, the ability of the legislative leadership to deny committee chairs and bill assignments to wayward members encourages party discipline.

### Fellow Legislators

With more than 2,000 pieces of legislation introduced during each general assembly session, it is virtually impossible for a legislator to study and form an opinion upon every bill. The legislator, therefore, depends on fellow legislators for advice on how to vote on certain issues. Members called upon for advice are usually experienced members of the legislator's own party, or those members of the party who served on the committee that studied the bill, or where no party issue is involved, a legislator known for having special knowledge on the subject.

### The Press

Every legislator has at least one newspaper, radio station, or television station in her or his district. Most of these news media do not have full-time correspondents assigned to the legislature. Only the larger news media such as the *Des Moines Register*, TV stations, and the *Cedar Rapids Gazette*, have their own correspondents. The smaller news media depend on press associations for their news of legislative developments. This does not mean, however, that small town newspapers do not keep a close watch on the legislature. On the contrary, their editorial pages are often full of editorials and letters concerning pending legislation.

### Lobbyists

Both chambers have explicit rules on lobbyists. A lobbyist is defined as "a person paid compensation to encourage the passage, defeat, or modification of legislation."<sup>2</sup> The rules exclude from the definition of "lobbyist" many people who also try to influence legislation. This group includes constituents, elected state officials, designated representatives of political parties, and government officials who provide information, but do not actually press for the passage or defeat of measures.

House and senate rules also spell out in detail procedures lobbyists must follow. The rules also forbid certain actions. For example, lobbyists can and do entertain legislators; however,

it is illegal for them to give legislators money or offer them special investment deals. Lobbyists are required to report all gifts or meals they give to legislators or their families if the value of the gift or meal is more than \$15. The lobbyists also must list the representatives who receive such gifts. Legislators are prohibited from accepting any single gift that is worth \$35 or more.

Lobbyists must register with the legislative chamber they intend to lobby and state what special interest groups they represent and what bills they are lobbying for. A lobbyist can register as opposed to, supporting or "no position" on bills.

In many respects, lobbyists are an asset to state government. They provide needed facts and information about pending legislation to individual legislators and standing committees. This information is usually self-serving, but it is also usually accurate and truthful. Lobbyists aid legislators in devising strategy to secure passage of legislation they both favor. Lobbyists even write proposals so they can be introduced by legislators. Lobbyists are often as likely to be working to get bills killed as they are in attempting to get bills passed.

Through the services they provide, lobbyists do influence the legislators' votes. However, this is not an overwhelming influence. The combined influence of a legislator's constituency, political party, fellow legislators, and the news media can counteract any undue influences of lobbyists. Also, in many cases there are lobbyists working against each other and their influences are somewhat offsetting.

Lobbyists come from a variety of backgrounds. They are salaried Des Moines lawyers, representatives of county and city governments, state agency personnel, or full-time association representatives.

Types of special interest groups represented by lobbyists include business organizations, educational organizations, labor organizations, local government units, farm organizations, and citizen groups. Specific examples of groups that have sent lobbyists to the legislature are the Iowa Association of Business and Industry, the Iowa Bankers Association, the City of Des Moines, the League of Women Voters, the Iowa State Education Association, the Iowa Farm Bureau, the League of Iowa Municipalities, the State Department of Human Services, and The University of Iowa.

### **How a Bill Becomes Law**

Before discussing the legislature's main function, one point needs to be clearly understood. The Iowa General Assembly is an arena of conflict. It is a place where interest groups, political parties, government agencies, and individuals compete for influence, increased budgets, and power. Who wins and who loses is determined by the substance of the laws that are passed or fail to be passed. Winners and losers are also determined by how much the legislature decides to spend and how that money is spent.

The process of how a bill become a law involves more than just what legislators do in committee or on the chamber floors. The roles played by interest groups as represented by lobbyists,

state agencies, the governor's office, officials of the two major political parties, and the press are also critical.

The consideration of any controversial bill usually pits two or more interest groups against one another, with both attempting to influence a legislative outcome.

The process can best be considered by first looking at the formal process that takes place in the committees and on the chamber floor, and then considering the informal process that takes place in the lobby, the backrooms, and in numerous informal meetings outside the capitol building.

The formal process can be divided into seven subtopics: (1) kinds of legislation, (2) bill drafting, (3) introducing bills, (4) committee consideration, (5) the legislative calendar, (6) floor consideration, and (7) final measures.

### **Kinds of Legislation**

There are two main kinds of legislation: resolutions and bills. Resolutions come three varieties. In a simple resolution one chamber simply expresses its views on a subject, the federal farm policy for example. These resolutions may also urge action, but they have no force of law.

Concurrent resolutions are passed by a majority vote of members present in both chambers and are not subject to the governor's approval. Such a resolution may express the opinion of both chambers on a subject, provide for a joint convention of both chambers, or deal with temporary legislative matters.

Joint resolutions are the most important kind of resolutions. Some joint resolutions, such as one allowing the board of regents to issue bonds to finance new construction, must be approved by the governor. Other kinds, such as resolutions that propose an amendment to the state or U.S. Constitution or ratify a proposed amendment to the U.S. Constitution, do not require gubernatorial approval. Joint resolutions passed to nullify administrative rules also do not require the governor's approval.

One of the first items of business at the start of each general assembly is the enactment of legislative rules. The rules for each chamber are adopted as simple resolutions by each chamber. Joint rules that concern both chambers (such as rules governing conference committees, fiscal notes and enrollment of bills) are enacted as concurrent resolutions.

Initially in the legislative process there are two kinds of bills—individually sponsored bills and study bills. As the name implies, individually sponsored bills are bills that are introduced by one or more legislators with their name(s) as the sponsors. Study bills are bills that originate with any state agency or office. The agency asks the Legislative Service Bureau to draft the study bill and then prevails upon a committee chair to bring the bill up for debate in committee. Study bills can also be requested by committee chairs and interim study committees. A major change in the legislative process in the 1980s has been the huge increase in the use of study bills.

Some individually sponsored bills are referred to as legalizing acts because they are introduced to legalize a past act by



Passed House, Date 4/22/90 (p. 575) Passed Senate, Date \_\_\_\_\_  
Vote: Ayes 63 Nays 13 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the funding of, operation of, and  
2 appropriation of moneys to agencies, institutions,  
3 commissions, departments, and boards responsible for  
4 educational and cultural programs of this state.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6  
7  
8

a city council or county board of supervisors that was technically illegal at the time. These bills are usually noncontroversial and go through the same process as other bills.

Bills are often called files. Files are given a number according to the order in which they are introduced, and categorized by the chamber in which they have been introduced. You may hear references to Senate File 54 or House File 158, for example.

All bills introduced during the second session of a general assembly are numbered beginning with the number 2,000 so that they are clearly distinct from bills introduced during the first session.

**Bill Drafting**

Legislators know that if the bills they introduce are going to stand any chance at all passing, they must be written in the correct, technical legal language. As a result, few legislators actually draft bills themselves. Instead, they depend on the Legislative Service Bureau. In fact, no matter who drafts a bill, it still must be reviewed and typed by the Legislative Service Bureau.

The Legislative Service Bureau is a nonpartisan task force of bill-drafting specialists, researchers, and typists. The bureau's primary purpose is to aid Iowa legislators in writing and researching laws. The bureau does this in two main ways. First, it drafts and types into final form bills and amendments that legislators wish to introduce in the general assembly. Second, it does valuable research work concerning proposed legislation for both individual legislators and legislative committees. Service bureau staff routinely attend all standing and interim committee meetings and perform numerous administrative and bill drafting services for the committees.

The Legislative Fiscal Bureau provides fiscal notes and financial analysis to legislators. A fiscal note is an estimate by the fiscal director of the financial impact of a bill. All bills that have any major cost components require a fiscal note. The legislative fiscal director is also charged with analyzing the state's financial position in order to keep the legislature informed. Fiscal bureau staffers also provide budget and program analysis services and administrative services to

legislative budget subcommittees.

The fiscal director also plays a key role in budget development. This official, the head of the Department of Management, and a third economic expert selected by the first two form the state's revenue estimating conference. The conference studies the economy and projects how much will be collected in taxes in the next year. The governor and the legislature use the information to prepare the budget.

Legislators also may seek the advice of the attorney general in order to receive legal opinions about existing laws that are being considered. Not only do legislators depend on outside sources for aid in drafting bills, they also introduce bills which originate from outside sources. As you will see in Chapter Three, the governor's office is a prime source of major legislation. Also cities, corporations, lobbyists, and even private citizens may propose legislation for a legislator to introduce.

**Introducing Bills**

Assuming a bill originates in the house, once a representative has had the bill drafted, that person must introduce it properly. The representative takes four copies of the bill received from the service bureau, written on special bill paper with numbered lines, and places them in a box in the chief clerk's office. The legal counsel makes sure that the bill is properly prepared, the chief clerk of the house assigns it a number, and then refers it to the speaker of the house. At the appropriate time while the house is conducting business, the speaker instructs the reading clerk to read the number, title and author of the bill. This is known as the first reading of a bill. After the first reading, the speaker will announce to which committee the bill will be assigned.

The introduction of a bill and its first reading are recorded in the house journal. This journal is simply a detailed, written record of proceedings of the house during a general assembly. A similar journal is kept in the senate.

Every bill introduced has a cover page with a one paragraph description of the bill. This description is very important, since the presiding officer may have to refer to it in ruling whether or not an amendment to the bill is related to the bill and therefore in order.

The procedure for introducing legislation in the senate is much the same. Sometimes a bill is introduced in one chamber and then introduced later in the other chamber in identical form. This known as introducing companion bills.

Each chamber sets a date during the session after which no new individually sponsored bills can be introduced. Bills introduced during the first session of a general assembly upon which no final action is taken need not be reintroduced during the second session of the general assembly. Instead, the bills are simply returned to the appropriate standing committee. If a bill passes one chamber during the first session of a general assembly, but not the second chamber, it need pass only the second chamber during the second session in order to become law.

**STANDING COMMITTEES IN  
THE IOWA GENERAL ASSEMBLY  
(1989-1990)**

| <u>HOUSE COMMITTEES</u>                    | <u>SENATE COMMITTEES</u>                  |
|--|---|
| 1. Agriculture                             | 1. Agriculture                            |
| 2. Appropriations                          | 2. Appropriations                         |
| 3. Economic Development                    | 3. Business & Labor Relation              |
| 4. Education                               | 4. Commerce                               |
| 5. Energy & Environmental Protection       | 5. Education                              |
| 6. Human Resources                         | 6. Environment & Energy Utilities         |
| 7. Judiciary & Law Enforcement             | 7. Ethics                                 |
| 8. Labor & Industrial Relations            | 8. Human Resources                        |
| 9. Local Government                        | 9. Judiciary                              |
| 10. Natural Resources & Outdoor Recreation | 10. Local Government                      |
| 11. Rules & Administration                 | 11. Natural Resources                     |
| 12. Small Business & Commerce              | 12. Rules & Administration                |
| 13. State Government                       | 13. Small Business & Economic Development |
| 14. Transportation                         | 14. State Government                      |
| 15. Ways & Means                           | 15. Transportation                        |
|  | 16. Ways & Means                          |

**Committee Consideration**

Every bill is assigned to the appropriate standing committee for study and recommendation. The reason both chambers of the legislature channel legislation through standing committees prior to floor consideration is to make sure that all pieces of legislation get expert and complete study. No legislator could possibly study carefully all the legislation that is introduced or become an expert on all areas of government. The first action in the standing committee is taken by the chairperson. This person selects a subcommittee to study the bill or assigns the bill to a subcommittee already established to study certain kinds of bills.

If a chair does not like a bill he or she assigns it to himself or herself or to another legislator (as chair of a three-person subcommittee) who also does not like the bill. The bill is stuck in some legislator's desk where it dies. Sometimes a subcommittee wants to report favorably on a bill, but because of lack of time to deal with all bills or reluctance on the part of the chair to schedule the bill for committee consideration, it also dies.

Many bills are short and of no great consequence to most Iowans. With such bills, the subcommittee chair usually does all the study on the bill, and then "walks the bill around" to the other subcommittee members for their signatures of approval.

For more significant bills, the subcommittee usually meets at least once or twice with state officials, lobbyists, and other

individuals who are interested and knowledgeable about the subject.

At this point, the subcommittee may decide the bill does not merit further consideration, but more often it recommends passage to the full committee.

Discussion of the bill then takes place in the full committee with the subcommittee chair serving as the bill's manager. After her or his opening remarks, the committee considers amendments to the bill. Often the bill is amended. These amendments then become a part of the bill if it has been introduced as a committee or study bill. Often individually sponsored bills are made committee bills at this point in the process. If this does not occur, the committee amendments do not become a part of the bill. Instead, they are considered as a single committee amendment by the entire house when the bill reaches the floor.

Most bills are passed that are brought to a final vote in a standing committee. Controversial bills are simply not brought up if the bill's manager does not "have the votes" to move it out of committee. Technically, a standing committee can recommend: (1) do pass, (2) amend and do pass, (3) refer the bill to another committee, or (4) postponed indefinitely. In almost all cases when a final vote is reached, however, it is "do pass."

Study bills are treated the same way as individual bills by standing committees. They are first handled by a subcommittee and then discussed and voted on in the full committee. They are always voted out of the committee as committee bills. Shortly thereafter the first reading of the study bill (now a committee bill) takes place on the house floor. At this time the speaker usually announces that the bill will be "passed on file," that is, it goes on the calendar.

**The Legislative Calendar**

Once a bill has been reported out of committee, it is placed on the house calendar where it stays until its turn for debate

**LEGISLATIVE  
JOINT APPROPRIATION  
SUB-COMMITTEES  
1989-1990**

1. Administration
2. Agriculture & Natural Resources
3. Claims
4. Economic Development & Iowa Plan
5. Education
6. Health & Human Rights
7. Human Services
8. Justice System
9. Regulation
10. Transportation & Safety



**Members of the House Education committee considering legislation.**

comes up. Copies of this calendar are printed daily and placed on the desks of house members. The senate calendar is very similar. There are several sections to the calendar. There are special sections for appropriation bills and ways and means bills (tax and revenue bills).

The house calendar also lists (in separate sections) conference committee bills for which motions of order have been filed, bills already passed by the house which have been amended by the senate, and bills which have been placed on the unfinished business calendar.

The calendar is prepared in the office of the majority leader. In addition, this office publishes a daily and a weekly debate calendar.

During the session bills must survive a series of cutoff dates called "the funnel" to remain eligible for enactment. "My bill got caught in the funnel" is a common lament heard in legislative corridors during the last half of a session.

Even if a bill is on the calendar it must be acted upon by a certain date to remain viable. There are certain exceptions to "the funnel"; ways and means bills and appropriation bills are exempt, as is any bill co-sponsored by the majority and minority leaders.

Once a bill is on the calendar, it can be debated at any time. Usually the floor manager of the bill is the legislator who chaired the subcommittee. He or she may also be the person who introduced the bill, but often this is not the case.

At least two-thirds of the bills debated in the legislature are relatively minor and noncontroversial. The floor manager may have to answer a few questions or deal with a few amendments before watching the bill pass easily. In many cases there are neither questions nor amendments and the bill is passed overwhelmingly in less than three minutes.

There are many bills that are more complex, more significant, more controversial. Such bills are always floor managed by members of the majority party. The floor manager must be highly prepared. She or he will be expected to answer questions about the bill and defend it against its critics. In all probability

the manager must deal with several amendments.

These amendments are typed out in advance on yellow paper called "clip sheets" because the house members' clerks clip and attach the amendments to their copies of the original bill.

If an amendment improves the bill or is innocuous, the manager will tell his or her colleagues he or she accepts it and it easily passes.

Many amendments, however, are offered with the intention of weakening or "gutting" the bill. If the bill is highly partisan, the minority leader may order her or his caucus staff to start grinding out amendments with which to "paper" the bill. On the recommendation of the majority party floor manager, the majority party will vote down one minority amendment after another. The floor manager may occasionally accept a minority amendment, allowing it to pass easily. Sometime, however, an amendment the floor manager does not want passes. If it is only mildly offensive the debate goes on. If it is considered a "gutting" amendment, the floor leader goes over to the desk of the majority leader, who then calls a caucus.

In the caucus the floor manager pleads his or her case and the members are urged by the speaker and the majority leader to be loyal. Usually the votes are found to reconsider the amendment. Then the majority party goes back to the floor and strips the offending amendment from the bill. During the process of debating a bill with numerous amendments filed to it, the leadership and key legislators may huddle in the backrooms. There the minority leader may agree to withdraw amendments in exchange for minor concessions from the majority.

When managing a bill that is significant, controversial, and perhaps partisan, the floor manager will count her or his votes in advance. She or he may be aided in this chore by other legislators or lobbyists. Consequently, almost all bills brought to a final vote in a legislative chamber are passed. If the votes are not there, the bill is not brought up for debate, or it is modified by amendment so that it will pass.

When all amendments to a bill have been accepted or rejected and when debate on the main bill itself has ended, the floor manager is allowed final remarks. This legislator then moves that the bill be read for the final time. The chief clerk then reads the title and the number, the speaker says, "the question now is shall the bill pass" and the house proceeds to a final vote. Members vote by pushing buttons on their desks which light a board containing the names of all members. The votes of the members are recorded electronically.

Many final votes on significant and controversial bills are very interesting. Some members hold back their votes until just prior to the time the voting machine is closed. They want to see which way the voting is going. Others have promised the floor manager a yes vote "only if needed" and may be forced to change their vote at the last minute if the vote is close.

Occasionally, a legislator crumbles under the pressure and "takes a walk" from the chamber during the vote. If the vote is a few votes short of the fifty-one needed to pass, rule 79 will be requested by the floor manager or another legislator and

automatically invoked. Under this rule the chief clerk calls the names of all legislators who have not voted. If present, they must vote yes or no.

Since 1983 the house has operated under the ten-minute rule. This means that legislators have ten minutes after the voting machine is closed to record a vote. However, late votes are not allowed to change the outcome of final passage.

After a bill has passed, it can still be taken back by a motion to reconsider. Only representatives who voted for passage of the bill can make this motion. Occasionally, a floor manager or another legislator will discover after final passage that the bill is flawed. Reconsideration, followed by a "fix-up" amendment, and then final passage for a second time takes care of that problem. Sometimes a motion to reconsider will be filed to hold a bill in one chamber until the other chamber passes a bill the first chamber sent over earlier and strongly wants.

Infrequently in the course of debating and amending a bill, the house will recess as a body and turn itself into a large committee called the Committee of the Whole. The purpose of this change is to allow the entire house to hear testimony from experts on important legislation and to attempt to perfect important legislation before a final vote.

### Final Measures

Once a bill has passed one chamber, it is sent to the other chamber. In the second chamber, the bill may, but need not, go through the entire process it went through in the first chamber.

SEVENTY-THIRD GENERAL ASSEMBLY  
1990 REGULAR SESSION

## HOUSE CALENDAR

SEVENTY-FIRST CALENDAR DAY

FORTY-EIGHTH SESSION DAY

\* \* \* \* \*

MONDAY, MARCH 19, 1990

CONVENING TIME 10:00 A.M.

Note: Pursuant to House Rule 31.8, Amendments need not be filed on the day preceding floor debate beginning March 19, 1990.

Note: Pursuant to Joint Rule 20, only the following bills are eligible for consideration beginning March 19, 1990

- Appropriation Bills
- Ways and Means Bills
- Legalizing Acts
- Cosponsored by majority and minority leaders
- Companion bills sponsored by House and Senate majority leaders
- Conference Committee Reports
- Bills passed by both Houses in different forms
- Concurrent or simple resolutions
- Bills on the Veto calendar (Joint Rule 23)
- Administrative Rules Review Committee Bills
- Joint Resolutions nullifying Administrative Rules
- Unfinished Business

\* \* \* \* \*

UNFINISHED BUSINESS

HF 2343  
Blanshan

COMMITTEE BILL -- A bill for an act relating to the administration and benefits for certain public retirement systems, and providing for the applicability of the Act, (RSB 815) (Similar to HF 2349 & SF 2338) By committee on State Government.

There may already be a companion or identical bill pending in committee or awaiting debate on the second chambers' calendar. If the companion or identical bill is still in committee, the committee may vote to substitute for it the first chamber's version of the bill. If the companion or identical bill is on the calendar, the second chamber may vote to substitute the first chamber's version. Usually, then, the first chamber's version becomes the working bill for second chamber. If the bill passed by the first chamber had no companion bill, it will be given a first reading and assigned to the proper standing committee just as if it were originating in the second chamber.

To avoid both chambers duplicating efforts on the same bill at the same time, legislative leaders usually determine early in the session that certain bills will start in the senate and others in the house. House and senate chairs of corresponding standing committees also work out early agreements that certain bills will start in the senate and others in the house.

Before a bill can be sent to the governor for signing, it must be passed in identical form by both houses. Suppose the two chambers pass different versions of the same bill. The chamber that passed the bill last sends it back to the first chamber. If the first chamber does not accede to the version of the second chamber, it sends it back and asks the second chamber to change its version.

If the second chamber refuses to alter its version, a conference committee made up of five members of each chamber is appointed by the presiding officers to study the bill. If three members from each chamber (six in all) on the conference committee can agree on a compromise (and they often do), they report this compromise version back to the two chambers. Each chamber then votes whether or not it will accept this compromise version.

If one or both chambers rejects the compromise, then a new conference committee may be appointed and a new compromise attempted, or the bill may be permitted to "die." Usually this process goes on until both chambers agree to a compromise version or until the legislature adjourns.

When a bill has passed both chambers in identical form, it is put in final and corrected form and sent to the governor. This is called an enrolled bill. The governor has three days to sign the bill or veto it and return it with objections to the chamber in which it originated. After three days the bill automatically becomes law.

When bills are sent to the governor during the last three days of a legislative session, the governor has a period of thirty days to sign or veto the bill. Should the governor veto a bill, the legislature can still pass the bill into law over the governor's veto by casting a two-thirds vote of the total membership in each chamber. A successful veto override, however, is very rare.

Should a governor simply ignore a bill during this period, it does not become law. This is, effectively, a "pocket veto". The "pocket veto" is not clearly defined in the Iowa Constitution. However, a ruling by the attorney general has clarified that it

does exist.

Most bills passed into law go into effect on July 1 following the adjournment of the legislative session. However, the legislature can specify in a bill that it will go into effect earlier or later than July 1. If the governor does not sign a bill until after July 1, it goes into effect on August 15.

We have now traced a bill through the house of representative. The path of the bill through the senate is essentially the same. However, there are several minor differences that should be noted.

Tradition plays a larger role in the senate than it does in the house. "The Senate traditionally complies with practically any reasonable request made by a senator from the floor during debate. A frequent request is to defer action temporarily on the matter under consideration. Any number of reasons may account for the deferral request. A senator may want to obtain a fiscal note on the measure being considered, prepare an additional amendment, or have an opportunity to discuss the matter further with individuals having relevant information."<sup>3</sup>

Voting in the senate is also slightly different. There is no ten-minute rule to accommodate late voters. Senators also have the option of voting "present" instead of "yes" or "no" on the final passage of bills. Senators rarely avail themselves of this option. If they do, any single senator can make them change to a "yes" or "no" vote by stating an objection.

Finally, individual vote trading plays a larger role in the senate. That is, senators swap votes, agreeing to support a measure they would normally oppose in return for a colleague's support on another bill. Perhaps the most likely explanation for this is that the senate is more of a "club." Since there are only fifty members and they serve four year terms, they get to know each other very well. Also, a single vote effectively counts twice as much in the senate as it does in the house.

### The Informal Process

If you are a high school student, you probably have been issued a student handbook containing rules and regulations. Your teachers have received a faculty handbook. If you read these handbooks and then compare them to the way your school is really operated, you may note some discrepancies and inconsistencies.

So it is in the legislature. Yes, what goes on in committee and on the floor is important. Yes, the legislature does operate with a set of written rules. But what happens behind the scenes is often more important than what happens on the floor or in committee and there are ways of circumventing the rules. This section, therefore, examines the party caucuses, the backrooms, and some "unwritten rules."

### The Party Caucus

Often a good deal of what happens on the floor of a chamber is determined in the party caucus. Party caucuses play a vital role in the legislative process.

At the beginning of the session, the caucus decides, with

strong influence being exerted by the leaders and committee chairs, what their main legislative priorities will be. The majority party attempts to get their ideas enacted into law. The minority party attempts to achieve some degree of unity in their caucus so that they can weaken or successfully oppose the majority party initiatives in some areas and secure majority party cooperation to pass minority party ideas in other areas.

One other important role of the majority caucus is to reach



Republican House members meet in party caucus.

agreement on the annual budget expenditures and then stick to that agreement on the chamber floors. The necessity of this majority party action is readily understandable. Minority party members are more than willing to vote for popular spending measures that can wreck the budget, and then campaign against the majority party for failure to produce a balanced budget.

Every majority party member has a pet program he or she would like to spend more money on. If every member succeeded in this endeavor the budget would quickly become unbalanced. Consequently, majority party members take the pledge to vote for no additional spending beyond the figure agreed to in the caucus.

Most bills are not discussed in caucus, however, bills that are partisan and controversial often receive caucus deliberation. Leaders will attempt to get as many of their members as they can behind their party's priorities. Here the minority and majority leaders and the speaker play key roles in developing support for positions that have a chance of passing. In doing so the leaders weigh several factors: the sentiment in the opposite chamber, the number of votes they can count on in the opposition party, the desires of various special interest groups lobbying the bill, and the sentiment in their own caucus. It is a tough job.

The majority party had been arguing over how to deal with a major controversial and partisan issue for over a week. The majority leader called the caucus to order and indicated that the speaker had an idea. "I could not sleep last night" he said, "so I got up about 4:00 a.m., and I thought up this idea to deal with the problem." Then he launched into a sales pitch for his idea.

Heated argument followed. The speaker responded to every legislator. He praised the caucus, belittled the senate, castigated the minority party. For every criticism he had a response. For every alternative offered he saw a problem. In response to a number of the people in the caucus he modified his proposal slightly. Finally, the majority leader again took the floor. "We are likely to get few, if any, votes for this from the minority party," he stated. "How many of you can't support the proposal as modified?" Only about a half dozen of the sixty member caucus raised their hands. "Then let's go upstairs and do it," (pass the measure) he said. And they did.<sup>4</sup>

A controversial and partisan bill may sit on the calendar for weeks after it is passed out of committee, while support is collected for it or until the leadership decides the timing is right to bring it up.

On occasion the decision may be made by the leadership and key backers of a controversial measure to "package" it with several other measures to create a large multi-subject "Christmas Tree" bill (so named because there is something for everyone!). The technique is used to attract enough votes to pass the measure. Sometimes the leadership may find it necessary to make promises to certain legislators in search of enough votes for passage.

The Cedar Rapids Democrats had been hanging tough against voting for a world trade center to be located in Des Moines. Then in caucus the speaker broke the news. The trade center would be voted on the next week as part of an economic development package which would include funding for a new armory in Cedar Rapids. "At least we got something," commented a Cedar Rapids legislator. "What did you guys from Southeast Iowa get?"<sup>5</sup>

### The Backrooms

Many of the key decisions involving legislation are made in the backrooms of the chambers. A step in the legislative process entitled "backroom deal cutting" could be inserted in the legislative process for controversial bills any time after subcommittee consideration. This is not as unsavory as it may seem. Proponents of a controversial bill may agree, for example, to co-author a compromise amendment with the bill's major opponents. A "deal" like this expedites passage in the chamber.

Suppose a major piece of legislation is a few votes short of passage. The speaker or the majority leader in a backroom meeting may use a combination of persuasion, promised reward, or unspoken threats to "find" a few more votes for passage. If the minority leader is also seeking passage of the bill he or she may do the same thing with members of his or her party.

Lobbyists are often involved in the backroom scene. Many meetings involve the majority leader and/or the speaker meeting with key legislators and interested lobbyists to work out a compromise amendment. In some cases, a deal is cut between lobbyists; legislators then simply ratify the agreement that has been reached.

### The 1990 House Legislative "Funnel"

|                    |   |
|--------------------|---|
| <b>January 8</b>   | First day of session  |
| <b>January 19</b>  | (Friday of 2nd week) Final day for individual requests for bill drafts to L.S.B.  |
| <b>March 2</b>     | (Friday of 8th week) Final date for House bills to be reported out of House committees.   |
| <b>March 5-9</b>   | (9th week) House considers only House bills and unfinished business.  |
| <b>March 12-23</b> | (10th & 11th week) Debate not limited by rule.  |
| <b>March 23</b>    | (Friday of 11th week) Final date for Senate bills to be reported out of House committees.   |
| <b>March 26-30</b> | (12 week) House considers only Senate bills and unfinished business.  |
| <b>April 2</b>     | (Beginning the 13th week) Amendments need not be filed on the day preceding floor debate.   |
| <b>April 2</b>     | (Beginning the 13th week) Only the following bills are eligible for consideration: <ul style="list-style-type: none"> <li>- Appropriation Bills</li> <li>- Ways and Means Bills</li> <li>- Co-sponsored by majority &amp; minority leaders</li> <li>- Companion bills sponsored by House &amp; Senate majority leaders.</li> <li>- Conference Committee Reports</li> <li>- Bills passed by both Houses in different forms</li> <li>- Concurrent or simple resolutions</li> <li>- Bills on the Veto calendar</li> <li>- Administrative Rules Review Committee Bills</li> <li>- Joint Resolutions nullifying Administrative Rules</li> <li>- Unfinished Business</li> </ul> |
| <b>April 17</b>    | 100th day of the session.   |

Prepared in Legal Counsel's Office

The bill expanded what optometrists are legally allowed to do as a part of their practice. The floor manager got straight to the point. "We had a little meeting in the backroom and both representatives of the optometrists (who favored the bill) and the ophthalmologists (who opposed the bill) have agreed to a compromise which is represented by this amendment." The house quickly passed the amendment and the bill by a large margin. If it was fine with the professional groups who had previously been arguing over the bill, it was fine with them.<sup>6</sup>

### The Unwritten Rules

Successful legislators know the unwritten rules as well as they know the written ones. A few of the most important ones

are: (1) with fifty-one votes (twenty-six in the senate) you can do almost anything; (2) to get fifty-one (or twenty-six) votes it helps to have the support of the legislative leaders; (3) sometimes you have to play legislative hardball ("you don't get what you want until I get what I want"); and (4) watch out during the final week.

Both chambers have rules which provide a mechanism for bringing a bill out of committee to the floor for debate. These rules are almost never used. The reason is simple: it is much easier to attach the bill that is stalled in committee as an amendment to another bill, preferably one that has already passed one chamber. It is nice if you can find a bill to amend that is of the same subject matter as your amendment, but if you can't, you can always suspend the rules with your fifty-one votes and get your amendment debated. With fifty-one votes (twenty-six in the senate) you also will get it passed.

Bills blocked by a committee chair or derailed by the funnel are often added to another bill, particularly late in the session. Thus, down to the last day of the session, a measure could be resurrected and passed. This suggests another unwritten rule, "It's not over until the final gavel falls."

Legislative hardball is a game that is played most heavily in the closing weeks of the session. In the final weeks antagonism between senate and house can be as great or greater than between the parties.

Holding up bills until a key legislator gets his way is a common practice as funnel deadlines for committee action near or as the end of a session approaches.

The speaker called all the majority party members on the house education committee to his office. "You know that pet school elections bill that Senator X wants? Well, that major education bill we sent to the senate a few weeks ago is never going to get out of his committee unless we pass his bill out. Could you guys do that? We can always kill it later." The house committee passed out the senator's bill. The next day the senate education committee passed out the house bill.<sup>7</sup>

Another major aspect of the last two weeks are the conference committees. By this time the fate of the legislation is in the hands of a half dozen legislators since both chambers usually ratify conference committee reports if so recommended by floor managers. Because of this, the legislation at this point is highly susceptible to influence by lobbyists. One of the joint rules states that any amendments proposed by the conference committee must be relevant to the title of the bill. This rule is frequently violated.

In the last days of a session the speaker and the senate majority leader are often on the phone. The speaker pledges to act on certain senate priorities if the senate acts on house priorities. In the last two weeks the two leaders work together to systematically deal with all the bills still "hanging in the air" and to close the session down. If the leadership wants it bad enough they may revive by the amendment process a measure that has previously been defeated.

During the last week of the session a nonpartisan issue which

is supported by the leadership of both parties may be introduced, run through committee, and brought to floor in a matter of days. Such leadership bills are not subject to the funnel deadlines.

## Other Functions of the Legislature

The main task of the legislature is to pass laws for the state. However, the legislature also has certain other functions. They include: (1) the appropriations process, (2) approving appointments, (3) acting as an election canvassing body, (4) oversight over executive agencies, (5) oversight over administrative rules, (6) constituent services, (7) impeachment, and (8) reapportionment.

### Creating a State Budget

Every year the legislature must enact a general fund budget for the year beginning the following July. Much of the early part of the session is spent by the members meeting in eight joint appropriation subcommittees. These committees are composed of eight house members and five senators. When voting, a measure must pass with a majority of both house and senate members. Committee members hear executive agency administrators explain their programs, answer questions, and present their budget requests.

Legislators study budget printout sheets prepared by the fiscal bureau that show the agency's expenditures in the previous year, anticipated expenditures in the current year, the agency's request for the coming year, and the governor's recommendation for the coming year. The sheets also rank the agencies' additional budget requests by agency priority.

Ostensibly, the budget process is based on the presumption that agencies will be automatically appropriated, for the year, at 70 percent of the current year's budget. Beyond that, agencies are supposed to justify their requests. In fact, most budget subcommittees accept with little question that agencies will be able to spend as much next year as they are spending in the current year. The real question is, "How much more than the current year, if any, will be appropriated to each agency?"

This decision is usually influenced by three factors: (1) the collective opinion of the committee as to whether the additional requests are worthwhile, (2) directives given the committees by the appropriation chairs of both chambers as to how much additional money the committee can appropriate—these key legislators do this because it is their responsibility to look at the entire budget and try to hold total expenditures below a certain level, and (3) the recommendations of the governor.

This last factor is highly significant. In many cases the committee decides to appropriate the amount the governor has suggested. During the entire process a constant concern of the legislators is "How much are we over or under the governor's budget?"

When the committee has completed its deliberations it directs a fiscal bureau staffer to draft a committee appropriations bill. The committee then votes out a bill.

The appropriations committees of each chamber then take up the budget bill. The appropriations committees' chairs and

the leadership usually agree that four bills will start in the senate and four will start in the house. The appropriations committees make further revisions. Based on the decision of the legislative leadership the bills may be packaged into one or two omnibus appropriation bills or they may be acted on in the chambers as eight separate bills. Floor debate and passage usually occur in the latter part of the session.

Besides appropriation language and figures, these bills also include legislative intent language. This is language directing a state agency to take certain action or behave in a certain way, often as a condition of receiving all of the appropriation.

Appropriation bills are a part of session laws, but not a part of the Code of Iowa. Most bills become a part of the Code because they are written with the phrase, "The Code of Iowa is amended to read as follows." Appropriation bills usually have no such phrase and consequently have only a one-year impact. Many intent language provisions, however, are renewed annually.

### **Approving Appointments**

The Iowa Senate must approve hundreds of individuals selected by the governor to head executive departments or serve on certain important boards or commissions. Iowa law provides a time table within which the governor must make a new appointment once a vacancy exists. In the interim the appointed person may temporarily hold an executive position to which she or he is to be appointed while awaiting confirmation by the senate.

Appointments are sent to an appropriate standing committee. The chairperson appoints a subcommittee which investigates and interviews the nominee. If the committee reports favorably on the nominee, the entire senate will almost always confirm the appointment. Although confirmation requires a two-third vote of the senate membership, rejection of a nominee is rare.

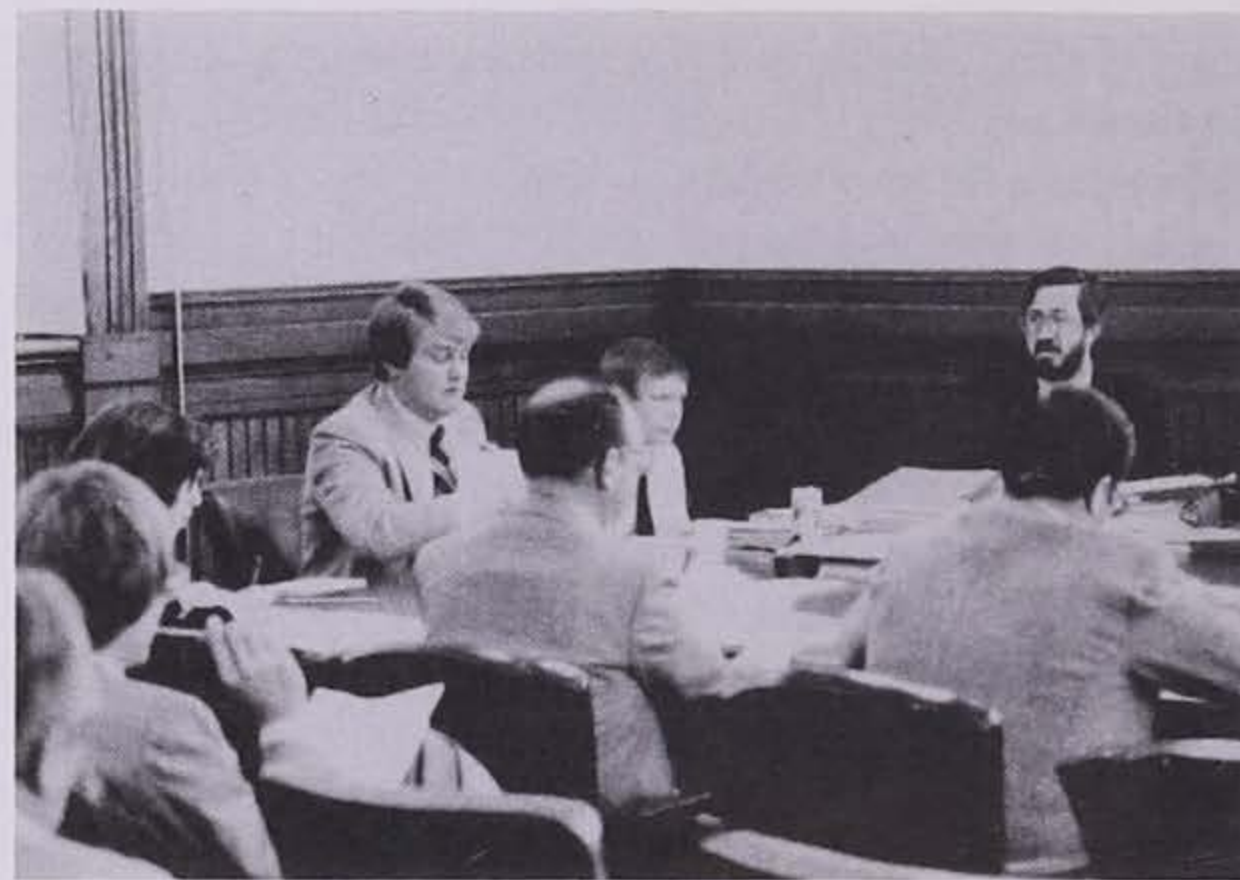
### **Election Canvassing Body**

When a general assembly meets in January after the election of a governor and lieutenant governor, one of its first duties is to go through the formality of determining who has been elected to these offices. Meeting in joint session, the legislature determines the vote totals of the counties which have been sent to the Statehouse by the county auditors, and then declares the winners.

The legislature may on occasion have another duty relating to elections. Each chamber is the judge of who its members are. When a legislator's election is contested, the presiding officer of the chamber in which the legislator will serve appoints a committee to investigate the election. This committee reports back to the chamber, which determines which of the candidates will be seated.

### **Oversight of Executive Agencies**

When a session of the general assembly ends, legislators cannot just go home and forget about everything. Legislators have questions about how well the programs they have enacted



**Members of the legislative council meet during the interim between regular sessions of the legislature.**

are working. They also often wonder (as do many citizens) if the money they appropriate to state agencies is being spent efficiently. Consequently, the general assembly attempts to maintain some degree of oversight over the operations of the executive branch of state government.

The legislative body that is mainly responsible for this oversight is the Legislative Council, a body composed of twenty legislators including the majority and minority leaders of both chambers and the speaker of the house. The council may authorize the Legislative Fiscal Bureau to conduct studies that measure and assess the effectiveness of various programs or studies that attempt to determine if departments are administered and operated efficiently.

Besides actions by the fiscal bureau, the chairs of the various budget subcommittees as well as other members of the committee often make it a point to visit institutions and agencies for which they must appropriate money.

The Legislative Council has other duties. It appoints the directors of the legislative service and fiscal bureaus and the Code editor. The council establishes and appoints legislators to all interim study committees. These are committees which meet between sessions to review, research, and draft legislation for the next session. Finally, the legislative council has supervision over legislative facilities, equipment, and arrangements.

### **Oversight of Administrative Rules**

State agencies write administrative rules to implement laws passed by legislators. These rules are supposed to be consistent with the intent of the laws they are written to carry out. The legislature has always had the power to delay the implementation of administrative rules and the power to change administrative rules by passing a law. Because of a 1984 constitutional amendment, the legislature can also nullify administrative rules with the passage of a joint resolution.

Usually there is little problem with these rules. But it is nevertheless important for the legislature to keep a collective eye on them. This task is mainly the responsibility of the



Administrative Rules Review Committee composed of six legislators and an administrator.

### **Constituent Services**

One function that is handled by each individual legislator is that of aiding constituents in their dealings with state government, a complicated and constantly changing institution. Legislators in a sense act as ombudsmen to assist constituents in obtaining information, apply for commissions or appointments, and deal with state agencies. Most legislators also receive numerous requests between legislative sessions to give speeches, serve on panels, and attend various events.

In order to be effective in this role many legislators rely on their caucus staff. Both Republican and Democratic caucuses in both chambers employ a group of partisan employees who help research bills, write bill summaries, track legislation, think up amendments (mainly minority staffers), help develop the budget (mainly majority staffers), obtain information for legislators, and a variety of other chores. Between sessions, the caucus staffs are primary sources of information for legislators while back in their districts.

### **Impeachment**

Judges of the Iowa Supreme Court and Iowa district courts, and elected and appointed officials of the executive branch are subject to impeachment and removal from office by the legislature. Following a majority vote in the house of representatives to impeach an official, a trial is held in the senate, where a two-thirds vote is needed for conviction. This procedure is rarely initiated.

### **Reapportionment**

Every ten years immediately after the national census, the general assembly must create new state legislative districts and new congressional districts. Federal courts have held that these districts must be as nearly equal in population as possible. Consequently, the new legislative districts that will be created in 1991 and go into effect after the 1992 election will come in all geographical shapes and sizes in order to achieve near numerical equality.

Despite court rulings, some states still take political factors, such as where incumbents live, into account when redistricting. The textbook term for this is "gerrymandering." This does not happen when Iowa's legislative districts are created. Political pressures are checked by a clause in the Iowa Constitution that gives the Iowa Supreme Court the power to throw out any legislative plan that does not meet federal court standards. In 1971 this is exactly what the court did. Then the court wrote the apportionment plan for the 1970s.

Learning from past experience, the 1981 legislature did a better job. The 1981 plan created legislative districts more nearly equal than those found in any other state. This tradition is likely to continue in the 1990s.

### **An Evaluation of the Legislature**

It has been two decades since an objective study by one

political scientist<sup>8</sup> found that the Iowa General Assembly was one of the best state legislatures in the nation. There is no reason to believe that this is not still the case.

Continuing a trend begun in the late 1960s, the legislature has made numerous changes which have enhanced both its power and effectiveness. These changes include (1) the establishment of greater controls over lobbyists, (2) the employment of salaried research staffs for the Democratic and Republican Caucuses in both chambers, (3) the creation of budget subcommittees to divide the work previously done by overworked appropriation standing committees, (4) the establishment of a procedure to allow bills which did not make it to a final vote in the first session of a general assembly to be "carried over" to the second session. Such a bill would be referred back to the appropriate standing committee which could make changes in the bill. (5) A greater emphasis on performing constituent services has been assumed by most legislators. (6) The legislature now has a sophisticated and expensive computer system. The system is utilized heavily by the legislative staff to track bills, do word processing, compile and print budget sheets, print the legislative calendar, print bills, access sections of the Code, and a variety of other chores.

With these efforts to improve and modernize, the Iowa legislature is not alone. For much of the twentieth century state legislatures have been viewed by many political scientists as conservative, parochial, and even backward institutions. In recent years, however, it has been in the state legislatures where progressive and innovative ideas have originated.

"Increasingly, the state legislatures are becoming the primary arena for policy making and for financing governmental functions hitherto dominated by the federal and local governments."<sup>9</sup>

Iowans should be proud of their legislature. It is relatively open, honest, efficient, and effective. Most of the legislative process is open to the public. Iowans have easy access to their representatives both in Des Moines and back in the district. The General Assembly employs a public information office to help keep the public informed during and in between sessions. Committee meetings are always open to the public. Occasionally attended by constituents, they are always attended by lobbyists. Members of a hundred different interest groups across the state keep up on legislative developments by reading the legislative commentary and updates written by lobbyists in interest group newsletters and journals. Standing committees frequently hold hearings on controversial issues at which citizens and citizen groups give testimony. The charge is made, however, that legislators have decided what they are going to do before the hearing, which is being held mainly for "show."

The Iowa legislature is honest. Graft and corruption for financial gain, commonly accepted in several other states, rarely occur in the Iowa General Assembly. There is little or no evidence to show that legislators use their positions to line their own pockets. This does not mean, however, that legislators don't enjoy the hospitality of lobbyists as represented by free dinners, drinks, and tickets to games. Indeed, this is quite

common. Legislators may also, on occasion, consider their ability to attract campaign contributions, when they make legislative decisions.

Critics of the legislative process might cite meetings which never start on time, interminable party caucuses and controversial bills "papered" with dozens of amendments to suggest that the legislature is not very efficient. However, when one looks back at the end of a session, the number of issues dealt with and bills passed is often quite substantial. The parallel system of standing committees in both chambers provides an expeditious method of considering bills and weeding out most of them. The legislative funnel produces its own brutal efficiency for forcing decisions on controversial measures.

### Improving the Legislature

Even a good legislature can be improved. Here are several valid criticisms of the Iowa General Assembly. There are not, however, any easy solutions to these problems.

One criticism involves the practice of legislative "packaging," the combining of several measures into one bill in order to enhance passage of all of them. The Iowa Constitution states that, "Every act shall embrace but one subject and matters properly connected therewith."<sup>10</sup> However, this phrase has been so liberally interpreted by the courts<sup>11</sup> that matters as diverse as the elimination of the sales tax on farm equipment and the legalization of wine in grocery stores have been passed in the same bill.

Critics say this practice circumvents the constitution and causes measures to become law which never would be enacted on their own merits. Other legislators defend these types of bills as the only way to get some important measures passed.

A major criticism of the legislature involves the legislative funnel. In the crush of "funnel" week, standing committees have often been forced to vote out legislation without giving it adequate study just to keep the measure alive.

The problem is that without the "funnel" deadlines, the session could drag on for months and still accomplish little. The "funnel" forces decisive action and, though it has its problems, a superior alternative has not been found.

A related criticism is that the legislature waits till the last week to pass all its major bills. This is not entirely true. To the degree that it is true, however, there is some justification. Legislators generally wait until the latter part of the session to enact appropriation and tax bills because by then they have a better idea (based on data supplied by the Office of Management and the legislative fiscal director) what the revenue trends in the economy are.

Two other factors that work to hold up bills until the last minute are based in human nature. Some legislators will resist passing one bill until another bill they want is passed. Also, as time gets short special interest groups who have been maintaining a tough line on a bill they are supporting begin to realize that they may not get any bill at all if they don't compromise. Plenty of deals are cut in the last week.

Nevertheless, this "last week" criticism is a valid one. With so many issues still up for grabs in the last week it becomes impossible for legislators to keep up with all last minute changes in bills that they may have voted on for the first time six weeks earlier. Consequently, legislators rely heavily at this point on the key legislators managing and resisting the legislation.



**Lacking adequate meeting space, a house sub-committee meets in the cloakroom while lobbyists look on. Photo courtesy of the Chief Clerk of the House.**

Another problem of the legislature is not having enough space to do the work. Iowa legislators today attempt to work with a twentieth century paper flow in nineteenth century office space. The top legislative leaders have offices. Committee chairs have an extra desk in a corner of a back room. Everybody else has only their desk on the floor and one filing drawer in the back hall.

Working conditions are equally crowded for most of the staff. Legislative subcommittees are sometimes forced to meet in the cloakroom as lobbyists and other legislators mill about. Clerks type letters at typewriters lined up in the hall way. Desks overflow with books and papers.

Since 1986 the Legislative Council has had legal control over all parts of the capital building not occupied by the executive or judicial branches at the start of that year. This, however, leaves little room for expansion.

Various plans to create additional office space have surfaced over the years. Opposition to such plans is based on more than just cost. In recent years several other states have created individual offices for legislators. This has increased the independence of individual legislators, but has lessened legislative camaraderie and unity as lawmakers spend more time in their offices and less time on the floor.<sup>12</sup>

Perhaps the biggest weakness of the Iowa Legislature involves oversight over executive agencies. Once a legislative session is over and the legislators head home, the matter of implementing the laws that have been passed is left in the hands of the executive branch of government. The problem is not one of executive subversion of legislative intent, although that

charge may on occasion arise. The problem is one of evaluating the effectiveness of programs created and funded by the legislature.

It is unrealistic to think that executive agencies will hold themselves honestly accountable in all circumstances and admit, "Yes, we did a poor job of implementing that program," or "we aren't even coming close to accomplishing the stated goals of this program." Government agencies have a vested interest in preserving and protecting what they already have. The ability of the governor to exercise oversight has been increased with the enactment of the 1986 reorganization bill. What about the oversight ability of the legislature?

The 1986 government reorganization bill (more about this in Chapter Four) included language to increase the Legislative Fiscal Bureau's role in making assessments of government programs. The reorganization bill also required executive agencies to get their request for law changes to the Legislative Service Bureau earlier in the year and made gubernatorial orders which create agencies or programs subject to the legislature's administrative rules veto.

While these provisions may in the long run be beneficial, they do not address the main drawback to effective legislative oversight—a citizen legislature exercising oversight over a professional, full-time executive branch.

In theory Iowa has a citizen legislature. Concerned citizens take time out of their businesses and careers to go to Des Moines and make laws. Then they go home and go about their business. Ever since the establishment of annual sessions in 1968, the citizen legislature has been less and less of a reality. Each annual session last about four months. During the remainder of the year legislators are expected to provide constituent services, attend numerous meetings, and stay on top of numerous complex issues. Many legislators have trouble doing all of this. Their family, occupation, and political campaigning take much of their time and energy. Conversely, full-time executive branch officials and full-time lobbyists are in a better position to know the details of programs and issues.

Annually, citizen legislators head for Des Moines to engage in the legislative process with lobbyists and executive branch officials, who because of their full-time status, are way ahead of the legislators they hope to influence.

Some people believe that legislating should be more of a full-time job, that legislators should be paid more, and that they should spend more time studying issues and exercising oversight over the executive branch.

Sometimes these proposals are made in combination with proposal to lower the number of senators and representatives to perhaps forty and eighty respectively. Such a change is legally permissible by statute and would not require a constitutional amendment.

Suggestions such as these, however, represent movement from a citizen legislature to a professional one such as now exists in the U.S. Congress and large states like California. Many believe that this would be a bad move. They believe

people are best represented by people who have occupational ties to a community. They believe citizen legislators are more likely to be in touch with their constituents. They oppose any movement towards a legislature of career politicians.

Whether this specific change will occur in this last decade of the twentieth century is hard to predict. Change itself, however, is a certainty. Both Iowa and the Iowa General Assembly are in many respects significantly different than they were thirty years ago. There is no reason to believe the pace of change will decline.

## Questions for Review

1. What are some of the major characteristics of the people who serve in the Iowa Legislature?
2. In what respects is the legislature more representative of the population than it was forty years ago?
3. What are the powers of the presiding officers and the majority floor leaders in the Iowa Legislature?
4. How has the office and role of the lieutenant governor been changed?
5. Why do both chambers of the legislature utilize a system of standing committees to consider legislation?
6. What is a companion bill, a "committee of the whole," a joint resolution, a study bill, a conference committee, a fiscal note, and the "funnel"?
7. How do most bills introduced in the legislature die?
8. What are the options the governor has when sent a bill by the legislature?
9. What services do the Legislative Fiscal director and the Legislative Service Bureau provide to the legislature?
10. What role do lobbyists play in the legislative process?
11. Explain how decisions made in the "back rooms" influence the legislative process.
12. What are three functions of the legislature other than passing bills?
13. What is the difference between the Code of Iowa and session laws?
14. What is the role of the party caucus in the legislative process?
15. Some legislators exercise more power and influence than others in the legislative process. Cite some reasons why this is the case.
16. In what respects is the Iowa Senate different from the Iowa House of Representatives?
17. What are some weaknesses of the Iowa Legislature?

## References

1. "Official Directory of the Legislature of the State of Iowa, Seventy-third General Assembly, 1989 Session," Compiled by John F. Dwyer, Secretary of the Senate, and Joseph O'Hern, Chief Clerk of the House.
2. "Lobbying Rules", Seventy-first General Assembly, compiled by K. Marie Thayer, Secretary of the Senate, and Joseph O'Hern, Chief Clerk of the House, page HL1.
3. Frank J. Stork, Lawmaking in Iowa, System and

Structure, published by the Iowa Senate, 1980, page 9.

4. This vignette is based on the personal recollections of the author from the years 1983-1986, when he served in the Iowa House of Representatives. The roles played by the caucus, the speaker, and the majority leader vary from time to time and person to person.

5. Ibid.

6. Ibid.

7. Ibid.

8. John Burns, The Sometime Governments, Citizens Conference of State Legislatures, 1971.

9. William T. Pound, "State Legislatures," The Book of the States, 1988-1989, The Council of State Governments, page 76.

10. Constitution of the State of Iowa, Article III, Section 29.

11. Stork, page 42.

12. Pound, page 81.

## 3. The Governor

IN THE WORST AIR DISASTER in Iowa history, the crash of United Flight 232 at the Sioux City Airport, over one hundred passengers died. Thanks in large part to the efforts of area disaster services personnel, however, over 160 passengers survived the crash. The governor of Iowa immediately flew to Sioux City to praise the disaster relief teams for their vigilant and successful efforts.

Two months later the governor was on the road again, this time traveling to a national governors' conference where he chaired a meeting focusing on problems of American education. Three months later he was back at his desk, working with aides on the final draft of the budget he presented to the legislature.

This brief account gives some insight into just some of the many roles and responsibilities of an Iowa governor. The governor is also called upon to address the Iowa legislature about the state's condition in the "state of the state" message, lead trade missions to foreign lands, inspect the National Guard, dedicate new hospitals and schools, sign or veto legislation, and perform dozens of other different duties.

As chief executive of Iowa, the governor plays several different roles and has various powers and responsibilities. Before considering these, we should take a look at the requirements a person must meet to become a governor of Iowa.

### Requirements of Office

As for every political office, there are both formal and informal (established by custom) qualifications that a person must meet to be governor of Iowa. The three formal qualifications are all listed in the Iowa Constitution. A person must be thirty years of age, a citizen of the U.S., and a resident of Iowa for two years.

In the past, persons most likely to be governor were middle-aged, married males. Our current governor, Terry Branstad, is the youngest in Iowa history; he assumed office at the age of thirty-six.

Finally, governors have had a business, professional, or political background that was attractive to voters. Most of Iowa's governors have been businessmen or lawyers, particularly the latter. Few have been farmers. They have been members of the Democratic or Republican parties, and have had a solid record of political activity and prior public service. For example, a solid majority of Iowa's governors served in the Iowa legislature before becoming governor.

### Powers and Duties

The powers and duties of the governor can also be divided into the "formal" and "informal" categories. The formal powers of the governor are derived from the Iowa Constitution.

#### Commander in Chief

The governor is commander in chief of Iowa National Guard and has the power to call out the guard for flood duty, anti-riot duty, or any other state emergency. The actual administration of the guard is overseen by the Adjutant General, who is Iowa's top military person and usually the Iowa guard's only two-star general. It is the governor, however, who appoints the Adjutant General to a four-year term.

The Iowa National Guard is both a federal and a state force. The state's armories are built and maintained by state taxes, but monetary compensation earned by the Iowa National Guard is paid by the federal government. In addition, the president has the power to call all or part of the Iowa guard to active duty. If the president wants to call the guard to active duty at the same time that the governor wants to call them up for state duty, the president has priority.

#### Formal Legislative Powers

Another group of formal powers can appropriately be called legislative powers of the governor. They include: (1) the power to veto bills passed by the legislature, (2) the power of item veto for appropriation bills, (3) the power to call special sessions of the legislature, (4) the power to adjourn the legislature if the two houses cannot agree on a date for adjournment, and (5) the power to set the date for a special election if a vacancy occurs (by death or resignation) in a legislative seat.

The general assembly could be called back into special session by the governor if there was a pressing legislative issue that must be resolved before the next legislature convenes.

Of these powers, the latter three are seldom exercised. It is the veto powers of the governor that are important. Compared to the president, however, the governor seldom has to exercise the veto. In the twelve-year period 1969 to 1980, Governor Ray exercised his veto power only thirty times for an average of about two bills per year. In seven years in office,<sup>1</sup> Governor Branstad has used the veto power more frequently. He vetoed thirty-seven bills, an average of almost six per year. Branstad, however, faced a legislature controlled by the opposition party during those years, while Ray faced a legislature controlled by



Former Governor Robert D. Blue (1945-1949), gesturing, talks with former Governor Harold E. Hughes (1963-1969), Speaker of the House Don Avenson, Governor Terry E. Branstad, and former Governor Norman A. Erbe (1961-1963). These men were among persons participating in ceremonies marking the centennial of the Iowa Statehouse in 1984. Photo courtesy of the *Des Moines Register*.

the opposition party in only four of his fourteen years. The governor often can make use of the threat of a veto to get the legislature to pass bills in forms that he or she can accept.

The power to sign into law most of a bill, but veto a certain section of it, is known as the power of item veto. The governor acquired this power for appropriation bills in 1968 through an amendment to the Iowa Constitution.

Robert D. Ray used the item veto fifty-six times for an average of four bills per year.<sup>2</sup> Governor Branstad has used the veto sixty-four times, an average of about seven bills per year. One of these vetoes, for example, struck a slight increase in funding for area education agencies that was a part of the 1989 rewrite of Iowa's method for financing education.

Recent trends suggest that the governor is most likely to exercise his item veto during times of economic prosperity when state revenues are rising and the legislature has the

money to overspend the governor's budget.

The exact scope of the item veto has been more narrowly defined by the courts over the years. Twice in the 1970s the governor's item veto power was upheld in cases involving challenges to that power. In the 1980s, however, the Iowa Supreme Court sided with the legislature when it ruled that language in appropriation bills limiting the governor's ability to transfer funds from one department to another could not be item vetoed (as it was written in those bills).

The legislature brought a court challenge of a 1985 item veto in a bill involving the judicial retirement system. A subsequent 1988 decision by the Fifth Judicial District Court ruled in favor of the governor. The decision defined the word "appropriations" and stated "a bill that contains a single appropriation is an appropriations bill for purposes of the governor's item veto power."<sup>3</sup>

The most recent item veto battle involved prisons. The governor struck the word "minimum" from a bill funding prisons so he could spend some of the money in that line item on medium and maximum security prisons (see section on "Department of Corrections" in Chapter Four). The legislative leaders then challenge this veto in the courts. Rather than delay the establishment of needed prison beds the governor allowed the funds to be spent as the legislature had intended.

### Quasi-judicial Powers

A third group of formal powers held by the governor can be referred to as "quasi-judicial". These powers include: (1) the power to pardon criminals convicted of state offenses, (2) the power to commute or shorten a sentence, (3) the power to grant a reprieve or stay of sentence, (4) the power to restore to a person convicted of a felony the right to vote, and (5) the power to extradite or refuse to extradite a person wanted in another state.

The governor always takes great caution in exercising these powers, even though there is no check on her or his powers in this area except for public opinion. Usually the governor exercises these powers only when there is substantial evidence that an injustice has been done against a person convicted of a state crime.

Reprieves were usually granted by Iowa governors to delay the execution of a person sentenced to death. Since capital punishment was abolished in Iowa in 1965, there has been no use of this power.

In extradition cases, the governor is requested to send a person wanted in another state back to that state for trial or imprisonment. Usually the governor complies with the request of the other state's law officials and sends such a person back. However, for certain legal or technical reasons, the governor may refuse to extradite a person. In this case, the person would remain at liberty as long as she or he stayed in Iowa.

### Formal Executive Powers

The governor is the chief executive officer of the state and is charged by the Iowa Constitution with seeing that the laws are faithfully carried out. Yet, in this area the governor's powers are somewhat limited. For example, it is the Attorney General of Iowa who has chief responsibility for enforcing the law. On the national level, if the president does not like the work of the U.S. Attorney General, the executive can fire that person. This is not so on the state level. The Iowa Attorney General is elected by the people and the governor has little formal control over the attorney general's actions.

The governor could suspend the attorney general for not doing an adequate job or for illegal activities, but only until the legislature has a chance to meet to consider impeachment. If the legislature took no impeachment action, the attorney general would get the job back.

Also, the governor can "...require information in writing from the officers of the executive departments upon any subject relating to the duties of their respective offices."<sup>4</sup> This

control or lack of control applies to the elective offices of secretary of state, state auditor, state treasurer, secretary of agriculture, and attorney general.

Historically, the governor was also limited in his control of most state departments. In the 1950s and 1960s most department heads were appointed by and served at the pleasure of multi-member boards such as the Iowa Highway Commission, the State Board of Education, and the State Conservation Commission.

The governor usually appointed the members of these boards, but he had to be in office some time to be able to appoint "his" people as old appointments expired. This was rarely the case. With elections held every two years, no governor served longer than six years from 1857 to 1969.

If the governor wanted to remove a board appointed department head, he had to level specific charges of legal impropriety through the attorney general's office and then hope the district court would agree to the official's removal.

Writing in 1957, a noted Iowa political scientist suggested the following description was still basically true of Iowa's executive branch: "Neither the governor nor any other state officer was in a position to exercise managerial power with reference to state business. The various agencies had no common head and recognized little responsibility to any high executive officer. There was no central planning agency, no unified command, no administrative program....state administration was, in short, atomistic and disorganized to an exceptional degree."<sup>5</sup>

No wonder that for some governors, the office was perceived to be a stepping stone to what many then considered to be a more powerful office—United States Senator.

As new departments were created and other agencies were consolidated in the 1960s and 1970s, gubernatorial appointment and removal power increased. In 1986 a major reorganization of state departments, commissions, and boards finally gave the governor full appointment and removal authority over subordinates. Today the governor has appointment and removal powers over the heads of twenty departments of government and five independent agencies. Government reorganization is discussed in more detail in Chapter Four.

Besides appointing members of boards and commissions, heads of departments and independent agencies, the governor appoints supreme court, appeals court, and district court judges. Appointment of all department and agency heads and the appointment of members of the more important boards and commissions require a two-thirds vote of approval by the Iowa Senate.

Making good appointments is not an easy task. In many cases a certain percentage of the members of boards or commissions must by law meet certain educational and professional requirements. For example, a certain percentage of the Board of Optometry Examiners must be optometrists. Five of the seven members of the Board of Psychology Examiners must be licensed psychologists.

## Terrace Hill

Terrace Hill, a stately mansion on Grand Avenue about a mile west of the Des Moines business district, was probably the best known house in Iowa even before it became the home of the governor and his family.

The mansion was built by millionaire B.F. Allen in the years 1867-1868. Allen paid approximately \$250,000 (an unheard of sum in those days) for the construction of the mansion. The ornately furnished mansion featured fireplaces. Other buildings, including a greenhouse, gardener's house, barn, and carriage house were constructed on an estate totaling 134 acres.

In the early 1870s Allen's business dealings turned sour, and he was forced into bankruptcy. He managed to save the mansion and forty acres of the estate, however. In 1884 he sold Terrace Hill to Fredrick Hubbell for the bargain price of \$60,000.

Hubbell, considered by some the richest man in Iowa history, lived in the mansion until his death in 1930. During the 1890s and the early twentieth century Terrace Hill, often referred to as the Hubbell mansion, was the social center for the socially elite of Des Moines. Social invitations to the mansion were highly prized.

After Hubbell's passing, his son occupied the mansion until his death in 1956. Then it became empty and began to fall into disrepair. Would Terrace Hill be torn down to make possible more profitable real estate developments?

This question was answered in 1971 when heirs of Fredrick Hubbell donated the mansion to the state.

A major restoration and conversion, to be a suitable residence of the governor, was then began using both tax money and private contributions. Unfortunately, the cost of restoration and conversion turned out to be much higher than anticipated.

In 1976 Governor Ray and his family moved in. Prior to that the Rays had lived in a more modest home that had served as the governor's mansion since 1947. The Rays were followed by Governor Branstad and his family in 1983.

Today stately, elegant Terrace Hill is also highly functional. The first floor retains much of its nineteenth century flavor. It is used by governor for receptions and is open to public tours.

The second floor contains guest rooms and offices for both the governor and the governor's spouse. The mansion's third floor has been remodeled into a modern apartment and constitutes the family's living quarters.

Terrace Hill is administered by the Terrace Hill Authority, a nine-member board appointed by the governor. The governor's spouse usually serves on the board.<sup>6</sup>

More information about Terrace Hill can be obtained by writing, Carriage House Visitor's Center, Terrace Hill, 2300 Grand Avenue, Des Moines, Iowa 50312.

In addition, Iowa law requires that all boards and commissions must be balanced politically and by gender. This means that only four members of a seven member board can be men (or women). Only four members of the same board can be Republicans (or Democrats). As a matter of policy most governors have tried to balance boards and commissions geographically, selecting members from all parts of the state. Under these conditions a governor might, in an extreme case, have to say to her or his staff, "I need to make an appointment to the Board of Mortuary Science Examiners. Find me a qualified women Democratic mortician from Northwest Iowa."

Members of Governor Branstad's staff feel that despite these restrictions the governor is able to find and appoint qualified people. They also believe that the restrictions serve to make the boards and commissions more representative of all Iowans.<sup>7</sup>

Finally, the governor may acquire formal executive power if the legislature specifically delegates such power by statute. Perhaps the best example of this kind of power is the across the board cuts in executive branch spending ordered by the governor several times during the first half of the 1980s, when it became apparent after the legislature had adjourned that the budget was not going to balance because of lower than expected tax collections.

### Informal Powers

Much of the governor's power comes not from the powers granted the office by the Iowa Constitution, but from powers that result from individual personality, popularity with the voters, and position within the governor's own political party.

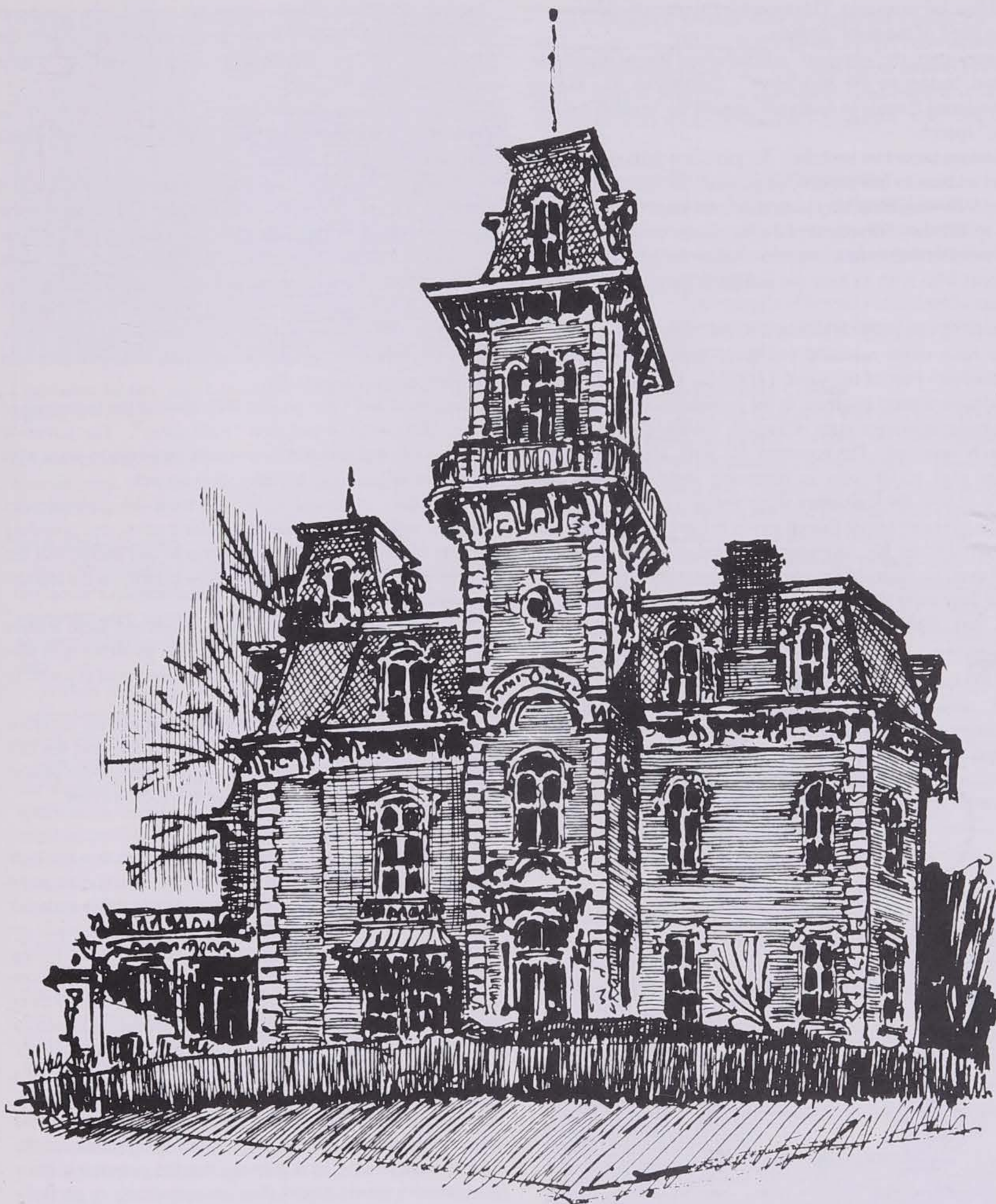
### Head of Political Party

Unless Iowa has a U.S. senator with great personal and political influence, who is a member of the governor's political party, the governor is usually the actual head of her or his political party within the state. Governors play this role during campaign season when the electorate is urged to vote for candidates of the governor's party. Governors can utilize their leadership in their political party to increase their influence in the legislature.

### Informal Legislative Powers

Beyond formal legislative powers, the governor's influence with the Iowa legislature is based on personality, party influence, and popularity with the voters. At the beginning of each session of the legislature, the governor presents a program of legislation to be passed. The governor usually outlines the main legislative proposals in a speech that is delivered to a joint session of both chambers of the legislature in the first week of





- TERRACE HILL - NORTH - DES MOINES -

Terrace Hill, the Iowa governor's residence at 2300 Grand Avenue in Des Moines. Drawing courtesy of Terrace Hill.

each legislative session. This speech is known as the governor's "condition of the state" address.

Every year, the governor is required by law to present an annual budget to the legislature. Sometimes this budget presentation is made in combination with his "condition of the state" speech.

Besides these two speeches, the governor delivers an inaugural address to Iowans and the general assembly every four years following his or her election the previous November. For this speech the joint session of the legislature usually convenes at a suitable auditorium to accommodate the large number of citizens who wish to hear the inaugural ceremonies and address.

In 1957, one political scientist wrote, "Iowa's chief executives have never assumed any great amount of legislative leadership. Few of the usual 1,000 bills introduced in each legislative session originate in the governor's office or in the other administrative state offices."<sup>8</sup> Today the situation is entirely reversed. The governor, his staff, and state departments play major roles in proposing legislation and then working with the legislature to get the bills passed.

The governor has no formal power to force the legislators to support her or his recommended budgets and programs. However, members of the governor's party are more likely to offer their support if the governor has strong party influence and they wish to maximize their chances of winning re-

election. Members of both parties are more likely to support the governor's programs if that governor is popular with the electorate, since this support will probably contribute to their own chances for re-election.

Iowa's last three governors have been fairly successful in getting their legislation adopted, even when the opposition party controlled the legislature.

Sometimes legislators would like to support legislation, but feel that their constituency would not favor it. The fact that the governor is backing the legislation, however, may bring them around to support the legislation. This is particularly true when it is legislation that is being pushed by a special interest group. In this case, the support of the governor adds "respectability" to the legislation. Finally, legislators of both parties are more likely to support the governor's program if they respect and like the governor personally.

Governors don't just present their ideas at the beginning of a legislative session and then "walk away". The governor employs one and sometimes two staff members to work with legislators to get his or her program enacted.

Particularly important is the influence the governor can maintain with legislative leaders, floor leaders, and presiding officers of the legislature. These people can ensure that the governor's programs are given special priority in the legislative process.

Weekly meetings between the governor and these leaders are held throughout the session. Here the governor uses persuasion, political influence, and perhaps the threat of a veto to influence legislation.

If successful in utilizing these informal powers, the governor can look back at the end of a legislative session and see that most of her or his recommended proposals have been passed into law. No governor, however, enjoys total success.

### Informal Executive Powers

The informal powers the governor possesses as a result of personality, popularity with the voters, or position as party leader extend to relations with the various executive agencies of Iowa government. Often, the other elected state officials are of the same party as the governor. If the governor holds strong influence within his or her party, these officials are much more likely to comply with the governor's requests. Although there are some limitations concerning political affiliation placed on the governor's appointive powers (for example, at least one member of the three-member Iowa Utilities Board must be a member of the opposite political party), most appointed state officials are of the same party as the governor unless otherwise required by state law. Similarly, if they like and respect the governor personally, or if they see that the governor is quite popular with the electorate, they are more likely to go along with the governor's game plan for state government.

### Additional Powers and Duties

In addition to the powers and duties already discussed, five more should be mentioned. They are: (1) state spokesperson,



This cartoon by Brian Duffy comments on the situation when the governorship and the legislature are controlled by opposing parties. Cartoon courtesy the *Des Moines Register*.



Legislative leaders join Governor Terry Branstad for a bill-signing ceremony.

(2) ceremonial head of state, (3) responsibility for budget development, (4) head of the executive council, and (5) responsibility for collective bargaining.

### State Spokesperson

In 1989, Governor Branstad, as chairman of the National Governor's Association, chaired a meeting of the nation's fifty governors who were meeting for the purpose of developing recommendations on a national education policy for the president.

At such meetings the governor is acting the role of state spokesperson. In this role the governor brings Iowa experiences, values, and perspectives to other state leaders.

Similarly, when dealing with federal officials, the governor's opinions and perspectives are often taken to represent the entire state. For example, suppose tremendous spring rains cause extensive flooding in parts of Iowa. It is the governor who appeals to the federal government to have the damaged areas declared disaster areas in order to make these areas eligible for federal funds.

### Ceremonial Head of State

Many of you may have seen the governor at a dedication of a hospital in your community or a nearby community, or taking part in a city's centennial celebration, or speaking at a high school or college graduation. Participating in these activities, the governor is acting as ceremonial head of state. As the head of Iowa government, the governor's presence at these local affairs adds dignity and importance to them.

### Responsibility for Budget Preparation

Every January at the beginning of each new general assembly, the governor presents to the legislature a recommended budget. This budget is the result of several months work by the governor and the governor's staff, especially the Department of Management. The legislature then studies, debates, and passes, in some form, the governor's budget, which goes into effect the following July 1.

As indicated in chapter two, the governor's budget recommendations are often accepted by the budget subcommittees. The committees do not have the expertise or time to examine every agency, institution, and commission request in detail. The governor's recommendation is usually a "safe" one to go with.

### Representative in Collective Bargaining

The governor, through her or his designated assistant, represents the state in negotiating wages, fringe benefits, and working conditions with those state employees under the Iowa Merit Employment System.

In the 1980s, the governor's office played a significant role in the implementation of pay scales for state employees based on the principle of comparable worth.

### Head of the State Executive Council

The governor heads the Executive Council, which is made up of the governor, the secretary of state, the state auditor, the state treasurer, and the secretary of agriculture. This council was created in 1860 and charged with many of the duties of running state government not held by other state agencies.

Over the years many of the former duties of the Iowa Executive Council have been transferred to other state departments. The 1986 reorganization of state government marked a significant decrease in the council's authority.<sup>8</sup> Twenty-nine powers previously held by the council were eliminated or given to state agencies.

Today the council continues to meet regularly and does retain some powers, although many of them are routine. They include approving or disapproving out of state travel expenses, purchases of property by state government, and bank depositories of public funds. The council has the power to authorize state department leases, and it decides who the insurance carrier will be for state employees.

### Aides to the Governor

The governor of Iowa alone does not have to handle the immense amount of work for which the executive office is responsible. In addition to secretaries, the governor has six to eight administrative assistants. They write speeches, study legislation, do research, advise the governor on legal matters, arrange press conferences and issue press releases, help plan trip itineraries, and generally take care of the details that are necessary for the governor's orders or official acts to be carried out. On some occasions, they may even represent the governor at military or government functions when the executive cannot be present.

The governor also depends on the other elected state officials and heads of state agencies to carry out the work of the executive branch. More will be said about their positions in Chapter Four.

### The Lieutenant Governor

With the 1990s Iowans will see a major change in the way they choose their lieutenant governor and in the duties which

that official performs. As a result of the two constitutional amendments enacted by the voters in 1988, the governor and lieutenant governor will run for office as a team. The duties of the lieutenant governor will be assigned by the governor or the legislature.

In early June of 1990 each of the major parties chose its candidate for governor in the primary election (see Chapter Seven). Then a few weeks later the parties chose their candidates for lieutenant governor at their state conventions. As expected by most political experts<sup>10</sup> the conventions automatically nominated the person the gubernatorial candidate named as his or her choice. You will recognize this system as one similar to the national government where the presidential candidate designates his choice for vice-president and the convention ratifies that choice.

What prompted this major change in the way we select our leader? Under the old system the lieutenant governor, elected by the voters, was neither totally at home in the executive or in the legislative branch. As stated in the Iowa Constitution (until 1988) the lieutenant governor presided over the Iowa Senate. The leaders of the Senate, however, were often unwilling to share real power with her or him. Starting in 1983 the power to appoint committee chairs passed from the lieutenant governor to the senate majority leader.

The lieutenant governor fared even worse in the executive branch. Unless he or she had political or personal ties to the governor, the chief executive usually gave him or her little or nothing to do. Once the legislative session ended, the lieutenant governor had few duties.

Under the new system the lieutenant governor is divorced from the legislative branch and totally a part of the executive branch. Just what her or his role there will be remains to be established. It is widely believed, however, that she or he will help the governor in the duties of ceremonial head of state and party leader. The lieutenant governor may also play roles in policy development in areas where she or he has developed special expertise. Ultimately, however, the amount of power this official will have will depend on her or his abilities and the relationship that she or he has with the governor.

### **Iowa Administrative Rules Coordinator**

The administrative rules coordinator works directly under and for the governor. It is this person's job to keep an eye on the implementation of administrative rules by state agencies. By now you may be asking yourself, what are administrative rules?

Consider this section of the Iowa Code (Chapter 99E.9), on the Iowa lottery:

"Except as provided in paragraph "b", the board shall make rules in accordance with chapter 17A for implementing and enforcing this chapter. The rules shall include but are not limited to the following subject matters:

- a. The fees charged for a license to sell lottery tickets or shares...
- b. The types of lottery games to be conducted. Rules

governing the operation of a class of games are subject to chapter 17A... Such rules may include, but are not limited to, setting the name and prize structure of the game... The board shall authorize instant lottery and on-line lotto games and may authorize the use of any type of lottery game...that the board determines will achieve revenue objectives of the lottery and is consistent with subsection 1."

As you can see, the legislature left many of the details of implementing the lottery and the actual decision of what kind of lottery games there will be to the lottery commission. The commission wrote administrative rules to decide these details and specified the exact lottery games that exist. These rules met the criteria for administrative rules established in Chapter 17A of the Iowa Code, the Administrative Rules Procedure Act.

All state agencies must write administrative rules that clarify and provide procedures for carrying out laws. This gives state agencies a great deal of power.

State agencies have a variety of powers when it comes to administrative rules. "State agencies exercise legislative, executive and judicial powers. When they write rules they perform a legislative function. When they implement and enforce rules they perform an executive function. When they deny benefits or services to citizens and that denial is appealed, they perform a judicial function."<sup>11</sup>

Remember that only a few of these state agency officials are elected. In 1974, the general assembly enacted the Iowa Administrative Rules Procedure Act to give elected officials (the legislators and the governor) oversight over administrative rules. This law requires all state agencies to develop clear, comprehensive, uniform, and fair rules and procedures in establishing the detailed regulations needed to carry out laws.

The process for getting administrative rules adopted is specified in Chapter 17A of the Code of Iowa and is as follows: a state agency writes the proposed rules and submits them to the administrative rules coordinator for review. That official sends them on to the code editor who publishes them as a part of a biweekly publication called the Iowa Administrative Bulletin.

This "notice of intended action" always indicates the section of the Iowa Code that authorizes the rules and also states that "twenty-five interested persons, a governmental subdivision, or an agency or an association of twenty-five or more persons" may demand a public hearing. Often, however, the agency receives only written comments or no comments on the proposed rules.

If a hearing is held the agency may respond to comments and modify the proposed rules. Thirty-five days after the hearing, the agency can formally adopt the rules. They then publish notice of adoption in the Iowa Administrative Bulletin and thirty-five days later the rules go into effect.

Suppose a state agency proposes a rule that the governor feels is inconsistent with the state law the rule is supposed to carry out. The governor, prior to implementation, can file an

objection to veto this rule. Rarely is this necessary. Usually the governor can get an objectionable rule changed by informally dealing with department heads.

The general assembly also has oversight power over administrative rules. A bipartisan Administrative Rules Review Committee made up of six legislators regularly reviews and occasionally holds hearings on proposed administrative rules. The legislature can delay, for seventy days, the implementation of a rule. If this committee objects to an administrative rule and that rule is tested in court by a citizen, the burden of proving that rule reasonable and valid falls on the state department.

Finally, a 1984 constitutional amendment gives the legislature the power to negate an administrative rule by a majority vote of both chambers. Of course, in the past the legislature could always pass legislation to change rules, but the bill would have had to be signed by the governor. An administrative rule's veto resolution does not require the governor's signature.

### **The Department of Management**

More than any other department of state government the Department of Management works directly for and with the governor. For this reason the main offices of the department are located in the Statehouse next to the governor's office.

The department is the chief fiscal office of the executive branch of government. Its main task is to prepare the state's budget and see that the budget is correctly carried out once it is implemented. The department must be able to accurately forecast expenditures as well as the amount of money the state is likely to collect in taxes. The director of the department obtains information from a council of economic advisors representing all sectors of the economy to help him prepare these estimates.

The director, the head of the Legislative Service Bureau, and a third economics expert chosen jointly by the governor and the legislature make up what is known as the "revenue estimating conference." Four times a year these three officials are required by law to present estimates of future tax collections to the governor and the legislature. The figures produced by the December 15 conference are the ones the department uses to prepare the governor's January budget presentation to the legislature.

Work on the expenditure side of the budget begins a year in advance in July when the director asks the heads of each of the executive departments to submit budget requests. The department then studies these requests, takes into account estimated tax revenues, and prepares a rough draft budget for the governor.

In December the governor holds hearings in which department and agency heads defend their budget requests. After these hearings the governor and the department prepare the final budget draft.

In addition to these responsibilities, the department oversees all local government budgets. The director serves on the State Appeal Board which hears requests from counties and cities to

increase their budgets over legally permissible amounts. Each year the director tells Iowa public school systems exactly how much they can increase their controlled budgets. The Board also hears claims against the state brought by private citizens. Citizens who have their claims denied by the Appeal Board can take their cases to the district court.

Besides its main fiscal responsibilities, the Department of Management helps the governor in planning and policy development. The department often serves as a liaison between the governor's office and other departments of government in regard to the budget and the governor's program.

### **Past and Future Reform**

Thirty years ago the office of governor of Iowa was not nearly the powerful position it is today. Critics of the day suggested the governor needed more staff for planning, budgeting, and policy development. They suggested that the office be strengthened by giving the governor the item veto and lengthening the term of office from two to four years. Most significantly, they suggested that the governor be given direct appointment and removal authority over all appointed heads of state departments.

Today all of these reforms have taken place. The governor has more control over the executive branch and more clout with the legislature. The four year term allows the governor more time in office to appoint members of boards and commissions, departments and agency heads, and judges. Often these appointments go to people who share the governor's political philosophy.

The Iowa governorship has come of age. This does not mean, however, that there will be an end to change in the office. As we move into the next century, new political and economic forces will doubtlessly force a renewed evaluation of the office and a fresh batch of suggestions will emerge.

The duties of state executive departments and other elected executive branch officials is the topic of the next chapter.

### **Questions for Review**

1. Is the age requirement of thirty years to be governor of Iowa too high?
2. Which is more important in the governor's dealing with the legislature, the formal legislative powers or the informal legislative powers? Why?
3. What are the governor's quasi-judicial powers?
4. Should the governor be able to appoint state officials who are presently elected? Why or why not?
5. How did two 1988 constitutional amendments change the way the lieutenant governor is selected, and how her or his duties are assigned?
6. Why are administrative rules sometimes as important or more important than state laws?
7. What controls over administrative rules does the governor have? The legislature?
8. Should there be a limit on the number of terms a governor can serve?

9. What are the main duties of the Department of Management?

10. Why is the office of governor a more powerful position than it was 30 years ago?

11. Who is the current governor of Iowa? What is his or her political party? How many terms has this governor served?

### References

1. Figures were supplied by Dick Vohs, Administrative Assistant to Governor Branstad.

2. Ibid.

3. Interview with Barbara Burnett, Administrative Assistant to Governor Branstad, August 15, 1988.

4. Iowa Constitution, Article IV, Section 8.

5. Russell M. Ross, The Government and Administration of Iowa, Thomas Y. Crowell Co., 1957, page 86.

6. Much of the information in this section comes from Terrace Hill, The Story of a House and the People Who Touched It, by Scherrie Toettsch and Steve Winberg, Wallace-Homestead Book Co., 1978.

7. Interview with Don Paulin and Dick Vohs, August 10, 1989.

8. Ross, page 81.

9. "Iowa State Government Reorganization Act—A Summary," Iowa Legislative Service Bureau, 1986, pages 25 - 27.

10. Interview with Lieutenant Governor Joann Zimmerman, May 27, and interview with Don Paulin and Dick Vohs, aides to Governor Branstad, August 10, 1989.

11. Interview with Administrative Rules Coordinator, Brice Oakley, August 7, 1981.

## 4. The Executive Branch Agencies

IF YOU COUNT EVERYONE WHO works for the legislature, everyone who works for the courts and the twenty or so people who work in the governor's office, you would have counted less than six percent of the employees of state government.

At the start of 1990 about forty-two thousand people had full-time jobs with state government. This includes about 2,000 employees of the judicial branch and 400 employees who work for the legislature. The Board of Regents employs slightly over 18,000 full-time workers, mainly at our three state universities. (The Regents also employs thousands of part-time workers—mainly students.) About 21,500 people are full-time employees of the executive branch departments and independent agencies.<sup>1</sup>

This is the work force of the state executive branch, the part of government charged with carrying out the laws of the state.

Today, due to the enactment of the State Government Reorganization Act of 1986, the executive branch is better organized, more efficient, and more understandable than it has ever been.

Many of the factors that contributed to the major reorganization of the executive branch have existed for years. Iowa had 68 government agencies in 1985, many of which had been created in the previous 20 years. As problems arose agencies were created to address those problems. The result was an executive branch lacking in overall coordination and systematic organization.

Not only was it a problem for the legislature to maintain adequate oversight over the actions of all those agencies, it was also a problem for the governor. With 68 agencies reporting to him or her, the governor was forced to deal with an overly demanding "span of control" far beyond the norm found in large private corporations. Their top executives normally supervise the work of 7 - 12 subordinates.

This span of control problem was compounded by the governor's inability to hire and fire all of her or his direct subordinates. Several agency heads such as the head of the Department of Public Instruction and the director of the Department of Transportation were appointed by their agency's governing boards rather than by the governor. These boards exercised a good deal of power through their authority to approve administrative rules, approve agency budget requests, hear appeals of rulings made by agency officials, and establish agency goals. Sometimes the boards would merely approve

budgets, administrative rules, rulings and policy goals established by the agency administrator and his or her staff. However, that was not always the case. The degree to which an administrator had her or his board "in his pocket" varied over time and from agency to agency.

According to one Iowa political commentator:

"Taxes were collected by a commission that—once appointed by the governor and confirmed by the Senate in secret session—was beholden to no one. The prisons and social services were run by an independent board that could, and did, tell the governor to go stuff it. The highway patrol and the Bureau of Criminal Investigation were run by a director whose term outlasted most governors."<sup>2</sup>

A final problem was the existence of over 200 state boards and commissions. While some of these boards had significant duties and powers as outlined above, many did not. They met perhaps only a few times a year and performed the duties delegated them by Iowa law. Many of these duties could have been performed just as well by agency administrators or another board.

Prior to 1986 no major reorganization had been attempted. The nature of government is that there is strong support for the status quo. People in authority such as agency administrators and agency board members often have a strong vested interest in keeping things as they are. The client groups they serve can usually be depended on to support them. With this being the case, legislators and governors have been reluctant to "rock the boat." Achieving a major reorganization was a difficult and formidable task.

The major factor that made such a task possible was the state's financial condition. With state revenue collections still stagnating from the effects of a farm financial crisis, the governor was forced to order a 3.85% across the board cut in state spending in the fall of 1985, the third such cut in four years. Numerous efficiency measures and hiring freezes had already been put into effect. By mid-1985 the state (excluding the Board of Regents) employed about 1,000 fewer people than it had in 1979. The legislature had passed a major tax increase in 1983. By the end of 1985 it appeared to be politically and practically sensible to look for other methods of raising or saving money. Reorganization was that method.

The process of change began with the submission of a reorganization study prepared by a private organization (Peat,

## State Government Buildings

Sometimes you can get a perspective on the growth of state government by looking at the physical facilities that house it. Chapter One has a picture of Iowa's first capitol, Old Capitol in Iowa City. If you have ever been in it, you know that it is small. Yet, it was large enough to house all three branches of government in 1850. Chapter One also pictures our present day Statehouse. It is a very large building. In 1920 it housed all three branches of government including the state executive agencies that had been created up to that time.

Today, in addition to the Statehouse, we need seven large office buildings,\* numerous offices rented in various downtown Des Moines buildings, the Department of Transportation headquarters in Ames, and the Alcoholic Beverages Division offices and warehouse in Ankeny to house state government. That doesn't even count Iowa's prisons, hospitals, social services offices, and the local and regional offices of numerous other agencies. Yes, Iowa government has really grown, but so has Iowa's economy and population.

\* Four of these buildings are named after the following famous statesmen from Iowa.

1. Robert Lucas—first governor of the Iowa territory.
2. James Grimes—governor and U.S. senator of the Civil War era.
3. Herbert Hoover—only U.S. president born in Iowa.
4. Henry A. Wallace—famous editor, farm expert, U.S. secretary of agriculture, and vice-president.

Marwick, and Mitchell) at the request of the governor. From this study the governor developed his recommendations to the legislature. The bill then made its way through subcommittee, State Government Committee, and floor debate in the Senate, and then through the same process in the House.

The reorganization was a product of the governor's initial request, legislative concerns, and the requests of numerous interest groups. The governor got much, but not all of what he wanted. His request for nineteen departments became twenty-four in the final bill. Since passage in 1986, two other agencies, The Department of the Blind and the State Fair Board, have re-established independence raising the total by two.

In a few cases the legislature restored authority to commissions and boards that the governor had wanted to take away. The legislature also acted in its own interests by expanding their confirmation powers and giving themselves greater oversight capability over the way the executive branch budget is developed.

Overall, however, the governor was a clear winner. The governor gained the authority to hire and fire all department heads except those elected by the voters. Virtually all division heads (one level below a department) are appointed by the

governor or the the department director the governor appoints. Most of the fifty boards and commissions the governor wanted eliminated were eliminated. Sixty-eight agencies were consolidated into twenty-four and hundreds of state jobs were eliminated.

With the creation of a Department of Management the ability of the governor to control the budget process and the requests of state departments was greatly enhanced. Now, "The state legislature for the first time could legitimately hold the governor accountable for the operation of the executive branch."<sup>3</sup>

Four major kinds of agencies can be identified within this reorganized executive branch: (1) internal support, (2) provision of services, (3) regulation, and (4) advocacy.

Some departments perform basic functions necessary for government to operate. These internal support functions include collecting taxes (Department of Revenue and Finance), developing the budget (Department of Management), administering the personnel system (Department of Personnel), and taking care of the government buildings (Department of General Services).

Many departments of government provide services to businesses, individuals and local governments. For example, the Department of Public Safety helps local police catch criminals, the Department of Economic Development helps new businesses get started, the Department of Employment Services helps people get jobs, and the Department of Human Services pays welfare benefits to eligible individuals.

Other departments specialize in regulation. Protecting consumers, workers and the environment is an important function of government. Within the Department of Commerce are officials who regulate banks, utilities, and insurance companies. Within the Department of Agriculture and Land Stewardship are officials who regulate warehouses, dairies, and grain elevators. The Department of Inspections and Appeals checks out restaurants, motels, and gas stations.

Many departments are both regulatory and service providing in nature. For example, the Department of Agriculture and Land Stewardship, in addition to its regulatory chores, helps farmers develop alternative crops and preserve their soil.

The granting of licenses, a power centralized in state governments, is an important part of regulation. State legislation determines that certain standards of education and training must be met before individuals are allowed to practice certain professions from real estate broker to medical doctor. Within the Department of Commerce and the Department of Health are over 20 professional licensure boards who develop these standards and enforce standards of professional conduct among their members.

Licensure is something necessary to protect the public from unqualified or unscrupulous practitioners. Licensure is also sought after by many professional groups as a means of limiting competition and entry into their profession.

Finally, there are departments whose main task is advocacy. The Department of the Blind, the Department of Human



Rights, and the Department of Elder Affairs all work to promote rights, recognition, and opportunity for their client groups.

The remainder of the chapter presents brief summaries of various departments. The executive branch, for purposes of discussion and analysis, is best divided into three sections: (1) elected officials, (2) departments, and (3) other agencies.

### **Elected Executive Officials**

Besides the governor and lieutenant governor, Iowa's other elected executive officials are the secretary of state, secretary of agriculture, attorney general, state treasurer, and auditor of state. All are elected for four-year terms. Here is a brief sketch of the main duties of each of these state officials. In addition, each of the officials has several minor duties which are not mentioned here. If you desire a more complete listing of duties, you should consult the Iowa Official Register. You should be able to find a copy in your school's library.

#### **Secretary of Agriculture and Land Stewardship**

All the elected positions in the executive branch are created by the Iowa Constitution except for this position, which is created by statute. The Secretary of Agriculture and Land Stewardship heads one of the most important departments in state government.

Iowa is the number one farm state in the nation. Iowa also leads the nation in soil erosion. Despite the fact that fewer than ten percent of Iowans now live on farms, agriculture remains a vital component of the overall state economy. These three facts suggest that the role of the Department of Agriculture and Land Stewardship is of great importance.

The primary missions of the department are to promote Iowa agriculture and at the same time preserve a precious natural resource—our soil. To do this the department acts in both regulatory and service providing capacities. The work of the department is carried out through six main divisions. They are: (1) the Agricultural Development Authority, (2) the Farm Commodity Division, (3) the Laboratory Division, (4) the Regulatory Division, (5) the Iowa Grain Indemnity Board, and (6) the Division of Soil Conservation.

Helping beginning farmers get low interest loans is the main job of the Agricultural Development Authority. The Authority utilizes the sale of federally tax exempt bonds to make such low interest loans possible.

Marketing Iowa's crops and livestock is a nine billion dollar a year industry, with 2.5 billion dollars going to foreign markets.<sup>4</sup> The Agricultural Marketing Division attempts to promote the sale of Iowa agricultural products in the state, the nation, and the world. The division participates in trade missions to other nations to promote Iowa products. It operates the Agricultural Trade Center in Des Moines in conjunction with commodity groups.

Commodity groups are private organizations authorized by state law to raise money through a "check off" procedure applied to producers of certain commodities. The money raised

is used by the organizations to promote their products. Examples of groups which have a statutory check off are the Iowa Beef Industry Council, the Iowa Corn Production Board, the Iowa Dairy Industry Commission, the Iowa Pork Producers, the Iowa Soybean Promotion Board, the Iowa Turkey Marketing Council, and the Iowa Sheep and Wool Promotion Board.

In the 1980s the need for Iowa to get away from over-dependence on two crops (corn and soybeans) became evident. In response, the division works with Iowa farmers to promote the production and marketing of horticultural products like fruits, vegetables, nuts and Christmas trees. The division has helped to develop and promote over seventy farmers' markets which sell fresh fruits and vegetables directly to the public.

The Laboratory Division and Regulatory Division attend to the regulatory functions of the department. The department's laboratory tests all kinds of agricultural products such as seed, feed, fertilizers, and pesticides to assure their safety. It also trains and oversees the work of pesticide applicators. The Regulatory Division inspects warehouses, grain elevators, meat lockers, dairies, and checks the accuracy of scales used to weigh agricultural commodities.

The Iowa Grain Indemnity Board provides another kind of protection. Whenever farmers store grain in an elevator or warehouse they pay a small fee into an indemnity fund. If, due to dishonesty or mismanagement, an elevator is unable to reimburse all farmers for the grain they have stored, the fund steps in to reimburse the farmers.

Preserving Iowa's soil is the purpose of the Division of Soil Conservation. The DSC takes responsibility for state leadership in the areas of soil, water and resource management.

In soil conservation, the DSC supplies funds and support staff to the 100 soil conservation districts of Iowa. Acting with the state soil conservation committee, the department establishes standards and guidelines that the soil conservation districts use in fulfilling their responsibilities in soil conservation. The department works closely with the districts to provide current soil conservation technology and assistance to Iowa landowners.

A major way the division attempts to preserve the soil is to provide financial incentives to farmers to build terraces or use other soil saving methods. In these cost sharing programs the state usually pays fifty percent and the landowner pays the other half of the cost.

Overseeing the work of the department's six main divisions is an Administrative Division. This division also studies weather patterns and collects and publishes a voluminous amount of information and statistics about agriculture.

#### **Attorney General**

The attorney general is the chief law enforcement official of the state. This official, and approximately eighty assistant attorneys, are empowered in a general way with enforcing the laws of the state.

One of the most important divisions of this office for individual Iowans is the Consumer Protection Division. This

office is charged with enforcing the Iowa Consumer Fraud Act, the Iowa Consumer Credit Code, the Iowa Security Act, and other laws relating to consumers. Over the years the office has acted on thousands of complaints and saved or recovered millions of dollars for consumers.

Besides investigating all legitimate complaints and advising complainants, the Consumer Protection Division presses civil cases against businesses that may have defrauded Iowans. For example, this office has battled fraudulent companies which promise (for a fee) to find customers low-interest loans. Other investigated frauds include chain letters, "bait and switch" advertising, odometer roll backs, alleged energy-saving devices, fraudulent home repair schemes, and fund-raising frauds.

Two other divisions are the Antitrust Division and the Farm Division. The former division brings suits against companies that engage in price fixing or other attempts to limit business competition. The Farm Division attempts to protect Iowa farmers from fraud. Many of its cases involve the buying or selling of farm implements, metal buildings, hogs and cattle.

The reorganization act placed the Office of the Consumer Advocate under the attorney general. This official and his or her staff represent consumers in utility cases. When utilities companies request permission from the state for large increases in utility rates, the consumer advocate works to reduce those proposed increases.

The attorney general is also the state's lawyer. The attorney general's staff advises officials of almost all state agencies on legal questions. This staff represents the state in all civil cases before the Iowa Supreme Court to which the state is a party. Upon the request of county attorneys, the attorney general provides prosecutors for serious criminal cases (for example, murders or corruption by public officials). The attorney general's staff also handles all appeals when convicted criminals appeal to the Iowa Supreme Court.

Finally, the attorney general is often called on to offer opinions on the legality of actions taken by the various levels, branches, and agencies of state government. Although these rulings do not have the force of law, they are often treated as if they do.

### **Auditor of State**

The state auditor's job is easy to understand once you are familiar with the duties of an auditor. An auditor is an official who checks financial records and accounts to see that they are correct, accurate, and honest. Accordingly, at least once a year the state auditor and assistants check the financial records and accounts of all state government departments and offices (including the governor's office). The auditor then makes full settlement between the state and these offices and departments and any other person receiving or disbursing state funds.

The auditor also checks the financial records and accounts of the state universities and hospitals. The auditor and assistants make unannounced audits of county financial records at least once a year. They also audit the financial records and accounts of cities, counties, county hospitals, and school districts if a

private accounting firm does not, or if a copy of the audit is not forwarded to the auditor's office.

### **Secretary of State**

If you have the impression that the duties of Iowa's secretary of state are similar to those of the U.S. Secretary of State, you are mistaken. Obviously, a state official does not deal in foreign affairs. The three major duties of the secretary of state are carried out by the office's Corporate Division, Uniform Commercial Code Division and the secretary's role as state elections commissioner.

The Corporate Division examines, approves, processes, and files numerous corporate and limited partnership legal documents. A business seeking to incorporate files the appropriate legal papers with this office. Trademarks are also filed with this division.

If you were buying commodities or livestock from a farmer, you would want to know if anyone else had a lien (security interest or legal claim) attached to that crop or livestock. The Uniform Commercial Code Division records and files records of such liens or security interests and responds to hundreds of lien searches weekly.

As state elections commissioner, the secretary of state has a broad range of responsibilities including writing the administrative rules to carry out Iowa election laws, working with county auditors, and publishing election results. A candidate for state office officially becomes a candidate when she or he files the correct papers with the secretary of state. In recent years this office has worked to promote mail-in voter registration forms and other ideas aimed at increasing voter turnout.

This office has a number of other duties including (1) assembling, editing and printing the Iowa Official Register, (2) issuing commissions to notaries public, (3) publishing state laws, and (4) preserving important state documents. In recent years, for example, the secretary has overseen the restoration of the original copy of our 1857 constitution.

### **State Treasurer**

Here is another state official whose duties are apparent by the title of the office. The state treasurer is in charge of the custody and investment of state funds totaling more than \$2 billion each year. The treasurer keeps a record of all monies received by the treasury and the date and source of all income. This official also keeps a record of all monies paid out, the date, to whom the money is paid, and on which state fund the money is drawn.

The Iowa treasury is made up of four kinds of funds: (1) federal funds, monies received by the state from the federal government, (2) trust funds, such as the unemployment compensation fund, (3) special funds, such as money collected from the tax on gasoline and auto license fees that is earmarked specifically for road construction and maintenance, and (4) the general fund. By law, the treasurer is required to keep money collected for specific purposes in separate categories, even

within these major fund groupings.

Funds are not kept in any one bank, but in several approved banks around the state. The treasurer shifts money among these banks as warrants (checks issued by the Department of Management) clear through the banking system and arrive at the various banks. Besides this, the treasurer is in charge of investing state funds in such a way as to make the most from interest while at the same time making safe investments. Portions of some funds, such as the Iowa Public Employees Retirement Fund (IPERS) and the retirement funds for judges and peace officers, can be invested in stocks. State operating funds can be invested in the same securities as the retirement funds except common stocks. However, operating funds are usually invested for short periods (less than a year), while the retirement funds are invested for longer periods in securities that mature in twenty to forty years.

The treasurer has other numerous financial duties. One is to administer the law regarding protection of public funds in banks, savings and loans, and credit unions. Because local government in Iowa often keep large amounts on deposit above and beyond FDIC and FSLIC protection, the law requires "pledging of assets" by financial institutions accepting public funds for deposit and, if need be, contribution by such financial institutions to a state sinking fund.

In recent years the treasurer's office has started two important programs designed to help Iowans. One is the linked deposits program. The treasurer agrees to deposit state funds in banks which are willing to make low interest loans for three purposes: (1) helping businesses owned by women, (2) promoting the use of horticultural and alternative crops, and (3) funding main street (downtown business district) projects.

The other recent program is aptly entitled the Great Iowa Treasure Hunt. In recent years the treasurer's office has been successful in returning millions of dollars to people legally entitled to unclaimed deposits in banks and savings and loans across the state.

## Executive Departments

Besides the Department of Management, which was discussed in the last chapter, there are nineteen main departments of government in the executive branch, directly accountable to the governor. In every case the governor has the authority to hire and fire the department head. In some cases he or she also appoints and may remove division administrators. Divisions are in some cases further divided into bureaus.

For every department, and for some divisions there are citizen boards with varying amounts of authority. Some have authority to approve the development of administrative rules. Some have responsibility for deciding the priorities of the department. Some are little more than advisory boards. Although the 1986 reorganization act generally reduced the power of these boards, the roles of many are still quite significant.

The number of members serving on the boards vary. Most,

but not all, members are appointed by the governor to fixed terms. Most members have considerable expertise and interest in the departments they help oversee. They function as links between the department and the client groups that the departments deal with.

More can be learned about these departments by the departments' annual reports. Most departments will mail out these reports on request for no charge. Phone numbers of the departments are listed in the Iowa Official Register.

### Department of the Blind

This department maintains a rehabilitation center and library in Des Moines and offers many services to Iowa's non-sighted persons. These services include: (1) the use of Braille books, magazines, watches, clocks, and many other Braille items, (2) courses in Braille typing and home management, (3) training in specific job skills, (4) help in finding employment, and (5) recorded books and magazines.

### Department of Commerce

Government reorganization combined several formerly independent agencies into the Department of Commerce. The chief thing that these agencies had in common was that they were mainly regulatory agencies rather than service agencies.

This consolidation caused some concern on the part of the people being regulated that the newer and bigger department might not respond to their opinions and concerns as much as the older, smaller agencies it replaced. Consequently, the department was created to be very decentralized. Most power resides with division heads rather than in the department head. The Banking Division, for example, does basically the same thing (regulate banks) that it did when it was an independent commission. The head of the Banking Division, not the department head, call the shots. All but one of the division administrators is appointed by the governor rather than by the department director.

So what do the department director and the central administrative office of the department do? Basically, they provide personnel, data processing, payroll, budget development coordination, and general administrative services to the various divisions.

Three of the divisions in the department regulate financial institutions. They are the divisions of Banking, Savings and Loans, and Credit Unions.

Another division regulates the business practices of insurance companies. A bureau within the Insurance Division regulates the sale of stocks and bonds to the public.

The Alcoholic Beverage Division performs a number of functions. It is the wholesale distributor of hard liquor in the state. Collection of taxes on liquor is a second function. Lastly, it oversees the issuance of liquor licenses to local businesses.

A Professional Licensing and Regulation Division is responsible for the licensure of five licensed occupations. The division licenses and regulates the conduct of accountants, architects, engineers, landscapers, and real estate salesmen.

Iowa has over twenty professional licensing boards, most of which are attached to the Department of Public Health. It is generally conceded that the boards do a good job of establishing and enforcing reasonable educational standards for entrance into the professions and renewal of certification. The boards have come under considerable criticism, however, for failing to adequately discipline their members when they have been charged with breaches of professional ethics. For example, between October 1988 and September 1989, 224 complaints were filed against licensed professionals, but disciplinary actions were taken against only two members.<sup>5</sup>

The Utilities Division is perhaps the most important of the division to consumers. The Division supervises and regulates the rates and services of privately-owned gas and electric companies, telephone companies, water companies, and rural electric co-ops. It also has the responsibility in regard to municipally owned utilities. Private companies cannot permanently raise their rates unless they get permission from this

division.

#### Department of Corrections

For many years a division of the Department of Human Services, this department became independent in 1984. Corrections has been a "growth industry" of sorts. Today we incarcerate about twice as many people as we did twenty years ago. Four of our prisons did not even exist fifteen years ago, and there have been significant changes in the way we operate our prison system.

We have many different prisons with different degrees of security and programs aimed at different types of inmates. A maximum security prison is one with an external barrier (wall or fence) and cells. Medium security means a secure facility with a fence of wall, but no cells (except for disciplinary purposes). In minimum security there are neither fences nor walls.

Our various institutions focus on different kinds of offenders. This is because some offenders have great potential for rehabilitation, while others have next to none. Some are old, but most are young (eighteen to twenty-five is the age group that commits the most felonies). Some are career criminals; others are in for third or fourth offense drunk driving.

Iowa uses a prison classification system to separate these different kinds of prisoners. When felons are sent by the court to prison, they first go to the classification center at Oakdale. There they are tested and evaluated. Based on age, crime, sex, personality, individual needs, past drug use, and other factors that show up in their evaluations, felons are classified as in need of minimum, medium, or maximum custody, and then sent to an appropriate institution. The largest number are classified "medium", and about one third are classified "minimum." Only about five percent of incoming felons in 1988 were classified as needing maximum security.<sup>6</sup>

The success of our prison rehabilitative programs is perhaps best measured by the recidivism rate—the rate at which former inmates return to prison. The rate in Iowa is about 33 percent. This is better than the national average, but still not what prison officials would like it to be. Iowa prisons operate a variety of educational and occupational programs within their walls.

One method of rehabilitation used in most Iowa prisons is the provision of jobs to inmates. The department operates a prison industries division which uses prison labor to produce and sell such things as garments, furniture, and data processing services. Another corrections division operates farms with prison labor at or near several of the institutions. Overall, however, the industries and prisons provide only part time work at any one time for about 800 of the more than 3,000 prisoners in Iowa's prison.<sup>7</sup> Keeping inmates occupied is a major challenge for the department.

Besides the institutions, the department also operates six post-institution work release houses where felons nearing the end of their sentence may be sent. Most felons, however, are paroled directly to the community and only a few serve their entire sentences within prison walls.

| Department of Corrections               |               |  |
|---|---------------|--|
| Name                                    | Location      | Kind of Institution  |
| Iowa State Penitentiary                 | Ft. Madison   | Maximum security - men                                       |
| Iowa State Men's Reformatory            | Anamosa       | Maximum to medium security - men                             |
| Medium Security Unit                    | Mt. Pleasant  | Medium security - men  |
| Iowa Medical and Classification Center  | Oakdale       | Medium security, psychiatric hospital, classification center |
| Correctional Treatment Center           | Clarinda      | Medium security - men  |
| North Central Correctional Facility     | Rockwell City | Medium security - men  |
| Riverview Release Center                | Newton        | Minimum security - men                                       |
| John F. Bennett Correctional Center     | Ft. Madison   | Medium security - men  |
| Iowa Correctional Institution for Women | Mitchellville | Minimum to medium security - women                           |
| Luster Heights                          | McGregor      | Minimum security - work camp                                 |

Chart 4A - Courtesy Iowa Department of Corrections

Through the first seven years of the 1980s the state maintained a prison "cap" on the total number of prisoners. While this kept the prisons from overflowing, it also led to the premature releases of felons who deserved and needed more prison time. When the cap of 2,645 inmates was lifted in 1987, the prison population began to explode. In the summer of 1988 it exceeded 3,000, and by fall of 1989 it shot over 3,300. Suddenly, Iowa prisons, which in 1988 had a total design capacity of 2,918 inmates, were packed beyond capacity. Even after plans were enacted to add about 400 beds to current institutions, the Department presented a study which showed they would need over 1,100 new beds by the mid-1990s to stay under design capacity.<sup>8</sup> Currently, a major debate over how best to expand our prisons is underway.

One suggestion for reducing the pressure on our prisons is to expand our community corrections system. Community corrections is a system designed to provide pre-trial release, pre-sentence investigation, probation, and residential programs to felons that the court does not send to prison. These services are provided by the Division of Community Corrections in districts that parallel the state's judicial districts. More than 85 percent of adult felons under court supervision—about 15,000 persons—are in community corrections and not in prison.

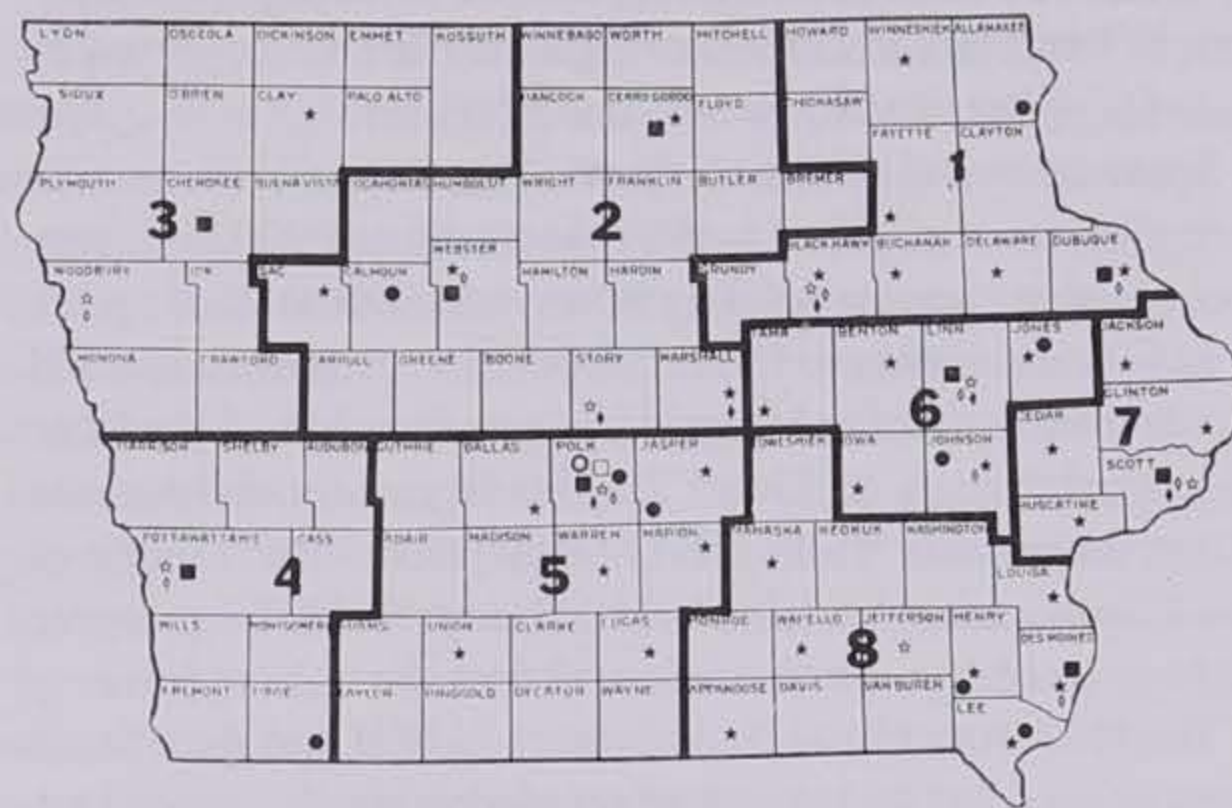
The residential component, however, provides only about 450 beds. The Department operates nineteen halfway houses, as residential facilities are called. Eight of these facilities have clients who are second or third offense drunk drivers. In order to reduce prison crowding the state has begun to deal with these offenders in community corrections facilities rather than prison.

Most of the felons in these facilities go to a job during the day and receive counseling and further education during their off-work time. Some corrections experts favor an expansion of these residential facilities as an alternative to sending people to prison. There are several advantages to community corrections. One is that it keeps the convicted felon integrated into a job, community, and family setting. The recidivism rate for persons placed in community corrections is lower than for felons who are institutionalized. Other benefits include reducing the likelihood the felon will learn other criminal skills and values from other inmates, and that they continue to work and pay taxes.

Others believe we have used community corrections about as much as we possibly can. Although Iowa incarcerates twice as many felons as it did twenty years ago, the state has the seventh lowest rate of incarceration in the nation, and one of the highest rates of community corrections placement.<sup>9</sup> Iowa's community corrections program has been a model for the nation for almost two decades.

The main problem is that two thirds of the felons being admitted to our prisons have already tried and failed in community corrections.<sup>10</sup> Stricter punishment and supervision is warranted. Furthermore, when the threat of being incarcerated in prison is reduced, because of overcrowding, community corrections programs lose some of their effectiveness.

## Major Offices and Facilities of Iowa's Correctional System



— Denotes counties in their respective judicial districts.

- DOC Central Office
- ☆ CBC Headquarters
- ★ CBC Branch Offices
- Institutions
- ◇ Residential Facilities
- ◆ Work Release Facilities
- OWI Programs
- Jail Inspection Unit

Chart 4B - Iowa Department of Corrections

Clearly the problem of prison overcrowding will be a major concern of state government in the 1990s. Whether one advocates building more prisons, expanding community corrections, or using new technologies like electronic bracelets to keep felons under house arrest, there are no easy answers. Some Iowans have gone one step further and asked the question "Why do we have such a high crime rate compared to twenty years ago?" Again, the reasons are complex, and again, there are no easy answers.

Operating our prisons and our community corrections programs are the two main functions of the department. There are three secondary duties. The department operates the Iowa Corrections Academy in Mt. Pleasant. This school provides preservice and in-service training for correctional officers and other employees of the department. The department is responsible for the inspection of local jails. Finally, the department provides administrative support for the Iowa Board of Parole, the body responsible for determining when felons will be released from prison prior to the expiration of their sentences.

### Department of Cultural Affairs

"To enhance the availability and quality of the cultural, information, intellectual, educational and artistic resources for the enrichment of life and economic development in Iowa..."<sup>11</sup> is the beginning of the mission statement of this department.

The 1986 reorganization act combined into one department those agencies that provide cultural, historical, and educational services. They are: Iowa Public Broadcasting Board, the State Historical Society of Iowa, the Iowa Arts Council, Terrace Hill Commission, and the State Library of Iowa.

Those of you who grew up on "Sesame Street or the "Electric Company" are familiar with Iowa Public Television, operated by the Iowa Public Broadcasting Board. With eight transmitters, IPT reaches all corners of the state. IPT is supported by state tax dollars and by private contributions.

Some of you may already have visited our new state historical museum. Opened in 1987, this four story 220,00 square foot glass and granite building is "a symbol of the state's pride in its past and faith in its future." Operation of the museum and the development of exhibits is just one function of the State Historical Society of Iowa. The Society also publishes the historical journals "Palimpsest," "Goldfinch," and "Annals of Iowa;" maintains a state historical library; and helps preserve historic buildings, monuments, and sites throughout Iowa.

The Iowa Arts Council administers federal and state funds appropriated for the purpose of promoting the fine arts. This includes all kinds of visual and performing arts such as painting, sculpture, dance, theatre, music and photography. You may have had an artist come to your school to perform or to teach as a part of the arts in the schools program. The Iowa Arts Council also works with local artists, dance companies, theatre companies, and symphonies. The council has other programs aimed at county care facility residents, older Americans, and the handicapped. An Art in State Buildings program employs visual artists to produce works for new or renovated state buildings.

Terrace Hill is more than just the home of the governor. This nineteenth century mansion, adjacent buildings, and grounds constitute an important historic site. The Terrace Hill Commission is the agency responsible for the site's historic preservation.

The State Library represents the top of a three tier system. You are probably already familiar with the first level, represented by your local public library. The next level is Iowa's regional library system. The state is divided into seven regions each of which has a regional library. Regional libraries are "libraries for libraries." They provide numerous services to local libraries including loans of books and films for short term or extended periods.

The final level of the system is the State Library. This includes the State Law Library and the State Medical Library. The library works with regional and local libraries to deliver library services to Iowa government and Iowa citizens.

### Department of Economic Development

The hard times of the 1980s convinced Iowa politicians of the importance of state promotion of economic development. One result was the centralization of most economic development programs in this one department.

Today state government's effort to create jobs, sell Iowa products and encourage tourism greatly exceeds what the state was doing ten years ago. The Iowa Department of Economic Development is the department primarily responsible for this task.

The work of the department is carried out by four main di-



Promoting Iowa tourism includes attracting Japanese tourists on golf vacations. This cartoon by Brian Duffy is of courtesy of the *Des Moines Register*.

visions with a fifth division, Administration, providing internal coordination and support. The agency administers so many programs that only several of the main ones are mentioned here. These programs include those that are purely federal in origin and funding, programs that are totally funded with state dollars, and programs that use a combination of federal and state funds. The department works closely with private businesses and local governments.

The Community Progress Division works with local governments to enhance economic revitalization. For example, the "Main Street" program provides funds to help create new businesses in downtown business districts and to "fix up" established businesses.

The Financial Assistance Division administers numerous federal and state economic development programs. One of the largest is the federal Community Development Block Grant Program. Funds are awarded to cities for community improvement and economic development projects. Competition among communities for these funds is intense.

The Community Economic Betterment Program is a program funded by state lottery dollars. It helps finance the creation of new jobs by private industries and local governments. The program has been criticized by some who believe too much money has been given to employers who create only low paying jobs and a few employers who failed to create any jobs at all. Modification or elimination is likely.

The Iowa Product Development Corporation's program is less controversial. This agency spends approximately two million dollars annually to help launch the commercial development of new innovative products. Most of the companies it helped start since its beginning in 1984 continue to operate.

The Job Training Division, as its name implies, administers programs designed to help train Iowans for available jobs. Perhaps the most successful of its programs is the Industrial New Jobs Training Program. Community colleges sell certificates (bonds) and the proceeds are used to train workers and help participating industries create new jobs. The certificates are paid off with the tax revenues generated by the new jobs.

The division also administers the Iowa Conservation Corps, which annually employs about 2,000 youths, ages 14 to 24, in conservation related work.

The Division of Marketing and Business Development concerns itself by helping to bring money into the state. It does this by encouraging new businesses to locate in Iowa, promoting the overseas marketing of Iowa products, and encouraging tourism.

The division maintains trade offices in Asia and Europe, and sponsors overseas trade visitations to promote the sales of Iowa manufactured products.

Today, Iowa spends three times as much as it did a decade ago on tourism promotion. The department advertises Iowa in television and magazine ads, sends "Visit Iowa" information to out-of-staters, and works with local tourism promotion groups.

Attempting to bring new industry to the state has long been a task of state government. The division provides information to industries across the nation about the Iowa economy, the available labor pool, and the infrastructure (roads, water, utilities, etc.) needed to support their businesses. The division advertises specific buildings and communities available for industrial use and works with cities attempting to lure new industry to their communities.

A final important program helps Iowans buy homes. Loosely attached to the Department of Economic Development (DED) for organizational purposes is the Iowa Finance Authority. This agency sells revenue bonds to private and institutional investors and uses the proceeds to make low-interest home loans. Over a period of years, people pay-off their loans and the authority uses the funds to pay-off principal and interest due on the bonds. Since bond holder do not pay federal taxes on the interest they receive, authority revenue bonds can pay lower interest rates than other bonds and still be marketable. This in turn allows the authority to charge relatively low interest rates to home buyers. The agency operates a similar program to help people start small businesses.

### **Department of Education**

Have you ever wondered why schools have to operate at least 180 days per year? Did you ever question the reason for the requirement of one semester of government for every high school student in Iowa? The answer to these two questions is that state law, as enforced by the Department of Education,

requires that all public and approved non-public schools meet these standards.

A primary responsibility of the department is to supervise our state's public and non-public elementary and secondary schools. It requires, for example, that schools be in session a minimum number of days, that each school day last a minimum length, that certain kinds of courses are taught, and that teachers and administrators meet certification standards.

Responsibility of establishing professional standards for teachers and administrators is the duty of an autonomous Board of Educational Examiners for whom the department provides administrative support. This body determines the standards individuals must meet to obtain and maintain teaching and administrative certification. It also decides what sanctions, if any, will be brought against educators charged with violating professional standards of behavior.

A third function of the department is to work to improve the quality of education in the state. The department does this by conducting educational research, providing special educational and advisory services to school districts, and continually promoting public awareness about the needs of education in Iowa. The Department of Education also supervises Iowa's public area community colleges and area vocational schools.

Two other programs under the department are vocational rehabilitation and Iowa's Area Education Agencies (AEA's). Vocational rehabilitation is a program funded in large part by the federal government. In addition to a state evaluation and training facility, it operates area offices. The program's intent is to provide services for adults who are physically or mentally disabled and need job skills that will allow them to become employable.

In 1974 the legislature created the state's AEA's to replace the old county school systems. There are fifteen AEA's with the same boundaries as the state area community colleges. The purpose of these agencies is to provide auxiliary services to Iowa's public schools. These services include: (1) loaning books and films, (2) providing speech and hearing clinician assistance, (3) providing psychological evaluation and therapy, (4) planning professional programs and conferences for teachers, and (5) operating schools for Iowa's mentally retarded and emotionally disturbed youths.

Are you familiar with your area community college? Iowa has fifteen of them located on twenty-seven campuses (some colleges have more than one campus). Community colleges are financed by a combination of tuition, property tax, state aid, and federal grants.

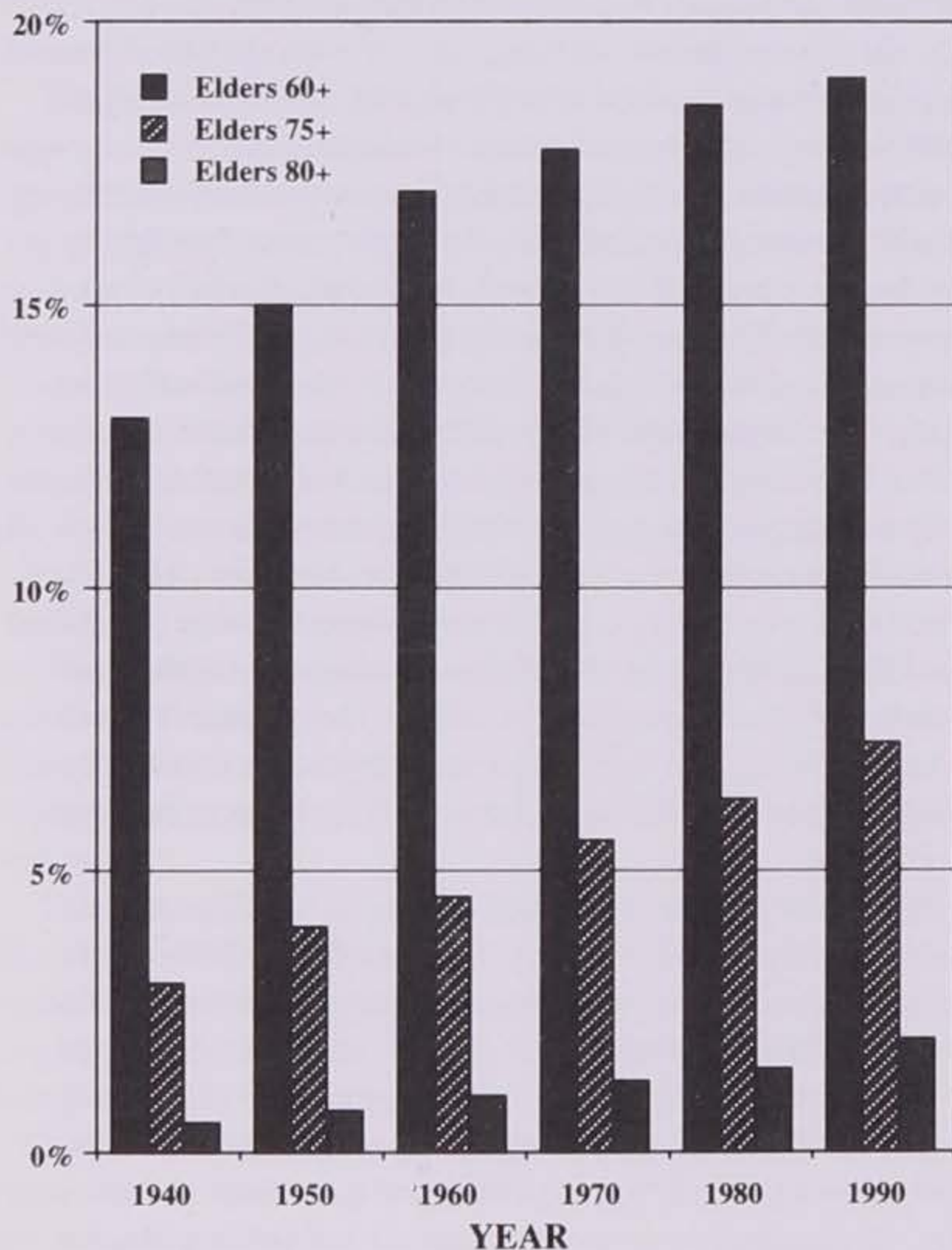
These schools offer a variety of services including the first two years of a four-year liberal arts college program, vocational training in over 190 different full-time occupational programs, GED and high school completion programs, adult education, and vocational training programs for area high schools.

In recent years community colleges have become more involved in economic development. Many of them administer

the Job Training Partnership Act in their area. JTPA is a federal-state (mostly federal) program that provides job training, temporary job placement, and youth employment for unemployed and unskilled persons.

Critics of community colleges say they try to be too many things to too many people. Private liberal arts colleges are somewhat resentful of the publicly subsidized competition from community colleges during the first two college years. There is no doubt, however, that since their creation in 1965, community colleges have significantly contributed to enhanc-

**IOWA'S ELDER POPULATION GROWTH**  
Percentage of Total Population



**Chart 4C - Iowa Department of Elder Affairs, 1988 Annual Report**

ing educational opportunities for Iowans.

### Department of Elder Affairs

The central mission of this department is to coordinate programs which serve Iowa's elderly. The agency, serves as an information clearinghouse and an advocate for citizens over the age of sixty.

The main function of the office, however, is to provide oversight and channel federal funds to regional nonprofit corporations throughout the state that provide direct services to the elderly. Services provided by area agencies on aging include legal services, chore services, congregate meals, meals on wheels, senior citizen centers, transportation, and telephone reassurance.

### Department of Employment Services

Unemployed? One of the divisions of this department, Job Service, may be able to help. Job Service has about seventy offices in the state. They have a computer bank of available jobs, and they provide counseling in job choice and adjustment as well as general aptitude testing. Job Service helps administer the federal Job Training Partnership Act (JTPA) and assists employers in finding qualified workers.

The Division of Job Service of the department administers Iowa's unemployment compensation program. The money comes from a trust fund which is maintained by a payroll tax paid by Iowa employers. When people lose their jobs through no fault of their own, they may be eligible to collect benefits from this fund for up to twenty-six weeks. People generally are not eligible if they quit and there was no employer misconduct or are fired because of their misconduct. Iowans may collect additional weeks of federal unemployment benefits if the unemployment rate in Iowa is high enough to meet federal guidelines. In addition Job Service administers federal programs aimed at helping certain targeted disadvantaged groups. The Work Incentive Program (WIN) is a jobs program aimed at helping get people off the welfare program, Aid to Dependent Children, and into jobs. Other federally funded programs are aimed at helping veterans (the Veterans Job Training Program) and dislocated workers (people unemployed due to factory closings).

The department has two other other important divisions. Labor Services has primarily regulatory responsibilities. The division inspects factories, elevators, boilers, and amusement park rides. It licenses employment agencies and enforces child labor laws.

The Division of Industrial Services also has one primary responsibility. This is to enforce Iowa's Worker Compensation Law. Almost all Iowa employers are required to maintain insurance on their employees. When a worker is injured on the job or becomes sick from job related activities, she or he is eligible to receive worker compensation payments while they are gone from work.

### Department of General Services

This department can perhaps be described as the "house-keeper" for state government. Here is a partial list of duties of the department. It is responsible for uniform purchasing of office equipment and other supplies used by the agencies of state government. It is responsible for maintaining the Statehouse, state office buildings, and grounds in Des Moines. It administers the dispatching of state-owned cars and vehicles to state officials and state agencies. It coordinates state-wide communication services.

This department is charged with purchasing surplus federal property and coordinating property liability insurance for state agencies. The department also is responsible for administering the letting of printing contracts by state agencies and operating the Statehouse mail room. General Services has responsibility for providing office space for state agencies. To accomplish



this the department leases large amounts of office space.

### **Department of Human Rights**

This department combines together formerly independent agencies whose primary function is advocacy for a group of people who may suffer from discrimination or lack of opportunity.

The groups represented within the department can be fairly easily discerned by the names of the commissions and divisions within the department. They are: (1) the Division of Children, Youth and Families, (2) the Division of Criminal and Juvenile Justice Planning, (3) The Deaf Services Commission, (4) the Juvenile Justice Advisory Council, (5) the Commission of Persons with Disabilities, (6) the Spanish Speaking Peoples Commission, (7) the Commission on the Status of Blacks, (8) the Iowa Commission on the Status of Women, and (9) the Division of Community Action Agencies.

This last division is an advocacy agency for poor people. In addition, it administers three federal programs to fight poverty. They are the Low-Income Energy Assistance Program, the Weatherization Assistance Program, and the Community Services Block Grant. These funds are divided among regional Community Action Programs which provide these services and other services such as day care, and "Headstart" to eligible poor families.

Advocacy agencies consider it their main goal to help their client group improve their lives. They do this not only by helping members of their client groups, but also by educating the general society about the special needs or problems of the people they represent.

Advocacy agencies collect and send out information, hold conferences and workshops, conduct studies, advise state and local governments on matters pertaining to their client group, and serve as clearinghouses for programs available to help their client group.

### **Department of Human Services**

"To provide a continuum of integrated human services to Iowans who experience personal, economic and social problems"<sup>12</sup> is the stated mission of the Iowa Department of Human Services. This agency is the largest state agency excluding the Regents' Institutions. Human Services employs more than 7,000 people and operates on a budget of approximately one billion dollars, about half of which comes from the federal government.<sup>13</sup>

Human Services has five main divisions. One division operates the Iowa Veterans Home in Marshalltown. The Division of Management and Budget provides planning and support services. This leaves three divisions that deliver most of the services to clients.

One of these is the Division of Mental Health, Mental Retardation, and Developmental Disabilities. This division operates six institutions: the four mental health institutes located in Mt. Pleasant, Independence, Cherokee, and Clarinda; and the hospital schools for mentally retarded persons at

Glenwood and Woodward.

Most of the clients served by this division, however, are not in any of these institutions. Instead, they live in communities and receive community-based services. A major change in social services in Iowa and across the nation in the last three decades has been deinstitutionalization. Very simply, fewer people are sent to our institutions, and clients stay there for shorter periods of time.

Community mental health centers provide outpatient services to people with mental and emotional problems in almost all Iowa counties. Similar nonprofit corporations provide services to many mentally retarded Iowans. These organizations receive their funding from a combination of county, private, fee, state, and federal sources. The state and federal funds are administered through the Department of Human Services.

The remaining two divisions are the Community Services Division and the Social Services Division. They work closely together. Basically, the Community Services Division operates the county and district offices that deliver the services planned and developed by the Social Services Division. There are eight district offices and local human service offices located in every county. These two divisions operate three basic kinds of programs: (1) income maintenance programs, (2) social service programs for poor, handicapped, and elderly Iowans, and (3) family protective services.

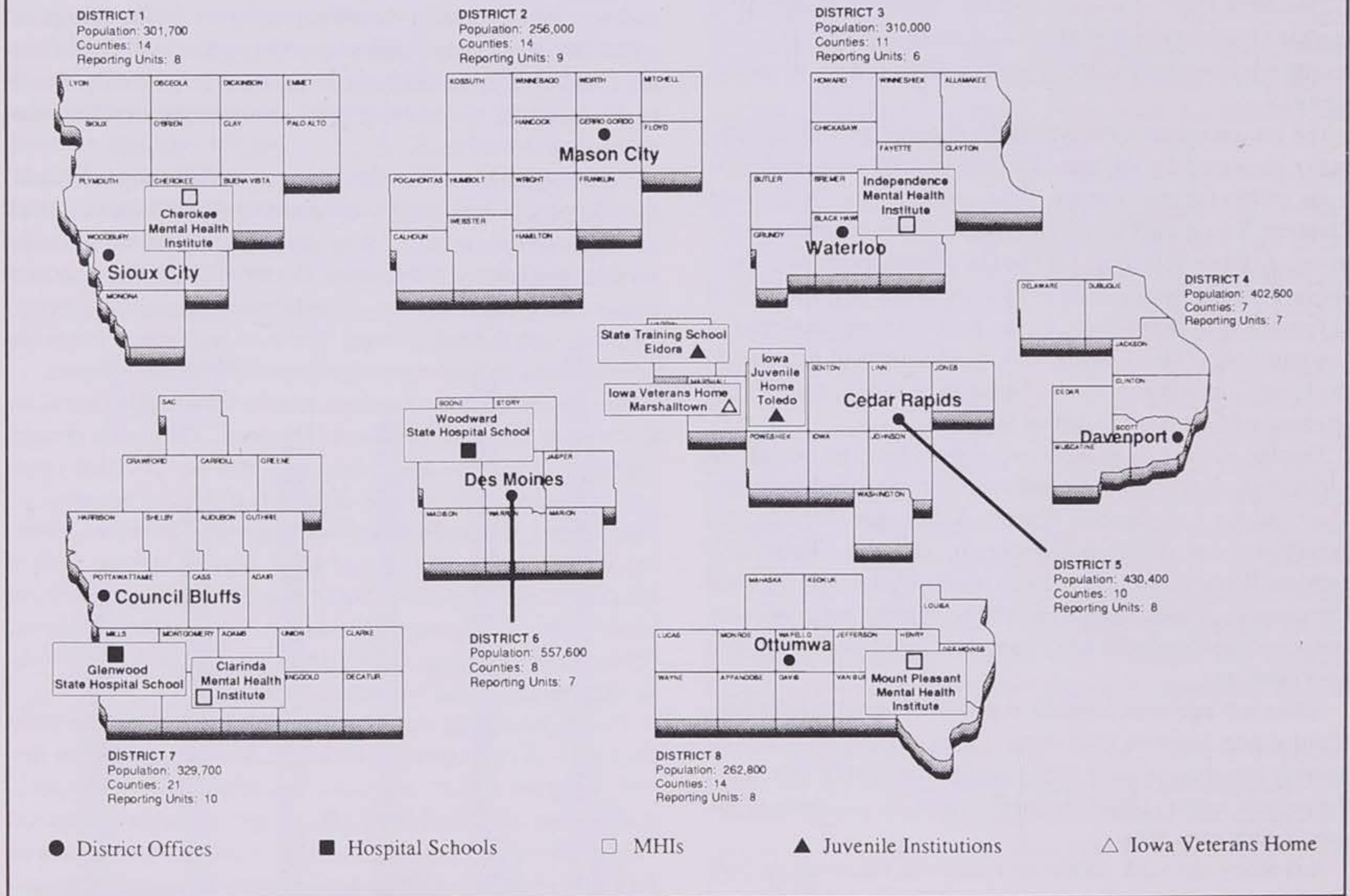
The major income maintenance programs in Iowa are Food Stamps, Aid to Dependent Children, Medicaid, General Relief, Veterans Relief, and State Supplementary Assistance. Aid to Dependent Children (ADC) is the best known program. Eligible clients are poor parents with children under the age of eighteen when the children are deprived of parental care and support due to the absence, death or incapacity of the other parent. Almost all recipients are women and their children. ADC is funded approximately with 63 percent federal funds and 37 percent state funds.

A related program is ADC-UP, (Aid to Dependent Children with Unemployed Parents). Under ADC-UP families with both parents still at home may receive benefits if their income and assets are low enough to qualify and one of the parents has a work history.

Food Stamps, a program sponsored by the U.S. Department of Agriculture, is entirely funded by the federal government. General relief and veterans relief are county welfare programs that pre-date federal and state involvement. These programs are funded entirely by counties. Payment are made only when a person or family cannot qualify for federal or state aid. The county offices reimburse eligible persons for expenses such as rent, grocery bills, medical bills, or utility bills instead of giving out a lump-sum cash payment.

By far the largest welfare program in Iowa is Medicaid. In fiscal year 1987 the state spent \$151 million and the federal government provided about 250 million dollars.<sup>14</sup> Medicaid is a program that pays hospital and medical expenses for people receiving ADC, and certain hospital and medical expenses for

## Department of Human Services Field Offices and Institutions



**Chart 4D - Department of Human Services - 1987 Annual Report**

non-ADC poor called "medically needy." Besides Medicaid there is a program often referred to as "state papers." Each county is allowed to send a certain number of people needing medical care to University Hospitals in Iowa City. Also some funds from this program are used to pay for services performed at local hospitals. The program is state funded.

In addition to these aid programs, the DHS offices in each county refer eligible Iowans to the nearest Social Security office to apply for Supplemental Security Income. This federally financed and administered program pays benefits to the blind, aged, and disabled. Clients in these categories may also be eligible for state supplementary assistance.

DHS also provides numerous services to Iowa's poor, handicapped, and elderly. These services include supervising admissions to county care facilities, assistance in finding housing, meals and transportation for the handicapped and elderly, referral to other state agencies, homemaker and chore aid for handicapped and elderly persons, counseling for unwed parents, family counseling, foster care, and day care services.

The Department provides some services directly and purchases some from other private and public agencies around the

state. Some of the funding to provide these services comes from the federal government.

The Community Services Division also provides family advocacy services. They investigate actual or suspected cases of child abuse and adult abuse, provide family counseling, and as a last resort, goes to court to remove children from abusive parents. The DHS offices supervises the placement of neglected and dependent children with foster parents or in private group homes that contract their services to the state. Adoption services are also provided by DHS offices.

Spouse abuse is another area of concern for human service offices. They may refer clients to homes for battered women or intervene through family and personal counseling. In recent years Iowa has passed several laws designed to combat child and spouse abuse.

The Community Services Division also administers the state child support recovery system. The state has substantially increased the amount of money it annually collects from parents who have failed to timely pay court ordered child support.

Finally, DHS operates the state juvenile homes at Toledo

and Eldora. These institutions provide supervision, education and counseling to boys and girls adjudicated delinquent by the courts.

### **Department of Inspections and Appeals**

One of the ways the governor and the legislature sought to save money in 1986 was to consolidate functions of government. A regular function of many departments has been to conduct various kinds of inspections of the private sector in the spirit of protecting workers, consumers, and the rights of people eligible for entitlement payments. Numerous inspections tasks have been consolidated into this department. For example, agents inspect nursing homes, hospitals, barber shops, restaurants, hotels, motels, and licensed day care centers.

A traditional function of government has also been to hear appeals. If citizens don't like the way they have been treated by a state agency, there are established avenues of appeal. Many of these appeal hearings functions are also consolidated in this department. For example, officials hear appeals concerning welfare benefits, unemployment compensation, occupational and safety regulations, actions taken against licensed professionals, and the licensure of hospitals.

The Iowa Racing Commission is a part of the Department of Inspections and Appeals. The commission licenses and regulates pari-mutuel racing tracks. In this capacity it works closely with law enforcement agents in the Department of Public Safety.

### **Department of Natural Resources**

Since environmental concerns are becoming increasingly important in Iowa and the nation, this department's work will be very important in the 1990s. Protecting the environment by enforcing Iowa's water, air, and land pollution laws is one of the department's two main functions. The department is charged with carrying out Iowa's 1987 landmark Groundwater Protection Act, dealing with the problem of leaky underground storage tanks, and helping to implement the federal "superfund" program for cleaning up hazardous waste disposal sites.

Working with local officials, the department is attempting to start programs which will encourage Iowans to decrease the amount of garbage going into landfills. Particular concern focuses on keeping household hazardous materials out of the environment.

The second major function of this department is the administration and maintenance of state parks, forests, fisheries, and wildlife preserves. Money from hunting and fishing licenses, boat registration, camping fees, and earmarked lottery profits pay for much of the cost of this function. Foresters, conservation officers, park rangers, and biologists are examples of the department's employees.

The department is both a regulatory agency charged with protecting the environment and an agency which provides services to citizens (state parks, state forests, wildlife preservation). Some legislators believe the department should be split into two parts.

### **Department of Personnel**

This department was created by the 1986 reorganization act to consolidate personnel functions of all government agencies in one department. These functions include recruitment, testing, certification, promoting equal opportunity for minorities, and establishing appropriate salaries and benefits for hundreds of types of jobs. Officials of this department represent the state in collective bargaining with employee unions.

The administration of the Iowa Public Employees Retirement System (IPERS) is also a function of the agency. IPERS provides retirement benefits to most public employees of state and local government.

The department works closely with Job Service offices to make sure all Iowans have opportunities to apply for state jobs. The section "Getting a Job in State Government" provides more details.

### **Department of Public Defense**

Since Iowa does not have an army, many people are not aware that it has a defense department. The department is composed of Iowa National Guard, discussed briefly in Chapter Three, and a Disaster Services Division which is charged with preparing the state to respond quickly in the event of a large natural or man-made disaster.

The 1986 reorganization act placed responsibility for veteran affairs in this department. The Veteran Affairs Division collects information and maintains records about Iowa veterans, and assists and holds service schools for county Veteran Affairs Commissions.

### **Department of Public Health**

This department's main tasks are to promote health education, public hygiene and sanitation, and to enforce public health laws. The department duties are carried out by four divisions and one office. They are: (1) the Office of Health Planning, (2) the Division of Family and Community Health, (3) the Division of Disease Prevention, (4) the Division of Substance Abuse and Health Promotion, and (5) the Division of Central Administration and Professional Licensure.

The Department of Public Health is both a regulatory agency and a service agency. Acting as a regulator the department inspects and licenses hospital radiation equipment, swimming pools, fluoridation facilities, and migrant labor camps.

Examples of services include: (1) providing the public information about Sudden Infant Death Syndrome (SIDS), (2) conducting workshops for nurses, teachers, doctors, and other professional about AIDS, collecting data on the spread of the disease, and providing free blood tests for AIDS, (3) administering the renal disease program, which provides financial aid to eligible clients with kidney disorders, (4) maintaining a state birth defects institute, (5) operating maternal and child health centers throughout the state, (6) conducting well-elderly clinics for Iowans over sixty, and (7) administering the Women, Infants, and Children Supplemental Food Program. WIC, as it is often called, is a federally funded program which provides

## Getting a Job in Iowa Government

Did you ever consider working for the state of Iowa? Being a government employee has several advantages. State employees, after a six-month probation period, have high job security and established grievance procedures. Their salaries are comparable to and in some cases better than those paid to similar employees in private enterprise. For most state jobs you are hired on the basis of previous education and experience. Over 20,000 state employees earn jobs on a merit basis.

There are three categories of jobs. Easy entry jobs require no test taking, and very little experience or education. Applicants apply directly to the agency or institution they want to work for. Performance during the first six months on the job decides whether or not the applicant keeps the job. Jobs in this include clerk, conservation worker, maintenance worker, lab assistant, security guard, and warehouse worker.

Some jobs are obtained totally on the basis of your "E and E" rating (an evaluation of previous education and/or experience). Examples are community corrections service worker, teacher of the mentally handicapped, physical therapist, and licensed practical nurse. Finally, some jobs require meeting minimum education and/or experience requirements, then an examination. Tests for most jobs are generally of the written,

multiple-choice variety, but may also require a performance test, such as stenographer or typist. Jobs requiring only written tests include correctional counselor, income maintenance worker, social worker, and revenue agent. State institutions and agencies must choose from the applicants with the top six test scores; so doing well on the test is important.

You can get information on the procedure to be followed in applying for state jobs and the location of state examinations at the nearest Job Service office.

The Iowa Department of Personnel coordinates all of the above procedures. Besides testing and hiring, the department promulgates and enforces rules concerning the pay, promotion, welfare, transfer, layoff, discipline, and removal of state employees.

Not all state jobs are under the guidelines established by the department. For example, employees of the Iowa Legislature, all employees appointed by the governor, employees of the attorney general's office, professional employees of the Department of Education, and regents institutions are not included. However, the regents have their own merit system, which is similar to the state merit system, for their non-professional personnel.

added nutrition through the purchase of supplemental foods for poor women and their children.

Much of the money to fund programs administered by the department comes from federal block grants and categorical grants. In 1988 about 52 percent of the department's resources came from the federal government.<sup>15</sup>

Since the government reorganization, responsibility for planning, coordination, and funding of substance abuse prevention and treatment has been a part of the department.

The Division of Substance Abuse channels state and federal funds to regional agencies to carry out substance services. These regional agencies are usually nonprofit corporations which serve several counties and are funded in part by local, state, and the federal government. They generally provide individual and family counseling, a residential facility, and a variety of other services to drug and alcohol dependent clients.

Many of these and other services are delivered in cooperation with local health organizations and other government agencies. For example, the department provides funding and oversight to regional homemaker-health aides organizations. These nonprofit corporations provide homemaking and health services to elderly, handicapped, and disabled clients in their own homes. The department also assists and supervises the work of county health boards and local health officials.

Another duty of the department is to provide administrative and clerical support to fifteen health related professional licensure boards. These governor appointed boards establish professional entrance requirements and professional standards

of behavior for barbers, chiropractors, dietitians, optometrists, and other groups. The professional boards for dentist, doctors, nurses, and pharmacists are also under the Department of Public Health. However, these last four boards employ their own staffs.

### Department of Public Safety

Have you ever been stopped by the Iowa State Patrol? If you have, then you have had contact with the Department of Public Safety. Enforcing motor vehicle laws on our highways is the most visible, but not the only function of this department. Besides the Division of State Patrol, the Department has seven main divisions: (1) Capitol Police Division, (2) Division of Fire Protection, Fire Investigation, and State Building Code, (3) Administrative Services Division, (4) Division of Criminal Investigation, (5) Division of Narcotics Enforcement, (6) Division of Communications, and (7) the State Medical Examiner.

The Capitol Police Division is responsible for guarding the Capitol complex buildings and grounds and Terrace Hill, home of the governor. Besides providing building security and controlling traffic and parking, the division investigates bomb threats and crimes occurring on the capitol grounds.

The Division of Fire Protection, Fire Investigation and State Building Code investigates the causes of fires throughout the state and assists local authorities in the apprehension of persons who commit arson. They enforce Iowa's Explosive Rules and Regulations and investigate bombings.

The division enforces rules and regulations concerning fire

safety in hospitals, nursing homes, schools, day care centers, public buildings, state institutions, and jails; and rules concerning flammable liquids and hazardous conditions.

The division includes officials who enforce the state building code. This law establishes minimum safeguards for the constructions of buildings, accessibility and use of public buildings by the physically handicapped, and energy efficiency standards.

The newest division, the Division of Narcotics Enforcement, was started in the last few years of the 1980s in response to the alarming increase in the illegal sale and use of controlled substances. The division employs about twenty agents whose primary responsibility is to investigate drug sales and assist local police in solving drug cases.

Maintaining radio communications within the division and with local law enforcement is a central task of the Communications Division. The State Medical Examiner is responsible for supervision, training and assistance to county medical examiners and law enforcement officials in the area of forensic pathology.

Administrative Services provides administrative and technical support to the other divisions, licenses private investigative and security agencies, and operates the Iowa Crime Victim Reparation program and the Missing Persons Information Clearinghouse.

Perhaps the most important service Administrative Services provides to local law enforcement officials is the Iowa Computer Information System. From 330 terminals around the state, all the information stored in the division's central com-

puter can be accessed immediately by local police and sheriff's departments.<sup>16</sup>

Enforcing criminal law is primarily the job of local government. However, when local police need assistance, they turn to the Division of Criminal Investigation. Agents of this division help investigate serious crimes such as murder and armed robbery. They also provide information to local police about state-wide criminal activity. In the Wallace State Office Building, the DCI maintains a crime laboratory that analyzes and tests practically any substance sent there by local law enforcement officials. The DCI is the primary investigative and enforcement agency charged with enforcement of Iowa's pari-mutuel laws, lottery laws, and excursion boat gambling laws.

The acquisition of computer fingerprint identification technology in recent years by this division has been a major aid to law enforcement officials. Now the fingerprints found at any crime scene in the state can be compared in a matter of hours to thousands of others stored in a special computer.

Certain limitations, however, have been placed on the kind of information stored in the state's computer. For example, if an individual is acquitted, his or her arrest record must be removed from the computer. Any person or her or his lawyer is entitled to inspect the information about the person that is stored in the computer. If it is not correct, the information must be deleted from the computer bank.

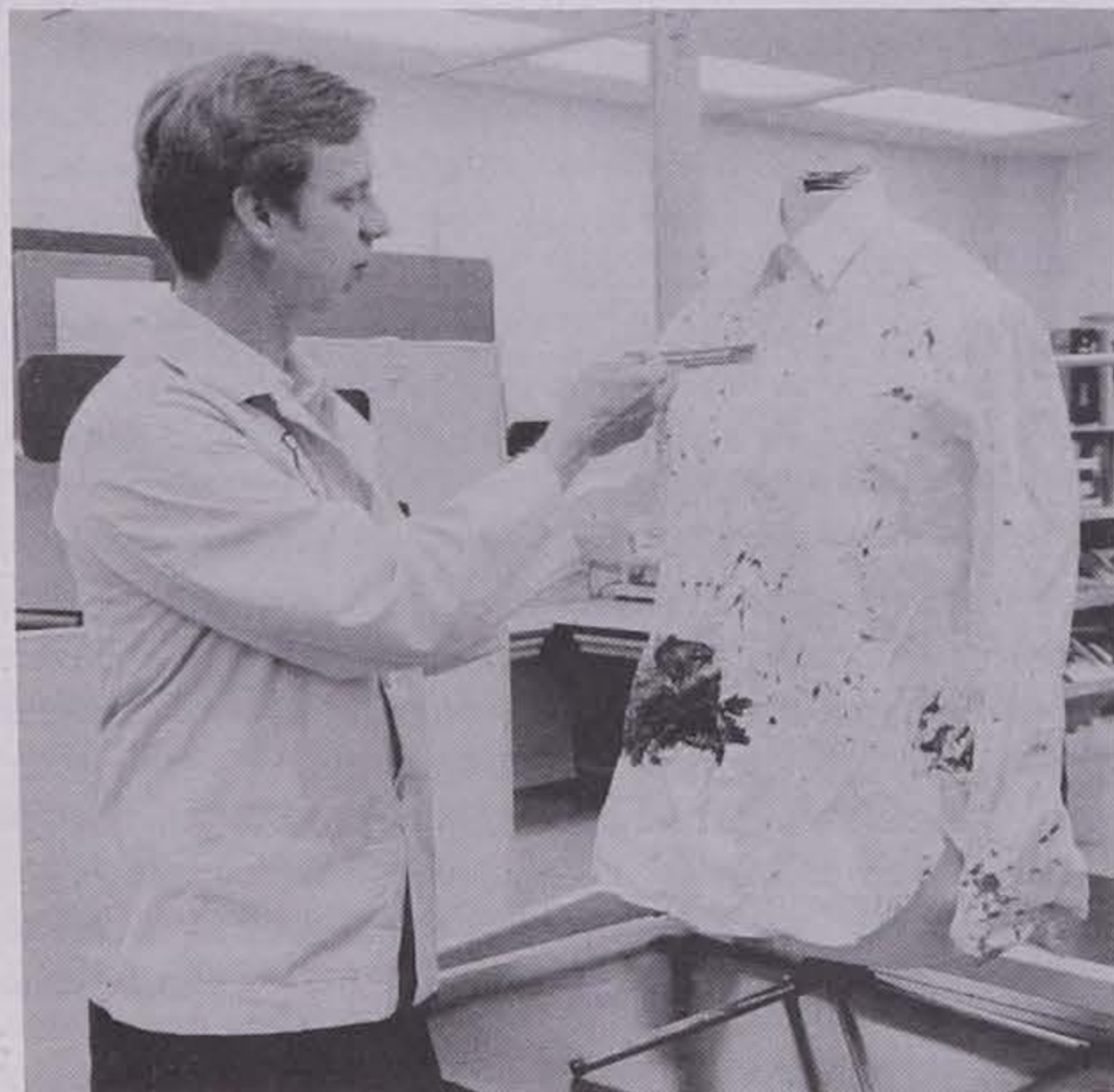
### Department of Revenue and Finance

State government, like all governments, gets most of its operating money from taxes. The department in charge of collecting these taxes is the Department of Revenue and Finance. While the department collects numerous kinds of taxes (see Chapter Six), the two major sources of state income are the personal income tax and the sales tax.

Merchants collect sales taxes and send it in to the state. The department collects personal income tax directly from individuals by requiring employers to withhold money from paychecks, requiring self-employed people to periodically pay in estimated taxes, and requiring individuals to file an Iowa income tax statements at the end of the year. You may have filed and Iowa income tax return already. Individuals who support themselves and make less than \$5,000 per year and couples who earn less than \$7,500 annually do not have to pay the income tax.

The department collects money to finance not only state government, but also local governments. A percentage of the money collected by the state is "kicked back" to local governments for their use. The department collects certain taxes for local governments and also pays money back to local government because state law establishes several kinds of tax credits (see Chapter Six).

Besides collecting taxes, the director of this department is charged with supervising Iowa's local property tax assessors and issuing property tax equalization orders every two years. Despite attempts at uniformity, an assessor in county A may



A criminalist in the Division of Criminal Investigation's Criminalists Laboratory examines a blood-spattered piece of evidence in a murder case. Photo courtesy Department of Public Safety.

assess property differently than the assessor in county B. Furthermore, these assessments may not always reflect the true market value of property.

For example, the director studies what residential properties are actually selling for in a county and then compares his or her findings with the local assessors' valuations. If there is more than 5 percent variance, the director orders the value of residential property in that county to be increased or decreased as the case may be. (This is done in August of odd-numbered years.) To determine the value of farmland, the department uses a complex formula to compute the productivity value of farmland and farm buildings. As with houses, a comparison is made with county assessors' valuations and equalization orders may be issued.

The department also provides administrative support to the State Board of Tax Review, a three person board appointed by the governor to hear tax appeals.

Iowa's state lottery is under the auspices of this department. Responsibility for administering and marketing the state lottery is in the hands of a five person board appointed by the governor and the state lottery administrator. Annually, the lottery collects over one hundred million dollars in sales. Approximately fifty percent of this money is paid out in prizes. After prizes and expenses are paid, the lottery returns about 35 - 45 million dollars to the state.

### **Department of Transportation**

Every high school student who has ever applied for a driver's learning permit or a driver's license has had contact with the Iowa Department of Transportation. Issuing driver's licenses is just one of many functions of this large department.

The DOT is divided into eight divisions. Three divisions deal with legal matters, planning and research, and general administration. The five operational divisions are: (1) the Highway Division, (2) the Air and Transit Division, (3) the Motor Vehicle Division, (4) the Rail and Water Division, and (5) the Railway Finance Authority.

The Highway Division is the largest division and has the responsibility for construction, preservation, and maintenance of the approximately 10,000 miles of highway in the primary road system, which includes 782 miles of interstate highways.

The Motor Vehicle Division is responsible for motor vehicle registration, driver licensing, motor vehicle dealer licensing, and the operating authority for intrastate and interstate movement of trucks.

Aircraft registration and airport programs fall under the jurisdiction of the Air and Transit Division, which also acts as liaison in distributing federal aeronautics funds. State funds for the aeronautics program come from aircraft registration fees and unclaimed aviation fuel tax refunds. This division also assists in airport development, inspects airports, and operates the state's aircraft pool.

The "transit" half of the division provides technical and management assistance for public transit systems (mainly bus systems), and acts as the state agency for disbursement of

federal mass transit funds.

The Rail and Water Division is responsible for safety inspections of tracks, utilizing a track evaluation vehicle developed under the guidance of Iowa DOT personnel; conducting research on rail systems; and administering the state rail assistance program.

The division coordinates use of river transportation with other modes of transportation and studies ways to make more efficient use of the Mississippi and Missouri rivers for commercial traffic. The division also assists in port development and works with the U.S. Army Corp of Engineers and other governmental agencies on waterway matters.

The Railway Finance Authority is an agency which attempts to make low interest loans to eligible railroads. Numerous legal obstacles have limited the success of this agency.

That is a brief description of the structure of the state department that must deal with the transportation problems Iowa faces. Let us look at some of them.

First on the list is highways. Some critics say that Iowa really does not have a highway problem. They point to Iowa's 10,000 miles of highways and the millions of dollars that automatically pour into Iowa's road use tax fund (more on financing in Chapter Six). Officials of the DOT point out, however, that thousands of miles of Iowa's highways are simply wearing out. During the 1925-1940 "get-out-of-the-mud" campaign, we built more than 5,000 miles of highways; more than 3,000 miles of these roads are still in use. Forty percent of our primary system is more than forty years old and shows signs of advanced age.

Twice in the last five years of the 1980s the legislature voted to increase the Iowa gas tax, the main source of funds for highway construction and repair. Another key decision created an earmarked fund for road and highway construction done in conjunction with economic development projects. For example, a city planning to widen or pave a road to where a new factory is to be located could receive money from this fund.

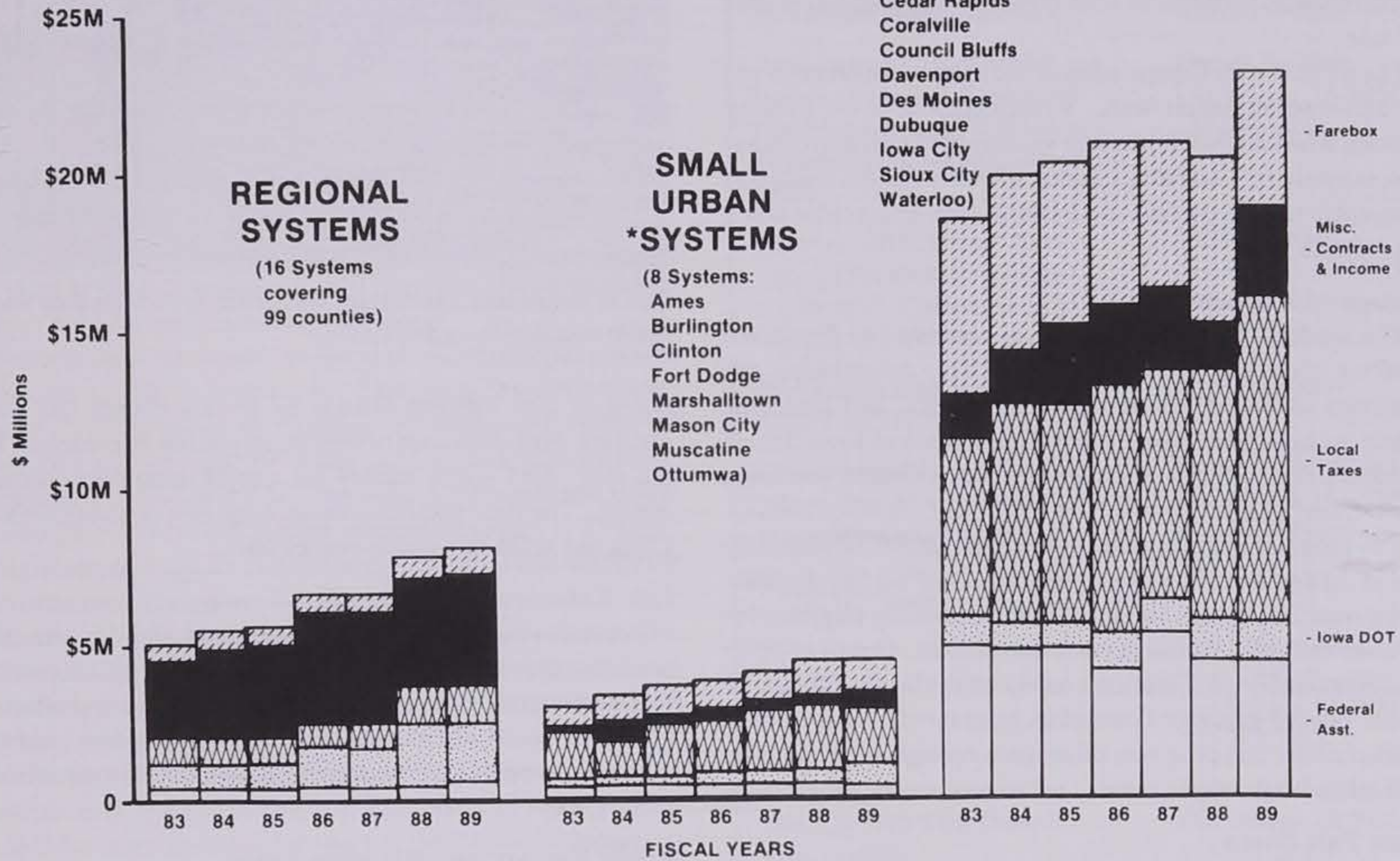
As Iowa moves into the 1990s more state funds are going for the construction of four lane limited access highways in key corridors of the state. Federal funds are also used to pay for these "super" highways.

Back in the 1880s Governor William Larrabee and the Iowa legislature had a railroad problem—the railroads had too much power and money. Today, the problem facing state government is how to maintain adequate railroad service in a country dominated by highways, cars, and trucks.

As a leading agricultural state, Iowa needs railroads to take our produce to market. To maintain our railroads Iowa government has developed two innovative programs: (1) the Branchline Assistance Program, and (2) the Iowa Rail Finance Authority.

Iowa's Branchline Assistance Program has been very successful; in fact, our state program is known as one of the nation's best. In the ten years of its existence, this program has repaired and upgraded 1,919 miles of branch rail lines serving

# Operating Budgets (FY '83-'89\*\*)



\* One additional small urban system added in FY 1987.  
\*\* The Iowa Legislature appropriated petroleum overcharge funds to be used to increase the state share of the transit operating costs in FY 1988 and FY 1989.

FYP 005H

**Chart 4E - This graph shows the three kinds of public transportation systems, buses or vans, in Iowa. It also shows the sources of revenue used to fund these programs. This a good example of modern federalism in that three levels of government and user fees all help fund the services provided. Chart courtesy Iowa Department of Transportation .**

numerous communities.<sup>17</sup> The funds for this have come from the state and federal government and from private enterprise (railroads, and shippers such as grain elevators and farm co-ops).

Maintaining a quality mass transit system is another challenge facing the state. Iowa has sixteen regional (several counties in each region), eight small urban, and eight large urban mass transit (bus) systems.<sup>18</sup> Although ridership is open to anyone, the regional systems serve mainly poor, elderly, and handicapped people who cannot afford their own car or are unable to drive. Urban systems serve these groups and other commuters, and help to limit urban congestion. Part of the cost of mass transit programs are paid with federal funds administered by the DOT.

### Other State Agencies

The 1986 reorganization act left several agencies indepen-

dent, but did not give them department status. Here are brief descriptions of them.

### Campaign Finance Disclosure Commission

This commission is charged with the enforcement of state laws that require candidates for political office to report the amount and source of every campaign contribution they receive and how the money was spent.

Candidates must file periodic reports during the course of their campaigns with the commission. Failure to comply can result in fines and even criminal penalties.

### Civil Rights Commission

Iowa's laws protect its citizens from discrimination on the basis of race, sex, age, religion, color, creed, national origin, or disability. These protections apply to employment, housing, public accommodations, credit, and education. Discrimina-

tion is prohibited in advertising and hiring for jobs, in the way people are treated on the job, and in layoffs or firings. Employment agencies and labor unions also may not discriminate. Hotels, restaurants, golf courses, and other facilities open to the public must treat people equally, but it is not illegal to charge different fees for persons of different ages. Housing discrimination is illegal in both rental property and in homes for sale.

The Civil Rights Commission is the agency which enforces the anti-discrimination laws. When complaints are filed by persons who feel they have been victims of illegal discrimination, commission staff investigates, tries to work out a solution acceptable to both parties, and in some cases prosecutes when appropriate.

### College Aid Commission

The work of this commission may concern you if you are thinking about college scholarships. This commission administers several different scholarship, grant, and loan programs including the Iowa Tuition Grant, State of Iowa Scholarships, Iowa Vocational-Technical Tuition Grants, and Iowa Guaranteed Student Loans.

The program requiring the largest expenditure of state dollars is the Iowa Tuition Grant program. In FY 1989 the state spent over 26 million dollars to help financially eligible students attend private colleges and universities. Grants of up to \$2,250 annually go to students solely on the basis of financial need. School guidance counselors have more detailed information about this program, other state college aid programs, and related federal programs.

### State Fair Board

During the third or fourth week in August, the place to be is in Des Moines at the Iowa State Fair. Our state fair, which has been going on since 1854, has been immortalized in a book, State Fair, by Iowan Phil Stong and in a movie based on that book. The fair today is bigger and better than ever.

Of course, the fair requires plenty of advance work and preparation. Presiding over this is the State Fair Board com-



1986 - Iowa State Fair - Agriculture Building. Photo courtesy of the Iowa State Fair.



Part of Vocational Agriculture / FFA 1988 Iowa State Fair Show. Photo courtesy Iowa State Fair.

posed of nine citizens elected by Iowa's county fair associations. Most expenses of the fair are paid by fair receipts, but the state does spend money for capital improvements and repairs. The state also helps finance the cost of award ribbons given out at the fair and at county fairs.

### Law Enforcement Academy

Located at Camp Dodge, just north of Des Moines, this academy provides pre-service and in-service training to the men and women who serve as local law enforcement officers. Much of the cost of the academy is offset by fees paid the academy by cities and counties for the education their officers receive.

### Public Employment Relations Board

When the Iowa Legislature approved collective bargaining for public employees in 1974, it created the Public Employee Relations Board to administer the law. The board conducts elections among public employee groups (teachers, police, city workers) to determine bargaining units, and settle procedural collective bargaining disputes between employers and employees. It maintains a list of qualified mediators, fact finders, and arbitrators who settle substantive disputes between public employees and public employers. Your teachers probably belong to an organization that bargains with your school board. You may want to ask them about it.

### Board of Regents

You may not be familiar with this agency now, but if you ever attend any of Iowa's three state universities, you soon will be. The Board of Regents is responsible for overseeing the operations of The University of Iowa, Iowa State University, the University of Northern Iowa, the Iowa Braille and Sightsaving School, and the Iowa School for the Deaf.

Of course, the actual administration of these schools is handled by professional administrators, but the regents make the important decisions that these administrators carry out. Annually, the regents decide which building or remodeling



projects on the three university campuses should receive the highest priority. They then submit requests for funding, based on these priorities, to the governor and the legislature. The regents make numerous other rules and regulations regarding the institutions. Of most concern to Iowa college students is the regents' annual decision regarding how much tuition students will be charged.

Our universities do more than just educate. The University of Iowa and Iowa State University both have national reputations in research, writing and other areas. The U of I operates University Hospitals and Clinics, one of the most respected tertiary medical centers and teaching hospitals in the nation. Also attached to The University of Iowa is the Institute of Public Affairs. This agency provides advisory and planning services to local governments, and produces numerous public affairs publications, including this text.

Iowa State is renowned for research and extension work in agriculture. ISU's Cooperative Extension Service employs county "ag" agents in all counties and provides a variety of programs and services including farm records management, computer services, and 4-H. The Iowa Agriculture and Home Economics Experiment Station conducts research in a variety of agricultural subjects at their facility in Ames and at satellite facilities near Muscatine and Council Bluffs.

Both of our major universities have increased their involvement in research activities designed to help promote economic development in the private sector. Since 1984 a joint university-private sector partnership called the Iowa High Technology Council has awarded numerous research grants to professors at Iowa State and The University of Iowa.

ISU has been the home for years of the Center for Industrial Research and Service (CIRAS). An arm of the Extension Service, CIRAS supplies manufacturers and processors with a variety of information including finance, marketing, energy, and operations analysis. To strengthen its state outreach, CIRAS has established small business development centers throughout the state.

In the last years of the 1980s the three universities came under considerable pressure. Following state government reorganization, many government leaders thought it time to study the programs offered by the universities. There was some feeling that there was too much duplication in what the three universities offered. Some questioned whether a state emerging from six years of hard times and population decline could afford to continue funding this duplication. A blue ribbon committee did a study and recommended significant reductions in programs and the elimination of others. Only relatively minor changes, however, were made. Iowa continues to have three quality state universities.

#### Citizens Aide/Ombudsman

By now you may be getting the impression that Iowa's administrative agencies may be too complex and bureaucratic to deal with. There is assistance available. The Citizens' Aide/Ombudsman Office is not just another state agency. It is an

### Calling State Government

Here are some offices to call or write to get information or help from state government officials.

Have a problem with agency of state or local government? Contact the *Citizens Aide/Ombudsman*. 215 East 7th St. Des Moines, IA 50319 1-800-358-5510

As a consumer, do you think you have been cheated or misled? Contact the *Consumer Protection Division* of the Attorney General's office. Hoover Building Des Moines, IA 50319 515-281-5926

Have a small business? Need information about government regulations? Contact the *Dept. of Economic Development*. 200 East Grand Ave. Des Moines, IA 50309 1-800-532-1216 or 515-281-8310

Problems in farming? Contact *Rural Concerns*. 1-800-447-1985

Do you need information about jobs in state government? Contact the *Department of Personnel*. Grimes Office Bldg. Des Moines, IA 50319 515-281-3351

To contact the governor, write or call: The Honorable Governor of Iowa State Capitol Des Moines, IA 50319 515-281-5211

To secure information on the courts, contact *State Court Administrator*. State Capitol Des Moines, IA 50319 515-281-5221

To contact your state representative or senator during a legislative session: The Honorable State Capitol Des Moines, IA 50319 House - 515-281-3221 Senate - 515-281-3371

office created to help Iowa citizens cope with all the other agencies including Iowa's penal institutions.

The Ombudsman and his or her assistants are specialists in cutting through bureaucratic red tape. In 1987 the Ombudsman received more than 5,600 contacts and made initial inquiries following most of the contacts.<sup>19</sup> Over a ten-year period the Ombudsman estimates that about one-third of the complaints for which initial inquiries were made were justified or partially justified. Of these, the office was able to resolve about 95 percent, usually within two months of the initial contact.

#### Questions for Review

1. What are the basic reasons the legislature passed the 1986 government reorganization bill?
2. What was the impact of the 1986 reorganization act on

the power of the government? The power of the legislature?

3. Name the five executive branch officials elected by the people besides the governor and the lieutenant governor.

4. Which of the state departments have responsibility for promoting economic development? How do they do this?

5. Which of the state departments are primarily regulatory in nature?

6. What are the three largest departments of state government? About how many employees does the executive branch have?

7. Suppose you had a problem with a department of state government. Who could you turn to for help?

8. How does one go about getting a job in state government?

9. What is the state department in charge of: (a) building highways, (b) developing farmers markets, (c) licensing teachers, (d) regulating banks, (e) operating prisons, (f) collecting taxes, (g) operating the state historical building, (h) patrolling the highways, (i) placing children in foster homes, (j) helping local police solve crimes?

10. What are some examples of services provided by state government to the public?

11. Suppose you were governor, what further changes, if any, would you make in the executive branch?

### References

1. Figures supplied by the Department of Management.
2. James Flansburg, "Pendulum Swings on Governor's Job," *The Des Moines Register*, December 18, 1988.

3. James D. Carney, "Downsizing Government: Iowa's Challenge," *Journal of State Government*, the Council of State Governments, April, 1987.

4. Figures supplied by the Department of Agriculture and Land Stewardship.

5. Cynthia Hubert, "Licensing Boards Get 224 Complaints, But Take Action on Only 2," *The Des Moines Register*, November, 1989.

6. Iowa Department of Corrections Annual Report, 1988, page 14.

7. *Ibid.*, pages 49 - 50.

8. William Petroski, "Iowa Short Space for 1,161 Inmates - Study," *The Des Moines Register*, September 12, 1989.

9. Iowa Department of Correction Annual Report, 1988, page 14.

10. *Ibid.*, page 13.

11. Department of Cultural Affairs Annual Report, 1988, page 2.

12. Department of Human Services Annual Report, 1987, page 1.

13. *Ibid.*, page 3.

14. *Ibid.*, page 16.

15. Iowa Department of Public Health Annual Report, 1987-1988, page 13.

16. Iowa Department of Public Safety Annual Report, 1988.

17. Transportation Improvement Program 1989-1993, Iowa Department of Transportation, page 14.

18. *Ibid.*, pages 40 - 41.

19. Iowa Citizen's Aide/Ombudsman Annual Report, 1988.

## 5. The Judiciary

DURING THE 1980S THE IOWA General Assembly avoided the topic of abortion. There really was no reason to talk about it. It was an emotional issue with no easy answers which could only serve to divide an already divided body. Furthermore, the 1973 U.S. Supreme Court Decision, *Roe vs. Wade*, which protected a woman's right to an abortion during the first six months of pregnancy, took the issue out of legislative hands.

All that changed in July of 1989, in another historical ruling, *Webster vs. Missouri*, a new U.S. Supreme Court ruling rolled back the *Roe* decision by deciding that state legislatures had the right to ban the performance of abortions in all public hospitals. Abortion was shaping up as the number one issue of the 1990 gubernatorial and legislative campaigns. Once again citizens of Iowa and the nation were reminded of the impact the courts can have on our lives.

It has not just been the U.S. Supreme Court that has rendered important decisions which impacted on the political process. Iowa's courts have also had their share of significant decisions. In the 1980s the Iowa Court of Appeals issued a key ruling which expanded the ability of citizens to successfully sue state and local governments. The Iowa Supreme Court forced a major rewrite of the state's negligence law when it threw out the old common law system of contributory negligence in favor of comparative negligence. The Court also tossed the legislature a tough issue to resolve when it ruled that freedom of religion did not include the right of parents to refuse to send their children to schools with certified teachers.

Since its actions seldom make the front page news, the judiciary is sometimes referred to as the invisible branch of government. Clearly, however, the courts' role in interpreting the law as well as conducting criminal trials and resolving disputes between individuals is a significant one. With this fact firmly in mind, it is essential that any book on Iowa government include a detailed description and analysis of the judicial branch of state government.

### The Judiciary in Iowa<sup>1</sup>

Iowa's court system is a hierarchy composed of two levels, trial courts and appellate courts. There are two trial courts, often referred to as magistrate courts and district courts. Magistrates hear civil cases involving small sums of money and criminal cases in which the charge is no more than a simple misdemeanor. The highest trial courts in Iowa, district courts,

hear large civil cases, criminal cases involving felonies and indictable misdemeanors, and cases appealed from magistrate courts.

A simple misdemeanor is an act where the maximum penalty is thirty days in jail or a \$100 fine. Crimes with greater penalties are indictable offenses and are divided into indictable misdemeanors and felonies.

Our two appellate courts are the Iowa Supreme Court and the Iowa Court of Appeals. These courts hear cases appealed from the trial courts and also rule on the constitutionality of laws passed by the general assembly and actions taken by the executive branch of state government.

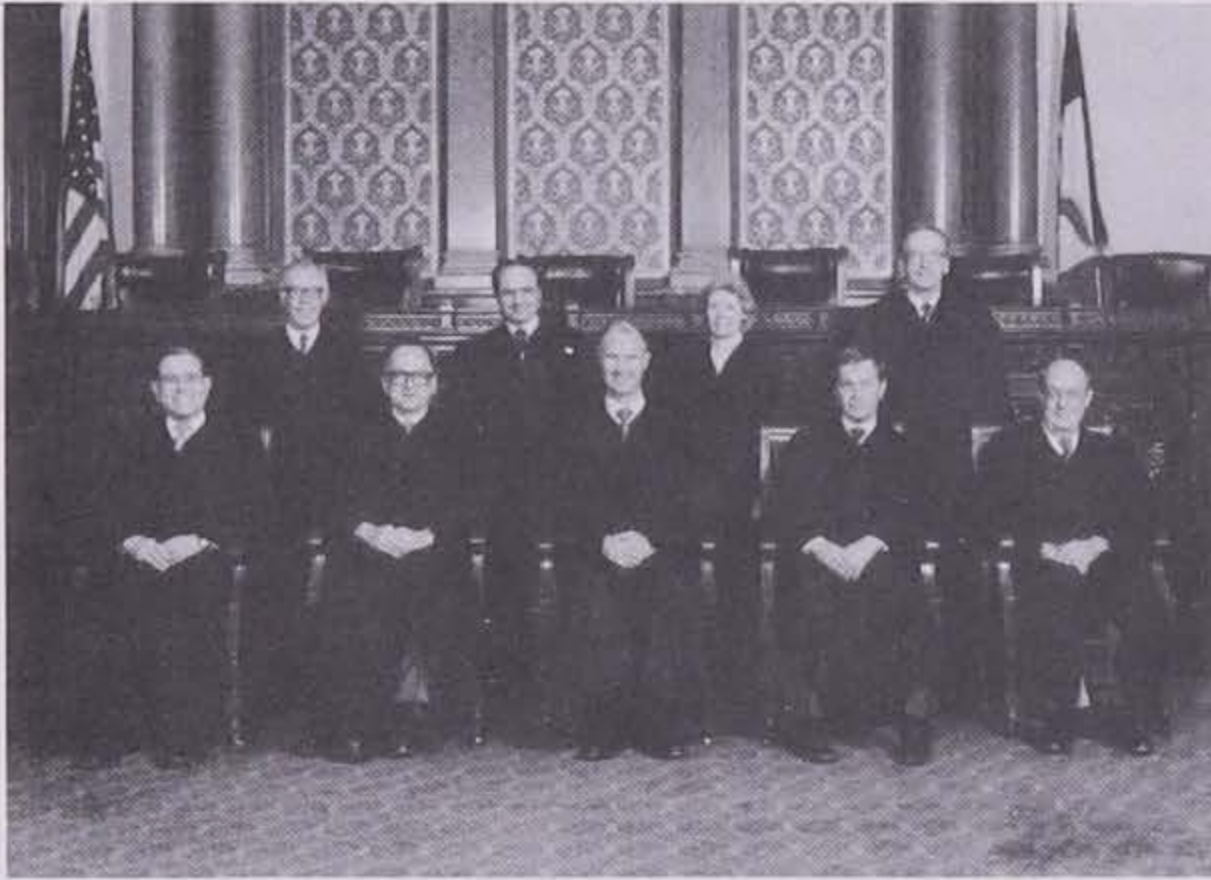
The Iowa court system deals with criminal cases, civil cases, and constitutional cases. A criminal case arises when a city, county, or the state brings criminal charges against an individual for anything from running a stop sign (a misdemeanor) to murder (a felony). In a criminal case, the government brings charges against an individual. In a civil case, the government is seldom a party. A crime does not have to be committed for a civil case to arise. In civil cases, one person or party seeks monetary damages from another person or party, or seeks legally to force another person or party to begin or to end a certain action. A good example of a civil suit is one person suing another.

Constitutional cases arise over the interpretation of the Iowa Constitution or the U.S. Constitution as they apply to the acts of the Iowa legislature, county boards of supervisors, city councils, and the actions of local or state government officials. As mentioned above, this process of judicial review is usually handled by the Iowa Supreme Court, although lower court judges can make decisions on constitutional matters.

### The Iowa Supreme Court

The Iowa Supreme Court is the highest court in the state and the court of final recourse for most cases. Decisions by the court concerning court procedure, the interpretation of the Iowa Constitution, and the interpretation of the Code of Iowa provide guides for Iowa's lower courts to follow.

There are nine justices on the court. The justices elect one of their members chief justice, who serves in that capacity for the duration of his or her term of office. The chief justice has no more say in deciding cases than the other justices. However, she or he does have more responsibility in matters of court administration and the supervision of lower courts.



Members of the Iowa Supreme Court, left to right: Louis W. Schultz; Bruce M. Snell Jr.; David Harris; Louis A. Lavorato; Arthur A. McGiverin, Chief Justice; Linda K. Neuman; Jerry L. Larson; James H. Andreasen; James H. Carter. Photo courtesy State Court Administrator.

The justices are appointed by the governor, subject to certain limitations. When a vacancy occurs, a judicial nominating commission, composed equally of lawyers and laypersons, and one justice, presents a list of three candidates to the governor. The governor then selects a nominee from this list. The appointee does not have to be confirmed by the Iowa Senate. Instead, the person must be confirmed by a majority "yes" vote of the people at the next general election after having served one full year. If so confirmed, the judge serves a term of eight years, after which he or she must be retained in office again by popular vote. If the judge is not reconfirmed, the nominating and appointing process is repeated.

Judges can lose their jobs in two other ways. They can be impeached by the Iowa legislature for unethical practices in office or for committing a crime. They also can be disciplined or removed by their fellow judges for cause upon application of the Commission on Judicial Qualifications. Any citizen may bring a complaint about a judge or magistrate to this commission. After an investigation and hearing, the commission may submit an application to the supreme court to retire, discipline, or remove the magistrate, judge, or justice.

Iowa Supreme Court judges must retire at the age of seventy-two, although they can retire voluntarily at sixty-five.

The procedure for the appointment, retention, and dismissal of the six judges on the Iowa Court of Appeals is similar to those for supreme court judges.

If you visit the court's chambers in the Statehouse, you will look in vain for a jury box. No jury trials are held at the supreme court level. In fact, no trials are held at all. The Iowa Supreme Court is strictly an appeals court for cases that originate in the lower state courts. In hearing an appealed case, the court does not consider the facts of the case, but rather considers such factors as questions of law, the rights of the defendant, and whether or not correct trial procedure was followed in the

original trial.

This power to hear cases appealed from the lower state courts is known as appellate jurisdiction. The court also has, to a very limited degree, the right of original jurisdiction.<sup>2</sup> This refers to the power of the court to hear a case for the first time instead of waiting for the case to be tried in a lower court.

Almost all cases tried in Iowa's district courts can be appealed to the Iowa Supreme Court. The Iowa Supreme Court, unlike the U.S. Supreme Court, must accept most cases appealed to it. The law does, however, give the court discretionary power to accept or reject certain kinds of cases. For example, a small claims case involving \$2,000 or less is discretionary. The Iowa Supreme Court is the court of last resort for most cases. If a case involves a federal question, it might be appealed successfully to the U.S. Supreme Court.

The supreme court justices are in the Statehouse usually only one week of each month. For the remainder of the month, six of the justices are "back home" at offices in county courthouses. The other three justices have offices in the Statehouse. During this time all the justices read briefs of upcoming cases, write opinions of cases they have recently heard, and read proposed opinions written by other justices.

The structure of "court week" is indicated by the calendar for the first three months of 1989. Four days out of the week the justices hear new cases. Wednesday is conference day. On this day the justices discuss cases from the previous month and the opinions that have been written on them, then they vote on the cases.

Who writes the opinions? After hearing a case, the responsibility to write an opinion is assigned to one justice (routinely, they take turns). After court week is over, this justice will go to her or his office, write the opinion concerning how the case should be resolved, and circulate copies of it to the other justices. If any of the others disagree, they may write a dissenting opinion. In the rare cases when there are more justices in disagreement with the opinion than in agreement, one of the dissenting opinions will be picked to represent the court's opinion. Most cases are decided, however, by a unanimous opinion of five justices.

You may have noticed by looking at the calendar that only five judges hear the cases. (This allows more cases to be heard.) This is true for about 80 percent of the cases. Sometimes a relatively simple case may be put on "fast track" by court administrators and resolved by a 3 justice panel. Conversely, cases of greater complexity and importance are heard *en banc* by all nine justices. All justices receive summaries of all cases. Whenever two or more justices request it, a case is heard *en banc*. In 1988 about ten percent of cases were considered by the justices sitting *en banc*.<sup>3</sup>

The power of the court resides not only its power to hear cases appealed from the lower courts, but also in its traditional power to check the executive and legislative branches of state government by declaring their acts unconstitutional. The high court may also be called on to decide a dispute between the

## Supreme Court Schedule 1989

### January

| <u>16-17</u>     | <u>18</u> | <u>19-20</u> |
|------------------|-----------|--------------|
| McGiverin        | C         | Harris       |
| Lavorato         | O         | Larson       |
| Neuman           | N         | Schultz      |
| Snell            | F         | Carter       |
| <u>Andreasen</u> | E         | <u>Snell</u> |
| Alternate:       | R         | Alternate:   |
| Harris           |           | Andreasen    |

### February

| <u>13-14</u>     | <u>15</u> | <u>16-17</u>     |
|------------------|-----------|------------------|
| Larson           | C         | McGiverin        |
| Carter           | O         | Harris           |
| Lavorato         | N         | Schultz          |
| Snell            | F         | Neuman           |
| <u>Andreasen</u> | E         | <u>Andreasen</u> |
| Alternate:       | R         | Alternate:       |
| Schultz          |           | Snell            |

### March

| <u>13-14</u> | <u>15</u> | <u>16-17</u>     |
|--------------|-----------|------------------|
| Harris       | C         | McGiverin        |
| Larson       | O         | Larson           |
| Carter       | N         | Schultz          |
| Neuman       | F         | Lavorato         |
| <u>Snell</u> | E         | <u>Andreasen</u> |
| Alternate:   | R         | Alternate:       |
| Andreasen    |           | Snell            |

Chart 5A - Courtesy State Court Administrator

executive and legislative branches of government. For example, the court has considered challenges brought by legislators concerning the extent of the governor's item veto power.

Finally, the Iowa Supreme Court has some secondary functions. The court can draw new legislative and congressional districts if the general assembly fails to produce a constitutional plan.

The supreme court is responsible for drafting practice and procedural rules for the courts. These rules, known as Iowa Court Rules, are adopted after they have been informally "run by" the senate and house judiciary chairs. However, there is no formal adoption schedule as with administrative rules, and the legislature and governor have no veto over Iowa Court Rules once they are adopted. The court supervises Iowa lawyers and appoints members of the Board of Law Examiners (they administer and evaluate the examinations for admission to the Iowa bar).

The Iowa Supreme Court is assisted in its functions by two important offices. The State Court Administrator's Office screens cases, writes case statements, gathers statistics, recom-

mends the assignments of district court judges, and performs other administrative duties.

The Office of the Clerk of Court (for both the Iowa Supreme Court and the Court of Appeals) prepares the courts' dockets, collects court fees, and records every opinion issued by the two appellate courts.

## Iowa Court of Appeals

Back in 1976 the judicial system in Iowa was getting "overloaded." The time between filing a typical civil appeal to the Iowa Supreme Court and the time it was actually heard averaged 20.2 months. That is why the general assembly created the Iowa Court of Appeals.

The six-member court of appeals is an "assistant" appellate court. In 1988 the Iowa Supreme Court transferred 728 cases to the court which then disposed of 656 of them through formal opinion. The court was able to complete this heavy workload by hearing most cases in three justice panels. Only about five percent of the court's cases were heard *en banc*. Some cases pending before the court were dismissed and other held over for next year. This compares with 359 cases disposed of through written opinion in the Iowa Supreme Court in 1988.<sup>4</sup>

With this assistance the average time it takes to get an appeal heard from notice of appeal to the actual hearing is 12.5 months (1987 statistics).<sup>5</sup> This is true despite the fact that the total number of cases annually submitted for appeal has grown considerably in the last decade.

Members of the court of appeals are appointed by the governor and retained or removed from office in the same manner as supreme court justices. The court's method of reviewing cases also is quite similar to the review procedures of the supreme court.

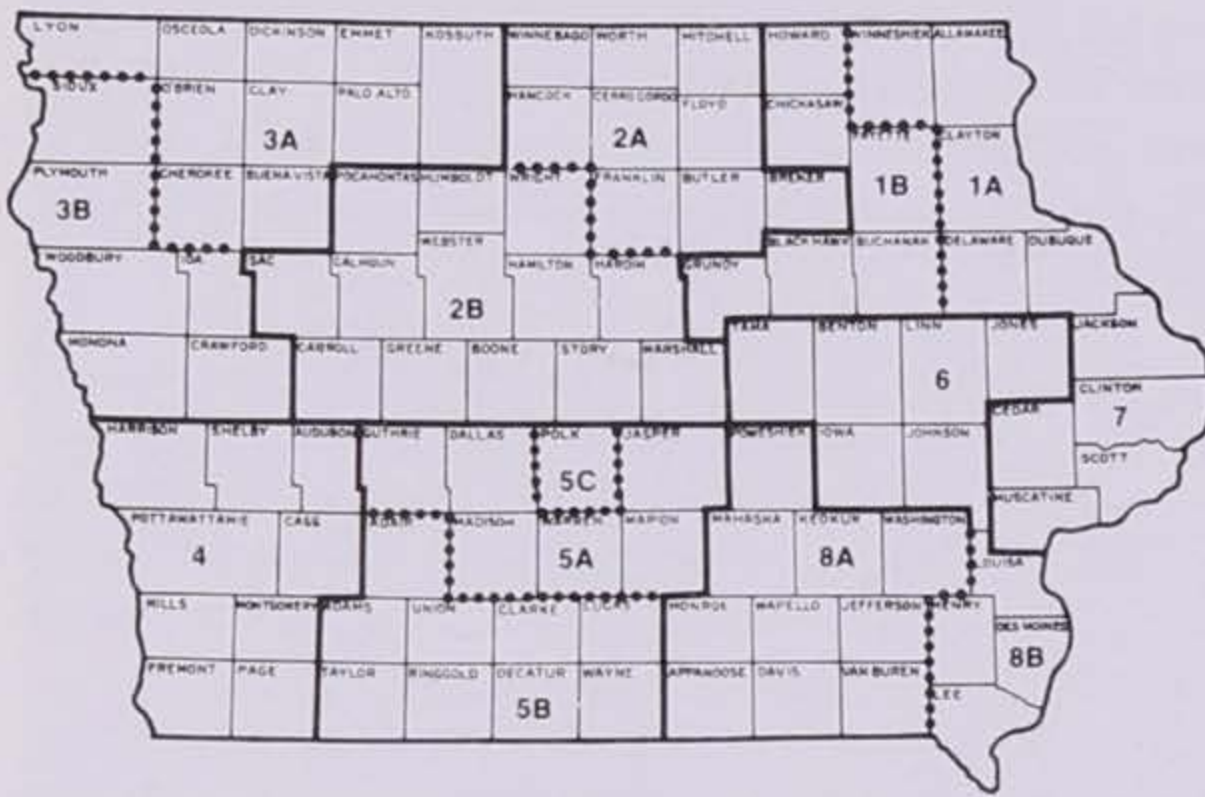
Decisions by the court of appeals can be appealed to the state supreme court. However, relatively few of them are accepted for review by the high court.

## Iowa's District Courts

Iowa is divided into eight district court areas, known as judicial districts. The number of counties in each district varies from five to twenty-three. One hundred district court judges serve Iowa. These judges are appointed by the governor, when a vacancy occurs, from a list of two candidates presented by an appropriate district judicial nominating commission. The commission is composed equally of lawyers selected by members of the bar and laypersons appointed by the governor in each of the eight judicial districts. The senior judge in the district serves as the chairperson of the commission. Forty-five district associate judges assist the district judges in hearing cases in Iowa's more populous counties. Districts also employ part-time magistrates and senior judges. Senior judges are retired Iowa judges who work up to thirteen weeks per year without pay during periods when court caseloads are the heaviest.

The district court is a general trial court that tries both civil and criminal cases. When the defendant is charged with a

**State Judicial Districts**



**Chart 5B**

felony, the case must be tried before a district judge. In districts that have no district associate judges to hear indictable misdemeanor cases, a district court judge also hears these cases. District associate judges also try civil cases involving up to \$5,000.

The more heavily populated counties usually have a district judge in residence. In some of the judicial districts, however, one district judge must be responsible for more than one county and alternates time between courthouses. As directed by a judicial district chief judge, district judges rotate among the counties within the judicial district. A judge is seldom in the same county more than three months at a time. This avoids a situation where resident attorneys must try most cases before the same judge.

The district judge also hears appeals from criminal and civil cases originally heard by a magistrate. They also hear cases appealed from the workers' compensation commission, motor vehicles licensing division, and other administrative agencies. For example, you could appeal the suspension of your driver's license to the district court. Usually, only one district judge hears a case appealed from the magistrate court. The judge can either reverse the decision of the magistrate or affirm the decision. The person appealing a simple misdemeanor may request that the case be retried with a jury in district court.

The administrative chores of Iowa's district courts are handled in large part by the ninety-nine clerk of court offices (one in each county). These offices keep court records and perform other administrative chores. If you ever get a speeding ticket, you can pay the clerk the fine and court costs; you don't have to appear before a judge. Besides the county clerk, each judicial district in Iowa has a district court administrator who perform duties similar to those performed by the state court administrator.

District courts have other important duties in addition to trying criminal and civil cases. The courts must hear cases involving termination of parental rights. If children are abandoned or neglected by their parents, the state Department of Social Services or concerned relatives may bring this kind of case to court. The district courts also are charged with holding

**STATE OF IOWA  
JUDICIAL BALLOT  
November 8, 1988**

Vote on all named by placing a dark line (  ) in the appropriate box after each name.

**SUPREME COURT**

Shall the following judges of the Supreme Court be retained in office?

- LOUIS A. LAVORATO YES   
NO
- ARTHUR A. MCGIVERIN YES   
NO
- LINDA K. NEUMAN YES   
NO
- BRUCE M. SNELL, JR. YES   
NO
- JERRY L. LARSON YES   
NO

**COURT OF APPEALS**

Shall the following judges of the Court of Appeals be retained in office?

- ALLEN L. DONIELSON YES   
NO
- LEO OXBERGER YES   
NO

**DISTRICT COURT**

Shall the following judges of the District Court be retained in office?

- KRISTIN L. HIBBS YES   
NO
- PAUL J. KILBURG YES   
NO
- L. VERN ROBINSON YES   
NO
- WILLIAM L. THOMAS YES   
NO
- LARRY J. CONMEY YES   
NO
- WILLIAM R. EADS YES   
NO

hospital hearings. Such hearings are held to determine whether a person with mental health or substance abuse problems (alcohol or drugs) should be committed involuntarily to a mental hospital. Judicial districts employ hospital referees, usually area lawyers, to handle this latter duty. Their decision can be appealed.

Some states have special courts in addition to the regular court system. This, however, is not the case in Iowa. The district courts of Iowa, in addition to acting as appeal courts and general trial courts, also act as probate and juvenile courts.

In acting as a probate court, the district court has jurisdiction over the administration and settlement of estates of people who have died. It appoints and supervises the activities of executors, administrators, guardians, and conservators for these estates.

### The Juvenile Court

Anyone under eighteen years of age in Iowa is regarded as a juvenile. If such a person becomes involved in a crime, his or her case may be considered by the district court acting as a juvenile court. Each county employs a county probation officer. When a minor is arrested or a complaint is filed against her or him, the probation officer investigates the case. The officer usually deals with first time offenders who have committed minor crimes through a process the Iowa Code defines as "Informal Adjustment."

Under this process the juvenile never goes to court. Instead

he or she and his or her parents or guardian enter into a written agreement to make restitution, seek treatment, or perform community service as the juvenile's particular situation demands. The juvenile also agrees to undergo a period of supervision by the probation officer.

More serious or repeat offenders will more typically be referred to the juvenile court by the officer who files a delinquency petition. The judge then sets a hearing at which the parties involved appear. At this adjudicatory hearing, the juvenile has all the rights accorded to adults (such as the right to a lawyer, to be confronted by their accuser, to cross examine witnesses) except the right to trial by jury and the right to bail.

This may seem unfair on the surface, but in reality it is not. The philosophy behind juvenile courts differs from the philosophy behind adult court. In the juvenile court, the judge is theoretically acting in the best interests of both society and the juvenile, since both are deemed to be the same. To this end, the juvenile does not have a trial as such but a "hearing," in which the judge hears all sides of the case and then makes a decision concerning the future of the juvenile. This decision could mean training school, probation, a stern lecture, or dismissal of the case. A juvenile is never found technically guilty or not guilty by the judge. The juvenile is, instead, either judged to be delinquent or the case is dismissed. Though juveniles do not have the right to trial by jury or bail, in actuality they are usually treated more leniently than adults by the court system.

This procedure for dealing with juveniles is not always

### The Iowa Supreme Court Decides a Constitutional Case

Panora, a central Iowa town of about 1,300 had a curfew ordinance which required anyone under 18 to be off the streets between 10:00 P.M. and 5 A.M. Exceptions were made for juveniles accompanied by their parents and juveniles returning home from a job, school function, church function, or city function.

On May 5, 1987 at 10:35 P.M., fifteen year old David Simmons was skateboarding in a city park. The police arrested him for curfew violation.

David was only fined one dollar, but it was the principle of the matter, not the money that upset David and his father.

David's father, saying his son was causing no trouble and had his permission to be in the park after the curfew hour, brought suit against the city of Panora. He argued that the curfew was vague, interfered with parental rights, and violated the first amendment.

The city of Panora argued that the curfew was a reasonable ordinance necessary to protect the property and rights of the citizens. When the district court agreed with the city, Mr. Simmons appealed the decision to the Iowa Supreme Court. In August of 1989 the high court rendered its decision.

Can you explain how each of the following factors was significant in this case?

1. The need of a city to pass reasonable ordinances to protect the rights and property of the citizens.
2. The increasing problem of drug sales and drug abuse in Iowa and the nation.
3. The rights of parents.
4. The right of freedom of assembly guaranteed by the first amendment to the Constitution of the United States.
5. Previous court decisions which have ruled that in order to be constitutional, curfew and loitering ordinances cannot be overly vague.

Mr. Simmons failed to use an important argument found in section one of the fourteenth amendment to the U.S. Constitution. Consequently, that argument was not considered by the court. Can you pick out the argument that Mr. Simmons could have used from this amendment?

If you had been a justice of the Iowa Supreme Court, how would you have voted in this case?

How do you think the high court actually ruled in this case? \* Answers are at the back of this chapter.

followed in cases in which juveniles over age fourteen commit a serious felony. In such instances, the judge may direct the juvenile to be tried in adult district court as an adult. If found guilty by the jury, the person would then be returned to the juvenile court for a decision by the judge regarding her or his future.

Juveniles are also treated like adults when they commit really minor crimes like speeding or fishing without a license. Chapter 805 of the Iowa Code defines and lists scheduled violations. These are simple misdemeanors for which the fine is established in law. Violators, either adults or juveniles, need not appear in court unless they want to fight the charge. They simply mail in the fine and assessed court costs.

Possession of alcohol by a minor is a scheduled violation. If the juvenile pays the established fine, he or she need not appear in court. Conversely, public intoxication and OWI are offenses for which a juvenile will be taken to juvenile court. In the latter instance a juvenile will automatically have her or his drivers license revoked by the Department of Public Safety, as required by law, in addition to any penalties determined by the court. Public intoxication is also an offense for which a

juvenile may be taken to juvenile court.

Fair treatment for juveniles in Iowa was increased in 1975 with the passage of the Child in Need Act. Prior to this time a juvenile could be judged a delinquent even if he or she had not broken any law. Such acts as "telling-off" a parent, running away from home, or chronic absenteeism or misbehavior in school could qualify the juvenile for the "delinquent" label. As a result of the 1975 law, such a juvenile, if brought before the juvenile court, could be labeled only as a "child in need of assistance." The state is prohibited from placing these juveniles in a locked facility with delinquents.

Since 1979, handling of juvenile cases by law enforcement officials and the courts has been altered by the Juvenile Justice Reform Act. This law attempts to ensure that juveniles receive equal treatment under the law and due process protection. It spells out in detail the procedures for dealing with a juvenile accused of a delinquent act. For example, it places limitations on juveniles being held in shelter care or jail (a juvenile cannot be jailed with adults) and guarantees the right to a lawyer in all stages of juvenile proceedings.

Some law officials feel the law goes to far in protecting juvenile rights and makes it too difficult for law enforcement officials to bring delinquent youths to justice. For example, the law says juveniles cannot be questioned without first getting their parents' consent and that they can't be handcuffed unless they forcibly resist arrest. Also, under current law the name of a juvenile offender cannot be released to the press or to the victim of her or his crime.

Others are critical of the 1979 law because it exempted truants, runaways, and incorrigibles from the auspices of the juvenile court. Under current law a child who is abused or neglected or has a drug or mental problem is termed a "child in need of assistance" and may be dealt by the juvenile court. A juvenile who commits a criminal act, other than a scheduled violation, may be adjudicated as a delinquent by the court. A juvenile who is simply beyond the control of his or her parents or runs away from home falls into neither category. Since 1980, legislative attempts have been made to place such juveniles under the court's jurisdiction.

Other experts believe the biggest problem lies with the disposition of juveniles after they are adjudicated as delinquents.<sup>6</sup> Most remain in their community, often serving a probation period and performing some kind of community service or work restitution.

Repeat offenders or more serious offenders may be sent to the Girls' Training School at Toledo or the Boys' Training School at Eldora or to an institution out of state. In recent years the facility at Eldora has received criticism for "warehousing" youth rather than being successful in rehabilitation.<sup>7</sup> Critics suggest that only the hardest case delinquents need such treatment. Many of the juveniles, they contend would benefit more from being sent to a group home, attending public school, and being treated for any mental, social or drug problem by community resources.

### Facts and Figures

The annual statistical report of the State Court Administrator's Office has enough statistics to boggle anyone's mind. Some of the more interesting are listed here:

1. What's the most common crime tried in Iowa district courts? It is OWI (Operating a Motor Vehicle While Intoxicated). In 1988 there were more than 17,000 such cases filed. This represented over one-third of total criminal cases filed.
2. What's the most common civil case filed? Dissolution of marriage. There were 17,705 such cases filed (not all resulted in a final divorce). This comprised over one-third of the total civil cases filed
3. During the last decade the number of cases appealed to the Iowa Supreme Court increased from 1,490 in 1978 to 1,900 in 1988, an increase of 27.5 percent.
4. Over the last eight years the Iowa Supreme Court has upheld the lower courts' decision 62 percent of the time, reverses the decisions 26 percent of the time, and produced a "mixed decision" 12 percent of time. (A mixed ruling both upholds and reversed parts of a lower court ruling.)
5. The total cost of financing Iowa's courts in 1988 was approximately \$60 million.
6. Of all cases brought before Iowa's juvenile courts in 1984 approximately 44 percent were child in need of assistance cases and about 56 percent involved delinquents.

Chart 5C



## Court Procedure in Criminal Cases<sup>8</sup>

As in all states, certain procedures are followed in criminal cases in Iowa, and persons charged with serious crimes are guaranteed certain rights that protect them from false imprisonment or wrongful conviction. The following is a brief summary of the procedures followed in a felony criminal case in Iowa.

Within twenty-four hours after a person is arrested for committing a crime, the person appears before a *magistrate, district associate judge, or district court judge*. The person is informed of the charge as contained in the *complaint* or *complaints* filed, and the person's bail and conditions of release, if any, are set.

Within twenty days after this *initial appearance*, the accused person may receive a preliminary hearing before a district associate judge or district court judge for the purpose of considering the evidence against the defendant to determine if it is sufficient to warrant holding the defendant to answer the charges in further court proceedings. In most cases, however, no preliminary hearing is held because the defendant waives the right to have such a hearing or the prosecuting attorney files an appropriate *trial information* (a formal statement of the charges submitted to the district court) prior to the time set for the hearing, thereby cutting off the need for such a hearing. If, on the other hand, a preliminary hearing is held and the court finds probable cause to hold the defendant for further proceedings, the *grand jury* may then consider the case or the prosecuting attorney may file a trial information at that time.

The grand jury is comprised of seven citizens selected from the community and meets, when called, to decide whether or not there is enough evidence to bring a person to trial. If it decides that there is, it *returns* (presents to the court for filing) an *indictment*, which is a formal statement of the charge against the defendant. An affirmative vote of five of the seven grand jurors is required for the return of an indictment. Relatively few criminal cases in Iowa involve a grand jury, however, since it is far more common for the charges to be brought against a defendant by means of trial informations filed by prosecuting attorneys acting in their official capacities.

In Iowa, a trial information has the same force and effect and serves the same purpose as a grand jury indictment: to present a statement of the charges supported by evidence to the district court in order to begin formal proceedings in criminal cases in that court. All procedures followed in a felony case after the return of an indictment or the filing of a trial information are the same regardless of which type of document is filed.

A grand jury may also be called, on occasion, to act as an investigative body, gathering information concerning an alleged criminal act or an allegation of misconduct. Such a proceeding may or may not result in the return of an indictment.

After the indictment or information is filed, the defendant appears before a district court judge for an *arraignment* at which time the defendant hears the charges contained in the indictment or information and enters a plea, generally either

## Criminal Code Felony and Misdemeanor Examples

**Class A Felony**—murder in the first degree, first-degree kidnapping, first-degree sexual abuse, first-degree arson.

**Class B Felony**—robbery in the first degree, second-degree murder, first-degree burglary.

**Class C Felony**—voluntary manslaughter, attempted murder, burglary in the second degree, false use of a financial instrument.

**Class D Felony**—assault while participating in a felony, terrorism, going armed with intent, extortion, false reports.

**Aggravated Misdemeanors**—theft of property valued between \$100 and \$500, criminal mischief in the third degree, injury to animals.

**Serious Misdemeanors**—false imprisonment, reckless use of explosives, unlawful advertising, possession of a controlled substance.

**Simple Misdemeanors**—theft of less than \$50, trespass, simple assault, false fire alarm.

You will want to consult chapters 701 to 728 of the Code of Iowa for more specific details.

### Chart 5D

guilty or not guilty.

In any serious criminal case, a defendant has a right to a *trial by jury*. This right may be waived by the defendant if the defendant prefers to have a *bench trial* (also known as a *trial to the court*, which simply means that there will be no jury and that the evidence will be considered and a verdict rendered by the judge). This right to jury trial is also given up by the defendant when a guilty plea is entered since all that remains after such a plea is the judge's announcement of a sentence. In some cases, however, the judge will require a trial even if the defendant attempts to plead guilty if the judge is not certain the defendant is truthful in confessing guilt.

If there is a jury trial, the evidence in the case is presented to the *trial jury* (also known as a *petit jury*) comprised of twelve citizens of the community. Most trials of criminal cases are jury trials. The trial jury weighs the evidence and decides on the guilt or innocence of the defendant. The jurors must be unanimous in their verdict in order to convict the defendant. If they are not in complete agreement that the defendant committed the alleged criminal act, the defendant must be found to be not guilty and, thus, *acquitted* of the charges.

After a defendant is found guilty (and, thus, convicted) by a trial jury or a defendant offers a guilty plea that is accepted by the court, the judge orders that a complete pre-sentence investigation be done of the defendant's background and the particular circumstances of the case and sets a time when a sentence will be announced. The defendant also has an opportunity at the sentencing hearing to bring out matters on her or his behalf

that might lead to a lighter sentence.

Taking the information gained from the investigation and the hearing, the judge can do one of four things:

1. The court may pronounce *judgment* and impose a fine, if authorized by law, or sentence the defendant to confinement in prison or impose a fine *and* sentence the defendant to confinement. If the defendant is sentenced to confinement, the court may reconsider the sentence within ninety days of the date on which the defendant begins to serve the sentence of confinement.

If the court sentences the defendant to confinement, the sentence must be for the maximum number of years prescribed by law for the particular crime. Whether or not the defendant actually serves the maximum sentence will be determined by the State Parole Board. In Iowa, unless sentence for certain crimes for which minimum sentences are required by law, a prison inmate is technically eligible for release on *parole* from the first day she or he enters the prison. In actuality, however, most inmates serve at least a year in prison before they are considered for parole.

2. The court may pronounce judgment and impose a fine or sentence the defendant to confinement or both and then *suspend the sentence*. In such a case, the defendant does not have to pay the fine or go to prison, but is placed on *probation* and is required to abide by certain rules and conditions placed on the defendant for a period of time set by the judge. If the defendant fails to abide by the rules and conditions, the probation is *revoked* and the defendant then has to pay the fine or serve the sentence that was originally imposed.

3. If authorized by law, the court may pronounce judgment and then *defer the sentence*. This means the defendant is convicted—because the judgment has been entered—but instead of being ordered to pay a fine or go to prison, the defendant is ordered to submit immediately to supervision during a period of probation. If the defendant satisfies the terms and conditions of this probation, the court closes the case without ever imposing a fine or ordering confinement.

4. If authorized by law, the court may *defer judgment* in the case. This means that *instead* of pronouncing judgment and announcing a sentence, the court orders the defendant to serve a period of probation under terms and conditions. If the defendant completes the period of probation satisfactorily and without involvement in further criminal acts, the case is dismissed without a judgment being entered. Since a defendant is not actually convicted until a judgment of conviction is entered in the case, if the judgment is deferred in this manner and the case is ultimately dismissed after successful completion of the probation, the case will not appear in the future on the defendant's criminal record as a conviction.

### Procedure in Civil Cases

A civil action begins when a lawyer files for his or her client a complaint or petition with the clerk of court. The petition states the reason for the action, and the damages or relief sought. The plaintiff's (person filing the suit) attorney also will

present a request for a summons. The clerk of court then prepares the summons which is served on the defendant. She or he is then allowed a certain amount of time to answer the plaintiff's petition.

In preparing for a trial the plaintiff's and defendant's lawyers prepare their cases by filing certain legal motions. They may require the opposite party to reply to certain questions or supply certain information. The defendant may file a counter suit against the plaintiff. Lawyers may obtain the depositions or sworn written testimony of important witnesses who cannot appear in court.

Prior to the trial there is a pretrial conference where the attorneys (usually without clients) meet with the judge. Here the parties seek to reach agreement on certain facts relevant to the case. Here also, an out-of-court settlement may be reached. If not, a trial date is set. In fact, most cases are settled before trial either before, at or after the pretrial conference.

Civil cases that do go to trial may be tried before an eight-member jury or simply by a judge. After opening statements, witnesses are called, questioned, and sometimes cross-examined. Either side may call expert witnesses (for example, a doctor may testify on the extent and severity of a plaintiff's injuries).

Following closing remarks the judge instructs the jury in points of law. The jury then attempts to reach a verdict. In Iowa a verdict requires the vote of six of the eight jurors. The jury may find for the plaintiff an amount less than, the same as, or greater than what he or she is seeking. They may find for the defendant. If the defendant has filed a counter suit, she or he may be awarded monetary damages.

If there are several parties involved—more than one plaintiff and/or more than one defendant—the proceedings can be quite complex. The job of assigning fault and awarding damages can be a tough one for the jury. Verdicts in civil cases can be appealed to a higher court. However, the appeal does not ordinarily suspend the enforcement of the judgement obtained in the lower court, unless the party ordered to pay posts a bond equal to one and one-half times the award.

### The Magistrate Courts

The lowest level of Iowa's unified court system is that presided over by magistrates. There are approximately 158 magistrates in Iowa with at least one magistrate or district associate judge in every county. Magistrates are selected in each county by a county commission composed of one district judge, two lawyers elected by the local bar, and three laypersons appointed by the board of supervisors. Magistrates are not required by law to be lawyers, but currently, about 60 percent are. The current trend suggests this percentage will increase as years pass.

Within a county some magistrates "float," holding court at various locations in addition to the courthouse. Since most Iowa counties have several cities, but only one to three magistrates, not every city has a magistrate in residence. In such cases, local law enforcement officials summon the defendant

in a misdemeanor charge to the nearest available magistrate.

Basically, magistrate jurisdiction covers criminal cases involving simple misdemeanors and small claims case involving \$2,000 or less. Criminal procedure in magistrate court is similar to the procedure in district court except that no grand jury is required to deliver indictments in simple misdemeanor cases. Instead, the charges are simply made by local law enforcement officials. Defendants charged with a misdemeanor can request a jury trial.<sup>9</sup> However, most criminal cases do not result in a jury trial, because of the cost of a jury trial as opposed to the small size of most misdemeanor fines.

One very significant aspect of the magistrate court is the fact that a person can serve as his or her own lawyer in civil cases involving small claims of \$2,000 or less. (A person can appear in any of Iowa's courts without counsel.) The proceeding in small claims court are more informal and flexible. The importance of this can best be shown by an example. Suppose that upon moving out of your apartment you discover that your landlord, for no apparent cause, refuses to return the \$200 damage deposit you paid earlier. It would do you no good to take your landlord to court to recover your deposit if you have to pay a lawyer \$300 to argue the case for you. The right to argue your own case in small claims cases represents a significant improvement in the availability of justice in Iowa.

Besides hearing criminal and civil cases, magistrates perform other duties for the district court. They issue search warrants, conduct preliminary hearings, preside at initial appearances, and set bail.

### Judicial Reform in Iowa

In 1988 the Iowa court system celebrated its sesquicentennial. Shortly after the Iowa Territory was created, the Iowa Court system was established in November of 1838. Shortly thereafter in 1839, the court dealt with its first important case—the now famous “In the Matter of Ralph on Habeas Corpus.”<sup>10</sup>

Ralph was a slave who had convinced his Missouri owner to let him earn \$550 working in the Dubuque lead mines to pay for his freedom. When Ralph failed to come up with the money in the stated period of time, his master attempted to reclaim him. The Iowa Territorial Supreme Court, however, held that since Ralph had worked and lived in a free territory, he was a free man.

By this decision, the Iowa Court showed it was ahead of the nation and ahead of the U.S. Supreme Court, which some years later would reach the opposite conclusion and help bring on the Civil War with the infamous “Dred Scott Decision.”

Today many Iowans believe that our court system is still ahead of the nation in many respects. The long delays between arrest and trial or before a civil case reaches the court are not nearly as prevalent or long in Iowa as they are in many other states. Unlike many other states Iowa judges are not selected by the political process and are more immune from political pressures. Finally, Iowa has been one of the leaders among the states in creating a unified, state financed court system.

Major steps in developing our current court system occurred in 1962, 1973, and 1983. In the first of these years the voters approved a constitutional amendment which eliminated the popular election of judges. Today it is generally agreed that judges should be able to make decisions without taking political factors in account. Popular election was replaced by the current system in which judges stand for popular retention by the voters every eight years (for appeals court justices) or six years (for trial court judges).

This system does have its draw backs. Although the Iowa Bar Association publishes endorsements or withholds endorsements of the judges standing for retention in office, many voters know nothing about the records or abilities or the judges when they go to the polls. Usually judges are retained by the voters.

In 1973 Iowa created a unified trial court system. This plan replaced the old lower court system of justice of the peace courts, mayors' courts, police courts, and municipal courts with courts presided over by magistrates. This step brought order and uniformity to our lower trial court system.

Although Iowa had a uniform system after 1973, it was not financially unified. The court system was funded by both county and state dollars and run by both state employees (judges and court administrators) and county employees (clerks of the district court and their staffs). In 1983 the legislature enacted a major court reform bill. The act consolidated the support staff of the judiciary and centralized the financing of the courts with state dollars. Clerks of the district court were no longer elected county officials, but state employees appointed by the judges of the judicial districts. The act created greater uniformity throughout the state in how court officials handle cases. It also gave the judges and district court administrators greater control over the system.

Since the state did not have the funds to pick up the cost of the entire system immediately, the act was phased in over a five year period. Today state dollars rather than county dollars pay for jury fees, witness fees, court reporters, court attendants, juvenile court officers, clerks of the district court, and the cost of indigent defense. Our court system cost about 58 million dollars in 1989—roughly two percent of the state general fund budget.

Since the court reform act of 1983 the courts have worked to increase efficiency. In 1985 the courts adopted case processing time standards (see table 5E), a concerted attempt to reduce litigation delay.

Currently the court system is in the process of implementing a computerized network information system called the Iowa Court Information System (ICIS). This on-line computer system will link the district courts, state court administrative offices, and other state and local government agencies involved with the justice and corrections systems. ICIS is expected to serve as a national model of a unified, integrated, statewide computer system.

Another development in recent years, technically outside of

## TIME STANDARDS FOR CASE PROCESSING

### CRIMINAL STANDARDS

|                      |          |
|----------------------|----------|
| Felony:              |          |
| From arrest to trial | 6 months |
| Midemeanor:          |          |
| From arrest to trial | 4 months |

### CIVIL STANDARDS

|                                       |           |
|---------------------------------------|-----------|
| Civil Jury Cases:                     |           |
| From filing to disposition            | 18 months |
| Nonjury Civil Cases:                  |           |
| From filing to disposition            | 12 months |
| Contested Domestic Relations Cases:   |           |
| From filing to disposition            | 8 months  |
| Uncontested Domestic Relations Cases: |           |
| From filing to disposition            | 4 months  |

**Chart 5E**

the court system, but highly relevant to it, has been the development of dispute resolution centers in six Iowa cities—Ames, Cedar Rapids, Des Moines, Fort Dodge, Mason City, and Ottumwa.

For minor civil disputes these centers offer an alternative to magistrate court litigation. Individuals meet with a trained neutral volunteer mediator and work towards a mutually agreeable solution, if that is possible.

The centers help to free up the courts to deal with criminal and large civil cases. Funding comes from local government, the United Way, private organizations and individuals.

Despite all these changes, this is probably not the end of judicial innovations. With a court system that is both jurisdictionally and fiscally unified, the state must now deal with the need to fund the system adequately. Just what is adequate is a subject of some debate. In the 1960s the legislature enacted a formula to determine the number of district court judges the state should employ based on case load, population, and travel. For financial reasons the formula is ignored. If followed, Iowa would employ 104 district court judges instead of 100.<sup>11</sup>

Despite improvements, it still takes too long to get a civil case tried in district court. There is some truth in the old saying "justice delayed is justice denied." What should be done? Should Iowa employ more judges? Should court procedures be streamlined? Should more stringent legal limits be placed on people's ability to sue and recover damages? Should greater use be made of dispute resolution centers? These are questions that probably will be dealt within the coming years.

### Questions for Review

1. How has Iowa's judicial system been reformed in recent

years?

2. How can the power of the judiciary act as a check on the power of the executive and legislative branches of government?
3. What are three ways that district or supreme court judges can lose their jobs in Iowa?
4. Does Iowa have an adequate juvenile court system? In what ways does it need to be changed, if any?
5. What is the procedure by which the Iowa Supreme Court arrives at a decision?
6. Why was the Iowa Court of Appeals created?
7. Why is the existence of small claims court a "good deal" for Iowa consumers? For Iowa small businesses?
8. What do the following terms mean: (1) trial information, (2) grand jury, and (3) preliminary hearing?
9. What options does a district court judge have in sentencing a convicted felon?
10. What are the major differences between trial proceedings in a civil case compared to a criminal case?

### References

1. The author is indebted to Jerry Beatty, Executive Director of Judicial Education and Planning of the Iowa Judiciary, for information and statistics in several sections of this chapter.
2. In cases of reapportionment, bar discipline, and issuance of temporary injunctions.
3. Annual Statistical Report to the Supreme Court of Iowa, The State Court Administrator, page 12.
4. Ibid., pages 14 - 17.
5. Ibid., page 16.
6. Interview with Gil Cervenity an official with the Division of Children, Youth and Families, Iowa Department of Human Rights.
7. Rox Laird, "Iowa's Obsolete Juvenile System," *The Des Moines Register*, February, 1989.
8. This section was written by Donald R. Mason, Executive Director of the Prosecuting Attorneys Training Coordinator Council.
9. The petit jury is composed of only six citizens in magistrate court.
10. "The Judicial Department - Iowa's Third Branch, Sesquicentennial 1838-1988," The State Court Administrator, 1988.
11. Jerry Beatty, Executive Director of Judicial Education and Planning.

#### \* Answers to Simmons vs. Panora

The argument in the 14th amendment is that citizens are entitled to the equal protection of the laws. It can be argued that David Simmons was denied this right when anyone over 18 was allowed to be in the park after ten o'clock at night while he was denied that right. This argument has been used to overturn curfew laws in some states.

In the case of Simmons vs. Panora, the Iowa Supreme Court narrowly upheld the constitutionality of Panora's curfew by a 5 to 4 vote.

## 6. Financing State and Local Government

ECONOMICS AND GOVERNMENT are highly interrelated. It takes tax money to operate government. In this chapter we will observe how state and local governments in Iowa are financed—where the money comes from and how it is spent. Notice that we are now talking about state and local government. Logic would dictate that state government collects state taxes to pay for state programs, and local governments (counties, cities, townships, and school systems) collect local taxes to pay for local government. However, many of the state programs are carried out by local government and much of the money to operate local governments comes from the state. Finally, the kind of taxes that local governments can levy, how much they can spend, and what they can spend it on are all limited by state laws.

### State Taxes

It may surprise you to know that the state of Iowa collects 22 different kinds of taxes. The Department of Revenue and Finance is the agency principally responsible for this task.

Several minor taxes cumulatively produce less than ten percent of total revenue. They are (1) the real estate transfer tax (a stamp must be “purchased” and affixed to a deed when ownership is transferred), (2) an environmental protection tax on underground storage tanks containing petroleum products, (3) a two percent tax on premiums collected by insurance companies, (4) a railroad fuel tax, (5) a tobacco products tax, and (6) a cigarette tax.<sup>1</sup>

Liquor is also a source of income. In 1988 Iowa government collected 26 million dollars in profits it earned as the state’s wholesaler of hard liquor. The state collects taxes on the sale of wine and beer. It also receives income from the issuance of liquor licenses to bars, restaurants and grocery stores. Revenue from licenses is shared with cities and counties. A small portion of liquor profits is also returned to the counties. The Alcoholic Beverages Division of the Department of Commerce is responsible for collecting liquor taxes.<sup>2</sup>

Three taxes are earmarked (designated for a specific purpose) for road construction and maintenance. They are the use tax on motor vehicles, the motor vehicle fuel tax, and car and truck license registration fee. The latter tax is collected by county treasurers. Together these three taxes make up most of the money for the state road use tax fund.

Iowa’s use tax is mainly a 4 percent sales tax on new and used cars and trucks. When you buy that annual sticker to place on

your auto license plates, you are really paying a tax—the motor vehicle registration fee. The right amount you have to pay depends on the age, weight, and number of axles on your vehicle. A fourth transportation tax, the aviation fuel tax, is earmarked for airport operations and improvements.

These transportation taxes are the best example we have of taxes based on the “benefits received theory” or the idea that the people who benefit from government services ought to be the ones who pay for them. The people who own autos or trucks and buy gasoline are the people who use the roads. They also are the people who pay for road upkeep by paying these taxes. Similarly, the people who buy aviation fuel are the ones who use and pay for airports.

Iowa has one more tax that is earmarked, the unemployment compensation payroll tax. This tax is unusual in that it is not used for customary governmental services; in fact, many do not think of it as a tax.

Almost every employer in the state is required to pay into the unemployment insurance trust fund. Rates range from 0 to 7 percent of monthly payroll up to an annual wage threshold per employee. The fund is used to pay unemployment benefits to persons who are eligible. An unemployed person’s benefits are determined by how much he or she has earned under covered benefits and the size of his or her family. State benefits last up to twenty-six weeks. An employer’s tax rate is determined by her or his place on a tax table with twenty-one ranks specified in the Iowa Code. Generally speaking, employers who have laid off few or no employees have a lower tax rank than those employers who have poorer lay-off records.

The fund is collected and administered by the Iowa Department of Employment Services. Benefits can be applied for at any of approximately seventy Job Service offices located throughout the state.

There are three taxes which the state collects and then returns to the local governments that have enacted them. They are (1) the hotel-motel tax (imposed by a county or a city), (2) a one percent local option sales tax (imposed by counties and cities), and (3) the school “enrichment” income surtax (imposed by school systems). These taxes are discussed in the section on financing local government.

Iowa’s second largest tax is the four percent sales tax, levied on most goods and services. The most notable exceptions to the tax are food and prescription drugs. Our sales tax, like most sales taxes, is regressive. This means that low-income citizens

pay a larger percentage of their income in sales tax than do wealthier citizens. However, the exemption of food and prescription drugs makes the tax less regressive.

Iowa has four taxes that are based on the "ability to pay principle." This principle says that persons with the same ability should pay the same taxes and that persons with greater ability should pay more taxes than those with less ability. Ability is measured by the economic well being of the person. Economic well being can be measured by income, by wealth, and by consumption. Taxes covered by this principle are (1) the corporate income tax, (2) the franchise tax, (3) inheritance and estate taxes, and (4) the individual income tax.

Iowa's corporate income tax is unique among the fifty states. It is a single factor tax based only on the net income of a corporation within Iowa. Most other states base their tax on three factors—income, sales, and property owned within the state. The single factor corporate tax is generally considered to be an asset in attracting business to Iowa. It is the third largest source of revenue for Iowa's general fund.

The franchise tax is a 5 percent tax imposed on the net income of banks and savings and loans. Inheritance and estate taxes are based on the value of estates passed from one person to another. You can inherit several thousand dollars before a tax must be paid. The exact amount depends on the relationship you have with the person from whom you are receiving the inheritance.

Some of you may already have filed an individual income tax return. This is our largest state tax accounting for 46 percent of general fund revenue in FY (Fiscal Year) 1990.<sup>3</sup> Most of it is collected throughout the year as money is withheld from paychecks and sent to the Department of Revenue and Finance. The income tax is progressive, which means the higher your taxable income, the higher the tax rate.

Iowa's income tax is indexed. With tax indexing, as incomes rise with inflation, the tax brackets are automatically adjusted upward. This prevents a person from getting a tax increase when his real income has stayed the same. Iowa law, however, states that indexing only applies when the state general fund surplus exceeds \$60 million.

There is one other important source of state revenue, the Iowa Lottery. This "voluntary tax" generates 35 - 45 million dollars a year in state revenue. From its creation in 1985, the lottery income and expenditures have been separated from the general fund. Legislators did not want to become dependent on a revenue source whose stability depends on the willingness of people to buy tickets.

During its first five years the lottery funds were used mainly for economic development programs and one time expenditures on buildings, equipment, and nonrecurring projects. As Iowa enters the 1990s there appears to be increased sentiment for diverting more of the lottery funds from economic development to promoting Iowa's natural resources and using some of the fund to help pay for general fund programs. Originally enacted for a five year period, the Iowa lottery has been made

## TYPES OF IOWA TAXES

- |                                     |                              |
|-------------------------------------|------------------------------|
| 1. Personal Income Tax              | 12. Railroad Fuel Tax        |
| 2. General Sales Tax                | 13. Wine Tax                 |
| 3. Corporate Income Tax             | 14. Beer Tax                 |
| 4. Franchise Tax                    | 15. Liquor Licenses          |
| 5. Insurance Premium Tax            | 16. Cigarette Tax            |
| 6. Real Estate Transfer Tax         | 17. Tobacco Product Tax      |
| 7. Motor Vehicle Fuel Tax           | 18. Aviation Fuel Tax        |
| 8. Use tax (sale of motor vehicles) | 19. Inheritance & Estate Tax |
| 9. Auto & Truck Licenses            | 20. Hotel/Motel Tax *        |
| 10. Environmental Protection Tax    | 21. Local Option Sales Tax * |
| 11. Unemployment Compensation Tax   | 22. School Enrichment Tax *  |

\* All of the money is collected by the State and sent back to local government.

**Chart 6A**

permanent.

A lesser source of state money is the state's share of pari-mutuel racing profits. The state only regulates (it does not own) the three dog racing and one horse racing tracks in the state. However, the law allows the state to collect a portion of profits—about eleven million dollars in 1989. This helps the state pay for the regulatory and law enforcement tasks necessary to keep the industry "clean."

### **Iowa Taxes Compared With Other States**

How do state and local taxes in Iowa compare with other states? Over the years the statistics have essentially born out the fact that Iowa tax rates are fairly average. Chart 6B shows that in 1986 Iowans paid less than the national average. The 11.13% which Iowans paid as a percent of personal income was also below the national average of 11.27%. However, Iowa ranked twenty-second among the states for this measure of tax burden.<sup>4</sup> Over the last two decades taxes have increased considerably, but so has personal income. Consequently, Iowans' state and local tax burden has remained near eleven percent of personal income.

Iowa's "average" position has been maintained despite a declining ability to pay, relative to the ability of citizens of other states. The sad fact is that Iowa did not prosper in the 1980s as much as many other states.

By 1987 a study ranked Iowa 39th among the fifty states in its ability to support public education.<sup>5</sup> The study compared gross state product (output of goods and services measured in

**TAXES IOWANS PAY  
VS. NATIONAL  
AVERAGE**

|  | IOWA     | U.S.    |
|--|----------|---------|
| Average state and local taxes paid                         | \$1,417  | \$1,547 |
| State and local taxes paid as a percent of personal income | 11.13% * | 11.27%  |

\* Iowa ranks 22nd highest among the states for this measure of tax burden.<sup>6</sup>

**Chart 6B**

dollars) to the number of school aged children in the state.

How do Iowa's two major taxes compare with other states' taxes? The four percent sales tax is lower than sales taxes in most states. Conversely, Iowa has one of the highest state income taxes. Indeed, several states have no income tax at all.

These statistics do not consider federal taxes Iowans pay (which are more than double what they pay in state and local taxes) or how the tax burden is distributed. The tax burden varies greatly among different income classifications of citizens. It also varies somewhat from city to city. This will be discussed in more detail in the section on local government.

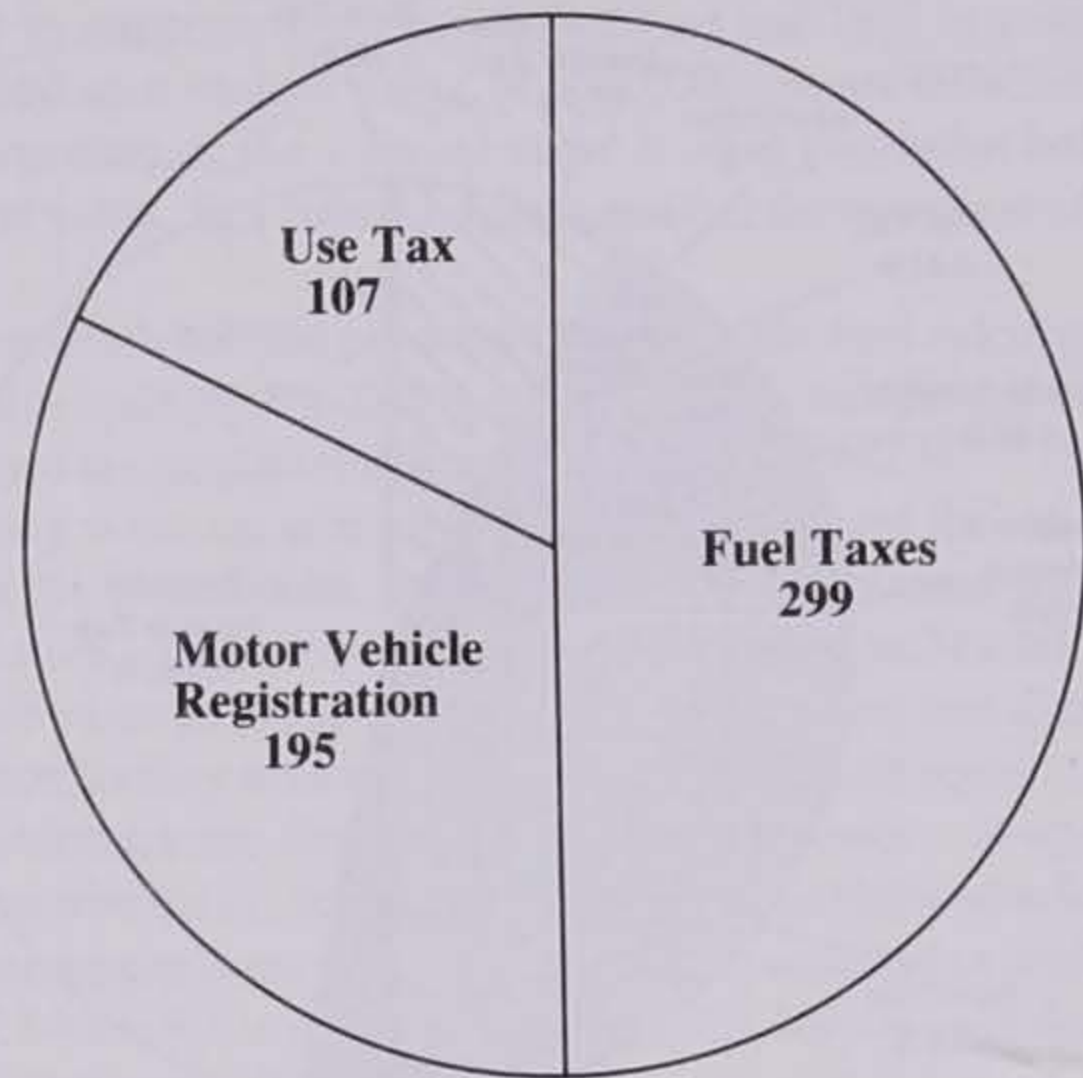
**State Expenditures**

We have seen where the money comes from; now what does the government spend it on? Education is the main expenditure of state government, making up 60% of general fund expenditures. The largest expenditure in this category is state aid to Iowa's 438 school districts. In fiscal year 1989-1990 state financial assistance exceeded one billion dollars in a 2.8 billion budget.

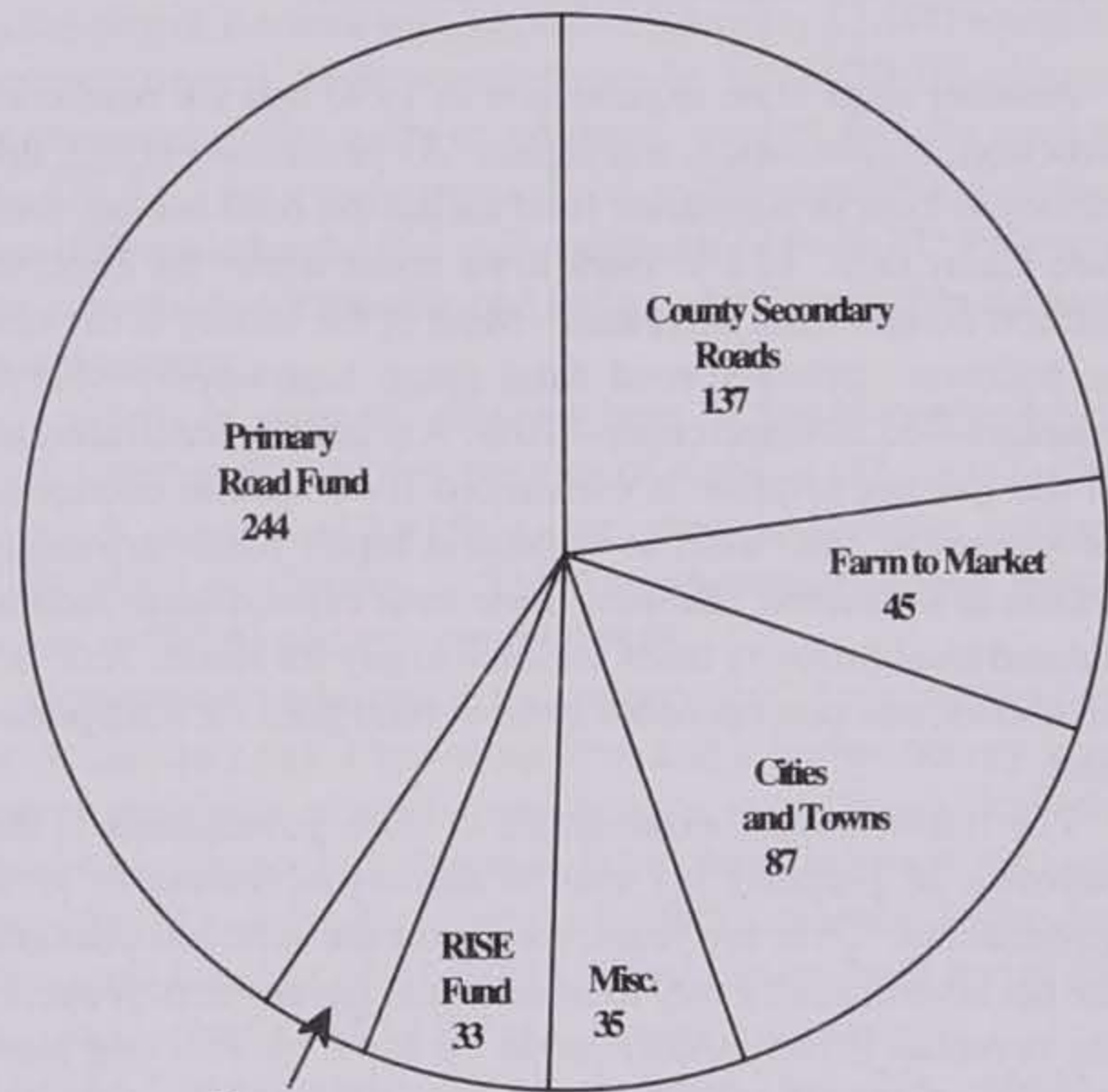
The second largest education expenditure goes to finance our three state universities and our area community colleges. Of course, these institutions also collect tuition, but state funding keeps the tuition relatively low. For example, a year's tuition at The University of Iowa currently is less than \$2,000, while annual tuition at most Iowa private colleges exceeds \$6,000. Community colleges also receive funds from the property tax.

The second largest category of expenditures in FY 1990 was for Health and Human Services. This includes numerous programs and services under the Department of Health, the Department of Human Services, and departments serving the elderly, the blind, and the disabled. It includes the state's share of ADC, Medicaid, and lesser entitlement programs. It includes the costs of operating state hospitals and much of the cost of services performed by social workers. This component equals about 20 percent of the general fund.

**STATE OF IOWA - 1989  
ROAD USE TAX FUND**



**SOURCE OF FUNDS - 601  
(in millions)**



**DISTRIBUTION OF FUNDS - 601  
(in millions)**

**Source: Iowa Department of Transportation**

**Chart 6C**

## General Fund Revenue Estimated for 1990

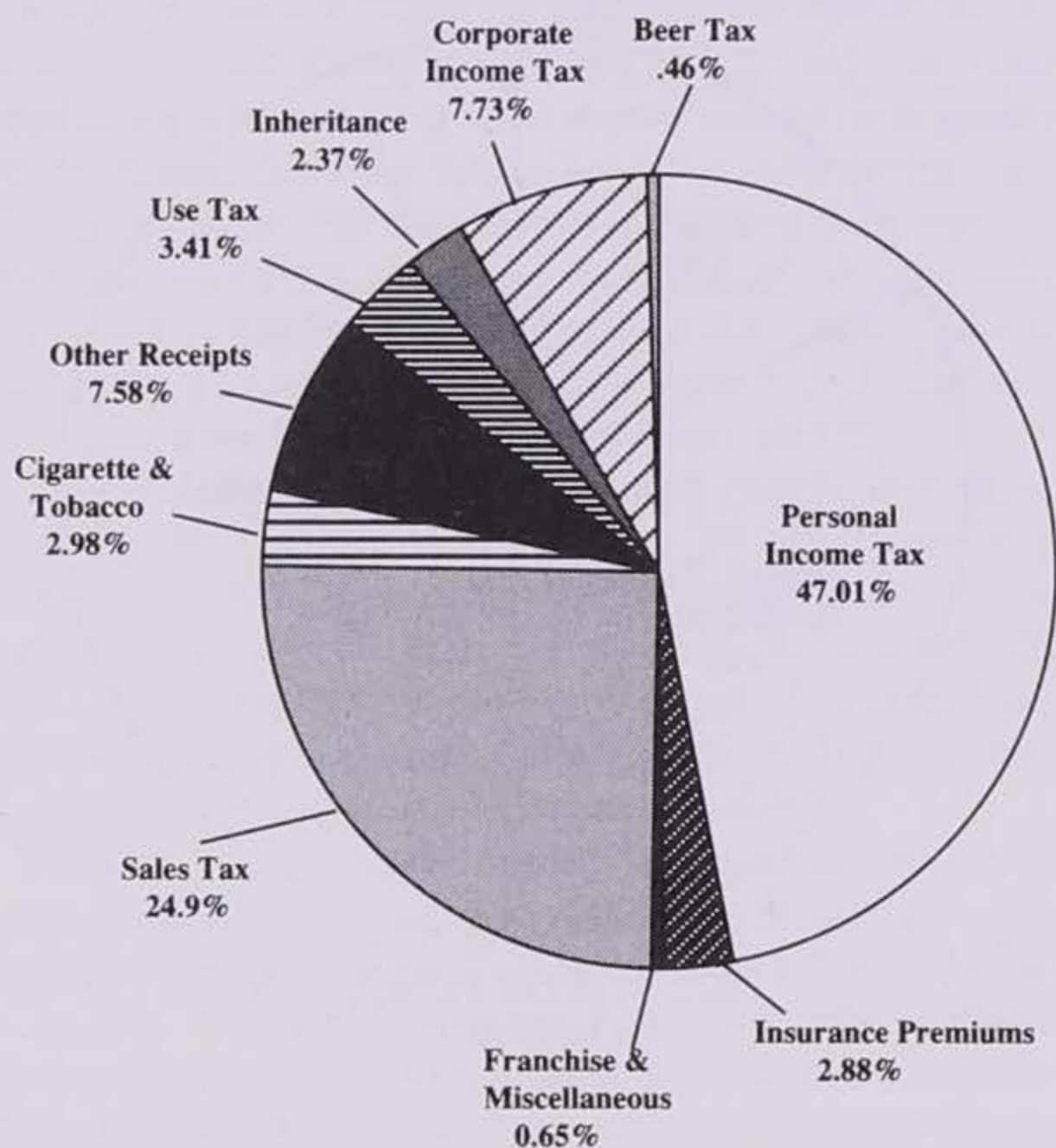


Chart 6D - Iowa Department of Management

Another large state expenditure in 1990 was for road construction, maintenance, and repair. As previously noted, this money is kept in a separate fund called the road use tax fund (see Chart 6C). In FY 1989 Iowa spent about six hundred million dollars from this fund.<sup>7</sup> Most of the money is divided as follows: primary road fund (state highways)—47.5%, counties—32.5%, and cities—20%. A relatively small amount of the gas tax revenue is earmarked for a special economic development fund used to build and repair roads providing access to industries. Besides these state expenditures federal aid and local property taxes are used to pay for roads. As chart 6E shows, one percent of the general fund goes for transportation.

The fourth largest expenditure of state government is the payment of property tax credits and replacements to local government. Over the years, whenever the state has changed the tax laws in such a way to lessen local government property tax revenue, it has usually made up for it by enacting state appropriations. The figures in chart 6F with asterisks represent those payments. The largest payment is the homestead tax credit. Together the payments total over 220 million dollars, about nine percent of the general fund budget.

The fifth largest expenditure, representing about six percent of the general fund is for our justice system. The largest parts of this component in order of size are expenditures to operate our prisons and community corrections programs, and the cost of our court system. This component has shown a major

## General Fund Expenditures Estimated for 1990

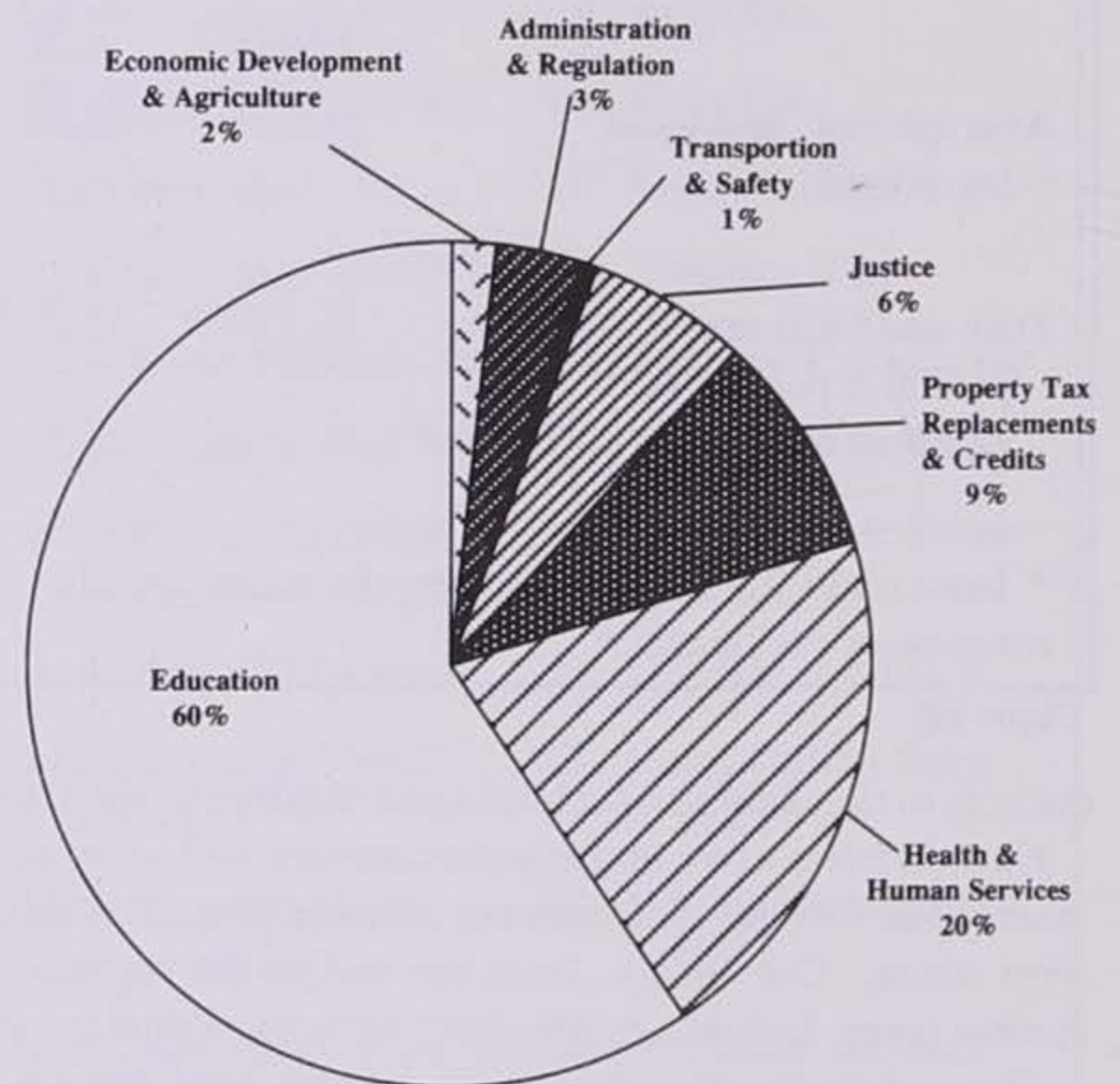


Chart 6E - Iowa Department of Management

increase in the 1980s as crime and the prison population soared.

### Financing Local Government

In Iowa we have more than 3,000 units of government. This includes about 950 cities, 438 school systems, 99 counties, 15 area community college districts, and 1,604 townships.

State and local finances are highly interrelated. The state spends two-thirds of its budget supporting local governments. Local governments receive about 36 percent of their money from the state. Lastly, state law establishes limitations on public school spending and tax levy limitations on cities and counties. Local governments depend heavily on state and federal aid, but their main source of income has traditionally been the property tax.

Property taxes are Iowa's oldest kind of tax. Established in 1841, Iowans of the nineteenth century paid property taxes on more than just land and buildings. They also paid personal property taxes on farm machinery, livestock, store inventories, furniture, and household appliances. Conversely, Iowans paid no sales or income taxes until the 1930s.

Today, personal property taxes have been totally eliminated. Taxes are only levied on real property—land, buildings and improvements to that property. There are five main categories of property: (1) agricultural land, (2) residential property, (3) commercial property, (4) industrial property and (5) utilities. Utilities include gas lines, power lines, and railroads. Taxes on



## Major State Programs That Financially Aid Local Governments and School Districts

Iowa Fiscal Years 1990 & 1991  
(Figures in Thousands of Dollars)

|   | FY90<br>Estimated    | FY91<br>Estimated    |
|---|----------------------|----------------------|
| District School Aids                                | \$1,039,265.0        | \$1,122,165.0        |
| Merged Area Schools                                 | 84,100.5             | 89,789.6             |
| Property Tax Replacment Program                     | 67,737.0*            | 67,737.0*            |
| Machinery, Equipment & Computer Tax Replacement     | 9,500.0*             | 6,500.0*             |
| Agricultural Land Tax Credit                        | 43,500.0*            | 43,500.0*            |
| Homestead Tax Credit                                | 95,000.0*            | 95,000.0*            |
| Extraordinary Property Tax Reimbursement            | 13,7000.0*           | 13,700.0*            |
| Peace Officers Retirement Improvement Reimbursement | 3,300.0              | 3,300.0              |
| Community Mental Health/Retardation Fund            | 3,205.0              | 3,205.0              |
| Regional Libraries                                  | 1,489.8              | 1,489.8              |
| Substance Abuse Treatment Program                   | 7,215.0              | 7,215.0              |
| Homemakers Service                                  | 7,988.2              | 7,988.2              |
| Public Health Nurses                                | 2,485.2              | 2,485.2              |
| <b>TOTAL</b>  | <b>\$1,378,485.7</b> | <b>\$1,464,074.8</b> |

\*Included in the property tax replacement program starting FY89

Chart 6F - Iowa Department of Management

utility property are centrally levied and collected by the Iowa Department of Revenue and Finance.

The other four categories of property are locally assessed by 111 assessors—one in each county and the remainder in twelve of Iowa's largest cities. Agricultural land in Iowa is assessed on its productivity. The more productive the land, the greater is its assessed value. The amount of tax paid also depends on the local tax rate.

Industries, businesses, and houses are assessed on the basis of market value. When a building or house is first built, the assessor estimates its market value. Thereafter, assessments can go up (or down) for any of the following reasons. If an owner improves the property (for example, builds a garage), the property's assessed value will increase. The value of property will increase to the extent an improvement increases the property's market value. Secondly, all assessments in a county may be raised by the biennial equalization order of the

Department of Revenue and Finance. (See Chapter Four.) Finally, changes in value—upward or downward—can result from a combination of reassessment by the local assessor and equalization by the Department of Revenue and Finance.

Let us suppose that a person's house and land in town is assessed at a market value of \$50,000. In an inflationary housing market, the assessed value is often somewhat below market value. In a falling housing market, the reverse is often true.

How much will the property taxes be? The first calculation step is to multiply \$50,000 by .806384. This was the roll-back rate used to calculate residential property taxes due in FY 1990. Property taxes are annually "rolled back" to keep the total of statewide assessments under limitations established by the legislature. Thus, \$50,000 x .806384 equals \$40,319.20, the taxable value of the property. If property owners live in their own homes they are entitled to a homestead credit equal to the tax levied on the first \$4,850 of assessed value. Property owners who are (1) veterans or (2) aged or disabled and in low-income brackets are entitled to additional property tax credits. Thus, \$40,319.20 minus \$4,850 leaves \$35,469.20—the figure property taxes will be based on.

Here is the final step. A total dollars per thousand tax levy has been determined for every city and rural area in Iowa. You can find the statistics for your county in your county auditor's annual report. For example, in 1989 the total property tax levy in the city of Keokuk was 34.58848 for every \$1,000 worth of property owned. Multiply this figure by 35.46920 (the amount of thousand dollar units of property owned) and the total is \$1,226.82. This was the property tax owed, payable in September 1989 and March 1990 in installments of \$613.41. Property tax collections are payable one and one-half years after the date of assessment.

Analysis of chart 6G shows where 34.58848 comes from. Add together the levy of the city of Keokuk (13.29917), the Keokuk schools (13.81391), the area community college (.48762), Lee County (6.37405) and miscellaneous minor levies (.49888) and you get 34.58848.

Homeowners who live in the country don't have to pay a city levy, but they pay a township levy and a higher county levy (since residents receive more county services, particularly road maintenance). A person living in Jackson Township (just outside of Keokuk), for example, in 1989 had a total dollars per thousand tax levy of 24.52173. That comes from levies for Keokuk schools (13.81391), at the area community college (.4876), Lee County (9.18873), Jackson Township (.66565), miscellaneous minor levies (.36582). Most of the township levy went for fire protection.

What can we conclude from all this? Besides the obvious fact that property tax calculation is fairly complicated, the following three facts stand out. About half of all property taxes is used for public education. Much of the other half goes for services counties and cities provide, such as road maintenance and clearance, police and fire protection, public libraries, and

## INDIVIDUAL AND TOTAL TAX LEVIES FOR 1989 IN LEE COUNTY

|                                    | City of<br>Keokuk | Keokuk<br>Comm. School | Area Ed.<br>Agency 16 | Lee<br>County | Jackson<br>Township | Misc.<br>Minor Levy | Total<br>Levy |
|------------------------------------|-------------------|------------------------|-----------------------|---------------|---------------------|---------------------|---------------|
| Residents of the<br>City of Keokuk | 13.29917          | 13.81391               | .48762                | 6.37405       | -                   | .49888              | 34.58848      |
| Residents of<br>Jackson Township   | -                 | 13.81391               | .48762                | 9.18873       | .66565              | .36582              | 24.52173      |

**Chart 6G - SOURCE - Lee County Auditor**

hospitals. A relatively small amount of property tax is spent on welfare, since most of that money comes from the state and federal governments.

Secondly, people in rural areas have slightly lower tax levies than people living in cities. Thirdly, property taxes in Iowa have been held down in recent years by state action. Since 1980 there has been a 4 percent limitation on the annual growth in statewide valuations for all classifications of property except utilities (which has an 8 percent limitation).

More significantly, the state has continued a trend begun in the early 1970s of shifting local government costs (mainly school costs) away from property taxes to state aid. The effort has been successful. "In 1971 Iowans paid \$61 in property taxes for each \$1,000 of personal income received. This figure fell to \$43 per \$1,000 of income in 1986, a decrease of some 30 percent in fifteen years.<sup>8</sup>

In recent years property tax increases on a statewide average for all classes of property have been at a slightly slower rate than the increase in the cost of living and a significantly slower rate than the increase in income tax revenue.

The legislature has enacted limitations to keep property valuation from going up too fast and to maintain a balance between the tax burden borne by each of the five categories of property. Nevertheless, since the five categories of property do not increase at the same rate, there will always be shifts in the share of the tax burden born by each category. A 1989 headline stated, "Iowa's Farmers Face Drop in Share of Property Taxes."<sup>9</sup> Farmland valuation in most counties decreased between 1987 and 1989. This change was brought about by the legally required biennial equalization order made by the Department of Revenue and Finance. This occurred at a time when the value of farmland was actually rising. Farmland, however, is assessed on the basis of a complex five year productivity average. Some of the years the assessment was based on (1983-1987) had been bad years for farmers. Meanwhile, the assessed value of other kinds of property had increased. The net impact was a slight shift of property tax burden from farmers to homeowners, business owners, and industry. In other equalization order years the shift has favored other property classifications. It all depends on how much the various classifications increase or

decrease in value in comparison to each other.

The importance of the property tax in local government declined significantly in the 1970s and early eighties. In 1966 property taxes paid for 59% of the cost of local government. Twenty years later local government received only 37% of their income from the tax.<sup>10</sup> Today, Iowa local governments actually get more money in state and federal aid than they do from property taxes.

Property taxes have some positive aspects. Since ownership of property is easily identifiable, the tax is hard to avoid. Also, the cost of collecting property taxes compares favorably with the cost of collecting other kinds of taxes. Finally, the revenue derived from them remains fairly stable even during economic downturns.

There are several problems with property taxes. Unlike the income tax, the property tax is not based on the "ability to pay." Low-income people pay a higher percentage of their income in property tax than do high income people.

Despite biennial state equalization orders and efforts by Iowa assessors to assess property in a uniform and consistent manner, the fact remains that Iowa's 111 assessors cannot assess all property equally and fairly. The ability of assessors, the resources available to them, and the rate of change in the economy, as well as the subjectivity the assessor must possess, all contribute to inequities in assessment patterns. Also, as we have seen, property taxes are often hard for the average citizen to understand.

The biggest drawback of the property tax comes from its use in financing public schools. Ideally, the quality of public education in Iowa should not vary too much from one school district to another. Equality of educational opportunity has traditionally been a value that ranks high in the value systems of Iowans. When property taxes are the main source of income for public schools, equality is threatened. In Iowa there are school districts that are "property rich" and those that are "property poor." Obviously, the "property rich" districts can raise and spend a great deal more money than the "property poor" districts. The general assembly has enacted legislation to limit the disparity between "property poor" and "property rich" districts. This will be explained in the upcoming section

on school financing.

## County Government Finance

County government is the cornerstone of local government. Not only do counties finance their own programs and services, but they also collect the property taxes that cities, schools and townships eventually spend. The county auditor is the main official involved in computing and distributing taxes.

Counties get about half their money from property taxes and about 37% from the state and federal government.<sup>11</sup> The remainder comes from a variety of sources—user charges, sale of property to recover back taxes, and cigarettes and liquor licenses.

Counties spend their money on such things as law enforcement, mental health, general government (courthouse offices and staff), health care, hospitals, and welfare. Road maintenance is the single largest expense that counties have.

Federal and state aid to counties comes from the following sources: the state road use tax, a share of the state's liquor profits, and tax credits. Tax credits result from the state's decision to limit property taxes causing the loss of revenue for counties. Counties are reimbursed for this lost revenue.

State law mandates that county governments maintain a general fund and general services levy, a rural services fund and levy, and a debt services fund. Levies for secondary roads go to the general fund or rural services fund as applicable. State law places levy limits on each of these funds, but these limits may be exceeded by a referendum or action of the supervisors under certain conditions.

In addition, counties can enact more specific supplemental levies for institutional mental health care, courts, elections, and retirement programs for county employees.

## Municipal Finance

Iowa's cities vary greatly in the amount of taxes they collect per capita and in the amount and kind of services they provide. They also vary in per capita spending. Generally speaking, the larger the city, the more it spends per capita. Cities get less than one third of their revenue from property taxes. Various kinds of aid from the state and federal governments account for slightly more than a third of the budget. User charges and miscellaneous revenue account for the final third. User charges include the fee a city charges for garbage pickup, electricity, water, use of recreation facilities such as a municipal pool, sewer, dumping at a sanitary landfill, and parking. Cities also assess property owners fees when they pave a street or a sidewalk past the property owner's house. Cities make greater use of user charges than any other type of local government.

Miscellaneous revenue includes money the city receives from cigarette licenses, beer licenses, building permits, and parking tickets.

City councils and county boards of supervisors are authorized to levy a hotel-motel tax on up to 7 percent of the gross revenues of area hotels and motels. This tax has been popular with some citizens because it is passed on to "out of towners."

The tax produces less than 2 percent of the revenues of cities and counties.

Cities spend their money for a wide variety of services. Expenditures for streets and police and fire protection are major costs. Other typical expenditures go for parks and recreation, sewers, water, sewage disposal, libraries, hospitals, public health, and interest on debt.

Cities, like counties, have state restrictions on the amount of their dollars-per-thousand property tax levies. City general funds have a limit of \$8.10 per \$1,000 assessed valuation of property. In addition, they can levy an emergency fund levy of \$.27 per \$1,000 assessed valuation.

Cities can levy a \$.675 capital improvements levy and state law lists numerous other kinds of small levies cities can make. The money raised, however, can only be spent for the purpose specified in the law. In some cases these extra levies require voter approval.<sup>12</sup>

All cities are required to have a debt service fund to be used to pay off the principal and interest on general obligation bonds and any legal judgements against the city not covered by city insurance. The tax levy a city can make for this fund is unlimited. However, a city's ability to borrow money by selling general obligation bonds is limited. A city council can borrow relatively small amounts on its own vote. Borrowing larger amounts (over 150 thousand dollars) may require a popular referendum if taxpayers ask for it by filing a petition. Often, however, this does not happen and the city councils vote to borrow large amounts by issuing general obligation bonds.

Cities can also borrow money by selling revenue bonds. Unlike general obligation bonds, the interest and principle on revenue bonds are not paid by collecting taxes, but from the collection of fees or charges. For example, a city might issue revenue bonds to raise funds to replace or install water lines and then pay off the bonds by raising the citizens' water bills.

With the various kinds of taxing and borrowing opportunities found in Iowa law, it's no wonder that city finances vary greatly. Some cities have total levies per thousand dollars of assessed property value as low as five dollars. Other have total levies exceeding fifteen dollars.<sup>13</sup>

Some Iowa cities are at the combined general fund/emergency fund limit of \$8.37. Other are not even close. What makes the difference? One obvious factor is the services the city attempts to provide. Another factor is the use of user charges. A city that charges for parking and has a high fee for garbage pickup needs less money from taxes.

A major factor that determines whether or not a city assesses its maximum levy is the amount of assessed property valuation it has in relation to its population. "Property rich" cities usually can get by quite well with a general fund levy of only \$5 or \$6 per \$1,000 of property. "Property poor" cities may struggle to make ends meet while collecting the maximum \$8.37 levy.

In the last half of the 1980s municipal finance remained a problem for many cities. More than 40% of cities were at their \$8.10 general fund limit. Federal revenue sharing had become

a thing of the past. Even worse, the overall value of property in many cities rose only slightly or actually went down. With an eroding tax base and continually rising costs, many cities closed the decade of the 1980s in tough financial straits.

The silver lining was that many cities (and counties) had maintained huge cash reserves relative to their annual budgets. In 1988 Iowa cities and counties had reserves equal to about twenty-three percent of their annual budgets. Some state officials suggested that the local governments spend some of these reserves rather than raise tax levies or reduce services. Use of financial reserves to alleviate budget shortfalls, however, cannot be done indefinitely—eventually the reserves run out.

In the 1990s, if property valuations remain depressed, more cities and counties may begin to use local option taxes. In the mid 1980s the Iowa legislature gave cities and counties the authority to adopt two kinds of local option taxes by popular referendum. They are (1) a vehicle tax imposed county wide and (2) a one cent sales tax voted on county wide, but imposed only in cities or townships that approve it.

By the end of the 1980s, local option sales taxes had been enacted in all or part of nine counties.<sup>14</sup> These taxes may allow some cities and counties to decrease their dependence on property taxes. For example, a county with a large city that draws shoppers from several other counties might increase its sales tax by a penny, and use some of the additional revenue to reduce property taxes.

Of course, another approach to resolving local government financial problems is to increase operating efficiency. How can counties and cities deliver services more efficiently? For years Iowa local governments have had the authority to cooperate in the provision of services by signing what are commonly called "28E" agreements. Chapter 28E of the Code of Iowa was written to "permit state and local governments in Iowa to make efficient use of their powers by enabling them to provide joint services and facilities with other agencies and to cooperate in other ways of mutual advantage."<sup>15</sup> Under the provisions of this chapter, city councils and county boards can pool resources and finances to provide essential services. For example, the operation of joint city-county law enforcement centers is common in many parts of the state.

The county charter option discussed in chapter one may also help create efficiencies. As the 1990s began Iowa's largest county, Polk County, had created a charter commission to study and make recommendations on a new form of county government. A prime consideration in the charter commission's deliberations concerned how the county government could be changed to more effectively cooperate with the city of Des Moines and its suburbs in the deliverance of government services.<sup>16</sup>

## Townships

Iowa has 1,604 units of local government called townships, but you would never know it by listening to the radio or reading the newspapers. Township government, an important element

of nineteenth century rural Iowa, is nearly invisible today. In the late 1920s most township functions were transferred to the counties. Today Iowa governments are authorized to provide cemeteries, ambulance service, library service, and township "halls."<sup>17</sup> The only thing a typical township actually provides, however, is the cemetery. Ambulance service, fire protection, and library service are usually purchased from the nearest city that provides those services. Township halls are mostly a thing of the past.

Township governments are made up of three trustees and a township clerk. These people are all part time officials elected in seldom contested elections. They attend a few meetings a year and enact a township budget. Much of the financial work of the townships, however, is performed in the office of the county auditor.

Some Iowans feel that township government is obsolete and should be abolished. County boards do have the authority to combine or eliminate townships, but custom and tradition have tended to preserve the townships as they were first created in the nineteenth century. Although townships are probably no longer needed, neither are they costly to operate. As long as citizens can be found to take the trustee and clerk positions, we will probably have townships well into the next century.

## Financing School Systems

Iowa's public schools and area education agencies are the biggest spending units of local government. Approximately half of all property taxes and about 60 percent of all state aid to local governments goes to public schools. Since school systems obviously spend almost all their money on education, this section concentrates on how schools are financed.

Every school system in Iowa has two major funds, a schoolhouse fund and a general fund. The schoolhouse fund is used to finance the construction of new buildings, and to install permanent fixtures such as carpet, lights, suspended ceilings, new boilers, and so forth. The general fund is used to pay ongoing expenses (salaries, insurance, transportation, heat, and supplies).

All the money spent in the schoolhouse fund is raised by property taxes. There are two tax levies that are used to raise this money. A school board can levy a physical plant and equipment levy of up to \$1.00 per thousand dollars of assessed property. Any more than 33 cents, however, requires the approval of the district's voters.<sup>18</sup>

A debt service levy to finance major construction is the main levy used to build schools. If a district wishes to build or expand a building it first calls for a vote on the issue, called a bond-issue referendum. If 60 percent of the voters of the school system vote yes, the school system is authorized to build the new building or addition and to pay for it by increasing property taxes.

Schools do not collect the money all in one year. Instead they sell bonds to the public through an investment banking firm. The school districts then collect property taxes for a number of years (fifteen to twenty years is typical) and use this money to

pay off the principal and the interest on the bonds.

Over the years the state has been heavily involved in aiding local districts' general funds. In 1939, in order to encourage consolidation of rural school systems with nearby towns, the general assembly enacted the Agricultural Land Tax Credit. The legislature agreed to pay the property tax on agricultural land above and beyond a \$5.40 levy per thousand dollars of assessed valuation. Like the homestead credit, this "ag" credit is subtracted from farmers' property tax bills. The state then reimburses the county, which passes the money on to the schools. Except for one year, however, the general assembly has never provided enough money to pay the full amount of this credit. Consequently, the state prorates or pays only part of the credit to the counties. This proration is then reflected in the property tax bills of farmers. In recent years the \$42 million annual appropriation enacted by the legislature has paid for about 70 percent of the credit.

It was in 1971 that school finance in Iowa received a major overhaul. In that year the general assembly enacted the School Foundation Plan. This plan had three main goals: (1) limit property taxes, (2) equalize spending on education by Iowa school systems, and (3) promote efficiency in school spending by limiting the spending of each individual school district.

On all three points the plan has been fairly successful. Equality of education opportunity, as measured by per pupil spending, is greater in Iowa than in most other states. Property taxes for schools have not increased as much as state aid or inflation in the last eighteen years. This has been due mainly to changes in school finance. A major component of the school finance law has been to gradually increase the percentage of education costs paid for with state dollars. In FY 1973 state aid totaled 274.2 million dollars. In FY 1990 state aid was approximately 1,028 million<sup>19</sup>—almost a fourfold increase in seventeen years. Today the state pays for almost 55% of the cost of our public schools. About 33% of the cost comes from property taxes. The remainder comes from federal funds and miscellaneous sources.

With more state aid has come more state control. The state dictates fairly closely how much money each school system can spend. Here is how the system works.

A starting point is the "state cost per pupil"—a rough average of how much Iowa school systems spend annually per pupil out of their general funds. The Iowa Department of Education has calculated this figure to be \$3,170 dollars in the 1991-1992 school year.<sup>20</sup> Each year this figure is allowed to increase by an "allowable growth" percentage annually determined by the state.

The state requires all school districts to levy a school general fund property tax levy of \$5.40 per \$1,000 of assessed valuation. Then the state pays state aid to each school district to bring them up to 83.5 percent of the state cost per pupil. For the 1991-1992 school year the foundation support level will be \$2,647 (\$3,170 times .835 equals \$2,647).

It is through this state aid that school district revenue and

spending is equalized. Consider this example: Rich school district A levies its foundation \$5.40 property tax levy, raises \$2,000 per pupil, and receives 647 dollars in state aid to bring it to the foundation level. Poor school district B levies it \$5.40 property tax, collects \$1,000 per pupil and receives \$1,647 dollars from the state.

There are a few school systems which are so property rich that the basic \$5.40 levy raises almost \$2,647 by itself. These school systems are guaranteed that they will receive at least \$300 per pupil in state aid.

On top of this state aid, a school district levies an additional property tax to bring total revenue up to a figure called the "district" cost per pupil. This figure is approximately the same as the "state" cost per pupil, but there is some variation in this figure from district to district. A major rewrite of the school finance law in 1989, however, will bring all district costs per pupil within five percent of each other by the mid 1990s.

The \$5.40 uniform levy, state aid, and added property tax levy described above make up what is called a school district's controlled budget.

Part of every school's controlled budget is Area Education Agency "pass through" money. AEA's provide special services for handicapped children, media services, and other educational services to public schools. AEA's do not have taxing authority. Out of each district's controlled budget, a certain amount "passes through" the general fund of the district to the AEA. The portion that is state aid is sent directly to the AEA's.

Beyond its controlled budget, a school system receives money in the form of miscellaneous income. This includes items like tuition, rental fees, book fees, mobile home tax, and interest on investments. Miscellaneous income is made up mainly, however, of federal aid. Miscellaneous income provides about 12 or 13 percent of all school money.

Schools can enact a management fund levy (effective July 1, 1991), if necessary, to pay for things like unemployment insurance, retirement incentives, insurance, and settlement of a legal judgement. Schools desiring to spend beyond their controlled budget can also enact an instructional support program levy. This tax is a combination income and property tax. It can be enacted by a school board, but citizens who oppose it can by petition force a popular referendum on its establishment. A district can collect as much as ten percent of its controlled budget in instructional support levy. This levy replaces a similar kind of tax called the enrichment tax.

Finally, state law allows schools, with state approval, to receive additional spending authority to finance gifted and talented programs and dropout prevention programs. The state does not give the schools more money, but simply more authority to increase their property tax levies. Schools that still face financial problems can apply for additional state funds controlled by the State School Budget Review Committee on the grounds that they have "special needs" or need extra transportation money because of their geographical size.

Although the school finance formula has been a general

success, there has been one major problem—declining school enrollment. Under the formula as it was originally written a school might receive less spending authority than it did the year before if, for example, the allowable growth in the controlled budget was four percent and the school suffered a five percent decline in students.

Through the decade of the eighties the state dealt with this problem in two ways. First, it usually guaranteed schools at least a two percent growth in their controlled budgets, regardless of the formula. Secondly, it decided to “cushion” declines in school enrollment by allowing school districts to weight their enrollments based on previous enrollments. The state began to pay aid to schools for students who did not exist; “phantom” students had been created. By the middle of the decade these phantom students were becoming a major concern. Critics charged that the money should go where the students were and that the payments for “phantoms” helped to prop up inefficient school systems. One study stated,

“Recently, there has been increasing concern that reliance on phantom weighting is jeopardizing expenditure equality.... A district with 200 actual students and 50 phantoms may spend \$2,600 per pupil; but, when the phantoms are excluded the district expenditure per actual pupil is \$3,250.”<sup>21</sup>

The legislature responded. In the 1989 re-write of the school finance law, phantom students are scheduled to be gradually eliminated over a five year period. After 1994 schools will also no longer receive guarantees that their controlled budgets will not decline.

Another important bill, enacted in 1987, was passed mainly due to the fact that Iowa teacher salaries had declined to 39th among the 50 states from 23rd in 1978.<sup>22</sup> The General Assembly appropriated about 92 million dollars in “Phase I, Phase II, and Phase III” programs to boost teacher salaries. Schools which develop approved programs receive state funds over and above their normal state aid. The programs have now been made a regular part of state law.

Iowa enters the 1990s with good news for education—the 20 year decline in school enrollment appears to have ended. Also promising to have a significant impact is a new law which allows students and parents to choose their own public school system regardless of where they live. Some believe this “open enrollment” law will lead to school improvements as schools work to retain old students and recruit new ones. Others believe that the law will lead to the eventual consolidation of small Iowa schools.

Indeed, with open enrollment, the eventual elimination of phantom students and budget guarantees, and the implementation of higher curriculum standards in the late 1980s, the survival of many small schools is an open question. Out of Iowa’s 438 school systems, over 200 have enrollments of less than 500 students. How many of them will be forced to consolidate in the 1990s? Numbers are hard to predict, but there can be little doubt that Iowa will enter the next decade with substantially fewer school systems than it has now.

### Iowa Individual Income Tax Rates

| Taxable Income        | Tax Rate |
|-----------------------|----------|
| \$ 0 - \$ 1,000       | 0.40%    |
| \$ 1,000 - \$ 2,000   | 0.80%    |
| \$ 2,000 - \$ 4,000   | 2.70%    |
| \$ 4,000 - \$ 9,000   | 5.00%    |
| \$ 9,000 - \$ 15,000  | 6.80%    |
| \$ 15,000 - \$ 20,000 | 7.20%    |
| \$ 20,000 - \$ 30,000 | 7.55%    |
| \$ 30,000 - \$ 45,000 | 8.80%    |
| \$45,000 and over     | 9.98%    |

Chart 6H - Iowa Department of Revenue and Finance

### Future Issues in Government Finance

Iowa has had to adjust its tax laws to new economic conditions over the last several years. The need to make periodic adjustments will doubtlessly continue. Three factors that have been mentioned in this chapter will continue to be major considerations in any tax changes. They are: (1) consideration of the principle of the “ability to pay,” (2) consideration of the principle of the “benefits received,” and (3) making sure tax revenues are adequate to pay for desired government services.

Increasingly, there is a fourth factor that must be considered, the impact of tax changes on Iowa’s economic development. What kind of tax mix will best encourage new businesses to come to Iowa and present businesses to expand while at the same time providing an adequate tax base?

Maintaining a tax system that encourages economic development, but requires corporations and individuals to pay their fair share of taxes is a constant challenge. Some Iowans, particularly conservatives, are critical of Iowa’s income tax. Although the top tax rate was reduced from 13% to 9.95% in 1987, it remains one of the higher state income taxes. Defenders point out that Iowa, unlike many other states, allows taxpayers a deduction for federal income taxes paid. This effectively lowers the actual tax rate.

A constant problem that Iowa and all states deal with is the border problem. Iowa taxes on cigarettes and gasoline are considerably higher than those found in some of the states bordering us, particularly Missouri. Consequently, Iowans near the border often leave the state to purchase these items. Conversely, citizens of Illinois shop in Iowa to take advantage of our lower sales tax. The border problem makes it harder for Iowa convenience stores to survive near the Missouri border. It also represents a drain of tax revenue into another state. There is no easy solution.

Currently the state is in the middle of implementing a reform of its bookkeeping system. Between 1980 and 1986 the poor economy sent projected revenues into a tailspin. During these years the governor and the legislature used accounting tricks

on several occasions to produce balanced budgets on paper. By 1986, if Generally Accepted Accounting Principles (GAAP) had been followed the state would have been more than one hundred million dollars in the red. That year the legislature enacted legislation requiring a gradual transition to a budget based on GAAP principles. Progress towards producing a balanced budget under GAAP has been made, but early in 1990 the state was still 64 million dollars in the red under GAAP standards.

How much should state and local governments be willing to go in debt? Traditionally, Iowans have had a "pay as you go" attitude. Consequently, Iowa's public debt is among the lowest in the fifty states.<sup>23</sup> Most of the debt is held by local governments since Iowa's constitution effectively prohibits the state from going into debt. About one sixth of the debt, however, is held by the Board of Regents, which borrows to build or renovate university buildings.

Most people view this low level of debt as a good thing. Others, however, believe Iowa governments should be more willing to borrow to insure the timely construction of roads, sewers, schools, prisons, and hospitals.

What mix of state taxes is the best? Should taxes be based on "ability to pay" or "benefits received"? What sort of balance should be maintained between state aid to local government and finance of local government by the property tax? How can tax policy be used to encourage economic development? To what extent can state and local governments continue to count on federal funding of government services? These questions will continue to be important into the twenty-first century.

### Questions for Review

1. What is the difference between the "ability-to-pay" and the "benefits-received" theories of taxation?
2. What is the difference between a progressive tax and a regressive tax?
3. What are the three largest tax revenue sources for the state general fund?
4. What are the three largest expenditures of state government?
5. Which of Iowa's taxes do you think are the fairest? The least fair?
6. How does the state and local tax burden of Iowans compare with the burden of citizens in other states?
7. How much is the total property tax assessment in the city where you go to school? Call your county auditor's office to find out. Use the information to calculate the tax bill on a \$50,000 home.
8. What are the pro's and con's of the property tax?
9. Why are many Iowa counties and cities facing a financial squeeze in the 1990s?
10. What is tax indexing?
11. What are the main purposes of the state school finance formula?
12. What are some problems with our current system of

school finance?

13. If you were governor of Iowa, what changes would you suggest, if any, to change our current tax system?

### References

1. Iowa Department of Revenue and Finance, 1988 Annual Report, pages 25 - 27.
2. Alcoholic Beverages Division 54th Annual Report, 1988.
3. "Budget in Brief of FY 1990 and FY 1991," Iowa Department of Management, 1989.
4. Statistics from "Significant Feature of Fiscal Federalism," Volume II, page 115, (supplied by the Department of Revenue and Finance).
5. "Where Does Your State Rank," *NEA Today*, March 1988, page 7.
6. "Significant Issues in Fiscal Federalism," Volume II, pages 71 & 72.
7. Transportation Improvement Program 1989-1993, Iowa Department of Transportation, page iii.
8. Statistics from "Significant Feature of Fiscal Federalism," Volume II, page 115.
9. Jonathan Roos, "Iowa's Farmers Face Drop in Share of Property Taxes," *The Des Moines Register*, August 16, 1989.
10. "Significant Issues in Fiscal Federalism," Volume II, page 70.
11. "New Directions in County Government," Iowa Advisory Commission on Intergovernmental Relations, 1985, page 11.
12. Code of Iowa, Chapter 384, 1985.
13. "1988 City Property Tax Summary," The Institute of Public Affairs, The University of Iowa, March 1988.
14. Information supplied by the Iowa Department of Revenue and Finance.
15. Code of Iowa 1985, Chapter 28E, Section I.
16. Victoria Benning, "Commission Studies Ways to Improve Polk County Government," *The Des Moines Register*, October 22, 1989.
17. Jonathan Roos, "Iowa's Township System: Indispensable or Obsolete?," *The Des Moines Register*, February 2, 1986.
18. "H.F. 535 School Finance Bill as sent to the Governor," Iowa House Democratic Caucus Staff, 1989.
19. "Budget in Brief FY 1990 and FY 1991", Iowa Department of Management.
20. "H.F. 535 School Finance Bill," as sent to the Governor, Iowa House Democratic Caucus Staff, 1989.
21. Karin Peterson, "Iowa School Finance Reform: Issues and Options," The Institute of Public Affairs, The University of Iowa, 1987, page 23.
22. "Shaping the Future," *The Iowa State Education Association*, 1989, page 12.
23. David Yepsen, "Report: Iowa's Public Debt Levels Stay Low Despite rise in 1988," *The Des Moines Register*, August 14, 1989.

## 7. Politics, Elections, and Voting

IF YOU WANT to learn about local government, you can visit your city hall or county courthouse. If you want to learn about state government, you can visit the Statehouse in Des Moines. If you want to learn about two other institutions that are essential to the operation of state and local government, namely the Democratic and Republican parties of Iowa, where would you go? Both parties maintain state headquarters in Des Moines, but where would you find them locally? For three months out of every two years just prior to a general election, Iowa's political parties are highly visible. The parties set up headquarters in each Iowa county and run campaigns that are hard to avoid. But how about the remainder of the time? Where are Iowa's parties, who belongs to them and runs them?

### Iowa's Political Parties

One thing that should be emphasized from the start is that Iowa's two main political parties are rather loose-knit organizations. They have no permanent headquarters in each county; each party has only a very few full-time officials in state headquarters; they depend almost exclusively on contributions and fund-raising affairs for finances; and no one is exactly sure how to define party membership.

In the middle of a non-election year in many Iowa counties, one would have to look fairly hard to find any signs of political party vitality or activity. Yet in the next year (an election year), the parties will almost certainly "come out of the woodwork" to conduct a series of conventions, primary political campaigns, primary elections, rousing general election campaigns, and a get-out-the-vote campaign prior to and on election day, before almost fading out of sight again.

Iowa's political parties are run by typical Iowa citizens. These citizens contribute a great deal of time and money to make our political system work.

The Code of Iowa defines a political party as any party or organization whose candidate for governor or president at the preceding general election received at least 2 percent of the total vote cast. Under this definition, Iowa currently has two political parties, the Democrats and the Republicans.

This is not the place to discuss the many functions of political parties in American society. Indeed, many books have already been written on the subject. Let us just say that the main function of political parties in Iowa is to recruit, campaign for, and elect candidates to government office. In this one main function, Iowa Republicans have enjoyed the most success.

For many years the Republican party was the majority party in our state. Because the GOP was the party of Lincoln and the party of the Union during the Civil War, Iowa emerged from that era as a one-party state. Between 1860 and 1932, all Iowa governors except one were Republicans.

With the coming of the great depression in the 1930s, the Democratic Party became the majority party in the nation. Democrats made considerable political gains in Iowa, but the Republicans remained the stronger of the two parties in the state.

Only in the late fifties and early sixties did the Democrats begin to achieve near equality with the Republicans. A number of factors contributed to this upsurge. The Democrats were able to recruit and elect to office a few leaders like Harold Hughes and John Culver who provided strong statewide leadership. The growing strength of Iowa's labor movement from the mid-fifties to about 1978 provided a valuable ally for party candidates and helped build the party organization. Most significantly, the establishment of equal legislative districts based on the principle of "one man, one vote" increased the ability of the Democrats to elect their candidates to the Iowa legislature.

Today, in 1989, the two parties are fairly equal. The Democrats have controlled both chambers of the legislature since 1982, but four out of six Iowa Congressmen are Republicans. Of the seven elected state officials, two are Republicans and five are Democrats. Our senior U.S. Senator, Charles Grassley, is a Republican; our junior U.S. Senator, Tom Harkin, is a Democrat.

By voter registration Iowa is about 36.8 percent Democrat, 31.8 percent Republican, and 31.3 percent no party (independent).<sup>1</sup> The Democratic margin over the Republicans has increased in the last four years. However, this margin is not significant for a number of reasons.

On average, Republicans are slightly more likely to go to the polls than Democrats. Also, as the figures show, about one in three Iowans associates himself or herself with neither party. The candidate who can appeal to the independent voters has excellent chances regardless of the candidate's party affiliation.

In addition, Iowans are notorious ticket splitters. In 1986 they gave 52 percent of their votes to Republican Governor Terry Branstad and also gave a 52% victory to Democratic Lieutenant Governor JoAnn Zimmerman. In 1988 Iowans



Congressional Redistricting Plan  
Adopted by the General Assembly - 1981



gave 54% of their votes to Democratic presidential candidate Michael Dukakis, but re-elected four Iowa Republican congressmen by wide margins.

As we enter the 1990s what is true for the entire nation is now true for Iowa. While, there are slightly more Democrats than Republicans, there is no clear majority party.<sup>2</sup> Democrats control the legislative branch, Republicans control the executive branch. We have entered a period of what political scientists call "dealignment." This simply means that political parties and political labels are less important to voters than they were a generation ago. Dealignment is most clearly shown by the large percentage of independent voters and the large amount of ticket splitting done by the voters.

One noted political commentator put it best when he stated, "Iowa is a middle of the road two party state. Its voters are capable of going to either side depending on what happens to make sense to them."<sup>3</sup>

### Party Organization in Iowa

Although political party organization is a rather loose-knit affair, both parties do have an enduring organizational structure. At the bottom of the organization are the precinct committee people.

In rural areas, a precinct typically has the same borders as a township. A city of 1,500 or 2,000 might constitute a separate precinct by itself. Larger cities are divided into precincts for voting purposes. Committee persons are the party "activists." During a non-election year, they do little in their precinct other than occasionally informing party members of upcoming party events or selling tickets for fundraising activities.

During an election year, however, especially in the last two months before the general election, the committee people are usually active in holding their precinct caucus, attending political conventions and rallies, distributing yard signs and campaign materials, helping conduct a voter canvass, and getting out the vote on election day.

The precinct committee people together make up the second level of party organization known as the county central committee. This body plans and carries out the activities of the

political party in the county. It elects a county chairperson to head the party in the county. The chairperson directs party activities, coordinates the work of the precinct committee people, helps make arrangements for state and congressional candidates campaigning in the county, chairs the county convention, and finds and organizes a party headquarters a few months before a general election. She or he is a very busy person.

The top level of the two political parties in Iowa is the state central committee. This committee is made up of three or more strong party members from each of Iowa's six congressional districts. (Democrats have four people from each district plus representatives of three minority groups. Republicans have three from each district.) The members are elected to two-year terms by party district conventions that meet in the spring of every election year.

Each state central committee elects a state chairperson, who coordinates the activities of that party in Iowa. In both parties the chairperson serves as the party's chief speaker and as head of the state central committee. Each party also employs a full-time executive director.

What do people get out of being a precinct committee member, a county chairperson, or a state central committee member? The answer is no pay, a certain amount of monetary expense, and long hours of work. Why do people do it? Party activists probably do it because of the small amount of political power they enjoy, because of their knowledge that they are doing more to influence politics and government than the average voter, and because of their desire to contribute to the maintenance of our democratic political system.

Because there are few tangible awards for party activity, however, many slots on the county central committees of both parties go unfilled.

### The Iowa Caucus-Convention System

Now what about the average Democrat or Republican who does not hold a position in the party organization? Besides his or her vote, does this person have any input in the political system? The answer is a definite "yes." Of course, a person can run for political office or work in the campaign of a candidate for office. But besides this, a person can take part in a series of conventions which determine who many of the officials of the party will be, and what position the party will take on the major issues of the day.

Here is how the convention system works in Iowa. In each precinct in February of an election year, the committee persons host a precinct caucus. This is simply a meeting of the members of each political party who are residents of the precinct.

All voters who are registered members of a party are welcome to attend the caucuses. Both Republicans and Democrats also welcome people who are registered "no party." Would you be welcome at a party caucus if you were a registered member of the opposite party? No, you probably would not be, unless you were willing to change your registrations at the caucus.

The precinct caucus does essentially three things. First, it elects a new committeewoman and a new committeeman if there are people to be found who are willing to take the job. Second, it elects delegates to attend the county convention. Finally, it may pass resolutions on current issues to send on to the resolutions committee for the county convention.

At the county convention, which convenes about a month or two after the precinct caucuses, there are two main items of business. First, a slate of delegates is elected to attend the state and district conventions and second, resolutions are passed which are forwarded to the party's district platform committee. In addition to these two main functions, party business of the county may be discussed or candidates in the party's primary for county office or the legislature may address the convention.

Each of the two main parties holds six district conventions, one for each of the six U.S. congressional districts in Iowa. Both Democrats and Republicans hold their convention in the congressional districts a few weeks prior to the state conventions. In presidential years, the Republicans meet in congressional district caucuses the night before their state convention in Des Moines to elect district delegates to the national convention.

The main business of district conventions is to discuss district business and elect the representatives from the district to the party's state central committee. In presidential election years, these district conventions select part of the state's delegation to the party's national convention. These delegates will help decide who the party's candidates for president and vice-president will be.

It is also at the district conventions in presidential years that the parties select their candidates for six of the eight presidential electors that Iowa is allowed. The remaining two are selected at the state conventions. Whichever party's candidate wins the popular vote for president in Iowa determines which party's slate of electors actually gets to cast their ballots in the electoral college voting. Iowa's electoral college vote is therefore always a "rubber stamp" of the popular vote in the state.

The final step in Iowa's convention system is represented by the state conventions held by the two parties in Des Moines.

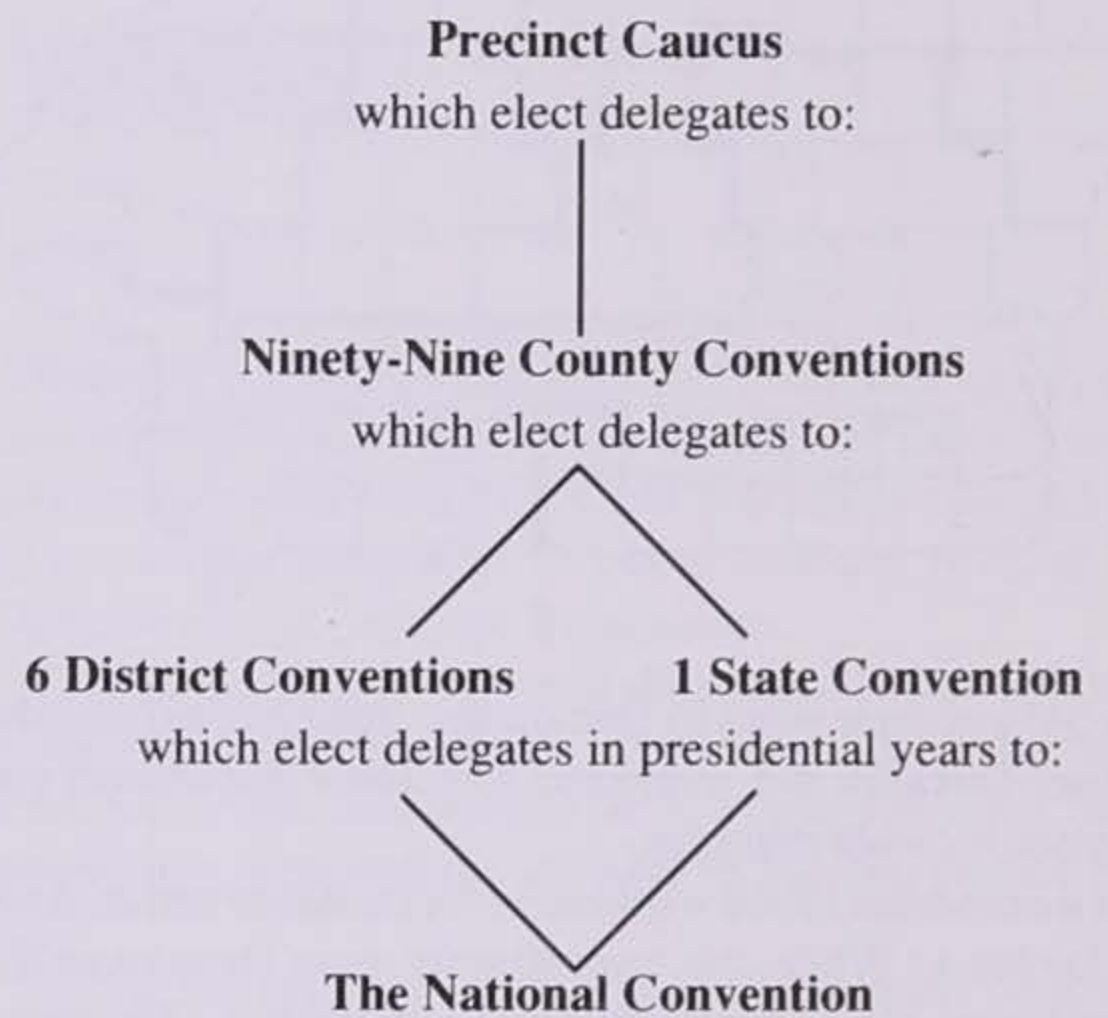
Four main things are accomplished at state conventions. First, members of the parties' national committees are elected. The Republicans elect one man and one woman; the Democrats elect three representatives. Second, each party's state platform is debated and approved.

A copy of the platform is prepared in advance of the convention by a special state platform committee made up of members representing every congressional district. This committee writes the platform from district resolutions and opinions expressed by party members at hearings held by the committee.

This advance platform is debated section by section on the convention floor. Here each section is either passed, amended and passed, or defeated to produce the final state platform.

## The Iowa Caucus/Convention System

Members of political parties meet in hundreds of meetings called:



This document expresses how the Iowans of the political party feel about state, national, and international issues. Do candidates for state office or congress have to support everything in their party's state platform? No, they don't. Generally, however, they support most of the positions that their party takes.

The final two tasks of the state convention occur only in presidential election years. The party selects two members to represent them as presidential electors. More significantly, the party completes the task, begun at the district conventions, of selecting the Iowa delegation to the party's national convention.

Thus, through participation in a series of conventions in a presidential election year, the average party member is able to express her or his view on who should be the party's candidate for president. This party member probably will not be a delegate to the national convention, or possibly not even to the state and county conventions. However, as long as she or he attends a precinct caucus, this person's preference is made known.

Most states do not use the convention system for selecting delegates to the national convention. In 1988, 36 states held presidential primaries. In these primaries members of each party cast votes for the person they wanted to be party's presidential nominee.

Some people think Iowa should scrap the convention system and have a presidential primary. One advantage would be that more Iowans would get to participate in the selection of delegates to the national political conventions. On the other hand, replacing the state convention system with a presidential primary would tend to lessen the influence of the political party

organizations.

If there is one thing that Iowa is known for in the realm of politics, it is the quadrennial Iowa presidential precinct caucuses. Other states hold similar caucuses, but Iowa is the first in the nation to have them. Therefore, the caucuses are considered the first official test of presidential candidate strength in presidential election years. Iowa is the first official step in a long road of caucuses and primaries that will help to decide who the two major parties nominate at their summer convention.

The Iowa caucuses are held the third week of February. During the previous year and the first seven weeks of the election year presidential candidates, members of their families, campaign staff, and national news media swarm in and out of Iowa.

During this time Iowans enjoy an opportunity to visit face to face with presidential candidates in numerous informal meetings and campaign appearances. This is an opportunity denied citizens of most other states.

In recent years the Iowa caucus system has received some criticism. Some candidates and members of the press have complained that the Democrats count votes in a manner that is overly complex and not truly representative of the candidates' actual support. Other critics believe that it is wrong for small rural states like New Hampshire (the first primary state) and Iowa to exert so much influence on candidate selection.

Candidates win a trivial number of delegates from the two states. Since the press always dubs the winners of the two states as the "front runners," however, the candidates obtain huge national recognition and increased campaign contributions as they take their campaigns to other states.

Success in the Iowa caucuses, however does not always translate into obtaining the nomination. In 1988 the winners of the Iowa caucuses, Democrat Richard Gephardt and Republican Robert Dole, were knocked out of the race before the convention. Third place finishers (in Iowa) Michael Dukakis and George Bush eventually won the big prize, their party's nomination.

### **The Primary System in Iowa**

Although there is no presidential primary in Iowa, all candidates for state offices, county offices, and the Iowa Legislature in the general election are chosen in a primary election, an election in which political parties nominate persons to be the parties' candidates for government office.

In Iowa, primaries are held the first Tuesday after the first Monday in June of a general election year. Anybody can be a candidate in the primary if nomination papers have been filed by a specific date and a relatively small number of voters' signatures backing the candidacy have been collected. A person can be a candidate in the Democratic primary or the Republican primary, but not both. Similarly, voters vote either in the Democratic primary or the Republican primary depending on their party affiliation.

Iowa has what is known as a closed primary, because theoretically, only registered Republicans or Republicans who have previously voted in their party's primary get to vote in a Republican primary. In actuality, however, Democrats could change their party registration just before the primary or even on election day and vote in the Republican primary. Of course, it is equally possible for a Republican to vote in a Democratic primary.

One sad fact about Iowa's primaries is that usually only about one-fourth of the eligible voters participate in them. Even when there is a hot contest in both the Democratic and Republican primaries to win the parties' nominations for governor, substantially fewer people turn out to vote than do in the general election the next November.

A candidate in a primary election must gain 35 percent of the vote to become the party's candidate. If, for example, in the Republican primary there are four candidates for statewide office and no one candidate gets 35 percent of the vote, the state Republican convention would have to decide who the party's candidate would be. This situation applies to all other elective state offices.

It may be necessary for a party's county convention or a special legislative district convention to convene, if for a certain county office or legislative seat no candidate gets 35 percent of the primary vote.

In actuality, however, the conventions are seldom called upon to pick a candidate. Usually there are no more than two or at most three candidates fighting for the nomination for any given office in one party's primary. As a result one candidate almost always comes up with at least 35 percent of the vote.

### **Developments Outside Political Parties**

The most significant political developments in recent years have occurred outside of both major parties. Furthermore, most experts agree that these developments are hurting political parties in Iowa and the nation. These developments are: (1) the growth of single-issue factions, (2) the proliferation of PACs (political action committees), (3) the increase in the percentage of voters who consider themselves independent, and (4) the widespread reliance on TV in political campaigns.

Single-issue factions are groups of people who support or oppose candidates on the basis of their stand on one issue only. An example of such a group is the foes (or supporters) of legalized abortion. Such groups disregard political party labels and candidates stands on other issues.

After playing a significant role in the elections of 1978 and 1980, single issue voting appeared to be fading in the late 1980s. Now, however, it appears likely that a landmark 1989 U.S. Supreme Court decision allowing state governments the authority to ban the performance of abortions in public hospitals will reinvigorate single-issue voting around that explosive issue.

PACs represent an even greater threat to political parties. A PAC is a legal entity set up by a corporation, labor union, or

other special interest group, which raises money, endorses candidates, and contributes money to favored candidates. PACs raise funds by soliciting contributions from their members. Even larger amounts are collected by direct mail solicitations. Millions of dollars have been raised in this manner.

PAC contributions have been a main factor contributing to spiraling campaign costs. In 1988, Iowa congressional campaign costs averaged over 250,000 dollars. In 1989 the two major contenders for the U.S. Senate election in 1990 were talking about needing to raise five to six million dollars for the campaign.

Some people say PACs are an asset to the political system, because they create another opportunity for citizens to take part in the political process, and because they inform citizens about candidates and issues. PACs, however, have several disadvantages: (1) when candidates can get money from PACs they become less dependent on the political party that nominated them; (2) in a primary, PACs can play a significant role in who the party nominates; (3) PACs may spend a large percentage of their contributions on fund-raising costs; and (4) PACs may use their money to "target" an incumbent candidate for defeat rather than run a positive campaign in favor of a candidate. An Iowa newspaper put the situation very succinctly when it said, "...money, not parties, runs campaigns."<sup>4</sup>

The influence of money collected independently of political parties increased in the 1980s as did the cost of campaigns. In the 1988 election the average incumbent state senator raised over \$23,000 and the average house incumbent raised about \$11,500. About two-thirds of these funds came from PAC contributions. In comparison, challengers in senate races raised an average of \$13,846 and challengers in state house races raised about \$9,500. Challengers received only about 30 percent of their money from PACs.<sup>5</sup>

For races for the U.S. House of Representatives the incumbent vs. challenger gap was even larger. In 1988, Iowa's six incumbents greatly out spent their challengers. Again, PAC money went mainly to the incumbents.

Not only has the proliferation and increased giving of PACs lead to large increases in campaign spending and less dependence on political parties it has also increased the dominance of incumbents. Legislators and congressmen who are seeking re-election already have the advantage of greater name recognition and, the chance to provide constituent services. With superior ability to raise funds, mainly due to PAC donations, they are virtually unbeatable. In the last five elections all the incumbents seeking re-election to the U.S. House of Representatives in Iowa have been re-elected, usually by wide margins. In the last three elections over 95 percent of incumbent state legislators have also been successful in seeking re-election.

Much of the money raised for congressional and state-wide races is spent on TV advertising. For many years voters depended on political parties for information about candidates and issues. Candidates depended on political parties for the money and workers to run their campaigns. Television has

helped to change this. Voters now can also get information about candidates from TV. In many cases, candidates can run their campaigns primarily with money from a PAC or their own account, and with paid television spots.

Candidates have also become less dependent on political parties in two other ways. Many statewide and congressional candidates now hire professional media advisors, professional campaign advisors, and professional pollsters rather than rely on party activists within their state. Candidates can also use computer technology to generate their own fund-raising letters for targeted mailings tailored to a particular segment of the electorate. Thus, in a variety of ways, candidates are becoming more and more independent of party organization.

Although there is plenty of evidence of party decline, there is also some evidence of party strength, particularly in Iowa. One study ranks Iowa as one of fifteen states with strong (as opposed to moderate, or weak) state parties.<sup>6</sup> Iowa political parties have been able to take advantage of computer technology to raise money and to identify supporters. Also, the political party checkoff on the Iowa income tax form has provided a source of party revenue.

Today both major parties in Iowa raise and spend more money and provide more services to their candidates than ever before. Both parties maintain offices in Des Moines the year around and employ full-time staffs.

### Voting in Iowa

Who gets to vote in Iowa? Anyone can vote who meets the following qualifications: (1) is eighteen years old by the date of the general election, (2) is a resident of the county long enough to be registered (ten days), and (3) is a resident of the precinct in which she or he intends to vote. People prohibited from voting are the severely mentally retarded, citizens hospitalized due to mental illness, convicted felons, or people who are not U.S. citizens.

These requirements seem easy enough to understand on the surface, but there are some special cases that need additional explanation. Suppose a person moves from one Iowa county to another, or to another state, within ten days of an election. The person would not be able to vote at the new residence, but would be allowed to vote at the old residence by absentee ballot or in person if he or she chose to go back there on election day.

Suppose a person moves from one precinct to another within the same county. Iowa law allows this person to register in the new precinct and vote on election day.

Suppose a person moves from one Iowa county to another fourteen days (for example) before an election. This person will not be allowed to vote in the old county. Should she or he fail to register in the new county during the last four days of voter registration, that person will not be allowed to vote there either. A person with voter registration from another state who moves into an Iowa county within ten days of an election cannot vote in Iowa.

Suppose you join the service and go overseas or live on a

military base in the U.S. In this case you could vote in your hometown or last place of residence by picking up an absentee voter's ballot. If a military person lives off-post in the U.S. and meets the residency requirements of the state where he or she is based, that person has the choice of voting in that state or back home in Iowa by absentee ballot.

Many of you will leave home to attend college after you have graduated from high school. If you have lived in the college town ten days prior to the election, you can vote there. Or you can vote in your hometown by absentee ballot or by returning on election day. The choice is up to you. Just be sure not to vote more than once or you may be found guilty of a felony and face a year's sentence in the state penitentiary.

### Voter Registration

Just what is voter registration anyway? When you register to vote you are simply filling out a statement in which you swear that you are at least eighteen by the date of the next election, that you are a U.S. citizen, and that you are a resident of the precinct where you intend to vote. In addition, you may indicate political party preference, if you have one, to determine in which primary you will be allowed to vote.

When and where do you register? If you are eighteen, you can register anytime at the county auditor's office in the courthouse. The auditor may also appoint officials such as a city clerk in a non-county seat city, to serve as voter registrar in that city. You may be able to register at school, since the law mandates that the county auditors visit all high schools in the county at least once a year. In addition, the auditor may appoint mobile voter registrars who can move around the county registering people. Finally, voter registration by mail is now possible. The county auditor will mail out voter registration cards on request.

If you are seventeen, but will be eighteen by the date of the general election, you too can register. If you are not registered, you must register at least ten days before the general election, or you will not be allowed to vote on election day.

Once you have registered to vote in a certain precinct, you remain registered as long as you vote at least once every four years. If you move to a different precinct, you must re-register. At the time you do this, your voter registration at your previous

residence will be canceled.

### Elections in Iowa

So far in this chapter we have talked about Iowa's primary elections, which are held the first Tuesday after the first Monday in June in even-numbered years; and general elections, which are held on the first Tuesday after the first Monday in November in even-numbered years. At these general elections, presidents, U.S. senators, congresswomen/men, governors, legislators, other state officials, county officials, township officials, regional library boards, hospital trustees and county conservation board members are elected.

In addition to these elections, there are three other types of elections in Iowa.

#### City Elections

Municipal elections are held on the first Tuesday after the first Monday in November in odd-numbered years. Except in the city of Davenport, these elections are non-partisan in nature. This means that candidates for the city council or other city offices run as individuals rather than as Republicans or Democrats. The county auditor is in charge of conducting all city elections. However, the auditor may delegate responsibility for carrying out some of the details of running the election to the city clerk.

#### School Elections

Iowa voters elect members of their local school boards in school district elections held every year on the second Tuesday in September. School board members serve staggered terms of three years each.

Members of the boards of area community colleges also are elected during school elections. They also serve staggered three-year terms.

Again, the county auditor serves as the commissioner for these elections, but may delegate authority for carrying out some of the details to the secretary of the school board.

#### Special Elections

Special elections may be called in Iowa at different times for various reasons. All elections in Iowa must, however, be held on a Tuesday. The governor may call a special election to fill a vacant legislative seat. Special bond issue elections may be held by a city, county, or school district to determine if the voters wish to have a new building constructed such as a new school gym, a new city library, or a county hospital addition. All bond issues must receive a 60 percent favorable vote to pass.

Special elections may be held for the purpose of granting a franchise to a cable TV company or utility company. Franchise elections need only a simple majority. Sometimes new laws create the need for special elections. In 1989, for example, several Iowa counties along the Mississippi River held referendums on whether or not to authorize riverboat gambling. Approval by simple majority in such elections was required by the 1989 statute allowing riverboat gambling.

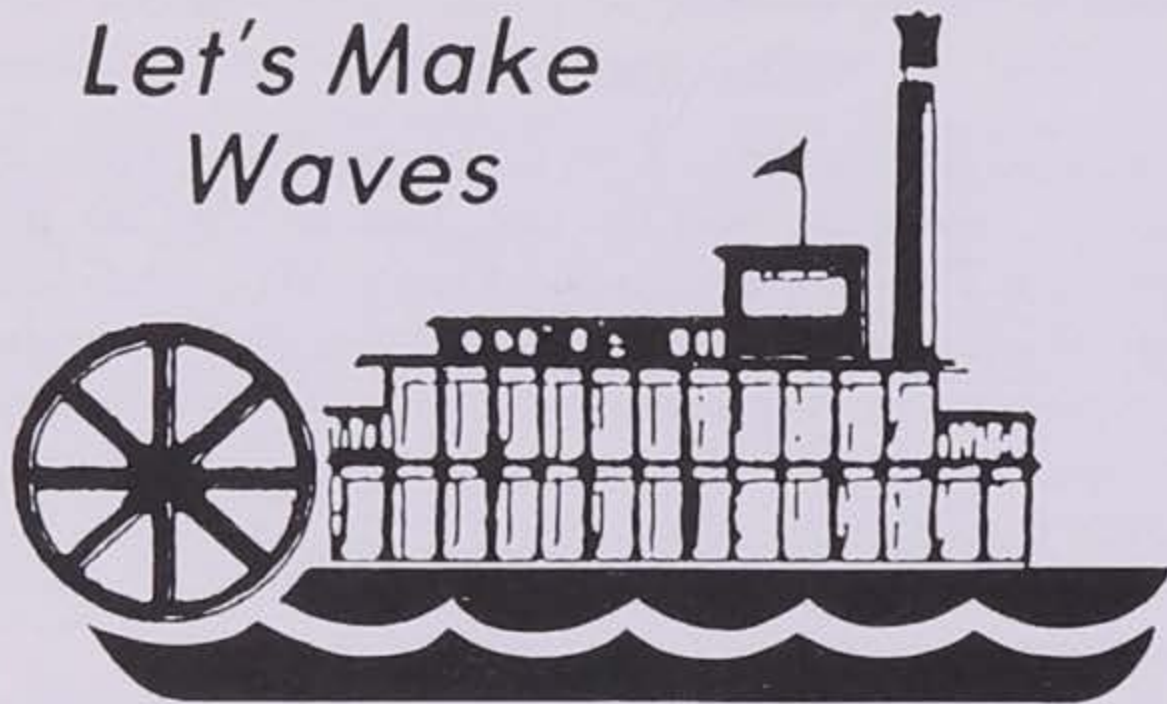
ALTERNATE VOTER REGISTRATION FORM. See instructions on reverse side. Please type or print in ink.

|  |  |  |
|--|--|--|
| Soc. Sec. No. (if available) _____<br>Birth Date: Month _____ Day _____ Year _____<br>Phone Number _____   | Male <input type="checkbox"/> Female <input type="checkbox"/><br>(check one) | Republican <input type="checkbox"/> Democratic <input type="checkbox"/><br>(Check one, or you may<br>become a state party) |
| <b>NAME</b><br>Last _____ First _____ Full Middle _____<br><b>IOWA VOTING RESIDENCE</b><br>Street and number, including apartment number, or rural route _____<br>City _____ County _____ State _____ Zip Code _____<br><b>COMPLETE IF YOUR CURRENT NAME OR CURRENT ADDRESS (OR BOTH) DIFFERS FROM THE NAME OR ADDRESS GIVEN ON YOUR LAST PREVIOUS REGISTRATION.</b><br>Full name given on last previous registration _____<br>Full address given on last previous registration _____  |  |  |
| <b>COMPLETE EVERY ONE THAT IS KNOWN</b><br>School District _____<br>Township _____ SECTION _____<br>(if in an area of your zip code within city limits)<br>City _____ (if in an area of your zip code within city limits)<br>Ward/Precinct _____<br>Special District _____<br>Date of Registration _____ For Office Use Only<br>(Postmark Date)  |  |  |
| I certify that I am a citizen of the United States, that I am or will be an eligible elector at any election at which I attempt to vote and that all of the information I have given upon this voter registration form is true. I authorize cancellation of any prior registration to vote in this or any other jurisdiction and my eligibility to vote in any jurisdiction where voter registration is not required. I am aware that fraudulently registering or attempting to do so is an aggravated misdemeanor under Iowa law. |  |  |
| Other Signature (See instruction number #1) _____<br>Applicant's Signature _____<br>Signed this _____ day of _____ 19____  |  |  |

Form 26 (Rev. 84)

Voter registration form.

*Let's Make  
Waves*



*Bring Back Riverboats*



Vote  
YES

August 22

*Excursion Boat Gaming  
in Southeast Iowa*

**Burlington**

**Ft. Madison**

**Keokuk**

**Cities united for  
Progress**

Advertising produced for Special Election on Riverboat Gambling 1989.

### Voting and Election Reform

Voting and election practices are constantly being reformed. Significant reforms made since 1970 include: (1) lowering the voting age to eighteen, (2) clarification of the right of college students to vote in their college town, (3) virtual elimination of

lengthy residency requirements as a condition for voting, (4) the establishment of statewide voter registration requirements to help eliminate election fraud, (5) the establishment of campaign rules requiring candidates to report the source and amount of their contributions, (6) the establishment of a dollar checkoff system on state income tax forms which allows taxpayers to earmark \$1 of their tax as a contribution to a political party, and (7) the enactment of a state "right to serve" law. This law requires any Iowa employer who employs twenty or more people to allow an employee an unpaid leave of absence of up to six years to serve in public office. This legislation was enacted to facilitate the ability of citizens to serve in public office without facing undue financial hardship.

Major reforms involving the election of delegates to attend political conventions occurred within the Democratic party in the 1970s. Delegates chosen at precinct caucuses in a presidential year to attend the county convention must represent proportionally the presidential candidates favored by the people attending the precinct caucuses. For example, if forty people at a caucus of sixty people favor candidate A and twenty people favor candidate B, then two-thirds of the delegates elected to attend the county convention will be supporters of candidate A and one-third will be supporters of candidate B. This proportional representation requirement also applies to delegates elected at the county, district and state conventions. The net effect is to guarantee that the Iowa delegation to the national convention will vote the wishes of rank-and-file Democrats.

Although the Republicans do not have proportional representation spelled out in their rules, their selection of delegates at caucuses and conventions usually reflects support for more than one candidate. Both parties have made special efforts to encourage participation by young people, women, and minorities.

What changes in elections and voting are likely to occur in the future?

In 1984, and again in 1990, the legislature passed, but the governor vetoed, a law allowing people to register to vote on election day. Proponents said that Minnesota, which has such a system, has higher voter turnout than Iowa and virtually no voter fraud. Opponents said there would be some voter fraud, more work for election officials, and that people already have adequate opportunity to register and vote. This issue probably will surface again.

The most debated proposal in recent years for dealing with the issues of PAC contributions and high campaign costs has been the issue of public financing of campaigns. In 1987 the legislature enacted legislation, which the governor vetoed, which established public funding of up to 25 percent of campaign cost for candidates running for the legislature and the seven state elective offices.<sup>7</sup> Eligibility for the public funds depended on candidates voluntarily agreeing to overall spending and fund raising limitations, limitations on contributions from PACs, and on large contributions from individuals. Overall limitations would have varied with the office being

sought. A candidate for governor would have been able to raise and spend more than a candidate for secretary of state, who in turn could raise and spend more than a candidate for the legislature.

Proponents supported the bill because they believed it would stem the upward spiral of campaign costs and limit the influence of PAC contributions. Opponents, including the governor, fought the measure because it used public funds for campaigns and because it removed a major method a challenger has to overcome the inherent advantages of incumbents—outspending him or her by a wide margin.

A 1989 governor's task force narrowly rejected recommending public financing. Instead they suggested a number of lesser changes to deal with campaign finance problems that have developed in the 1980s.

Specifically, the commission called for a ban on campaign fund-raisers during a legislative session. It was alleged that key legislators sometimes "milked" lobbyists by making legislative action on certain bills dependent on lobbyist campaign contributions. The commission also called for a prohibition on spending campaign funds for personal use. Under current law candidates can spend left-over campaign money on anything as long as they report it on their disclosure forms.

Other recommendations included a ban on the payment of honoraria or consulting fees to office holders and a ban on legislators accepting campaign contributions and passing the money on to other legislative candidates. In the 1980s it became quite common for powerful key legislators who faced no opposition or only token opposition to collect several thousand dollars, mainly in PAC contributions, and pass much of the money on to legislative candidates in their party who needed the money, but had less clout in raising it.

One final proposed reform that deserves mention is a renewed interest among some Iowans to establish the initiative and the referendum.

In 1986, the General Assembly enacted a state mandatory seatbelt law. Subsequently, opponents of the law collected 400,000 signatures calling for the law's repeal. The legislature, however, has remained unmoved, producing a call for the initiative and referendum.

Twenty-one states have some kind of initiative measure, which allows citizens to propose and vote on laws the legislature refuses to enact. A referendum allows citizens to pass judgement on a law already enacted by the legislature. In every state initiative or referendum backers are required to collect thousands of signatures on petitions before they can get their measure on the ballot for the people to vote on.

Proponents say these measures of direct democracy increase citizen participation, reduce negative feelings, such as "there is nothing an average citizen can do", and provide a means to enact popular laws or eliminate unpopular ones when the legislature is unresponsive.

Critics also have their arguments. They point out that such popular votes are often influenced by which side has the most

money to spend on TV advertisements. They suggest that initiative and referendum measures often attempt to overly simplify complex issues which are best resolved by the relatively more intense study of elected representatives in the legislative process. Critics cite examples of such states as California where numerous initiatives drain away citizen time, talent, and interest in the legislative process. Finally, they suggest that Iowa has always had good government without the initiative or referendum. Why change a good thing?

### **Politics for Teenagers in Iowa**

Because of the eighteen-year-old vote, your opportunity as Iowa teenagers to participate in Iowa politics are greater than ever. Of course, participation begins with being a conscientious and educated voter. This sounds simple enough; yet the fact is that fewer than 50 percent of eligible voters aged eighteen to twenty-one exercised their voting privilege in 1988. This statistic gives an additional reason why you should vote once you are eighteen.

Voting, however, is only the first step, if you have some energy and some interest in politics and government. During an election year, you could get involved in working for a candidate. Many candidates in both political parties would welcome your help. Also, you will find that working in a campaign beats merely reading books (including this one) for acquiring a real political education.

If there is no one candidate you wish to work for, call up the county chairperson of the political party of your choice and offer your services. The chairperson needs people for running party headquarters (once they are established), carrying out a voter canvass, distributing party literature, or whatever. Your help will be welcome. If you are eighteen and there is a vacancy in your precinct for a committee member, the job may be offered to you.

Do not forget about attending your party's precinct caucus. If you consider yourself an independent, choose the party that you lean toward and attend its caucus. If you are eighteen, or if you are seventeen, but will be eighteen by the date of the general election, you are entitled to full voting rights at the caucus. While you are there, you may want to try and get elected as a delegate to the county convention. At the county convention you may consider campaigning to be elected as a delegate to the district and state conventions.

Also, there is no regulation that says that members of your city council, or you county board of supervisors, or your local school board must be middle-aged persons. Perhaps what these bodies need are some younger members; perhaps you are the person for the job. After you graduate from high school, go out and get a few years of political experience by working in the party of your choice or by helping in a candidates campaign. Then, if you feel qualified, select the office you wish to run for and announce your candidacy.

### **In Conclusion**

The first six chapters of this book have dealt with the

structure, operation, and financing of state government. The last chapter has dealt with Iowa politics and voting. An attempt has also been made to show that state government is constantly changing and that what state government can accomplish is dependent in large part on the actions of the federal government and the health of the economy.

This book takes the position that government and politics in Iowa are generally progressive, democratic, and modern. Iowa government and politics have these qualities because the citizens of Iowa have made them that way. Whether Iowa government and politics will remain progressive, democratic, and modern in the years to come will depend greatly on the efforts of Iowa's high school graduates of the 1990s.

### Questions for Review

1. Should Iowa have a presidential primary? If so, why?
2. What evidence is there that the Democratic and Republican parties are fairly equal in strength in Iowa?
3. What are the steps in Iowa's political convention system from the local level to the national level?
4. What are the four main tasks of state conventions in presidential election years?
5. What are political action committees (PACs)? What are their pros and cons?
6. Besides PACs, what are some other factors that tend to weaken political parties?
7. Would you favor or oppose the following changes in campaign and election laws? (1) election-day voter registration, (2) limitation on PAC contributions, (3) partial public

financing of state and legislative campaigns.

8. Should Iowa have the initiative and referendum? Why or why not?
9. Suppose you were the chairman of a blue ribbon committee studying campaign finance. What recommendations for change, if any, would you make in our current law?
10. Why have the Iowa presidential caucuses received so much national attention?

### References

1. Figures for July 1989 showed 551,975 registered Democrats, 477,850 registered Republicans, and 470,777 registered no party voters. Information was supplied by the Voter Registration Office, Department of General services.
2. Hedrick Smith, "Where's the Majority Party? No longer the Democrats, Not yet the Republicans," *The Power Game*, Random House, 1988.
3. James Flansburg, "Adrift on a Sea of Political Labels," *The Des Moines Register*, July 12, 1989.
4. "Money Not Parties, Runs Campaigns," *The Des Moines Register*, September 13, 1981.
5. Jonathan Roos, "PAC Donations to Legislators Show Experience Pays Off," *The Des Moines Register*, July 12, 1989.
6. Robert J. Huckshorn, *Political Parties in America*, Second Edition, page 343.
7. Summary of Legislation Iowa General Assembly, 1987 Session, Iowa Legislative Service Bureau, 1987, page 184.



# Glossary

**Ability to Pay**—The belief that taxes should be based on the individual's ability to pay, as indicated by income, property, consumption, or wealth.

**Administrative Function**—The providing of services to citizens by state agencies as directed by law.

**Administrative Rules**—Rules written by state agencies to carry out the intent of state law. Such rules have the force of law.

**Administrative Rules Procedures Act**—A law which spells out the procedure by which administrative rules must be adopted allowing a chance for evaluation and citizen input.

**Advocacy**—Active support of a cause, representation of the interests of specific groups or individuals.

**Aid to Families With Dependent Children(ADC)**—Financial aid provided by both federal and state governments to low-income families with children.

**Allowable Growth**—The percentage that schools are allowed to increase their controlled budgets annually as determined by the Department of Management from a formula in state law.

**Appropriation Bill**—A bill enacted by the legislature that authorizes a state agency to spend money.

**Arbitration**—A method of settling a dispute whereby the parties to the dispute select the arbitrators and agree to accept their decision as binding.

**Area Education Agency (AEA)**—One of fifteen special government units in Iowa which provides numerous educational services to elementary and secondary schools.

**Assessed Value**—Value assigned to property for tax purposes - see taxable value.

**Attorney General's Opinion**—An opinion written by the attorney general or an assistant on the constitutionality or legal effect of a law.

**Auditor**—Public official who checks on the expenditures of appropriated funds to determine if they have been spent for the purposes approved by state or local government bodies.

**Benefits Received Theory**—Belief that individuals should be taxed in proportion to the benefits they receive from government services.

**Biennium**—A two-year period that the governor bases his budget on that starts July 1 and ends June 30.

**Block Grant**—A form of federal aid to state and local governments given to support broad programs with relatively few federal restrictions.

**Bond**—Certificate of indebtedness tendered by a borrower to a lender. A public bond is issued by the state or local government as a means of borrowing money.

**Budget Message**—In this annual address to the legislature in January the governor explains his budget for the fiscal year beginning the following July 1.

**Budget Subcommittee**—A legislative committee made up of both representatives and senators that studies a certain area of the general fund budget and makes recommendations.

**Calendar (Legislative)**—A listing of bills and resolutions in both the house and senate that shows the bills and resolutions eligible for consideration on chamber's floor. Both weekly and daily calendars are published.

**Canvass of Votes**—The official act of the legislature of certifying who has been elected to a state executive office.

**Capital Expenditures**—Funds spent for new construction, additions or improvements to buildings, or equipment.

**Categorical Grant**—A form of federal aid to state and local governments that can be used only for specific purposes and only if certain standards are met.

**Caucus**—A meeting of the members of one political party.

**Caucus Staff**—Full-time legislative employees of the Democratic and Republican caucuses of both chambers who research bills, write summaries, and provide numerous services to legislators.

**Checks and Balances**—Government system in which power is divided among judicial, legislative, and executive branches so that each branch can check or limit the power of the other two branches.

**"Christmas Tree Bill"**—A bill that contains several different topics not necessarily related, so named because it gives "something for everyone."

**Citizen Legislature**—A legislative body which meets only part of each year and has as members people who work at other occupations when the legislature is not in session.

**Civil Law**—The body of law that involves disputes between two parties, but no transgression of criminal law.

**Classification System**—A system for evaluating new inmates when they first enter prison to determine to which level of custody they should be assigned.

**Clip Sheets**—Amendments cut out by legislative secretaries and taped to bills.

**Closed Primary**—A primary election in which only persons avowing membership in a certain political party can vote.

**Code of Iowa**—The permanent laws of the state that have been enacted by the legislature and compiled by the code editor.

**Collective Bargaining**—Negotiation between an employer and a union representing the employees.

**Committee Bill**—Bills originating as individual or study bills that are passed out of a standing committee as approved by that committee.

**Committee of the Whole**—A meeting of a legislative chamber sitting as a committee to hear testimony from non-legislators and to discuss matters in an informal manner.

**Commodity Organizations**—Agricultural related associations of producers authorized by law to collect money from their members and spend it to promote their products.

**Community Corrections**—A correctional system that provides supervision and services to persons convicted of crimes, but who are not sent to prison.

**Comparable Worth**—The concept that workers who perform work of equal difficulty, responsibility, and skill should receive the same pay.

**Comparative Negligence**—A doctrine of civil law that holds that any monetary judgment awarded a plaintiff must be reduced by the percentage of negligence attributed to the plaintiff by the jury.

**Concurrent Resolution**—A resolution adopted by both houses of the general assembly that expresses the sentiment of the general assembly or deals with temporary legislative matters.

**Condition of the State Address**—A speech delivered by the governor each January to a joint convention of the legislature.

**Conference Committee**—A committee composed equally of senators and representatives selected to write a compromise bill when the two chambers cannot agree.

**Confirmation**—Approval of a governor's appointee by a two-thirds vote of the senate.

**Constituency**—The people represented by a senator or representative; the people living in the district that elected him or her.

**Constitutional Convention**—Every ten years Iowans vote on whether or not to call a convention to amend or rewrite the state constitution.

**Constitutional Law**—Law that involves the interpretation and application of the U.S. Constitution or a state constitution.

**Contributory Negligence**—The legal doctrine that states that if a plaintiff in a civil case contributed even slightly to causing his or her own injuries, he or she can collect nothing.

**Controlled Budget**—The base general fund budget of a public school system. Spending authority is the amount equal to the district cost per pupil times the weighted enrollment in the district.

**Cooperative Federalism**—A system of government in which costs, powers, and policies are shared between states and the national government.

**Cost Sharing**—A plan for distributing state and federal funds for specified programs or projects in which the recipients of the funds are required to pay a portion of the total cost of the project or program.

**County Central Committee**—The governing body of a political party in a county; it is composed of precinct committee persons.

**Court Week**—The week out of each month when the members of the Iowa Supreme Court meet to discuss and vote on cases before them.

**Criminal Law**—A body of law in which an individual is charged with violating a specific statute of government where conviction typically results in a fine or imprisonment.

**Defendant**—In a civil case, the person being sued by a plaintiff. In a criminal case, the person accused of a crime.

**Deferred Judgment**—In lieu of formally pronouncing a person guilty of a crime, a judge may place a person on probation.

**Deferred Sentence**—After a person has been found guilty, a judge may delay sentencing pending the person's successful completion of probation.

**District Cost Per Pupil**—Originally calculated for each school system at the beginning of the foundation plan by determining the average spending per pupil, the district cost per pupil for a school's budget year is equal to the district cost per pupil for the previous year plus allowable growth.

**Dual Federalism**—System of government in which states and the national government each remain supreme within their own separate spheres. The powers and policy assignments of the layers of government are distinct.

**Earmarking**—Allocation of tax revenues for specific purposes.

**En Banc**—The term that refers to a case being heard by the entire supreme court.

**Enrichment Tax**—A combination property and income tax that a school system can enact with a majority vote of its citizens. (This is being phased out and replaced by an instructional support levy.)

**Enrolled Bills**—The form a bill takes after it has been passed in the same form by both legislative chambers.

**Entitlements**—Payments by government, other than wages, to individuals who qualify for them by meeting criteria in the law. Examples include social security, aid to dependent children, food stamps, and medicaid.

**Equalization Order**—The review and adjustment of tax assessments among taxing districts done biennially by the state director of revenue.

**Extradition**—The return by one state to another of a person accused of committing a crime in a second state.

**Federalism**—Governmental system in which two or more governments exercise power over the same people at the same time.

**Felony**—A serious crime usually punishable by a prison sentence.

**Fiscal Bureau**—A group of full-time professional employed by the legislature to determine the cost of bills, do economic forecasts, staff budget subcommittees, and do other administrative and research jobs.

**Fiscal Note**—An estimate of how much a bill would cost local governments or the state annually, or how much revenue it would produce.

**Food Stamps**—A federally funded welfare program that pays for part of the food costs of poor people.

**Foundation Level**—A school's base property tax levy plus enough state aid to equal 80 percent of the state average cost per pupil.

**Foundation Plan**—A plan for funding public schools in Iowa through a combination of state aid and property tax found in Chapter 442 of the Code of Iowa.

**Franchise**—A special privilege granted by government to one individual or company, such as a bank or a utility.

**Funnel**—A series of legislative deadlines that a bill must meet in order to remain "alive" during a legislative session.

**GAAP (General Accepted Accounting Principles)**—Principles of accounting developed by the National Council of Governmental Accounting and other national accounting organizations. Under GAAP governments must count as liabilities funds obligated to be paid out at a later date.

**Gender Balancing**—Limiting the membership of a board or commission so that it is comprised of (usually) no more than 50% plus one person of one sex.

**General Fund**—Usually the largest fund of any government budget. Revenue to fund general fund expenditures is not earmarked.

**General Obligation Bonds**—Bonds whose principal and interest must be paid with tax dollars.

**Gerrymander**—Taking political factors into account when reapportioning congressional or legislative districts.

**Ghost Students**—The school foundation plan allows schools with declining enrollments to count more students than they actually have. These extra students are sometimes called "ghost students."

**Government Reorganization**—The restructuring of the executive branch of government characterized by a combining of functions and a reduction in the number of government departments.

**Grand Jury**—A jury of citizens that hears evidence presented by a prosecutor and then decides whether or not to deliver a formal criminal charge.

**Home Rule**—The authority of local government (cities and counties) to take any action (except in the area of taxation) as long as such action does not conflict with state or federal laws or the state or U.S. Constitutions.

**Hospital Papers**—A state funded welfare program that pays for hospitalization and medical services for poor Iowans at University Hospitals.

**ICIS (Iowa Court Information System)**—A computer system which links Iowa courts, court administrative offices,

and government agencies involved in law enforcement and corrections.

**Impeachment**—Charges brought against a judge or executive official of state government by the House of Representatives.

**Inaugural Address**—A major speech delivered by the governor to a joint session of the legislature following a ceremony in which the governor takes the oath of office.

**Indexing**—Providing by law for automatic increases in tax brackets as wages increase.

**Indictment**—Formal criminal charges brought by a grand jury.

**Individual Bill**—A bill introduced by one or more legislators.

**Initiative**—A government process allowed in many state by which citizens, through petition, can cause a law to be submitted to the voters for approval or disapproval.

**Instructional Support Levy**—A combination income and property tax levied by a school system to increase its budget beyond the controlled budget. (This replaces the enrichment tax.)

**Intent Language**—Language included in an appropriations bill that directs a state agency to take a certain action, often as a condition of receiving an appropriation.

**Interim Committee**—A legislative committee that meets during the legislative interim to study issues and make recommendations to the next session of the legislature.

**Interstate Compact**—An agreement between two or more states that is authorized by laws passed in each of the states that are parties to the compact.

**Iowa Computer Information System**—A computer system with hundreds of terminals which link law enforcement officials across the state.

**IPERS**—The Iowa Public Employees Retirement System. This is a pension program supported by employee and employer (government) contributions.

**Item Veto**—The power of the governor to veto one or more parts of an appropriations bill without vetoing the entire bill.

**Joint Appropriation Subcommittee**—See budget subcommittee.

**Joint Resolution**—A resolution that has the force of law. Amendments to the state and U.S. Constitutions are enacted as joint resolutions.

**Journal**—A daily written record of all motions, amendments, recorded votes, and final votes in the Senate and the House of Representatives.

**Licensing Boards**—State boards charged with granting licenses to persons seeking entry into a certain profession and overseeing the conduct of those practicing the profession.

**Licensure**—Official or legal permission to do or own a specific thing, authority granted to individuals to perform a specific occupation.

**Lobbyist**—A person, usually acting as an agent for an interest group, who seeks to bring about the passage or defeat

of legislative bills or influence their contents.

**Local Option Tax**—A local tax that may be enacted by counties or cities, usually by a majority vote of the citizens.

**Mediation**—An attempt by a third party to get opposing parties in a dispute to reach an agreement through negotiation.

**Medicaid**—A state and federally funded welfare program that pays for medical care for eligible poor citizens.

**Misdemeanor**—A minor criminal offense usually punished by a short jail term or a fine.

**New Federalism**—President Reagan's program to reduce federal grant support to state and local governments and make state and local governments less dependent on and less influenced by the federal government's policies.

**Nonpartisan Election**—One in which candidates do not run under party labels.

**Notary Public**—A person who witnesses a signature on a legal document and attests that he or she has done so.

**Ombudsman**—An official appointed to investigate complaints by private individuals against public agencies.

**"One Man, One Vote"**—An expression representing the idea that legislative districts should be approximately equal population.

**Open Enrollment**—Since 1990, Iowa elementary and secondary students can, with certain limitations, attend any Iowa public school of their choice, regardless of where they live, without paying tuition.

**Open Primary**—Primary election in which voters may choose the party primary of their choice without disclosing their party affiliation.

**PAC (Political Action Committee)**—An organization generally associated with a corporation, union, or interest group that raises money and spends it in support or opposition to political candidates.

**Pardon**—An executive grant of release from punishment for a crime before or after conviction.

**Pari-mutuel Betting**—A type of betting usually in connection with horse and dog racing in which all betting receipts, after track expenses and taxes have been withheld, are paid back in winnings to persons who have bet on the first three finishers.

**Parole**—Release from prison prior to the expiration of a sentence.

**Party Discipline**—The degree to which members of a political party in a legislative body follow party leaders in voting.

**Patronage**—Dispensing of jobs or favors by a government official in return for political support.

**Petit Jury**—The ordinary jury of twelve (or fewer) persons for the trial of a civil or criminal case.

**Phase I, II, III**—A 92 million dollar program started in 1987 to improve salaries of public school teachers and to reward outstanding work or performance of extra duties.

**Plaintiff**—The party who charges a defendant with a transgression in a civil case.

**Platform**—A statement of principles and objectives by a political party.

**Pocket Veto**—The power of the governor to prevent any bill he receives during or after the final three days of a legislative session from becoming law by simply ignoring it.

**Poverty Line**—The federal government defines as living in poverty families with incomes below certain fixed levels. Family size and urban or rural location is also taken into account in the calculation.

**Precinct**—The base geographical unit for polling districts and party organizations.

**Precinct Caucus**—The biennial meeting of people of a precinct who are members of the same political party.

**Preliminary Hearing**—A hearing before a judge or magistrate to determine if a person should be held for trial.

**Primary Election**—An election at which the candidates of a political party are chosen for a general election.

**Prison Cap**—A numerical limitation on the number of inmates that can be kept in Iowa penal institutions at one time.

**Probation**—Suspension of the sentence of a person convicted of a crime, permitting that person freedom subject to good behavior or fulfillment of certain conditions.

**Procedural Motion**—A motion by a legislative leader, usually the majority leader, regarding a matter of legislative process or order of business.

**Progressive Tax**—A tax that takes a bigger share of the income of a high-income person than it does of a low-income person.

**Prohibition**—The constitutional ban on the manufacture and sale of alcoholic beverages, 1920 - 1934.

**Proration**—To assess proportionally, to divide among several entities a lesser amount than expected in the previously agreed proportions.

**Public Hearing**—A hearing called by a legislative committee, subcommittee, or state agency to invite public comment on a proposed bill or administrative rule.

**Reapportionment**—the redrawing of legislative and congressional districts in a state following a census.

**Recall**—A procedure enabling voters by petition and special election to remove an elected official before his or her term expires.

**Recession**—A general economic decline characterized by a drop in real gross national product for at least six months and an increase in unemployment.

**Recidivism**—Relapse into criminal behavior or, more commonly, the rate at which felons released from prison return to prison.

**Referendum**—An electoral device available in many states by which voters can "veto" a bill passed by the legislature.

**Regressive Tax**—Any tax in which the burden falls relatively more heavily upon low-income persons than upon wealthy taxpayers.

**Regulatory Function**—The role state agencies perform when they require businesses and individuals to comply with

state laws and administrative rules.

**Reprieve**—Postponement of the execution of a sentence.

**Restitution**—Money paid by a person who commits a crime to his or her victim as required by the court.

**Revenue Bonds**—Bonds whose interest and principal are to be paid from a specific revenue source other than taxes.

**Revenue Estimating Conference**—Three officials who, as required by law, meet four times annually to produce future state revenue estimates for the use of the governor and the legislature.

**Rollback**—The method of rolling back assessed values of property that prevents taxable values from increasing as rapidly as market values. Currently state law limits this annual growth to 4 percent for residential and farm property.

**Rule "79"**—The legislative rule in the Iowa House of Representatives that allows a member to require all those present to cast a vote.

**Scheduled Violation**—A simple misdemeanor for which the penalty is already set by law, such as running a stop sign.

**Separation of Powers**—A major principle of American government whereby power is distributed among three branches of government—the legislative, executive, and judicial branches.

**Service Bureau**—A group of full-time legislative employees responsible for drafting bills and amendments and staffing legislative standing and interim committees.

**Session Laws**—All laws passed during a session of the general assembly regardless of whether or not they are made a part of the Code of Iowa.

**Simple Resolution**—A resolution passed by one legislative chamber that merely expresses an opinion or requests an action. It does not have the force of law.

**Small Claims Court**—Civil cases involving less than \$2,000 informally tried with or without lawyers in magistrate court.

**Span of Control**—Administrative concept concerned with the number of agencies or subordinates that one person can effectively supervise.

**Special Interest Group**—An organized group whose members share common views and objectives and actively attempt to influence government officials and policies.

**Standing Committee**—A legislative committee that studies, debates, and often amends bills before they are considered by a legislative chamber.

**State Central Committee**—The highest level of political party organization in the state, composed of representatives selected at party district conventions.

**State Cost Per Pupil**—A statewide figure originally calculated from the average cost of all public schools and increased annually by the allowable growth percentage. The figure is used to calculate the foundation level and the amount of state aid annually received by schools.

**Statehouse**—Our present state capitol building in Des Moines.

**Study Bill**—A bill prepared by an office of state government

or a legislative interim committee and taken up for study by a standing committee.

**Subcommittee**—Three or five members of a legislative standing committee assigned to study a bill and report on it to the entire committee.

**Superfund**—A joint federal/state program to clean up the worst hazardous waste disposal sites.

**Supplemental Security Income**—A federal welfare program for eligible blind, disabled, and aged citizens.

**Suspended Sentence**—A judge may sentence a convicted felon to a fine or prison term and then hold in abeyance the sentence pending successful completion of probation by the felon.

**Taxable Value**—The value set on real estate for property tax purposes. It is computed by multiplying the assessed value of the property by the rollback percentage set by the state.

**Tax Anticipation Notes**—Bonds that are federal tax free sold by state or local governments and repaid out of taxes.

**Tax Credit**—A credit that reduces the amount of property tax or income tax a business or individual owes. Money lost to local government because of state created tax credits is usually refunded by the state.

**Tax Indexing**—Legislation requiring the automatic upward adjustment of income tax brackets as wages and salaries are increased.

**Tax Replacements**—Aids sent to local government by the state to replace taxes eliminated by the general assembly.

**Terrace Hill**—A nineteenth century mansion on Grand Avenue in Des Moines that serves as the home of Iowa's governor and his or her family.

**Township**—A geographical subdivision of a county; also a unit of local government.

**Trial Information**—An accusation made by a prosecuting attorney before a court charging a person with a crime.

**Unemployment Compensation**—Payments made for a limited time by states and the federal government from an unemployment trust fund to people unemployed through no fault of their own.

**Unified Court System**—An integrated statewide court system organized into divisions for more efficient distribution of case loads and judges.

**Uniform Levy**—The basic levy of \$5.40 per thousand dollars of taxable value of property made by all Iowa school systems.

**User Charges**—Fees charged by local government to those who use specific services. Examples include parking, dumping in a landfill, swimming or using a park shelterhouse.

**Veto**—A legislative power vested in a chief executive to return a bill unsigned to the legislature with reasons for the executive's objections.

**Victim Restitution Fund**—A state fund derived from a surcharge on criminal fines used to pay victims of crimes who do not receive restitution and did not contribute to the crime.

**Voter Canvass**—An attempt by a political party to identify

their supporters prior to election day.

**Voter Registration**—Enrolling prospective voters prior to their participation in elections to verify their eligibility to vote.

**“Warehousing”**—When an institution provides physical care and control, but fails to rehabilitate, educate, or adequately treat its clients.

**Warrant**—A written document authorizing payment. Also,

a short-term obligations of a governmental body issued in anticipation of revenue.

**Ways and Means**—Another term for tax and revenue measures.

**Workers Compensation**—An insurance program that provides compensation for workers (and their dependents) who are injured on the job or suffer from a job-related illness.

# Index

## A

Adjutant General, 29  
Administrative Rules, 24, 36-37  
Agricultural Development Authority, 41  
Agricultural Land Tax Credit, 73  
Agriculture and Land Stewardship, Department of, 40, 41  
Agriculture and Land Stewardship, Secretary of, 41  
Aid to Dependent Children (ADC), 48, 49-50  
Aid to Families with Unemployed Parents, 49-50  
Air and Transit Division, 54  
Alcoholic Beverages Division, 43  
Amendments, state constitution, 9-10  
Amendments, legislative, 18-21  
Antitrust Division, 42  
Appeal, 59  
Appeals Board, 37  
Appeals, Court of, 59, 60, 61  
Appellate Courts, 59-61  
Appointment, 24  
Appropriation, 18, 23-24  
Area Education Agencies (AEA's), 47  
Arrest, 65  
Arts Council, Iowa State, 45, 46  
Assessment, 53-54, 72-74  
Attorney General, 31, 41-42  
Audit, 42  
Auditor, State, 42

## B

Banking Division, 43  
Bench trial, 65  
Bill drafting, 17  
Bill of Rights, 8  
Bills, 16-21  
    companion bill, 20  
    individual bill, 16  
    study bill, 16  
Blind, Department of the, 40, 43  
Block Grants, 5  
Board of Educational Examiners, 48  
Board of Regents, 39, 56-57  
Branchline Assistance Program, 54  
Branstad, Terry, 29, 35  
Budget, 23-24

Bureaucracy, 39-41

## C

Campaign Finance Disclosure Commission, 55  
Capitol, Old, 3, 40  
Capitol, Old Brick, 4  
Capitol Police, Division of, 52  
Capitol, state, 6, 40  
Caucus(es), 21-22, 81-83  
Center for Industrial Research and Service, 57  
Central Administration/Professional Licensure, Division of, 52  
Certificate of Incorporation, 42  
Certification of teachers, 48  
Chief Clerk of House, 17  
Chief Justice, 59, 60  
Child in Need of Assistance, 64  
Children, Youth and Families, Division of, 49  
Citizens Aide/Ombudsman, 57  
City elections, 85  
Civil cases, 66  
Civil Rights Commission, 55-56  
Clerk of Court, 61, 62  
Clip sheets, 19  
Code of Iowa, 24  
Collective bargaining, 35  
College Aid Commission, 56  
Commerce, Department of, 41, 43-44  
Committee of the Whole, 20  
Committee(s), 14, 18-20  
Communications, Division of, 52, 53  
Community Action Agencies, Division of, 49  
Community Corrections, Division of, 45  
Community Development Block Grant Program, 5, 46  
Community Economic Betterment Program, 46  
Community Progress Division, 46  
Community Services Division, 49-50  
Companion bill, 20  
Conference committee, 20  
Congressional Districts, 81  
Constitution  
    Amendments, 9-10  
    Bill of Rights, 8  
Constitutional cases, 59-60, 63

Consumer Advocate, Office of the, 42  
Consumer Protection Division, 41-42  
Corporate Division, 42  
Corporate income tax, 70  
Corrections, Department of, 44-45  
Counties, 75  
County assessors, 73, 74  
County conventions, 82  
County government finance, 75  
Court Administrator's Office, 61  
Credit Union Division, 43  
Criminal and Juvenile Justice Planning, Division of, 49  
Criminal cases, 65-66  
Criminal Code, 65  
Criminal Investigation, Division of, 52, 53  
Cultural Affairs, Department of, 45-46

## D

Deaf Services Commission, 49  
Democratic Party, 80-81  
Disaster Services Division, 51  
Discrimination, 49  
Disease Prevention, Division of, 51  
Dispute resolutions centers, 68  
District convention, 82  
District courts, 61-63  
Districts, legislative, 13

## E

Economic Development, Department of, 40, 46-47  
Economy, 1-3  
Education, Department of, 47-48, 52  
Elder Affairs, Department of, 41, 48  
Election reform, 86-87  
Elections, 85  
Electoral College, 82  
Employment Services, Department of, 40, 48  
En Banc, 60  
Estate tax, 70  
Executive Branch, reforming of the, 39-41  
Executive Council, 35  
Expenditures, state, 71-72  
Extradition, 31

## F

Fair, Iowa State, 40, 56  
Family and Community Health, Division of, 51  
Farm Commodity Division, 41  
Farm Division, 42  
Federal government, relationship with, 3-6  
Federalism, 4  
Felonies, 65  
Files, 17  
Finance Authority, 47  
Financial Assistance Division, 46

Fire Protection, Fire Investigation, and State Building Code, Division of, 52  
Fiscal Director, 17  
Fiscal note, 17  
Franchise tax, 70  
Fraud, 42  
Funds  
    federal, 42, 77  
    general, 42, 72  
    special, 42  
    trust, 42

## G

General Assembly, 11-28  
General election, 85  
General fund, 42, 72  
General Services, Department of, 40, 48-49  
Government  
    departments, 43-57  
    federal/national, 3  
    Iowa, 1  
    local, 7-8, 75-76  
    regulation, 4  
    spending, 5, 71-72  
    state vs. federal, 4-7  
    state vs. local, 7-8  
Governor, 29-38  
Grain Indemnity Board, Iowa, 41  
Groundwater Protection Act, 51

## H

Health Planning, Office of, 51  
Highway Division, 54  
Historical Society of Iowa, State, 45, 46  
Home Rule, 8  
Homestead tax credit, 73  
House calendar, 18, 20  
House of Representatives, 11  
Human Rights, Department of, 49  
Human Services, Department of, 40, 44, 49-51

## I

Impeachment, 25  
Income tax, 70, 78  
Indexing, 70  
Indictment, 65  
Individual income tax, 70, 78  
Industrial Services, Division of, 48  
Inheritance tax, 70  
Inspections and Appeals, Department of, 41, 51  
Institute of Public Affairs, 57  
Insurance Division, 43  
Insurance premium tax, 69, 70  
Iowa Administrative Code, 36  
Iowa Administrative Rules Committee, 25



Iowa Administrative Rules Coordinator, 36-37  
Iowa Administrative Rules Procedure Act, 36  
Iowa, Code of, 24  
Iowa Consumer Credit Code, 42  
Iowa Consumer Fraud Act, 42  
Iowa Court Information System (ICIS), 67  
Iowa High Technology Council, 57  
Iowa National Guard, 29, 51  
Iowa Official Register, 42, 43  
Iowa Product Development Corporation, 47  
Iowa Public Employees Retirement Fund (IPERS), 43, 51  
Iowa Security Act, 42  
Iowa Tuition Grant Program, 56  
Item veto, 29-31

## J

Job Services, Division of, 48, 51  
Job Training Division, 47  
Job Training Partnership Act (JTPA), 47-48  
Judicial Branch, 59-68  
Judicial reform, 67-68  
Jurisdiction, 59  
Juvenile Court, 63-64  
Juvenile Justice Advisory Council, 49  
Juvenile Justice Reform Act, 64

## L

Laboratory Division, 41  
Labor Services, Division of, 48  
Law Enforcement Academy, 45, 56  
Legalizing act, 16  
Legislation, kinds of, 16-17  
Legislative Branch, 11-28  
Legislative calendar, 18, 20  
Legislative Council, 24  
Legislative Fiscal Bureau, 17  
Legislative Service Bureau, 16-17  
Legislative sessions, 11, 12, 17, 21  
Legislature, 11-28  
Library Division, State, 45, 46  
Licensing boards, 40, 51  
Lieutenant Governor, 9-10, 35-36  
Liquor tax, 43, 69, 70  
Lottery, 53, 70  
Lottery Board, Iowa, 54

## M

Magistrate, 61, 65, 66-67  
Majority party, 12-15, 21-22  
Management, Department of, 37, 40, 43  
Market and Business Development, Division of, 47  
Medical Examiner, State, 52, 53  
Mental Health, Mental Retardation and Developmental  
Disabilities Division, 49  
Minority party, 13-15, 21

Misdemeanor, 65  
Motor Vehicle Division, 54  
Motor vehicle fuel tax, 69, 70

## N

Narcotics Enforcement, Division of, 52, 53  
National Guard, Iowa, 29, 51  
Natural Resources, Department of, 51  
"New Federalism," 4-5  
Notary public, 42

## O

Ombudsman, 57  
Opinions, Attorney General, 42  
Opinions, Supreme Court, 60

## P

Pardon, 31  
Parole, 66  
Personnel, Department of, 40, 51, 52  
Persons with Disabilities, Commission of, 49  
Petit jury, 65  
Platform, 82  
Political Action Committee (PAC), 83-84, 86-87  
Political parties, 80-83  
Popular vote, 8, 24, 62, 82  
Precinct, 81-82  
Presiding officer, 12-13  
Primary election, 83, 85  
Probate, 63  
Probation, 66  
Professional Licensing and Regulation Division, 43-44  
Progressive taxation, 70  
Property tax, 72-74  
Public Broadcasting Board, Iowa, 45, 46  
Public Employment Relations Board, 56  
Public Defense, Department of, 51  
Public Health, Department of, 40, 44, 52  
Public Safety, Department of, 40, 51, 52-53

## R

Racing Commission, Iowa, 51  
Rail and Water Division, 54  
Railroad transportation, 54-55  
Railway Finance Authority, 54-55  
Reagan, Ronald, 4  
Real estate transfer tax, 69, 70  
Reapportionment, 25, 61  
Referendum, 87  
Regents, Board of, 39, 56-57  
Regressive taxation, 69  
Regulation and charter of banks, 8  
Regulation(s), 4, 36-37, 40, 51  
Regulatory Division, 41  
Reprieves, 31

Republican party, 80-81  
Resolutions  
    concurrent, 16  
    joint, 16  
    simple, 16  
Retirement, 51  
Revenue, 69-70, 72  
Revenue and Finance, Department of, 40, 53-54, 73, 74  
Rights, Bill of, 8  
Rollback rate, 73

## S

Sales tax, 69-70  
Savings and Loan Division, 43  
School districts, 74-75, 76-78  
School elections, 85  
Schoolhouse fund, 76  
Secretary of State, 42  
Securities, 43  
Senate, 11  
Senate calendar, 19  
Single-issue faction, 83  
Small claims, 67  
Social services, 49  
Social Services Division, 49-50  
Soil Conservation, Division of, 41  
Spanish Speaking Peoples Commission, 49  
Speaker of the House, 11, 12-13  
Special convention, 9  
Special election(s), 85  
Special interest, 15-16  
Special session, 29  
State, aids, 7-8, 73, 75  
State central committee, 81  
State debt, 9  
State Department: see Chapter 4  
State Fair Board, 40, 56  
State foundation plan, 77  
State government  
    powers of, 1, 8-10  
    structure, 8-10  
    taxes, 69-70  
Statehood, 8  
Statehouse, 6, 7, 48  
State militia, 9; also see Iowa National Guard, 29, 51  
State Patrol, Division of, 52  
State political party conventions, 81-83  
Status of Blacks, Commission on the, 49  
Status of Women, Iowa Commission on the, 49

Substance Abuse and Health Promotion, Division of, 51, 52  
Supreme Court, state, 42, 59-60

## T

Tax burden, 69-70, 72-74  
Tax credits, 73  
Taxes: see Chapter 6  
Tax Review, State Board of, 54  
Terrace Hill, 32, 33, 45, 46  
Tourism, 46  
Township, 76  
Transportation, Department of, 39  
Treasurer, State, 42-43  
Trials  
    bench trial, 65  
    trial by court, 65  
    trial by jury, 65  
    trial courts, 59, 61-63  
Trust funds, 42

## U

Unemployment compensation, 69  
Unified trial court system, 67-68  
Uniform Commercial Code Division, 42  
United States  
    Bill of Rights, 3  
    congress, 12  
    constitution, 6, 16  
    powers of, 4-7  
    relationship with state and local governments, 4-8, 70-71  
    taxes, 70-71  
User charges, 69, 71, 75  
Use tax, 69, 70, 71, 72  
Utilities Division, 44

## V

Veteran Affairs Division, 51  
Veterans Home, Iowa, 49  
Veto, 20, 29-31  
Veto, Item, 29-31  
Veto power, 29  
Voter registration, 85  
Voter requirements, 84-85  
Voter rights, 8, 84-85

## W

Welfare, 49-50  
Welfare programs  
    Aid to Dependent Children, 48, 49-50  
    Aid to Families with Unemployed Parents, 49-50

