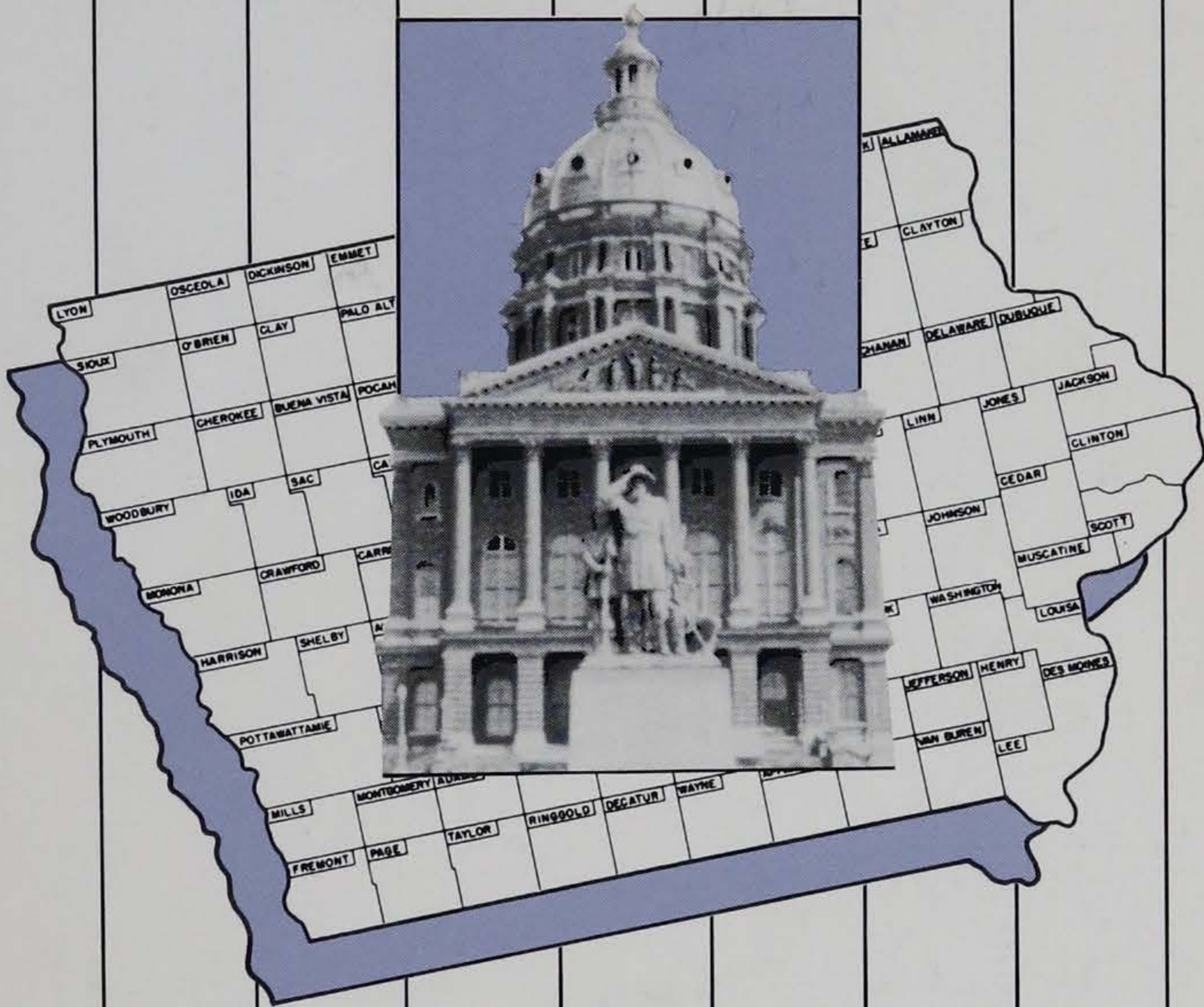


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STATE GOVERNMENT IN IOWA



BY BRIAN CARTER

Institute of Public Affairs

IPA

The University of Iowa

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The University of Iowa

Published by the Institute of Public Affairs
Division of Continuing Education
The University of Iowa

First Edition 1974, Second Edition 1977, Third Edition
1982, Fourth Edition 1985 Price \$3.50

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Foreword

The Institute of Public Affairs is pleased to join with Brian Carter in presenting the fourth edition of *Government in Iowa*. When this publication was first printed in 1974, there was no single source to which a person could turn for an up-to-date description of state government in Iowa. *State Government* filled that void and has contributed to the education of thousands of Iowa high school students. Now, the many significant changes that have taken place in Iowa government have brought about the necessity for a fourth edition of this publication.

In publishing this updated volume, an effort has been made to maintain our original objective for this book—to provide a comprehensive reference work on the structure and operation of Iowa state government, and

to do so at a minimum cost. Although this book was written primarily for Iowa's high school students, others will also find it a valuable resource.

We at the University want to thank Brian Carter, former Social Studies teacher in Danville and now a state representative, for preparing the manuscript for this publication.

*Clayton L. Ringgenberg, Director
Institute of Public Affairs
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The University of Iowa
Iowa City, Iowa (1985)*

Preface

GOVERNMENT IN IOWA is constantly changing. It changes structurally with the creation, consolidation, or elimination of state agencies. It changes in focus as old problems are resolved and new problems arise. As economic forces influence state and local government, we need to change the ways in which we finance state and local government. Our state changes politically with new elections, new office holders, and new shifts in the balance of power between the two political parties.

Keeping up with this change has required considerable effort. This is the fourth edition of *Government in Iowa*. I wrote the previous editions in 1973, 1976, and 1981. I think I have seen more change in the last four-year period than in any previous interim.

The biggest change, however, has been in my personal perspective. In 1982 I was elected to the Iowa House of Representatives and reelected in 1984. Being on the inside of state government for the last three years has enlarged and enhanced my understanding of how state government "really" works.

This is particularly true in regard to the legislative process. While authoring previous editions I was aware that the informal, behind the scenes, legislative activity was just as important if not more so than the formal "how a bill becomes a law" process. I could not, however, accurately write about it. Those who are familiar with previous editions of chapter two will note that the treatment of the legislative process in this edition is substantially enhanced to include both the formal and informal influences.

Working in the legislature has also allowed me to acquire reams of information that I previously did not have access to. Consequently, a major effort in writing this book has involved the conscious attempt to limit the amount of information in the text. A large amount of what I initially wrote or researched ended up being eliminated in the rewriting process. This, I believe, is necessary to avoid unneeded detail and keep the book at a palatable level for high school students.

The main purpose of this book remains the same—to fill the void left by nationally published government textbooks concerning the specifics of Iowa government.

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. [*State Government in Iowa*] deals with structure and only slightly with the process of government. If you want to understand the process better, you must really "get into it" by reading the newspaper, following the bills pending in the legislature, talking 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. Also, a variety of materials can be obtained by calling the Legislative Public Information Office or contacting your state representative.

As in past editions I have received a great amount of help with this text. I am indebted to the numerous state officials who responded to my letters requesting updates on the structure and operations of their agencies. I am particularly indebted to Louise Whitcome, who works for the secretary of state, and Jerry Beatty, who works with the courts, for their substantial contributions to chapter seven and chapter five respectively. Don Mason, of the Prosecuting Attorney Trail Council, has also agreed to contribute a section on criminal justice procedures. I also wish to thank George Mather and Clay Ringgenberg of the Institute of Public Affairs for their editorial help.

I believe that this is the best written and most comprehensive edition of our text to date. I hope you, the readers, agree.

Brian Carter

Mount Pleasant

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

"It was the best of times; it was the worst of times," so wrote Charles Dickens in his classic, *A Tale of Two Cities!*. The same sentiments might well be expressed about living in Iowa in the 1980s.

The first half of the decade has not been the best of times for many Iowans. A three-year recession (1980-1982) was followed by an economic recovery that lagged far behind the pace of the recovery in the rest of the nation. Although Iowa's economy overall

showed improvement in 1983-1985, the situation of Iowa's farmers turned increasingly worse.

Yet the mood of most Iowans by the summer of 1985 was cautiously optimistic. Unemployment was down, inflation remained low. A new state lottery with most of the proceeds earmarked for economic development and sales tax cuts for industry and farmers offered the promise of stimulating economic growth. Although the state government was still nearly broke, having just



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

enacted a budget showing virtually a zero balance at the fiscal year's end, at least the unemployment compensation trust fund was back in the black. After three years of decline, Iowa's population was growing again.

Most significantly, most of the resources, values, and traditions that have made Iowa a good place in which to live and work remained unchanged. A 1984 economic study¹ 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 up to our potential."

The actions of state government clearly have an impact on Iowans. Let's look at some real life situations. Things are pretty good for 18-year-old Mike Simmons.



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.

He's working as a life guard at the pool and planning to enter Iowa State University in the fall to study electrical engineering. Mike has qualified for some college aid including a \$250 grant through the Iowa Science and Mathematics Grant Program established by the legislature in 1983.

Mike's uncle, Joe Potter, owns and manages a hardware store. Business has picked up, but Joe has applied to become a licensee to sell Iowa lottery tickets, hoping it will stimulate business even more. Joe's friend Bill Smithburg is not nearly so upbeat. Bill is a farmer, and although he managed to secure an operating loan to put

in his 1985 crop, he is rapidly trending towards bankruptcy. Bill bought land in the late 1970s when the price was high; now the value has fallen by at least 40 percent and so has his net worth. A combination of high interest rates and low commodity prices make him wonder how much longer he can go on. Bill feels recent legislative action taking the sales tax off farm machinery and allowing the governor to declare a limited farm moratorium will not help him significantly.

Bill's daughter, Jan, an elementary school teacher, is also not very happy with state government. She had hoped that the national debate on improving educational excellence, begun in 1983, would result in significant increases in spending for public education. So far, however, Jan has seen little substantive action at either the state or local levels.

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 and in the nation.

For example, in 1984 and 1985 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, but 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.*" (Emphasis added)

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 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 ex-

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 representatives, 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."²

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

government in the funding and administration of government programs (apart from national defense) and an increasing role for state government.

A major advocate of this philosophy has been President Ronald Reagan. During his first year in office he succeeded in getting congress to approve a 13 percent decrease in federal grants to state and local government. Also, numerous separate "categorical" programs were combined into nine federal block grants to eliminate "red tape" and give state and local governments more spending flexibility.

State and local governments still receive federal aid through other categorical programs. Some examples are: foodstamps, aid to dependent children, financial aid to college students, school breakfast and lunch programs, and highway planning and construction funds.

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 Labor) and the federal government (Occupational Health and Safety Administration-OSHA) are concerned with protecting the health and safety of workers on the job.

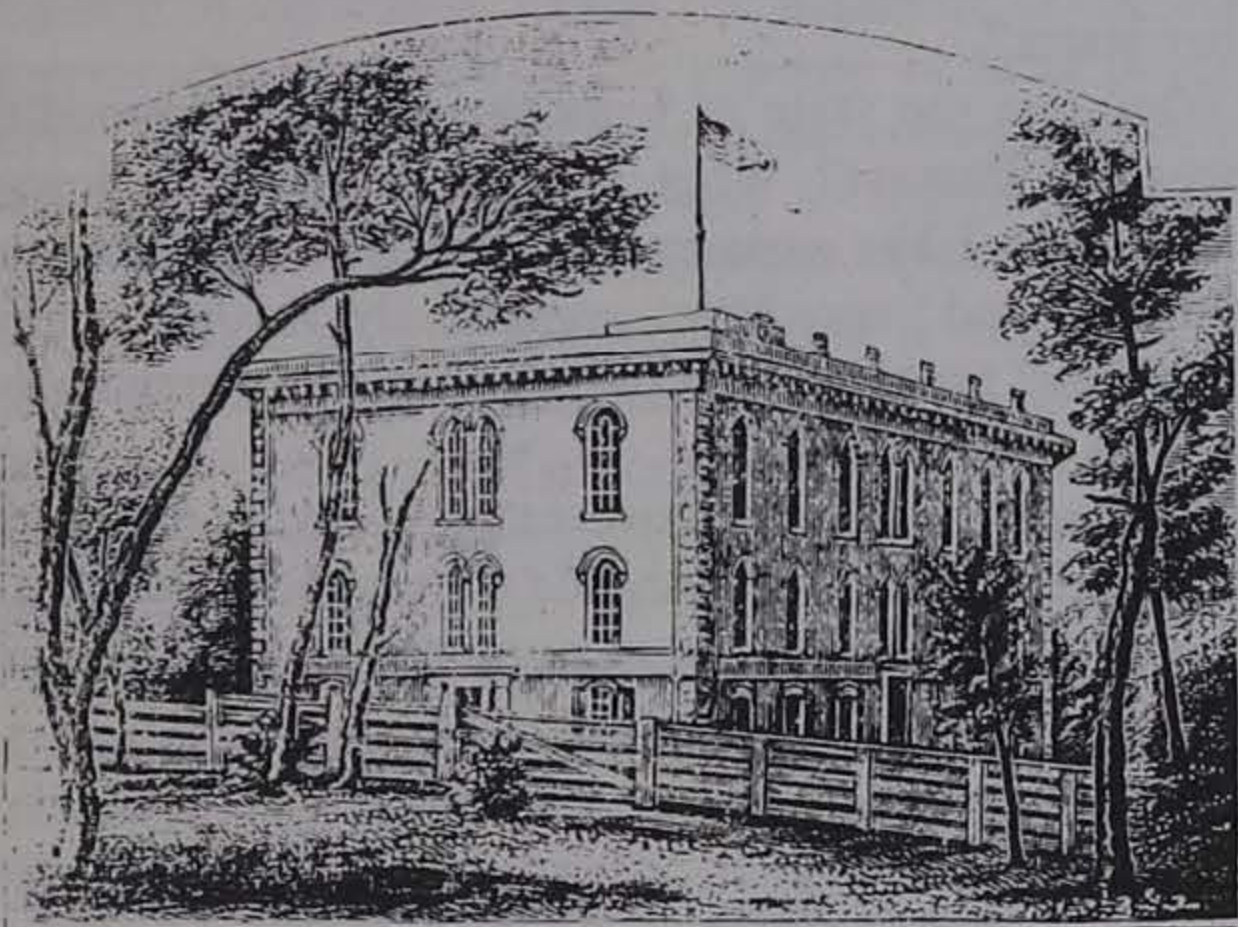
Generally there is an attempt by federal and state officials to avoid duplication and overlapping of authority. Sometimes the federal government promulgates minimum standards which state government can match or exceed, but not lower.

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.

Sometimes interstate compacts are created because of federal initiative. The Low Level Radioactive Waste Policy Act of 1980, a federal law encouraging states to form compacts to dispose of such wastes, is a case in point. In 1983 the Iowa Legislature authorized participation in such a venture.

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



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.

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.

Since 1978, however, reference has constantly been made to what has become known as the "New Federalism." This means a decreasing role for the federal

decrease. The main reason for this fact is no longer President Reagan's philosophy; it is the federal deficit.

Despite the New Federalism, the federal deficit has been growing by leaps and bounds. In 1979 the government had a deficit of \$27 million. In 1985 it was over \$200 million. All this deficit spending adds to a federal debt exceeding \$2 trillion.

What is wrong with all this deficit spending? First it is expensive. The federal government has to spend over \$100 million annually just to pay interest on the debt. The government finances its annual deficits by borrowing money and this in turn is a major factor contributing to high interest rates.

Virtually everyone believes the annual deficits must be reduced. This probably means less federal aid to state and local governments. In 1985, for example, federal revenue sharing to local governments was eliminated.

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

There are several arguments to support less federal involvement.

1. In 1984 Iowa was in last place among the states in federal per capita spending. Iowa's total was \$2,176. (The total amount of federal money going to state government, local government, individuals, and businesses divided by Iowa's population.) The national average was \$3,022.³ The major reasons for this are that Iowa has less poverty than the national average, no military bases, and few defense contractors. If the federal government taxed less and spent less, the 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.

Finally, the federal government has on several occasions coerced state governments into passing legislation by threatening to withhold federal funds. For example, a

1984 federal law states that if Iowa (among other states) does not raise its legal drinking age to twenty-one, it will lose \$18 million in federal highway funds in 1987 and 1988.

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. 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.

Another area that is probably better administered at the federal level is transportation. How improved is our national railroad system if Iowa makes needed improvements in its railbeds but Nebraska and Illinois allow theirs to fall into disrepair? How much is the nation's well-being advanced if Iowa develops and funds programs to conserve energy and produce alternative sources of energy while wasteful practices continue in other states?

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 with what level of government should the responsibility rest? These are questions as old as our constitution; they are still relevant in the 1980s.

State-Federal Similarities

Iowa government is similar to the federal government in structure as well as operation. 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 judiciary. 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. These differences will be



The present Statehouse in Des Moines was erected in 1884.

examined when we look at each branch of Iowa government individually.

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.

Let us examine the impact of this relationship. For example, each county in Iowa does not decide for itself how many supervisors it will have. Instead, the state legislature has decided that each county will have at least three supervisors. Only since 1975 has the legislature, through the creation of county compensation boards, allowed counties to set the salaries of their own officials.

Suppose a county wants to spend more than it is legally allowed (by the state) to spend. The county board of supervisors must first get permission from the State Appeals Board.

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.

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. By 1988 the state will have assumed almost all the costs of the state court system. Finally, the state gives general aid funds to all Iowa counties and cities.

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."⁴

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.

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 to pass 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, approved by the people, and by 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. Here is a brief look at this document.

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.⁵

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.

Article 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 Public Instruction)⁶ 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 *readopted* 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 amendments were ratified by the people in November, 1984: one gives the general assembly the power to veto administrative rules by a majority vote of both chambers; the other repeals an outdated section involving school funds.

The Seventieth General Assembly (1983-1984) proposed a constitutional amendment that would require the governor and lieutenant governor to run for office as a team. If readopted by the Seventy-first General Assembly in 1986, it will be placed before the voters in the November election that year.

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 Statehouse⁷

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 first constructed 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.

Some 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, (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. More recently (1980) there was a spirited attempt by citizens favoring a constitutional limit on state spending to call such a convention. The people voted the convention down.

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.

**Constitutional Amendment,
Constitutional Convention
Proposition
and Special Election**

(Vote either yes or no on each question)

**Amendment to the Constitution of Iowa
Shall the following Amendment be Adopted?**

To ensure that the State shall not deny or restrict the equality of rights under the law on the basis of gender. (The entire text of question is on display on lefthand side inside the voting booth.)

Yes	174
No	175

**CONSTITUTIONAL CONVENTION
PROPOSITION**

Shall there be a Convention to revise the Constitution, and propose amendment or amendments to same?

Yes	179
No	180

**SHALL THE FOLLOWING PUBLIC
MEASURE BE ADOPTED?**

Shall the County of Johnson, in the State of Iowa, purchase the Henry Sabin School Building located at 509 S. Dubuque Street, Iowa City, Iowa, together with the real estate on which such School Building is located, for use by said County as general purpose offices, and borrow money by the issuance and sale of bonds in the sum of Four Hundred Ninety-Five Thousand Dollars (\$495,000) to pay the cost thereof, and shall a tax be levied upon all taxable property within said County from year to year, at a rate not exceeding eleven cents per thousand dollars of assessed value in any one year, in addition to all other taxes, commencing with the levy in the year 1981, to pay the principal of and interest on said bonds until the same are fully paid?

Yes	189
No	190

This sample ballot shows the constitutional issues before the voters in the 1980 general election.

As a result of amendments to the U.S. and Iowa constitutions, many sections of the 1857 constitution have been changed, deleted, or made 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. What are some reasons that state government is becoming more and more important in Iowa and across the nation?
2. How is the Iowa Constitution amended? In what other ways can this document be changed?
3. Can you think of any ways that recent acts by one or more of the three branches of Iowa government have affected you personally?
4. In what ways does the relationship of local government to state government differ from the relationship between state government and the federal government?
5. Why do you think Iowans consistently reject the convention method of revising the Iowa Constitution?
6. More than ever the study of state government and the study of our nation's economy are inseparable. Why is this so?
7. There are some very good reasons that both state and local governments spend and do more than when Jefferson was president. What are they?
8. The legal services corporation provides legal services to poor people in civil cases. Legal aid lawyers charge low fees on a sliding scale, ability to pay basis, but the program requires a significant subsidy of tax dollars. President Reagan said in 1985 that the federal government should stop funding the legal services corporation. He said private lawyers should contribute their services to poor clients (some private lawyers do this already). Do you agree with President Reagan? Why or why not? Is legal service to the poor a proper service for government to finance? If the federal government stops funding the legal services corporation should the state government take its place?

References

1. *We Are Iowans First*, Committee for Iowa's Future Growth, Gerald Kirke, Chair, December, 1984.
2. Pett, Saul, "Big Government: Everything You'll Hate to Find Out," *Des Moines Sunday Register*, June 14, 1981.
3. News and World Report!, April 15, 1985, p. 12.
4. Amendment of 1978.

5. Much of this section has been superseded by new federal laws and U.S. Supreme Court decisions.

6. How can 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.

7. "Under the Golden Dome," State Printing Board, 1979.

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.

Legislators will spend their days meeting in general sessions, standing committees, budget subcommittees, party caucuses, or with visiting constituents. Their evenings will be spent attending numerous receptions, talking with constituents and lobbyists, and reading reams of legislation and background information.

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 Iowa Legislature? The majority of legislators are men, although there are an increasing number of women in both houses of the legislature. By far the most predominant occupation is farmer. In 1985, forty-one of the 150 legislators listed their occupation as farming. Teachers and lawyers are the next most frequently mentioned occupations held by legislators. In recent years the number of teachers has been increasing, and the number of lawyers has been declining.

Because Iowa ostensibly has a part-time citizen legislature, legislators are most likely to be concentrated in occupations that allow them to leave their regular jobs for part of the year. In order to encourage participation in public office, the legislature enacted in 1984 a law that requires employers of twenty or more employees to allow leaves of absence of up to six years to serve in public office. The impact of this law is yet to be seen.

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 he or she says is the place or residence. A legislator could live 355 days a year in Des Moines and ten days in his or her district and



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.

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. Iowa Legislators are paid \$14,600 (1986) a year with a higher amount going to the house and senate floor leaders. The lieutenant governor and the speaker of the house have an annual salary of \$21,900 (1986). Floor leaders are paid \$17,100 (1986).

In addition to the base salary, legislators receive \$50 per day for living expenses and also traveling expenses while the legislature is in session and a \$40 per diem pay for every day they work between sessions on an interim or standing committee. Legislators in Polk County, site of the state capitol, receive \$35 per day for living expenses and no travel expenses.

Unlike the U.S. Congress, both representatives and senators are elected from districts which are based on population. The present house and senate districts were established by the general assembly in 1981 and were in effect for the 1982 elections. Each house district at that time had a population of about 29,134 and each senate district about 58,268.

Because of the need for equal population in the representative and senatorial districts, it has been necessary to cross county lines. For example, one senate district includes parts of eight different counties. As a result, it is sometimes difficult for legislators to keep their constituents informed of what is going on in the legislature and for some people to know who their representatives are.

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-numbered 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 1987 the Seventy-second 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 lieutenant governor presides over the senate and the speaker of the house presides over the house of representatives. While their duties are somewhat similar, the ways in which these two officials get their jobs are quite different. The lieutenant governor is elected by the people every four years. Since this person is the presiding officer and president of the senate but represents no one senate district, legally he or she is not a member of the senate. The lieutenant governor votes in case of a tie vote on procedural matters and amendments and does not engage in debate on the senate floor. When the lieutenant governor is a member of the majority party (which is usually the case), he or she may play an important role in shaping legislation.

Often, however, the lieutenant governor finds his or her powers limited. This is particularly apt to be true if he or she is a member of the minority party or has not previously served as a senator. For example, the power to appoint members to standing committees may be taken away from the lieutenant governor.

The speaker of the house does represent a house district and is considered 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 a 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 his or her election be made unanimous.

The presiding officers usually hold five 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 1985-1986 there were fifteen standing committees in the house and fifteen 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 both the Seventieth and Seventy-first General Assemblies, for example, there were sixty Democrats and forty Republicans in the house and all house committees were approximately 60 percent Democrat and 40 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, 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.

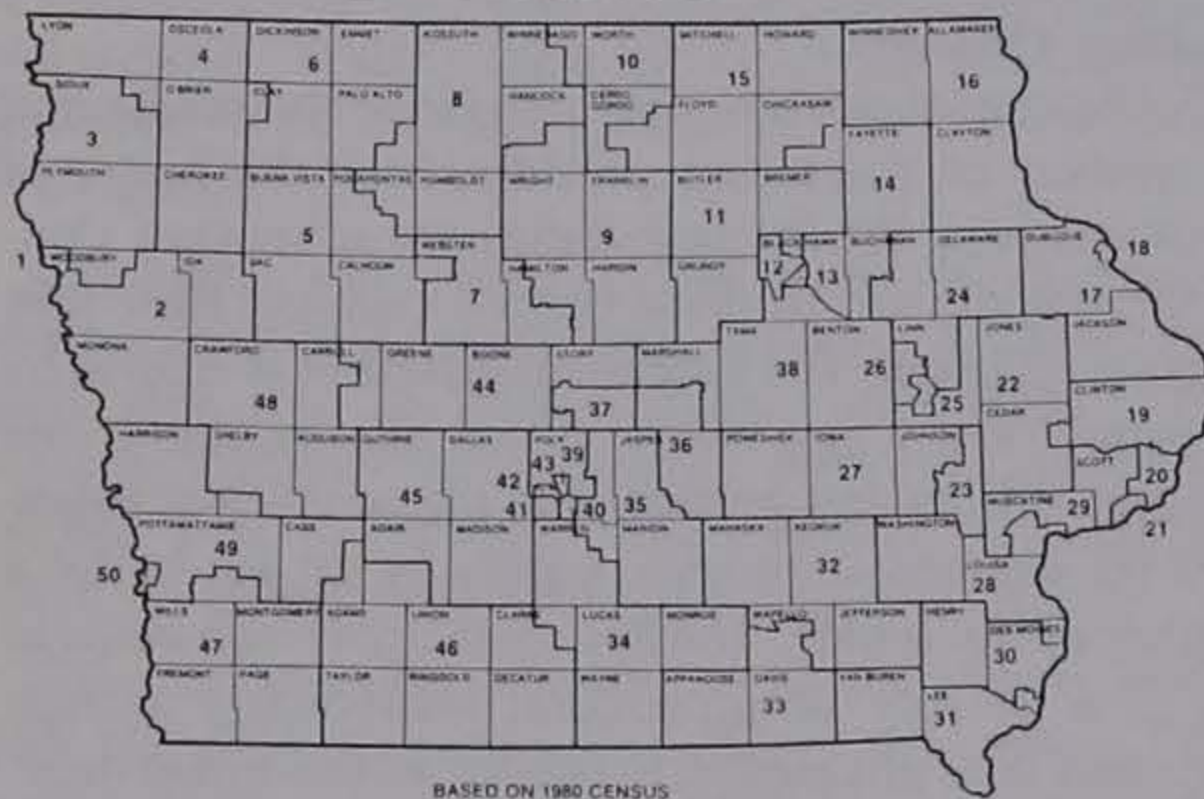
The Floor Leaders

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.

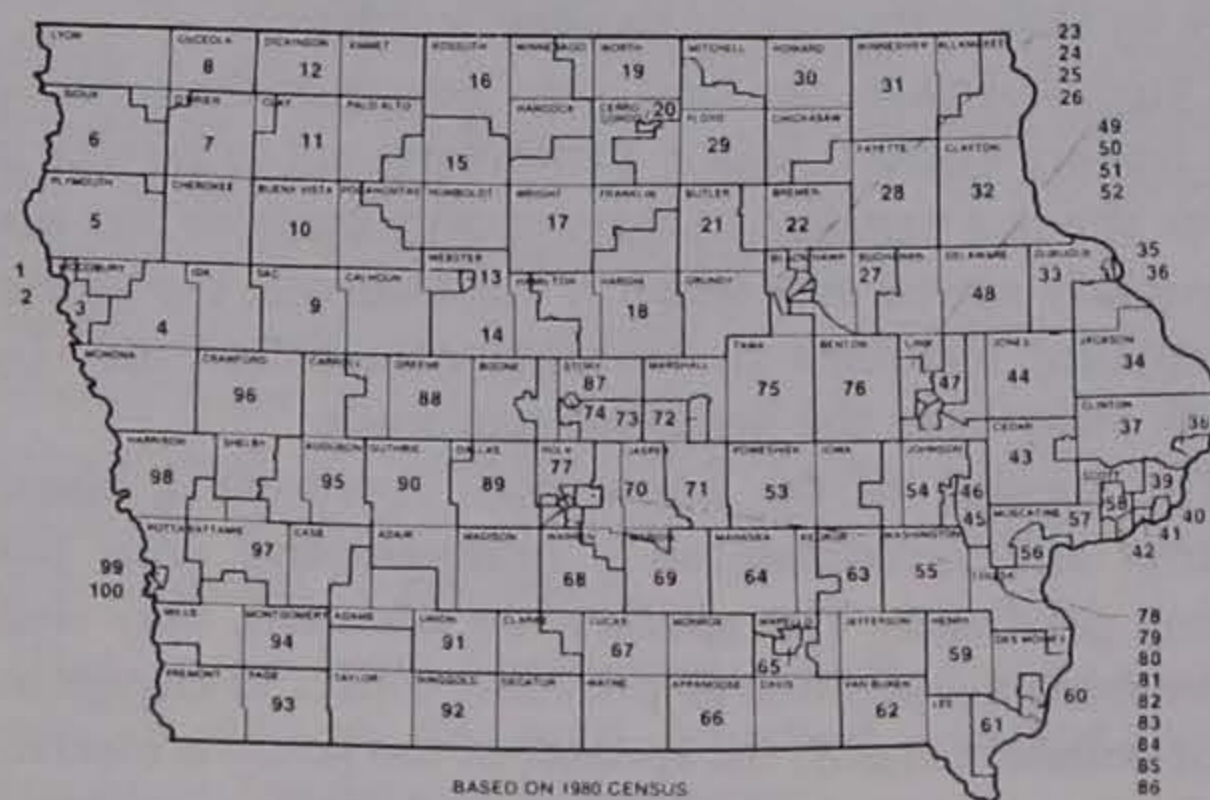
The main source of the majority leaders' power is the fact that members of the majority party almost always back them on procedural matters. For example, if the senate majority leader wants to call a party caucus, depart from the scheduled order of business, place a call on the senate (send the sergeant 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, that individual can make the necessary motion knowing that he or she has the votes to carry the motion.

Along with the speaker of the house and sometimes

SEVENTY-FIRST GENERAL ASSEMBLY
SENATORIAL DISTRICTS



SEVENTY-FIRST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES DISTRICTS



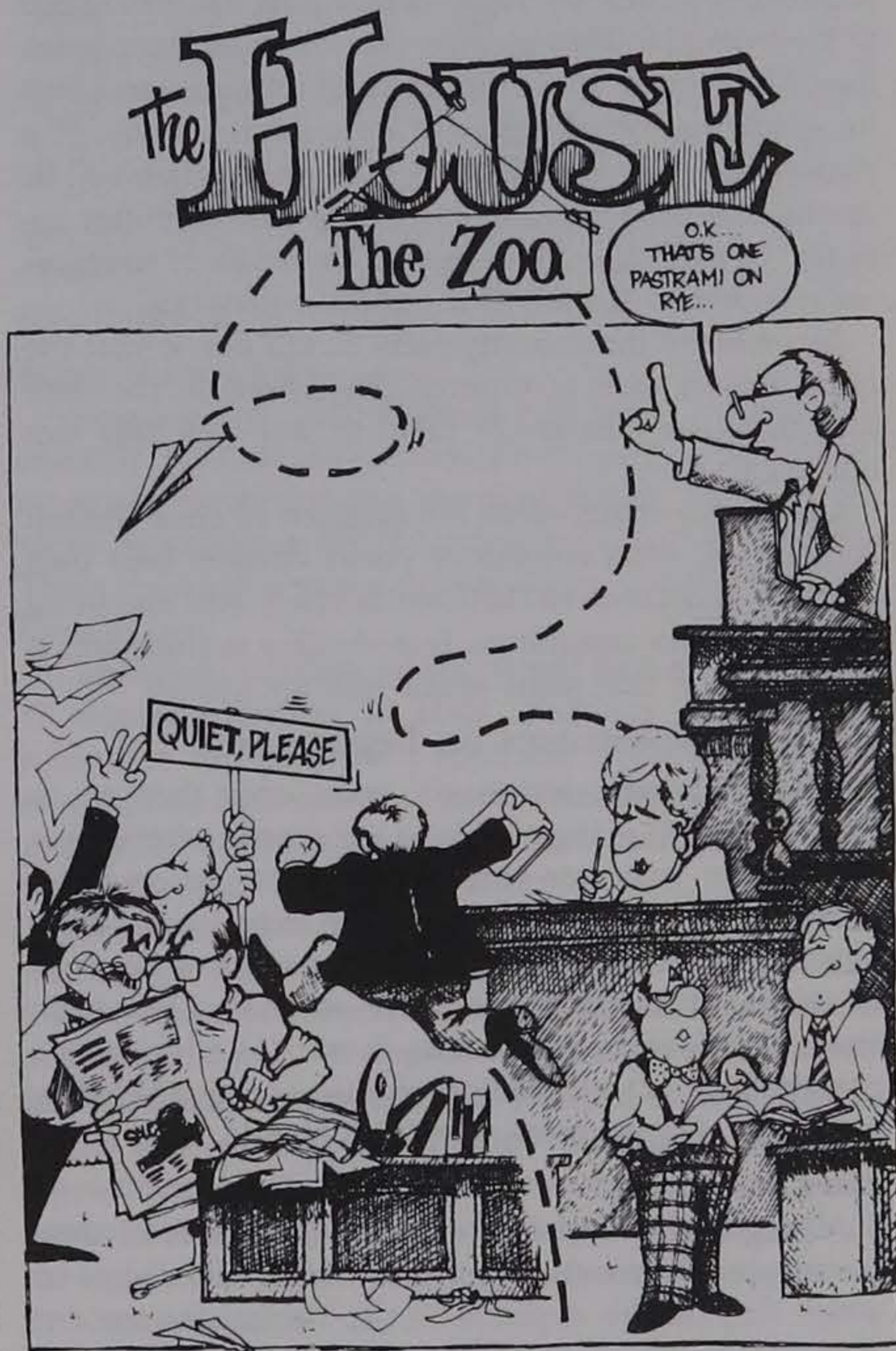
the lieutenant governor, the majority leader is highly influential in deciding the priorities of his or her party (see party caucus). In the last week of the session the majority leader may be the one to decide whether or not a certain bill gets considered.

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 that 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.

Although a minority leader does not have nearly the power of the majority leader, his or her powers are still formidable. The leader, in cooperation with the presiding officer or 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 his or her party to caucus during debate is unquestioned. Sometimes the leader may use this privilege or



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

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, he or she 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.

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 ways 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: the amount of knowledge they have of their constituents' feelings on pending legislation, and 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 his or her vote.

How the legislators view their job 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 they consider is best for the state rather than 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). Legislators will often "bend" a little in order to support a major bill being pushed by a legislative leader or committee chair. When a legislator is asked to vote on a bill that he or she cares little or knows little about, he or she often supports it out of courtesy to the floor manager of the bill. This is particularly true for members of the majority party.

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 his or her 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, the *Cedar Rapids Gazette!* and the *Waterloo Courier!*, 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

The notion that a lobbyist is a person who hangs around the Statehouse, wines and dines legislators, and slips \$100 bills into their pockets in return for their votes on bills that benefit special interest groups and harm the general public, is simply not true.

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 \$50 or more.

Furthermore, all 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, supporting, or no position on bills.

Lobbyists are not a detriment to state government; they are an asset. 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 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, full-time association representatives, or simply concerned citizens. Some are paid; some are not. Some stay for the entire session of the legislature; some are just at the Statehouse one day.

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 Farm Bureau, the League of Iowa Municipalities, the State Department of Human Services, and The University of Iowa.

How a Bill Becomes Law—Formal Process

Now we come to the most important subject of this chapter, the long legislative process by which a bill becomes a law in Iowa. We can best consider this topic by dividing it into seven subtopics: (1) kinds of legislation, (2) bill drafting, (3) introducing bills, (4) the committee stage, (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 in three varieties. In a house or senate 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. The recently acquired power of the legislature to nullify administrative rules is also done by joint resolution.

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

Passed House, Date _____ Passed Senate, Date _____
 Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
 Approved _____

A BILL FOR

1 An Act relating to the funding of state agencies for designated
 2 service programs including health programs, civil rights,
 3 citizens' aide, women, veterans' services, vocational re-
 4 habilitation, substance abuse, and programs for minority,
 5 elderly, and disadvantaged persons for the fiscal year
 6 beginning July 1, 1985 and ending June 30, 1986.
 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 8
 9
 10

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 are also can be requested by committee chairs themselves 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 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 of 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 into 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 costs component 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.

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.

**STANDING COMMITTEES IN
THE IOWA GENERAL ASSEMBLY
(1985-1986)**

House Committees	Senate Committees
1. Agriculture	Agriculture
2. Appropriations	Appropriations
3. Local Government	Commerce
4. Education	Local Government
5. Energy	Education
6. Human Resources	Energy
7. Judiciary and Law Enforcement	Human Resources Judiciary
8. Labor and Industrial Relations	Labor and Industrial Relations
9. Natural Resources	Natural Resources
10. Rules and Administration	Rules and Administration
11. State Government	State Government
12. Transportation	Transportation
13. Ways and Means	Ways and Means
14. Economic Development	Small Business and Economic Development
15. Small Business and Commerce	

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 is 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.

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. With the standing committee system the legislator does not have to. the highest mortality rate. 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 assigns it to himself 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 a 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 signature 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. Often the bill is amended by the committee. If the bill is an individually sponsored bill it is often made a committee bill at this point.

**LEGISLATIVE JOINT APPROPRIATION
SUB-COMMITTEES**

Seventy-first General Assembly

1. Business, Trade, and Transportation
2. Education
3. Health and Human Rights
4. Human Services
5. Justice System
6. Natural Resources
7. Regulatory and Licensing
8. State Government



Members of the House Education Committee considering legislation.

Most bills pass 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 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 day in advance, a daily debate calendar which informs members which bills are likely to be considered the next day.

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.

SEVENTY-FIRST GENERAL ASSEMBLY
1985 REGULAR SESSION

HOUSE CALENDAR

EIGHTIETH CALENDAR DAY

FIFTY-FOURTH SESSION DAY

WEDNESDAY, APRIL 3, 1985

CONVENING TIME 9:00 A.M.

UNFINISHED BUSINESS

HF 507
Chapman

COMMITTEE BILL -- A bill for an Act making corrections and other changes relating to court reorganization, court fees, administrative closures under chapter 601A, the ability to pay a criminal fine, the judicial retirement system, and other court procedures. (Formerly Study Bill 239). By committee on Judiciary and Law Enforcement. (Similar to SF 330)

HF 547
Carl

COMMITTEE BILL -- A bill for an Act relating to adoption and termination of parental rights and providing penalties. (Formerly Study Bill 26). By committee on Human Resources. (Similar to SF 541)

HF 102
Hammond

A bill for an Act relating to smoking in public places and public meetings and applying penalties. By Zimmerman, Fey, Sturgeon et al. (Similar to SF 161 & 207)

MOTION(S) TO RECONSIDER

HR 11
Hatch

MOTION TO RECONSIDER BY STROMER. (Filed 3/12/85) Relating to the control of hazardous waste by Salsbury Laboratories. By Hatch, Rosenberg, Osterberg and Shultz.

HF 493
Peterson

MOTION TO RECONSIDER BY PETERSON. (Filed 3/26/85)
MOTION TO RECONSIDER BY VAN CAMP. (Filed 3/26/85)
MOTION TO RECONSIDER BY HUMMEL. (Filed 3/26/85)
COMMITTEE BILL -- A bill for an Act relating to the fees for and duration of operator's and chauffeur's licenses. (Formerly Study Bill 42). By committee on Transportation.

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 or 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. He or she 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. The manager will ask the house to resist such amendments. Usually, but not always, the manager wins. If, however, amendments are adopted against the wishes of the bill's floor manager, that legislator has basically three choices. One option is to "live with" the amendment(s) if they are only slightly offensive. If the vote was close, a second option is to "find" enough votes from legislators who did not vote or legislators who can be persuaded to switch to reconsider the vote on the amendment. A third option is to consider the bill gutted. Some floor managers have been known to vote against their own bill when this happens. Such events, however, are rare.

When managing a bill that is significant, controversial, and perhaps partisan, the floor manager will count his or her votes in advance. He or she 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. During the 1985 session, for example, only two bills failed to pass the house on a final vote.

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.

For the last three years the legislature 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 "fixup" 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



Citizens have opportunities to present information to legislators.

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.

We have now traced a bill through the house of representatives. The path of a bill through the senate is essentially the same. Although it rarely occurs, senators are allowed to vote "present" on final passage of bills instead of yes or no. However, another senator could force a "present" vote to be changed to a yes or no by raising an objection. Other than this difference, there are only a few minor variations in procedure.

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. There may already be a companion or identical bill pending in committee or awaiting debate on the second chamber's 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 the 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 on 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



Republican House members meet in party caucus.

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.

How a Bill Becomes Law—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.¹

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.

It is in the majority party caucus that a determination is made of the total amount of money that will be appropriated for the next year.

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.

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

The 1985 House Legislative "Funnel"

All requests for bill drafts must be submitted to the legislative service bureau by the end of the seventh week.

Bills originating in the house must be passed out of house standing committees by the end of the tenth week.

Bills originating in the house must be debated and passed (or placed on the unfinished business calendar) by the end of the eleventh week.

Bills originating in the senate must be passed out of house standing committees by the end of the thirteenth week.

Bills originating in the senate must be debated and passed (or placed on the unfinished business calendar) by the end of the fourteenth week.

Appropriation bills, ways and means bills, and bills sponsored by the minority and majority leaders are exempt.

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 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 bill passed is a common practice. Another practice that occurs occasionally can be termed "dumping." On the last day of a session one chamber passes major "must do" legislation the way they want it, sends it over to the other chamber, and then adjourns. The second chamber then must stay in session for four more days to bring the first chamber back, not pass the important legislation, or "eat" the first chamber's version. Usually they do the latter.

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 the 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.

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 next year, 90 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 the fiscal bureau staffer to draft a committee appropriations bill. In the latter part of the session these eight appropriation bills are debated and enacted by both chambers.

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. For example, the language that establishes the state prison "cap" at 2,645 prisoners (1985 cap), is intent language in the Justice System Appropriations Bill.

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 depart-



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

ments or serve on major boards or commissions. For every nominee, the lieutenant governor appoints a special senate committee. This confirmation committee investigates and interviews the potential state official. If the committee reports favorably on the nominee, the senate will almost always confirm the appointment. Confirmation requires a two-thirds vote of the total membership.

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 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 lieutenant governor is an ex officio, nonvoting member. 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 five 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 legis-

lators, 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 ruled that these districts must be as nearly equal in population as possible. Consequently, the legislative districts created in 1981 come in many geographic sizes and shapes.

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 in Iowa. Indeed, the reapportionment plan the legislature is currently operating under is one of the best in the nation in terms of districts being equal in size and free of political tinkering. The next reapportionment will occur in 1991 following the 1990 census.

An Evaluation of the Legislature

At the beginning of this chapter, it was suggested that the Iowa legislature is one of the most informed, efficient, and democratic legislatures in the country.

An objective study by one political scientist in 1970 determined that Iowa had one of the very best legislatures in the nation. There is every reason to believe that our legislature still compares quite favorably to those in other states.²

Several improvements have been made by the legislature in recent years. They include: (1) the establishment of a pre-session orientation for new legislators prior to the beginning of each general assembly; (2) the simplification of the legislative process by a substantial decrease in the number of standing committees in each house; (3) the establishment of greater controls over lobbyists; (4) the development of a college intern program to aid with legislative research; (5) the establishment of a salaried research staff for the Democratic and Republican caucuses in both chambers; and (6) 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

Main Components of SF 395 (1985)

1. Completed phase out of the personal property tax.
2. Total repeal of the sales tax on farm machinery and depreciable part and industrial machinery and equipment after a two-year refund system.
3. Extension of the sales tax to soda pop and candy.
4. Extension of the sales tax to additional services.
5. Legalization of local option taxes.
6. Wine in grocery stores.
7. Creation of a new jobs tax credit.
8. Phase out of the 70/30 state credit for the special valuation of manufacturing machinery.

standing committee which could make changes in the bill.

Most recently (1984) the legislature invested in 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.

One other positive attribute of the legislature should be pointed out. The Iowa Legislature has been free of corruption. In terms of honesty and ethics, it compares with any state legislature in the country. Iowa has always had a tradition of clean government. You may have studied in school about the initiative, recall, and referendum. These are political devices that many states established by public demand in the early 1900s to give the public some control over their corrupt legislatures. Iowa does not have the initiative, recall, or referendum, because most Iowans have never felt such processes were really needed since the general assembly usually has been responsive to the people. In fact, there have been only a few times in Iowa's history when a legislator has been charged with a serious breach of ethics.

Improving the Legislature

Although the Iowa legislature is one of the best state legislatures in the nation, it is not perfect. Here are several valid criticisms of the Iowa general assembly. There are not, however, any easy solutions to these problems.

One criticism of the legislature involves the propensity to pass bills that deal with several different issues. One example is the kinds of topics that were included in a major bill (SF 395) in 1985. The constitution of Iowa states that a bill can deal with only one topic. This provision, however, has been liberally interpreted. Different topics, some related, some not so related (wine in grocery stores). How do you think a legislator who opposed local option taxes and wine in grocery stores but favored the other provisions, would vote on final passage of the bill?

Some legislators call such bills as SF 395 "Christmas

Tree Bills" (something for everybody). Legislative leaders often defend such bills as the only way certain issues can get passed.

Another criticism involves public hearings. Prior to working on major bills, legislative committees may hold public hearings at the capitol or around the state. Criticisms cite inadequate advance notice, lack of attendance by legislators, and a tendency to ignore what was said at the hearings and do what key legislators wanted to do anyway.

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 comptroller and 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.

Despite recent improvements and the aid of the fiscal bureau, many feel the legislature does not do a good job of evaluating spending by state agencies. Legislators often do not have enough detailed knowledge of state agencies to ask the right questions when agency administrators make their budget presentations to the budget subcommittees. Legislators often give close scrutiny to requests for new spending, but they often accept with few questions or serious re-examination the amount of expenditures for ongoing programs. According to one writer, "When Iowa lawmakers need information with

which to scrutinize the state bureaucracy the only place they can go for it is to the bureaucrats themselves."³

Any attempt to allow legislators the time to develop and maintain the necessary expertise, however, would involve moving away from the concept of a citizen legislature and towards a professional legislature as now exists in some of the larger states. Already annual sessions, interim assignments, and the complexity of many issues are putting a strain on Iowa's citizen legislators.

Finally, a major criticism of the legislature is the lack of space it has to do its work. A visitor to the legislature during the session will quickly notice the stacks of papers and books on legislators' desks. For most legislators this is their only workspace. Only the leaders and committee chairs have offices. For assistant leaders and committee chairs this is no more than a small desk in a corner of a room housing several other "offices."

The Iowa legislature currently deals with twentieth century paper flow in nineteenth-century office space. From time to time it has been suggested that one of the executive branch offices be moved from the Statehouse to free up more legislative space. The executive branch of state government is the topic of the next two chapters.

Questions for Review

1. What are the powers of the presiding officers and the majority floor leaders in the Iowa Legislature?
2. Why do both chambers of the legislature utilize a system of standing committees to consider legislation?
3. What is a companion bill, a "committee of the whole," a joint resolution, a study bill, a conference committee, a fiscal note, the "funnel"?
4. How do most bills introduced in the general assembly die?
5. What are the options the governor has when the legislature sends the executive a bill to be signed?
6. What services do the Legislative Fiscal Director and the Legislative Service Bureau provide to the legislature?
7. What role do lobbyists play in the legislative process?
8. What are three functions of the legislature other than passing bills?
9. What is the difference between the Code of Iowa and session laws?
10. Suppose your instructor is going to introduce you to an Iowa legislator. What are some educated guesses you can make about what kind of person the legislator will be without having even heard his or her name?
11. Some legislators exercise significantly more power and influence than others in the legislative process. Cite some reasons why this is the case.

12. Why do state legislative districts vary so much in shape and geographical size?

13. In your opinion, what has the most significant impact on legislation, the actions of legislators on the chamber floor, and in committee or the actions of legislators "behind the scenes?" Be prepared to defend your answer.

14. What is the role of the party caucus in the legislative process?

References

1. This description of a party caucus and the role of the speaker and majority leader, is based on the author's observations 1983-1985. The roles played by the caucus and the speaker and majority leader vary from time to time and from person to person.

2. John Burns, *The Sometime Governments* (Kansas City: Citizens Conference on State Legislatures, 1971).

3. Dan Piller, "Government," *Des Moines Register*, September, 1976.

3. The Governor

IT'S TIME FOR a roll call vote on a platform issue at a national political convention. The governors of the various states, including Iowa's, prepare to respond for their delegation. The Iowa governor responds by saying the delegation from the state of Iowa, "a place to grow," casts all of its votes for the proposal. Throughout the convention the governor continues to poll members and to respond for the delegation as chair of the Iowa group.

This brief account gives some insight into just one 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 performs 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 male, Christian, had an acceptable personal and family life, and were middle-aged. 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 the Iowa National Guard and has the power to call out the guard for flood duty, antiriot 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



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*.

veto power only thirty times for an average of about two bills per year. In three years in office, Governor Branstad has used the veto power more frequently. He vetoed eighteen bills, an average of six per year. Branstad, however, faced a legislature controlled by the opposition party during those years, while Ray faced a legislature controlled by the opposite 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 only for appropriation bills in 1968 by an amendment to the Iowa Constitution. Robert D. Ray, used the item veto fifty-six times for an average of four bills per year. Governor

Branstad has used the item veto twenty-two times, an average of about seven bills per year. One of those item vetoes, for example, struck a provision from the lottery bill that would have required him to develop a recommendation for consolidating economic development activities of state government.

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).

In 1985 the governor item vetoed a provision involving the judicial retirement system. The Legislative Council decided that this action was illegal because the bill was not an appropriations bill. The matter, which may broaden the definition of just what constitutes an appropriations bill, is now pending before the courts.

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 his or her power 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 he or she 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 had a chance to meet to consider impeachment. If the legislature took no im-

peachment 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."¹ 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.

It also applies somewhat to executive department heads who are appointed by a multi-person board. In this case, the department head is formally responsible to a board which has the power to hire and fire. An example is the State Board of Public Instruction, which employs the state superintendent of public instruction. In contrast, some departments, like the Department of Human Services, are headed by an executive who is appointed by the governor and serves at his or her pleasure.

Although the governor lacks formal powers to remove some subordinates, he or she can sometimes informally "convince" a subordinate to resign. These techniques could include publicly criticizing the official, noncooperation and noncommunication by the governor's office with the official, and recommending cuts in the official's office budget or salary. If a governor is popular, he or she can be particularly effective in using informal means to see that a state official 'gets the message' and resigns.

State board members who have direct responsibility over executive department officials could also be prevailed upon to respond to the governor's wishes since their future reappointment depends on remaining in the governor's good graces.

One of the most important powers of the governor is the power of appointment. The governor appoints supreme court, appeals court, and district judges, heads of the administrative departments, and numerous members of various state boards and commissions. Appointments to the more important commissions and the heads of administrative departments require a two-thirds vote of approval by the Iowa Senate. Appointments to the minor boards and commissions do not have to be so approved.

In order for a governor directly to remove an executive department head who does not serve at the governor's pleasure, the governor must level specific charges against a state official through the attorney general. The appropriate district court must then agree that the official should be removed. Elected state officials can be removed only by impeachment.

Finally, the governor may acquire formal executive power if the legislature specifically delegates power to him or her in the legislation it passes. For example, in 1981 the general assembly enacted legislation that al-

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 polished hardwood floors, brass chandeliers, and marble 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 Frederick 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 Frederick Hubbell donated the mansion to the state.

A major restoration and conversion, to be a suitable residence of the governor, was then begun 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 the 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.⁴

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

lows the governor to allocate proportionally block grants received from the federal government in 1982 to the same programs that received those funds in 1981.

Sometimes the governor receives much of the blame for the acts of state departments and commissions even though he or she does not have the commensurate formal authority to control departments and commissions.

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 his or her 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 and the administrative agencies of state government.

Informal Legislative Powers

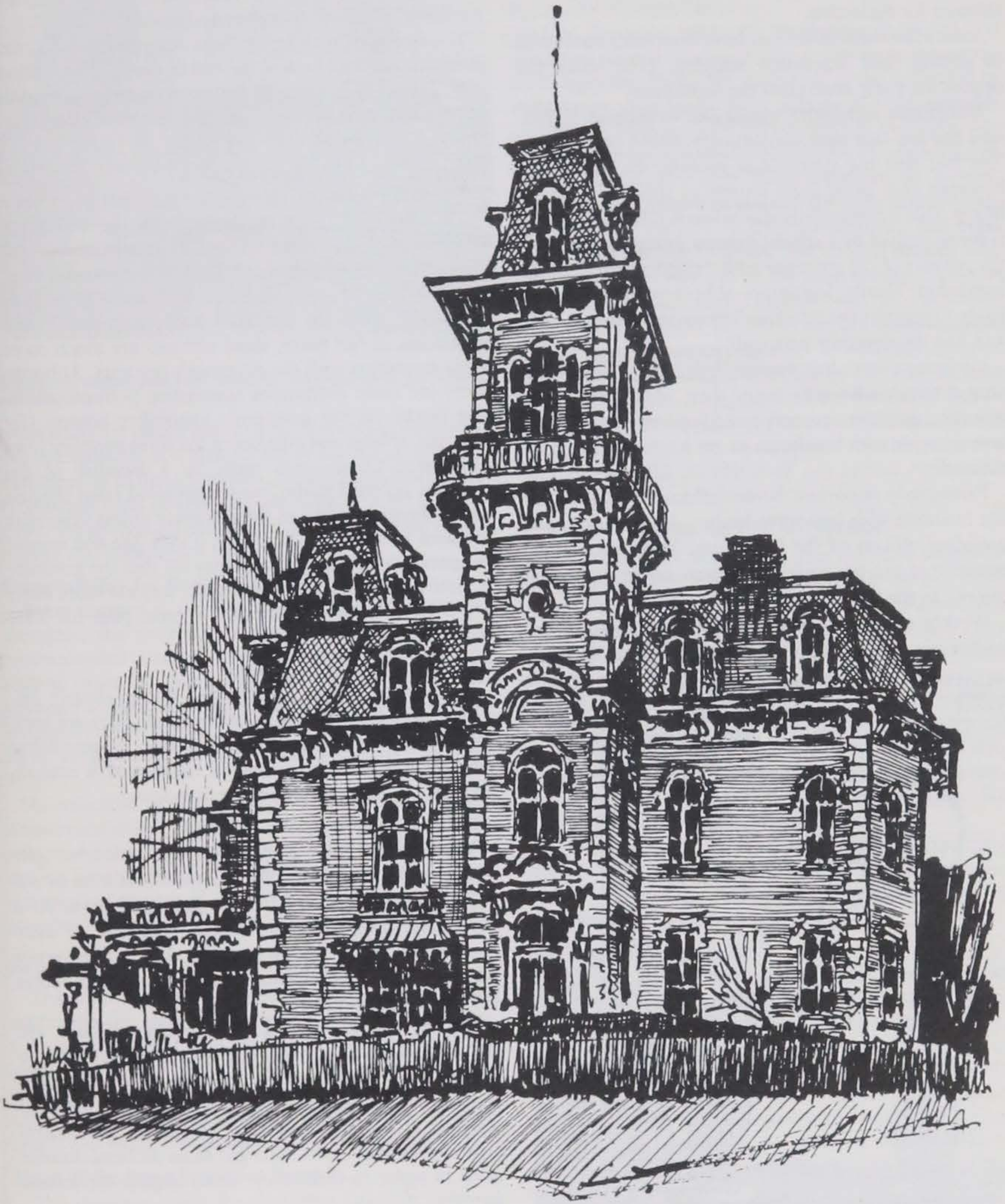
Beyond formal legislative powers, the governor's influence with the Iowa legislature is based on personality,

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 houses of the legislature in the first week of each legislative session. This speech is known as the governor's "state of the state" address.

Every two years, the governor also presents a budget for the biennium which begins on July 1 of odd-numbered years. In alternate years the governor presents a modification of the budget for the second year of the biennium.

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

The governor has no formal power to force the legislators to support his or her 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 regaining their party's nomination for legislator in the next election year. Members of both parties are more likely to support the governor's programs if that governor is popular with the electorate,



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

since this support will probably contribute to their own chances for reelection.

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 gov-

ernor 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 his or her 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 Commerce Commission 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 state spokesperson, ceremonial head of state, responsibility for budget development, head of the executive council, and responsibility for collective bargaining.

State Spokesperson

When the governor attends meetings with other governors or does business with federal officials, he or she acts as a representative for the people of Iowa. At a governors' conference to discuss problems of state government, it is the perspective that our governor brings to the conference that the other governors accept as Iowa's perspective.

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



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 Gov. Terry E. Branstad for a bill-signing ceremony.

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 state comptroller. The legislature then studies, debates, and passes, in some form, the governor's budget, which goes into effect 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 his or her designated assistant, represents the state in negotiating wages, fringe benefits, and working conditions with those state employees under the Iowa Merit Employment System.

Recently, the governor's office has played a significant role in the implementation of pay scales for state employees based on the principal 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 executive council have been taken over by state government agencies. Today the main task of the council is to approve or disapprove those actions of state agencies over which state law says the council has oversight. For example, the council still is responsible for approving or disapproving out-of-state travel expenses by government officials, bylaws of savings and loan associations, purchases of property by state government, and bank depositories for public funds. The council decides who the insurance carrier will be for state employees.

A major power that remains with the executive council is the power to determine the administrative structures of the various agencies of state government, unless the administrative structure is specified in state law. For example, if the head of the Bureau of Labor wanted to add two state inspectors to this agency, the change would have to be approved by the executive council. Also, the council itself can initiate changes in the job structure of agencies.

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

We have already discussed the role the lieutenant governor plays in the Iowa legislature. Upon the death, resignation, impeachment, or disability of the governor, the lieutenant governor becomes the state's chief executive. Whether or not the lieutenant governor actually works with the governor to enact legislation depends on the two officials being members of the same political party. Next in line to become governor is the president pro tempore of the Iowa Senate, followed by the Speaker of the House.

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 HF 255 (1985), the Iowa lottery bill:

"Except as provided in subsection 3, 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 online 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 is leaving 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 will write administrative rules to decide these details and specify the exact lottery games that will exist. These rules must meet 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."²

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: (1) 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 agency 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 agency.

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 rules veto resolution does not require the governor's signature.

The State Comptroller

One of the most powerful and important persons in state government is the state comptroller. The comptroller is not an elected official, but is appointed by the governor and may be dismissed at any time. The reason for this is that the comptroller works so closely with the governor that it is felt this person must be the "governor's aide." The state comptroller's duties as the state's chief fiscal officer are numerous.

In brief, the main duty of the comptroller is to prepare the state's budget and to see that the budget is correctly carried out once it is approved by the legislature. To do this, the comptroller must be able to forecast accurately expenditures as well as the amount of money the state will collect in taxes. To do this the comptroller obtains information from a council of economic advisers representing all sectors of the economy.

Accordingly, the comptroller spends the last half of each even-numbered year involved in the detailed and lengthy work of budget preparation. In July, the comptroller asks the heads of each of the executive agencies to submit a budget for their respective agencies. The comptroller then studies these requests, takes into account the estimated tax revenues for the next biennium, and prepares a rough draft budget for the governor by December 1.

In December, the governor holds hearings where the agency heads must defend their budget requests. After these hearings the governor and the comptroller prepare the final budget draft that the governor presents to the legislature no later than February 1 of each odd-numbered year.

During a legislative session the comptroller's office helps draft bills that carry out the governor's budget. Members of the comptroller's staff sit in on legislative budget subcommittee hearings to answer questions and defend the governor's budget.

The comptroller sees that the budget is carried out by issuing warrants against state funds held by the state treasurer. It is also the duty of the comptroller to keep the governor and the legislature informed of the financial condition of the state.

In addition to these responsibilities, the comptroller oversees all local government budgets. The comptroller serves on the State Appeals Board which hears requests from counties and cities to increase their budgets over the legally permissible amounts. Each year the comptroller tells Iowa public school systems exactly how much they can increase their controlled budgets. Finally, the office of the comptroller provides data processing and computer services for most state government agencies.

Office for Planning and Programming

OPP (the agency acronym) is a state agency attached to the governor's office. OPP officials work closely with the governor and the director serves at the governor's pleasure.

The agency has a variety of duties. Foremost is the responsibility to administer a number of federal programs including two block grants, the Job Training Partnership Act, and the Highway Safety Act. In 1983 a state funded zero interest Community Development Loan Program was assigned to the agency.

In addition, the office studies the state's economic and demographic trends. Based on this research it makes recommendations to the governor, the legislature, other state agencies, and local governments.

OPP has come under some criticism from some legislators in recent years. They believe that some of OPP's functions should be handled by other agencies.

More specifically, there is an effort underway to transfer programs involving economic development that are now under OPP to the Iowa Development Commission.

Inspector General

In 1983, the governor's Task Force on Efficiencies and Cost-effectiveness in Iowa State Government issued its final report. One recommendation was that "an inspector general should be appointed to perform four major functions: (1) analyze and recommend areas of potential cost savings and productivity improvement... (2) analyze problems facing state government which cut across agency lines and coordinate...solutions, (3) provide administrative analysis and related consulting... and (4) coordinate implementation of the task force report."⁵

Shortly thereafter, the governor created the position within his office. In simple terms, it is this person's job to battle waste and inefficiency in state government. In recent years the legislature has been cooperative in enacting reforms called for by the 1983 task force report. The governor's office has been able to implement some changes without legislative approval.

Past and Future Reform

Since the early 1960s the power and authority of Iowa's governor has increased considerably. Two individuals deserve a large amount of the credit for this—Governor Harold Hughes (1963-1969) and Governor Robert Ray (1969-1983). Both of these men were strong governors whose influence on the office lingers today. Both men maximized the informal powers discussed in this chapter. They also used their influence to bring about some formal changes as well.

The two most obvious changes adding to the governor's power were constitutional amendments ratified by the voters in 1968 and 1972. The 1968 amendment established the item veto power and the 1972 amendment extended the governor's term of office to four years. The importance of the item veto is obvious. The extension of the term of office from two to four years doubles the time a governor has to get his ideas through the legislature and the time he has to make appointments before he must again face the voters.

Today, the governor has more power because he or she has more help. The Office for Planning and Programming was created in the late sixties and the position of administrative rules coordinator in the late seventies. In addition, the governor's staff has been significantly enlarged. During these years the governor's power to hire and fire executive department heads was expanded. Of course, there are still some agencies for which this is not true.

Consequently, some experts on state government have recommended expanding the governor's power to

hire and fire to all state agencies where that power is now held by an appointed commission. It has also been suggested that the secretary of state, secretary of agriculture, attorney general, and auditor be appointed by the governor rather than elected. This latter change is not so likely, however, since (except for the secretary of agriculture), it would require a constitutional amendment and take direct responsibility away from the voters.

The duties of state executive agencies 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 dealings 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 other than lieutenant governor who are presently elected? Why or why not?

5. Should the governor and lieutenant governor run as a team rather than being elected separately?

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 state comptroller? The inspector general? The Office of Planning and Programming?

References

1. Iowa Constitution, Article IV, Section 8.
2. Interview with administrative rules coordinator, Brice Oakley, August 7, 1981.
3. Governor Task Force on Efficiencies and Cost-Effectiveness in Iowa State Government, 1983, page iii.
4. Much of the information in this section comes from *Terrace Hill, The Story of a House and the People Who Touched It*, by Scherrie Goettsch and Steve Weinberg, Wallace-Homestead Book Co., 1978.

4. Administrative and Regulatory Agencies

THE DICTIONARY DEFINES "bureaucracy" as "government characterized by specialization of function, adherence to fixed rules, and hierarchy of authority,"¹ also, "a system of administration marked by officialism, red tape, and proliferation."² The word "bureaucracy" certainly can be used to describe the more than ninety offices, departments, bureaus, commissions, and boards that, with the governor's office, make up the executive branch of Iowa government.

As the definitions imply, bureaucracy can be useful as well as cumbersome. Specialization of functions, adherence to fixed rules, and hierarchy of authority are aspects of organizations that can all be found in Iowa's executive branch. These aspects help to make the executive branch more efficient and effective in helping Iowans. Unfortunately, the second definition of bureaucracy listed above can also apply to Iowa's executive branch.

The question is: Are Iowa's executive offices, departments, commissions, and boards organized and operated in a way that is most efficient and most beneficial to the people of Iowa? The answer probably should be no because of the way Iowa's executive bureaucracy came into existence.

Most of the executive agencies were not created by the Iowa Constitution but by legislation passed by the Iowa legislature. Whenever a need arose or a problem threatened, the legislature created a government agency to handle the problem or need. A few years later when another problem or need arose, the legislature created another agency. Thus, Iowa's executive bureaucracy simply grew with a lack of overall agency planning and direction. The results, in some cases, have been agencies with too little authority, several agencies concerned with the same problems, a lack of cooperation among agencies, and an executive bureaucracy that few Iowans really understand.

If, over a period of years, a state agency or, more likely, a particular program of an agency, became no longer effective or even necessary, a vested interest existed within the agency's governing board and employees to keep all programs alive. Indeed, once new

state agencies are created there is often considerable effort on the part of agency executives to expand their programs and responsibilities.

In recent years, however, there has been a great deal of reform in the executive branch that has tended to make it more efficient and effective in meeting the needs of Iowans. Before discussing these past reforms and also some potential future reforms, we should first survey at least the major agencies of the executive branch. They can be divided into two groups: those agencies headed by elected officials and those headed by appointed officials and boards.

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 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 divi-

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. Nevertheless, it is only one 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 Beer and Liquor Control Department's 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.

sion 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 he or she files the correct papers with the secretary of state.

This office has a number of lesser duties including: issuing commissions to notaries public, maintaining the state land office, publishing new state laws, and compiling and publishing the "Iowa Official Register."

Secretary of Agriculture

The main mission of this office is to promote and advance the interests of agriculture. However, the secretary has several duties beyond this main duty. For example, agents of the agriculture department inspect hotels, restaurants, weights and measures, gasoline pumps, meat lockers, meat slaughtering and processing plants, food processing plants, and nurseries.

As for more agriculturally related duties, the department inspects and enforces laws governing fertilizers, hatcheries, dairies, commercial feeds, beekeeping, and pesticides. The department aids Iowa farmers by reporting selling prices and sales volumes for agricultural products and by keeping statistics and marketing data on crops and livestock.

The department maintains a weather division to give farmers information on frosts, flood and storm warnings, and the effects upon crops. The department of agriculture employs a state veterinarian to control animal diseases. Through the state entomologist and state botanist, the department helps to promote insect and weed control.

Recently, the need for Iowa to get away from overdependence on two crops (corn and soybeans), has become evident. The department employs a state horticulturalist to work with private growers to promote the production and marketing of fruits, vegetables, nuts, flowers, and Christmas trees.

To promote the sale of agricultural products, the department works closely with commodity organizations. These 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 organization to promote the product.

For example, the Iowa Egg Council is established in chapter 196 of the Code of Iowa. This section provides for a check off charge that is currently five cents for every thirty dozen eggs sold by Iowa poultry producers. The check off was established by a positive vote in a referendum of poultry producers. A producer can get his or her check off money back by filing for a refund, but most producers don't. For the check off to continue, it must be renewed periodically by another referendum.

Other groups which have statutory check offs 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.

Attorney General

The attorney general is the chief law enforcement official of the state of Iowa. This official, and approxi-

mately eighty assistant attorneys, are empowered in a general way with enforcing the laws of the state.

One of the most important divisions of the attorney general's 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. In 1984 this office completed action on more than 10,000 complaints by Iowa citizens. In about half of these cases the action resulted in cash restitution or monetary savings for Iowans. The division saved or recovered more than \$1 million 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.

Another division of the attorney general's office is the Antitrust Division. This office brings suits against companies that engage in price fixing or attempt to limit competition by other means.

The most recently created division is the Farm Division, which 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 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. For example, in the late 1970s the attorney general's interpretation of state law established that legislators could not accept so much as a cup of coffee from a constituent without paying for it. The legislature changed the law. Most recently, a 1985 opinion by the attorney general's office declared that lottery tickets could not be sold in bars.

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.

The auditor also has responsibility for the examination and regulatory oversight of state chartered savings and loan associations and industrial (consumer) loan companies in Iowa.

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 and retirement funds, (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 several banks as warrants (checks issued by the state comptroller) 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 governments in Iowa often keep large amounts on deposit above and beyond FDIC and FDLSIC 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.

Very recently the treasurer has become responsible for the state's tax anticipation notes program. Briefly, the state, through the services of investment bankers, sells bonds paying a relatively low interest rate because interest received from these bonds is exempt from federal tax. The treasurer then deposits the money at interest rates 2 to 4 percent higher. The bonds must be paid off in twelve months to satisfy the state constitutional limit on state debt, but the program still allows the state to make school payments on time and net several million dollars for the general fund.

Another important duty of the treasurer is to serve as chairperson of the State Appeals Board. This board hears citizen appeals of local budgets and claims against the state. The treasurer serves on several other boards and commissions.

Departments, Commissions, and Boards

Now we get to the heart of Iowa's executive bureaucracy, the state's departments, boards, and commissions. These agencies provide the machinery by which state laws are carried out. Some of these agencies are administrative in nature; that is, they carry out actions that state government has been directed to take by the Iowa legislature. Examples of this are the Department of Transportation building a highway, the Department of Social Services providing care for mental patients, or Job Service providing job counseling to persons who are unemployed.

Some of these agencies are regulatory in nature. Their job is to keep an eye on private enterprise in Iowa and see that state laws are correctly observed. Some agencies also have the power of making the rules and regulations for private enterprise. An example of a regulatory agency is the Iowa State Commerce Commission, which regulates the activities of telephone, gas, and electric companies and decides the rates the companies can charge. The Department of Banking, which

inspects the records and accounts of state banks, is also a regulatory agency.

Finally, there are some agencies that have both administrative and regulatory functions such as the Department of Health. This agency enforces minimum standards for nursing homes (a regulatory function) and also supplies information to the public about sudden infant death syndrome (an administrative function).

Not only do these government agencies vary in function, they also vary in size and permanency. Some, like the Board of Architectural Examiners, do not have full-time heads, meet only occasionally, and have very limited responsibilities. Others, like the Department of Human Services, the Department of Transportation, and the Department of Public Safety, have hundreds of employees and numerous functions.

What follows is a description of the responsibilities of the major agencies of state government and a listing of some of the minor agencies.

Department of Revenue

This state agency collects taxes. Altogether the Department of Revenue collects thirteen different kinds of taxes (more on this in chapter six), the major tax revenue sources are the state individual income tax and the sales tax. Merchants collect sales tax and send it to the Department of Revenue. The department collects personal income tax directly from individuals by requiring them to file income tax statements at the end of each year. You may have filed an Iowa income tax return. People who support themselves and make at least \$5,000 annually must pay Iowa income taxes.

The department collects money to run not only state government, but also local governments. You see, a large percentage of the money collected by the state is "kicked back" to local governments for their use.

Besides collecting taxes, the director of this department is charged with supervising Iowa's 115 local property tax assessors and issuing property tax equalization orders every two years. Despite attempts at uniformity, an assessor in county A may 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 a 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 com-

parison is made with county assessors' valuations, and equalization orders may be issued.

The Department of Revenue is also charged with assessing the value of utility and railroad property in the state and issuing gambling licenses.

Department of Public Instruction

Have you ever wondered why schools have to operate at least 180 days per year? Did you every 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 Public Instruction, requires that all public and approved nonpublic schools meet these standards.

The Department of Public Instruction is headed by a nine-member board and a commissioner of public instruction appointed by this board. This department is responsible for the certification of teachers and administrators working in Iowa's schools. The department operates in a regulatory way by requiring that all Iowa schools meet certain minimum educational standards such as the two just mentioned.

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 Public Instruction also supervises Iowa's public area community colleges and area vocational schools.

Two other programs under the Department of Public Instruction are vocational rehabilitation and Iowa's Area Education Agencies (AEAs). Vocational rehabilitation is a program funded in large part by the federal government. In addition to a state evaluation and training facility, it operates eleven 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 AEAs to replace the old county school systems. There are fifteen AEAs with the same boundaries as the state area vocational schools. 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.

Area community colleges also enter into agreements with local industries to train workers for specific jobs under the provisions of the 1983 Iowa Industrial New Jobs Training Program.

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 enhancing educational opportunities for Iowans.

Department of Public Safety

Have you ever been stopped by the Iowa State Patrol? If you have, then you have had some contact with the Department of Public Safety. This large and important department has six main divisions: (1) Capitol Security, (2) Criminal Investigation, (3) the Iowa State Patrol, (4) Fire Protection, Fire Investigation, and State Building Code, (5) Administrative Services, and (6) Communications.

The Capitol Security Division is responsible for guarding the Capitol complex buildings and grounds and Terrace Hill (home of the governor). Enforcement of motor vehicle laws on Iowa highways is the primary mission of the approximately 400-person force that makes up the Iowa State Patrol.

Division four is also known as the State Fire Marshal's Office. This division 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 state fire marshal's division of fire protection 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 State Building Code Bureau establishes minimum safeguards for the construction of buildings, accessibility and use of public buildings by the physically handicapped, and energy efficiency standards.

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.

The Communications Division and the Criminal Investigation Division need further explanation. 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



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

local police about statewide 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 and lottery laws.

The Communications Division maintains communications with several state agencies, county sheriffs' offices, and police departments. This division runs the IOWA computer information system. From 154 termi-

nals across the state all the information stored in the division's central computer can be accessed immediately by local police and sheriffs' departments.

Certain limitations, however, have been placed on the kind of information stored in this computer. For example, if an individual is acquitted, his or her arrest record must be removed from the computer. Data cannot be stored about the activities of political activists unless they are threatening to commit a crime. Finally, any person or his or her 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 Health

This department is headed by a commissioner who administers policies established by the State Board of Health. There are six divisions: (1) Community Health, (2) Personal and Family Health, (3) Health Facilities, (4) Disease Prevention, (5) Health Planning and Development, and (6) Central Administration.

The department's main tasks are to promote health education, public hygiene, and sanitation, and to enforce public health laws. The Department of Health is both a regulatory agency and service agency.

Acting as a regulatory agency, the department is responsible for setting and enforcing minimum standards for the construction, maintenance, and operation of hospitals and nursing homes.

Examples of services include: (1) providing the public information about sudden infant death syndrome; (2) helping small towns purchase water fluoridation equipment; (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 added nutrition through the purchase of supplemental foods for poor women and their children.

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.

In addition to all this, the Health Department assists and supervises the work of county health boards and local health officials and provides administrative ser-

vices to state boards which license medical or health-related personnel such as barbers, optometrists, and doctors.

Department of Transportation

The Department of Transportation (DOT), headquartered in Ames, was created by the Sixty-sixth Iowa General Assembly in 1974 by combining the functions of six different agencies.

Policy for the DOT is set by the seven-member Iowa Transportation Commission. The department is administered by the director of transportation, who is appointed by the commission.

The DOT, which has approximately 4,000 employees, is divided into ten divisions. The six operational divisions are: aeronautics, highway, public transit, railroad, river, and motor vehicle. The other divisions offer support services including: administration, planning and research, general counsel, which is staffed by attorneys from the Iowa Attorney General's office, and the Transportation Regulation Board, whose members are appointed by the governor and confirmed by the Iowa Senate. The Transportation Regulation Board's primary responsibility is to regulate service, rates, and safety for trucking and bus companies and railroads in Iowa.

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. A key element of the Office of Operating Authority is the twenty-four-hour, seven-day-a-week truck permit center, which provides trucks with the necessary authorizations to operate in Iowa and a number of other states.

Aircraft registration and airport programs fall under the jurisdiction of the Aeronautics 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 Railroad 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 Public Transit Division provides technical and management assistance for public transit systems

throughout Iowa and acts as the state agency for disbursement of federal mass transit funds. The division is also responsible for developing and promoting public and private ride-sharing programs, such as car pools and van pools.

The River 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 Corps of Engineers and other governmental agencies on waterway matters.

That is a brief description of structure of the state agency 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.

Compounding the problem is the fact that motor vehicle tax revenue increases have been sluggish. Iowans responded to high gasoline prices in the late 1970s and early 1980s by driving less and thereby paying less gasoline tax. A federal requirement led to the manufacture of cars that get significantly improved gas mileage.

These factors led to a DOT legislative request in 1985 to raise the tax on gasoline from thirteen to sixteen cents per gallon. (Motorists pay an additional nine cents per gallon in federal tax.)

In the last minutes of the session the lawmakers enacted the increase and sent it to the governor. A provision in the bill that helped sell the increase was one that earmarked two-thirds of the revenue generated by the tax increase for road construction and improvement projects done in conjunction with economic development projects. For example, a city might agree to widen or pave a road to where a new factory is to be located.

The 1985 gas tax increase plus added federal revenues brought about by a nickel increase in the federal gas tax will, it is hoped, go a long way in replacing Iowa's aging road system.

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 agricultural 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 1,319 miles of branch rail lines serving numerous communities.³ 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).

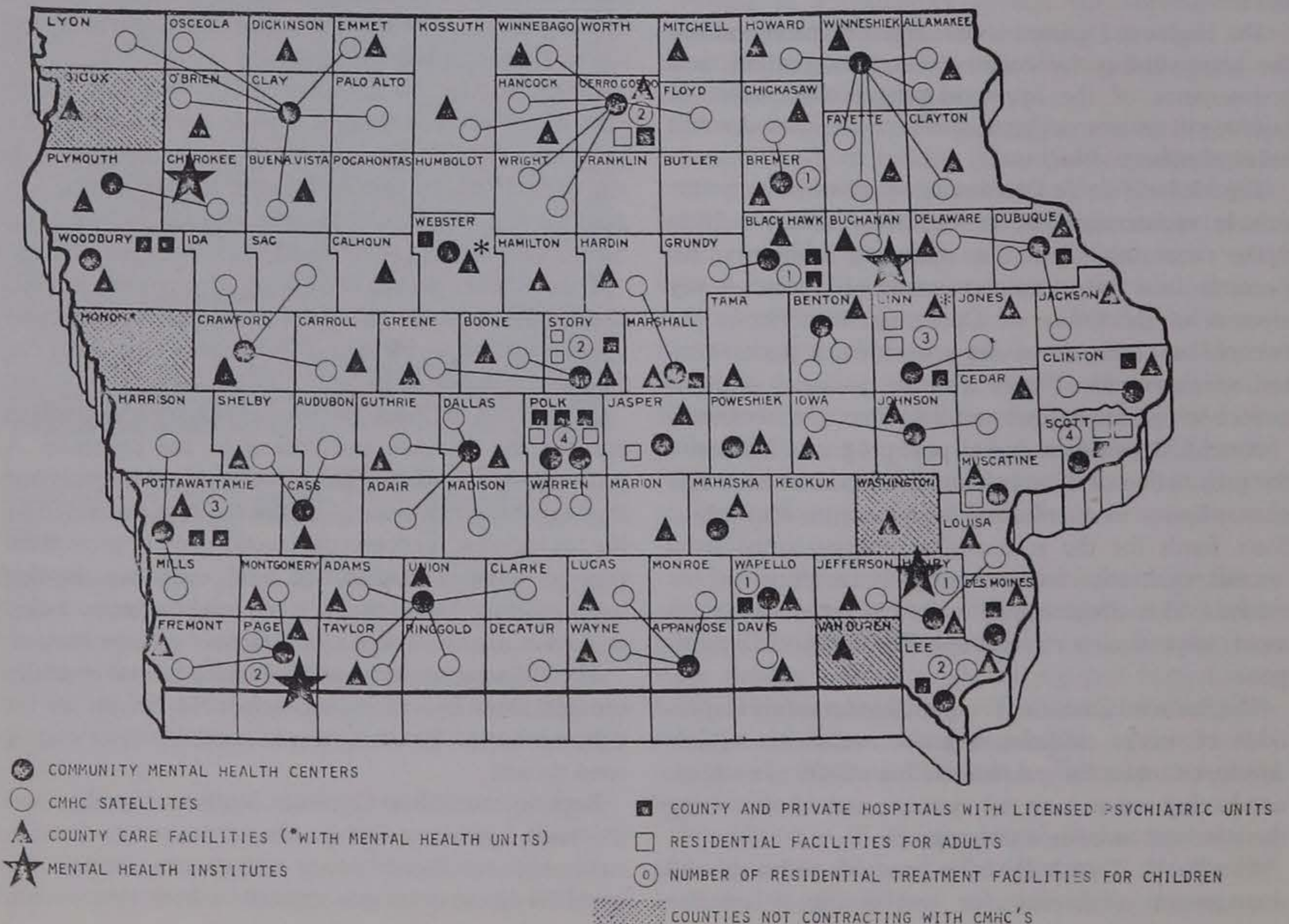
The Iowa Rail Finance Authority, established in 1980 in response to the bankruptcy of a major Iowa railroad, has had its problems. The authority was authorized to issue bonds and use the proceeds to buy or lease and then repair abandoned or soon-to-be abandoned rail lines. In 1981 a diesel fuel tax was legislated to produce revenues to back the bonds. While the tax was being

tested in court, the legislature loaned \$15 million from the road tax use fund to the authority. Four months later the supreme court declared the diesel tax illegal. The \$15 million was used as a loan to an Iowa railroad to allow it to acquire 500 miles of line abandoned by another bankrupt line. Just what the future of the authority is and where it will get its funds are unclear.

Maintaining a quality mass transit system is another challenge facing the state. Iowa has sixteen regional (several counties in each region), seven small urban, and ten large urban mass transit (bus) systems. Although ridership is open to anyone, the regional systems serve mainly poor, elderly, and handicapped people who cannot afford their own car or are able to drive. Urban systems serve these groups and other commuters and help to limit urban congestion.

Over the last three years federal aid has paid for about one-third of mass transit costs. In 1985 the state more than doubled its mass transit funds with a provision in the gas tax bill that earmarks part of use tax revenues for that purpose.

Mental Health Service Providers



Department of Human Services

"To provide a continuum of integrated human services to Iowans who experience personal, economic and social problems"⁴ is the stated mission of the Iowa Department of Human Services. This agency, headed by a seven-member commission, is the largest state agency (excluding the Regents' institutions). Human services employed more than 7,000 people in 1985 and operated on a budget of about \$855 million. Of that total, about \$445 million came from the federal government.

Human services has seven main divisions. One operates the Iowa Veterans Home in Marshalltown. The inspector general's division provides kind of a "quality control" on the services being delivered by the other divisions. Divisions of Management and Budget and Organization Planning provide 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 the profoundly mentally retarded 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 two 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 all but the most severely 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 Division of Community Services and the Division of Social Services. They work closely together. Basically, Community Services operates the county and regional offices that deliver the services planned and developed by the Division of Social Services. There are eight regional offices and local social 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, referral to

University Hospitals, Medicaid, general relief, soldiers relief, and state supplementary assistance. Aid to Dependent Children (ADC) is best known. Eligible clients are single parents with children under the age of eighteen whose spouses have died, divorced, or deserted the family, or have been sent to state institutions. Almost all recipients are women. ADC is funded approximately with 58 percent federal funds and 42 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 soldiers relief are county welfare programs that predate federal and state involvement. These programs are funded entirely by counties. Payments 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 1985 the state spent \$134 million and the federal government provided \$185 million. Medicaid is a program that pays hospital and medical expenses for people receiving ADC, and certain hospital and medical expenses for non-ADC poor called "medically needy." Besides Medicaid there is a program often referred to as "hospital papers." Each county is allowed to send a certain number of people needing medical care to University Hospitals in Iowa City. Expenses are paid by the state.

In addition to these aid programs, the DSS 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.

DSS 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 state agencies, homemaker and chore aid for handicapped and elderly persons, counseling for unwed parents, family counseling, and day-care services.

In most cases the social services office does not provide these services directly, but refers clients to regional nonprofit corporations that do. Much of the

funding to provide these services comes from the federal government.

Finally, the divisions of community programs and field operations provide family advocacy services. They investigate actual or suspected cases of child abuse, provide family counseling, and as a last resort go to court to remove children from abusive parents. The DSS offices supervise 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 DSS offices.

Spouse abuse is another area of concern for social 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 Division of Community Services also contains the state child support recovery unit. The Division of Social Services operates the state juvenile homes at Toledo and Eldora.

Department of Corrections

For many years a division of the Department of Social 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 fifteen years ago. Four of our prisons did not even exist ten years ago, and there have been significant changes in the way we operate our prison system.

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 Work Camp	Luster Heights	Minimum security - men

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 or wall, but no cells (except for disciplinary purposes). In minimum security there are neither fences or walls.

Our various institutions focus on different kinds of offenders because of the fact that not all offenders are the same. Some have great potential for rehabilitation, some have none at all. Some are old, 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.

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. They also provide most inmates with prison jobs. Many of these are in prison industries such as garment making and furniture making. These industries are run by prison industries, a division in 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.

Besides the addition of new prisons, other changes in our system include the establishment of a prison classification system and the prison "cap." When felons are sent by the courts 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, 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.

In 1981 the legislature placed a limit or "cap" on the total number of inmates that can be incarcerated in our institutions. When the limit is exceeded for sixty straight days, the parole board must parole enough inmates to meet the cap requirements. This is done to keep our prisons from being overcrowded. In 1984 a net of 255 beds were added to the system as the prisons at Mt. Pleasant and Oakdale were expanded and the populations at Anamosa and Ft. Madison were reduced. This may allow the cap, which stands at 2,645, to be raised. The institutions have a total capacity of 2,914 (1985).

One suggestion for reducing the pressure on our prisons is to expand our community corrections system.

Community corrections is a system designed to provide pretrial release, presentence 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 80 percent of adult felons under court supervision—about 10,000 persons—are in community corrections and not in prisons. The residential component of community corrections, however, provides only about 300 beds. Halfway houses, as they are often referred to, are located in ten Iowa cities.

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.

Besides prisons and community corrections, the department operates the Iowa Corrections Academy in Mt. Pleasant. This school provides preservice and inservice training for correctional officers and other employees of the department.

Commerce Commission

The work of this three-member commission is primarily regulatory in nature. Originally (1887), the commission was created to regulate the railroads, a powerful and important force in nineteenth-century Iowa. Over the years, the commission assumed responsibility for regulation of trucklines, buses, and airports. Recently, responsibility for the regulation of these enterprises has been shifted to the Department of Transportation.

Today, the Commerce Commission supervises and regulates the rates and services of privately-owned gas and electric companies, large privately-owned telephone and water companies, and rural electric co-ops. The ISCC has service regulation over municipally-owned electric and gas utilities. It also licenses and inspects most grain elevators and grain dealers that operate in Iowa. The commission enforces all state laws and safety standards relating to these enterprises. In recent years, the Iowa commission has become active in attempting to influence decisions made in Washington, D.C., that affect Iowa utilities.

Rising utility costs have been a major concern of Iowans. In 1983 the legislature enacted major legisla-

tion aimed at utility rate reform. Among other things, the law limited what kinds of advertising costs could be passed on to consumers, provided for a method of encouraging utilities to be more efficient, required utilities to pay substantial interest penalties and refunds to consumers if interim rate increases previously collected did not receive final Commerce Commission approval, and created the position of consumer advocate.

The consumer advocate is an official who works with the Commerce Commission, but is independently appointed by the governor. It is his or her job to defend consumer interests in utility rate cases.

Water, Air, and Waste Management

In 1983 a new state agency became responsible for preserving and protecting Iowa's environmental and natural resources. The Department of Water, Air, and Waste Management was created to consolidate programs previously under the auspices of three different agencies. Nearly 73 percent of the department's budget is devoted to programs that ensure the availability and quality of water and protect the public from the hazards of flooding.

DWAWM is both an administrative and a regulatory agency. Some of its many functions include: (1) administering federal grants to cities to finance improvement of wastewater treatment facilities; (2) inspecting landfills, wastewater treatment plants, and water supply systems; (3) administering a hazardous waste cleanup law (enacted by the legislature in 1984) in cooperation with a federal "superfund" cleanup law; and (4) administering Iowa's beverage container deposit law.

Beer and Liquor Control Department

Back in 1934 when the Twenty-first Amendment to the U.S. Constitution repealed prohibition, the manner in which liquor would be sold in Iowa was a big issue. Some people wanted liquor to be sold only in state liquor stores, others wanted it sold in private stores, and still others wanted the sale of liquor to continue to be illegal. Governor Clyde Herring and the legislature appointed a study committee which recommended a state monopoly on the sale of all alcoholic beverages except beer. That same year, the Iowa Liquor Control Commission was formed to oversee Iowa's liquor distribution and the first stores were opened.

Except for legislation legalizing liquor by the drink in 1963, few changes were made in Iowa's liquor control system during its first thirty-eight years. In 1972, however, the legislature updated the liquor laws and changed the commission's responsibilities. The Liquor Control Commission was replaced by the Iowa Beer and Liquor Control Department, and the law added the regulation of beer to the department's responsibilities.

In 1985, the department experienced another major change when legislation was passed making it legal for private stores to sell wine.

The liquor department has continued to modernize and expand to meet the needs of its customers. The number of stores has grown from the fifty-seven opened in 1934 to today's 220, and the selection of wines and spirits has increased from 554 to more than 1,350. The Iowa Beer and Liquor Control Department has generated \$2.8 billion from the sale of wines and spirits during its history. Of this amount, more than \$605 million has been transferred to the state's general fund and in excess of \$343 million has been transferred to the state's city and county governments.

In a sense, the Iowa Beer and Liquor Control Department is the "Dr. Jeckyl and Mr. Hyde" of state agencies. On the one hand the department is supposed to "control" consumption of beer and liquor. On the other hand, the department actively promotes and markets the sale of liquor. To some it seems strange that the state actively markets liquor and then spends millions to rehabilitate alcoholics.

Still, the system is a good compromise. It provides the two-thirds of Iowa adults who drink a place to purchase liquor and yet limits consumption. Even persons who advocate replacing the system with private stores readily agree that such a move would significantly increase alcohol consumption per capita in Iowa.

Department of Job Service

Unemployed? This is the agency that can help. Job Service has seventy-two offices throughout Iowa. They have a computer bank of available jobs, and they provide counseling in job choice and adjustment and general aptitude testing. Job Service administers the federal job programs. They also assist employers in finding qualified workers.

The job insurance division 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.

The Department of Job Service has three more functions. In cooperation with the Iowa Department of Social Service, it administers the WIN program. WIN is a federally funded program that attempts to place recipients of Aid to Dependent Children into jobs or

help them get the education and training necessary for a job. All ADC recipients whose youngest child is age six or older (or who are disabled) are required to sign up for WIN. Many other recipients sign up voluntarily.

Job Service gathers statistical information from hundreds of thousands of Iowa employers, job seekers, and unemployment insurance claimants. These statistics are analyzed and reported by Job Service as data on employment, the characteristics of occupations and jobs in the state, and the characteristics of Iowa's labor force.

Finally, the department is responsible for administering the Iowa Public Employees Retirement System (IPERS), a retirement fund for teachers and employees of county, municipal, and state government.

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, composed of nine Iowans appointed to six-year terms, 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. For example, in the last few years the Board of Regents has planned, requested (of the legislature), and received permission to build more than \$57 million worth of new construction at the three state universities. The regents make numerous other rules and regulations regarding its five institutions. Of most concern to Iowa college students is the regents' annual decision regarding how much tuition to charge students.

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.

Iowa State is reknown 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. Recently their research capacity has been augmented with the creation of a Meat Export Research Center and New Food Crop Research Center.

Both of our major universities have in recent years

significantly increased their involvement in research activities designed to help promote economic development in the private sector. A joint university private sector partnership was what many legislators envisioned when they created the Iowa High Technology Council in 1983. In its first year of operation (FY 1984) the council used a state appropriation to award more than \$1.8 million in research grants to twenty-eight different projects. All grantees were associated with Iowa State University or 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 recently established nine small business development centers throughout the state.

Iowa Development Commission

Traditionally the IDC has been the "sell Iowa" agency of state government. IDC personnel have worked to attract new industries to the state and to promote sales of Iowa products overseas. To achieve this latter goal, the IDC has established trade offices in Germany and Hong Kong and sponsored trade missions abroad for Iowa delegations.

As the economic recovery in Iowa following the 1980-1982 recession lagged far behind the recovery in the rest of the nation, it became apparent to many Iowa leaders that "business as usual" was no longer going to be enough.

Consequently, since 1983 there has been a movement towards making one agency responsible for overall coordination of all economic development programs in Iowa. Chances are, if this is accomplished, it will be the Development Commission. Steps in this direction have already been taken.

The IDC coordinates the highly successful Industrial New Jobs Training Act of 1983 (see Community Colleges). In the same year Iowa's High Technology Council was created and became a part of the IDC (see Board of Regents). The same bill created an Iowa Product Development Commission, which was placed in the IDC for administrative purposes. This commission has the authority to raise funds through the sale of bonds and then use the proceeds to invest in manufacturing and processing ventures. The commission receives a share of any profits from such ventures.

Recently the development commission has created a small business division and significantly increased its efforts to promote tourism, an industry with great potential in Iowa. Even though the legislature has more

than doubled appropriations for tourism promotion in the last two years, Iowa still lags far behind on a per capita basis what most states spend to attract tourists.

Finally, the Iowa lottery bill gives the IDC substantial discretion in deciding which economic development projects and programs will receive funding from lottery revenues. The law also appropriates \$2 million from the lottery to the Product Development Commission.

Department of General Services

This department can perhaps be described as the "housekeeper" 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 statewide 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.

A recent duty assigned General Services by the legislature is the task of forms management. This means developing standard forms for state agency use to eliminate duplication.

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. Discrimination 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.

Iowa Department of Soil Conservation

If you have ever marveled at the rich black soil of Iowa, or enjoyed any of the water resources of our state, the Iowa Department of Soil Conservation (DSC) has touched your life. The DSC takes responsibility for state leadership in the areas of soil, water, and resource management statewide.

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.

The Iowa Financial Incentive Program (IFIP), administered by the agency, includes a voluntary program that provides 50 percent cost sharing to landowners for voluntary installation of permanent soil conservation practices. IFIP also administers a fund to provide 75 percent cost sharing to landowners mandated to comply with soil loss limits established by the districts. In addition, IFIP administers cost-share funds to the publicly-owned lakes program, a revolving loan fund program, and a wind erosion control program.

In management of water resources, the DSC provides support—in the form of funds, technical expertise, and program development—to the six conservancy districts of Iowa. The department also implements a statewide program for control of water pollution in cooperation with the Department of Water, Air, and Waste Management.

Conservation Commission

The department is headed by a seven-member commission and a director. Its primary responsibilities are management of state parks, forests, fisheries, and wildlife resources through promotion of wise public use, and through the collection and application of scientific information. Money from hunting and fishing licenses, boat registration, camping and park fees pay for much of the agency's operations. Foresters, conservation officers, park rangers, and biologists are examples of agency employees.

Commission on the Status of Women

In 1972 the legislature created this commission to develop public policy regarding the problems women face in today's society. The commission is headed by a salaried director and has its policies established by a board of twenty-four Iowans appointed by the governor. The commission conducts conferences, publishes and sends out information, conducts studies, advises state agencies on matters pertaining to women, and serves as

a clearinghouse on programs and agencies operating to assist women. A special employment division assists Iowa women who are unemployed or under-employed in developing job-seeking skills and strategies.

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.

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 the Iowa National Guard, discussed briefly in chapter two, 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.

Commission for the Blind

This commission maintains a rehabilitation center and library in Des Moines and offers many services to Iowa's nonsighted 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.

Iowa Department of Substance Abuse

The primary responsibility of this agency (IDSA) is to provide for planning, coordination, quality assurance, and funding of substance abuse prevention and treatment efforts within the state.

IDSA channels state and federal funds to regional agencies to carry out substance abuse 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.

Iowa Public Television

Do your younger brothers and sisters watch "Sesame Street" or "Mister Rogers?" If so, they watch Iowa public television, which covers the entire state with eight transmitters. Iowa public television is financed partially by state tax dollars and is supervised by the Iowa Public Broadcasting Board.

Department of Banking

This department is headed by a state superintendent of banking who is appointed to a four-year term. This

person is advised by a state banking board consisting of six members. The duty of this department is to inspect all state banks, trust companies, and small loan companies and see that state laws are enforced concerning their operation. National banks are not regulated by state government but rather by the U.S. Comptroller of the Currency.

Commissioner of Insurance

This state official is appointed to a four-year term. It is this person's job to inspect the business records of insurance companies operating in Iowa and see that all laws concerning the insurance business are enforced. The testing and licensing of insurance salespersons are the responsibility of the commissioner. Finally, the commissioner and assistants supervise the sale of securities (stocks and bonds) within the state and are

responsible for granting licenses to securities salespersons.

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.

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 their 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 category 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, liquor store clerk, 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 Merit Employment Department coordinates all of the above procedures. This department is a civil service agency and personnel department rolled into one. Besides testing and hiring, the Merit Employment Department promulgates and enforces rules concerning the pay, promotion, welfare, transfer, layoff, discipline, and removal of state employees. The department is headed by a director and a five-person commission, which serves as an appeals board for any merit system employee who feels his or her full rights as a state worker have been abridged or denied.

Not all state jobs are under the guidelines established by the Iowa Merit Employment 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 Public Instruction, and regents institutions are not included. However, the regents have their own merit system, which is similar to the state merit system, for their nonprofessional personnel.

College Aid Commission

The work of this eleven-member state 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, Iowa Guaranteed Student Loans, and the Iowa Science and Mathematics Grant program.

The latter program pays a stipend to Iowa college freshmen who complete at least eight years of math and science in high school. In fiscal 1986, \$21.6 million was appropriated for the Iowa Tuition Grant program. Students attending Iowa private colleges and universities can receive up to \$2,250 annually. Grants are based solely on financial need with priority going to the neediest applicants.

Bureau of Labor

Have you ever ridden to the top of the highest ride in Adventureland Park near Des Moines? Did you feel as if you were about to die? Do not worry! All those rides were inspected by the Iowa Bureau of Labor. This agency also inspects boilers, factories, mills, workshops, public buildings, and elevators. The agency licenses boxing and wrestling matches and employment agencies. It also sees that laws concerning child labor and migrant labor are enforced.

Many of you have heard of OSHA, the federal Occupational Safety and Health Administration. Employees of the Bureau of Labor are also responsible for enforcing OSHA standards. The bureau also provides preinspection aid and advice to business and industry to help them meet those standards.

In addition, in recent years the bureau has been given the responsibility to help employees recover pay which they feel has been illegally withheld from them by a present or former employer.

Industrial Commissioner

This state official sees that Iowa's workers' compensation act is enforced. This act requires most Iowa employers to pay medical expenses for workers injured on the job. If the worker misses more than three days of work due to an injury, the employer must pay additional compensation.

Iowa Finance Authority

The general assembly created the Housing Authority in the mid-1970s to help Iowans buy homes. The authority sells authority revenue bonds to private and institutional investors and uses the money to make low-interest home loans. Over a period of years, people pay off their loans and the authority uses the money to pay off principal and interest due on the bonds. People who buy authority revenue bonds do not have to pay

federal income tax on the interest they receive from the bonds. Consequently, 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.

A good idea to help Iowans purchase homes is also an idea that can help Iowans get started in business. In 1981 the legislature added an Iowa Small Business Loan program. Under this program the authority markets bonds and uses the proceeds to make low interest loans to small businesses.

In the 1980s the authority has had to deal with soaring interest rates and a degree of opposition from the federal government as obstacles to the successful implementation of their programs. Known as the Iowa Housing Authority for many years, the name of this agency was changed in 1985.

Family Farm Development Authority

Just as the finance authority was created to help Iowa home buyers obtain low interest rates, the Iowa Family Farm Development Authority (IFFDA) was created in 1980 to make available low interest loans to farmers.

In its first year, the IFFDA had trouble getting money by selling revenue bonds to make loans. Consequently, in 1981 this agency started the Individual Agricultural Development Bond Program. Under this program, a bank or other financial institution could buy up to \$125,000 for depreciable property, or up to \$500,000 for land in authority revenue bonds with the proceeds going to a beginning farmer with less than \$200,000 net worth who could not qualify for a conventional loan. The farmer provides collateral, makes interest payments, and pays off the principal as agreed to with the lender. The advantage of the program is that the farmer probably pays an interest rate substantially below the conventional 12 to 14.5 percent rates (1985 figures) since the interest earned on authority bonds is exempt from federal income tax.

The Farm Authority also administers two other loan programs. One of these also uses industrial revenue bonds to finance a soil conservation loan program to assist Iowa landowners and operators in constructing permanent soil and water conservation practices and purchasing conservation farm equipment. The other program is an operating loan guarantee program for beginning farmers in which 75 percent of an operating loan not to exceed \$25,000 can be guaranteed.

Energy Policy Council

You may be one of thousands of Iowans who fills your car with gasohol, a mixture of 90 percent gasoline and 10 percent ethyl alcohol. The promotion of gasohol is just one of several energy saving programs of the Iowa Energy Policy Council. Its main function is to develop

state energy programs and policies and to act in advisory capacity for private enterprise. The department has four main divisions: fuels, conservation, grants, and solar.

The Fuels Division is charged with administering a statewide gasoline and heating fuel allocation plan during times of shortages. The Conservation Division administers a number of fuel saving programs designed to help Iowa homes, farms, and buildings save energy. The Grants Division oversees the allocation of federal and state funds to schools, hospitals, and state buildings. These funds are used to fund energy-saving building improvements. The Solar Division, as you might well guess, is responsible for the promotion of solar energy use in Iowa. This effort includes giving awards to Iowans who have designed outstanding passive solar systems in their own homes or businesses. It also includes informing builders and contractors about passive solar designs. The EPC also administers fuel oil assistance and weatherization programs for low income Iowans.

Iowa Arts Council

Have you ever had a visiting artist come to your school to perform and/or teach? Chances are this singer, dancer, painter, musician, mime, or other artist was there as a part of the Iowa Arts Council's Artists-in-Schools program.

The Arts Council has other programs aimed at county care facility residents, older Americans, and the handicapped. Exhibitions of paintings, photography, and postcards also represent a part of the council's program. An Art-in-State-Buildings program employs visual artists to produce works for new or renovated state buildings.

The council uses federal and state money to make grants to symphonies, community theaters, and other permanent artistic groups throughout Iowa.

Historical Department

This relatively low profile state agency will soon become much more familiar to many Iowans. A new state historical building is under construction just west of the Statehouse. It will attract many more visitors than the current building where cramped conditions limit displays and historical presentations.

The historical department has a number of functions including: (1) maintaining the state archives (historical records), (2) working towards the preservation of historic houses and buildings, (3) operating the state historical museum, and (4) providing historical education and research opportunities to Iowans. You may be

familiar with the award winning history magazine published by the department, "The Palimpsest."

Library Commission of Iowa

Iowa's library system is 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. These libraries are directed by an elected board of directors each of which employs a regional librarian and staff. 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 agency, which includes the State Law Library and the State Medical Library, is headed by a five-member State Library Commission and a state librarian employed by the commission. The library works with regional and local libraries to deliver library services to Iowa government and Iowa citizens. For example, the library administers a statewide network, the Iowa Library Information Teletype Exchange, to provide interlibrary loan services.

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 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 composed 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.

Racing Commission

When the legislature enacted a pari-mutuel betting law in 1983 the lawmakers wanted to make sure the law was enforced strongly. Consequently, they created a five-person racing commission with substantial powers including the power to decide how many race tracks Iowa will have and where they will be located.

As of this writing only one facility, a dog track in Dubuque, is operating. However, others are in the planning stages. Two things should be made clear about Iowa's pari-mutuel law. First, it does not put state government itself in the racing and gambling business. The law merely allows approved nonprofit corporations to operate the tracks. Secondly, pari-mutuel betting is

not a major revenue source for state government. The law requires that about eighty-four cents of every dollar of gross betting receipts will be paid back in prizes and twelve cents goes to cover all costs of track operations. Only a nickel out of each dollar goes to the state.

Lottery Commission

The Iowa Lottery Commission is Iowa's newest agency, created when the legislature established a state lottery in 1985. Like the racing commission, this five-person board has substantial power. Unlike pari-mutuel betting, the lottery definitely does involve the state government in the gambling business and does provide substantial revenue for the state treasury.

The lottery law states that 50 percent of gross receipts will be paid back in prize money. With a projected 15 percent of receipts needed to cover all costs, this leaves 35 percent of receipts (estimated at \$50 million per year) for state coffers. Most of this money has already been earmarked for economic development projects and programs. Unless the legislature renews the lottery, it will end after 1990.

Criminal and Juvenile Justice Planning Agency

The primary function of this small agency is to provide the administrative expertise to qualify Iowa for federal law enforcement grants available through such laws as the Juvenile Justice Assistance Act. This agency administers the federal programs and channels the funds to local governments and state agencies involved in law enforcement.

The agency also does extensive research and provides planning and educational services to local law enforcement agencies.

Commission on the Aging

The central mission of this commission is to coordinate programs which serve Iowa's elderly. The agency, which is headed by a director (artch4b 20x54) appointed by the governor and nine board members, serves as an information clearinghouse and an advocate for citizens over the age of sixty.

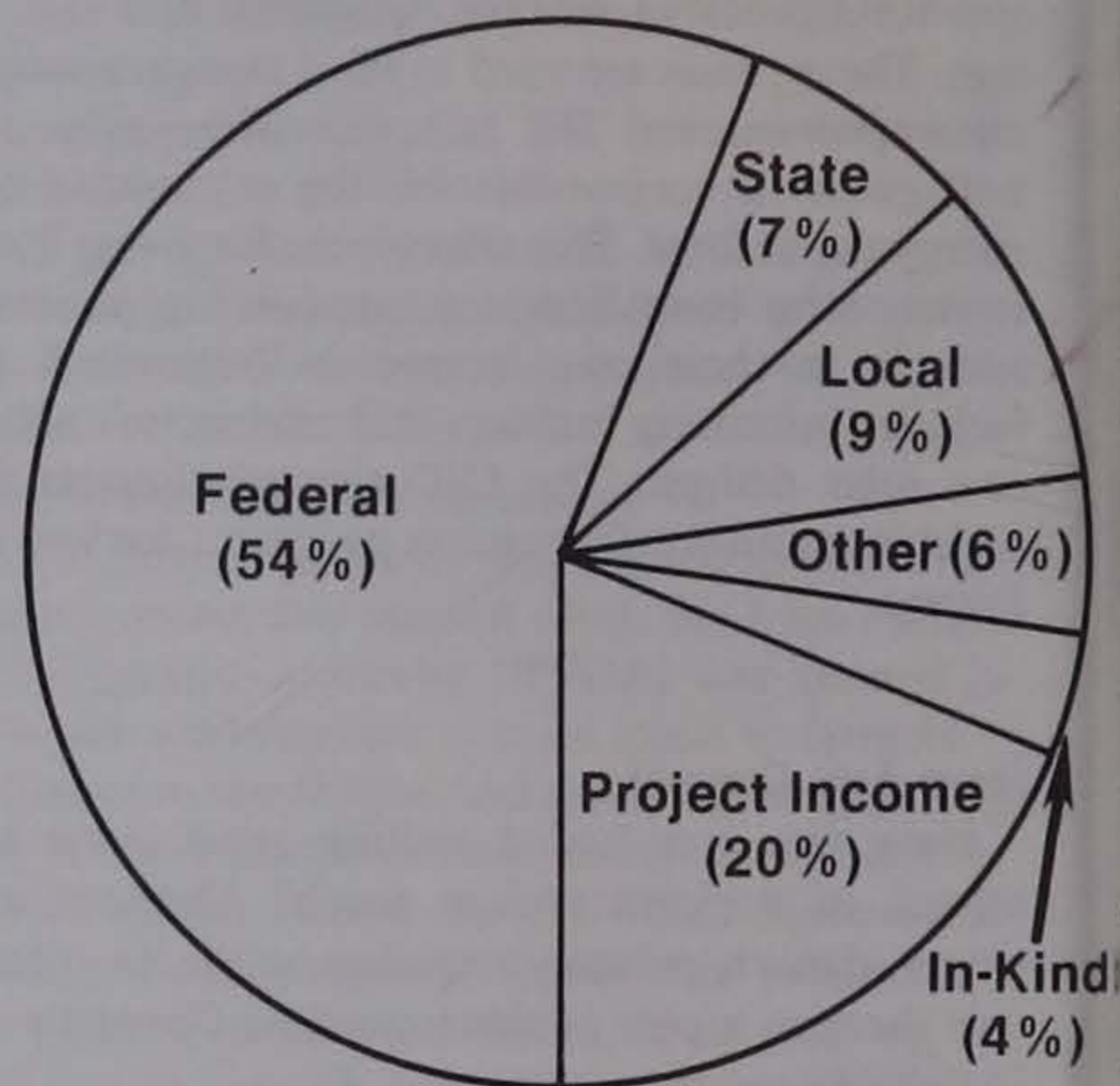
The main function of the office, however, is to provide oversight and channel federal funds to regional nonprofit corporations throughout the state that provide direct services to the elderly. Services provided by area agencies on aging, as many are called, include legal services, chore services, congregate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

State Licensing Boards

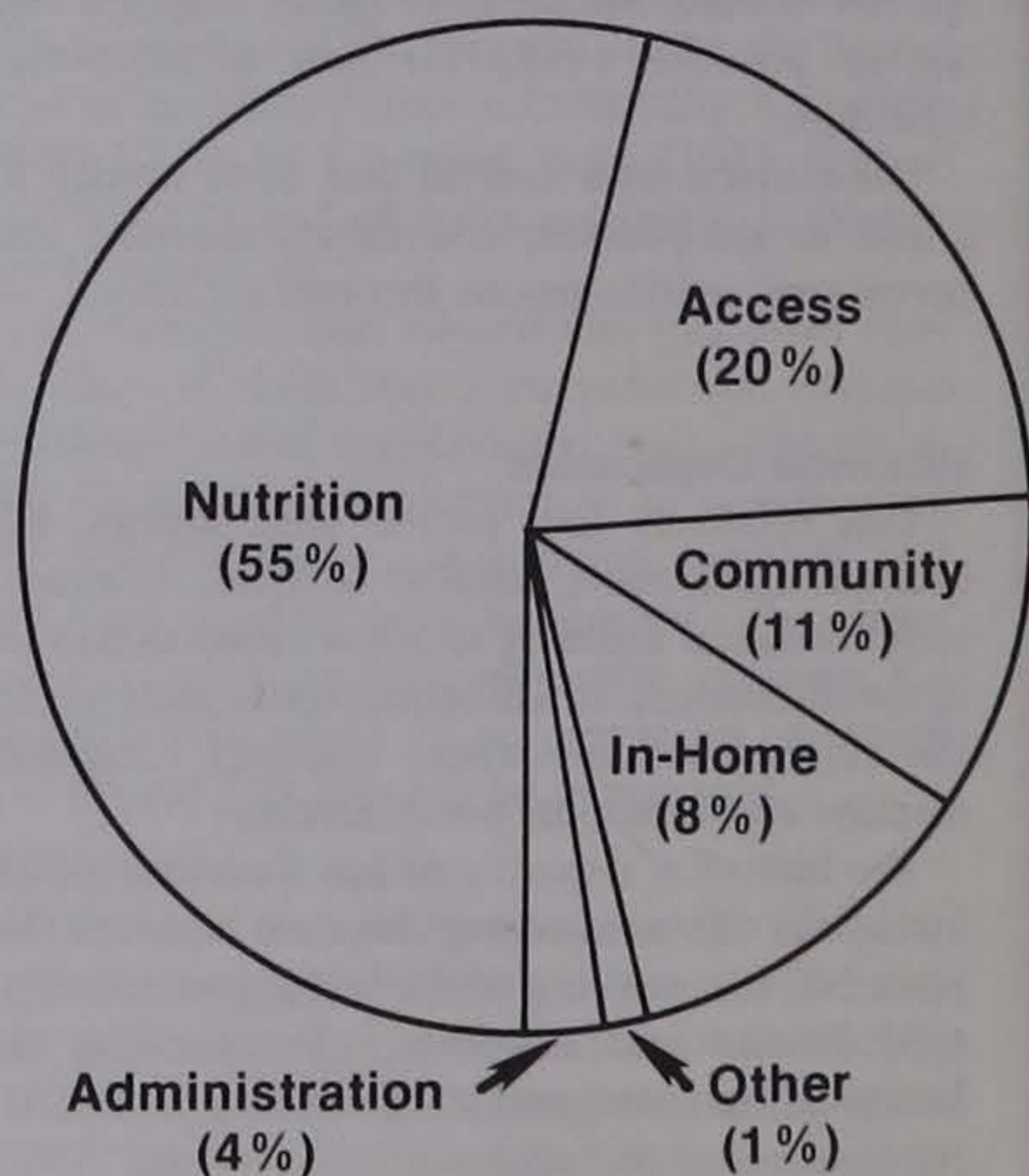
Iowa has twenty-four state licensing boards, which are charged with oversight of the professional conduct and competence of individuals working in the licensed professions. Typically, a board is responsible for admin-

IOWA'S AGING NETWORK

FUNDING SOURCES



PROGRAMS AND SERVICES



istering state board examinations to persons seeking entry into the profession and determining a standard for passing.

The boards also investigate allegations of unprofessional actions by members of the licensed professions and have the authority to suspend the licenses of persons found guilty of improper conduct. Licensing boards make sure that member professionals meet the continuing education requirements of the profession and may facilitate accomplishment of this requirement by planning and conducting seminars.

Board members are not state employees but people throughout Iowa working in their chosen professions. Their only reimbursement is travel expenses and usually \$40 per day when attending board meetings. Most members serve staggered terms and are appointed by the governor. The boards are usually composed of a majority of professionals and a minority of "citizen" representatives to represent the general public.

Most boards have originated because members of that profession called for their creation. Professionals are interested in giving their profession a good name by keeping out incompetent or unethical individuals. They are concerned about protecting the public. However, another reason professionals have sought licensure has been for the purpose of limiting competition. Consequently, when a group of professionals seek the establishment of a licensure law, legislators must study the request carefully to decide whether such a move would be in the public interest. Currently, the issue of licensing auctioneers is before the general assembly.

Fourteen of the boards receive administrative support from the Department of Health. They are:

1. Barber Examiners
2. Chiropractic Examiners
3. Cosmetology Examiners
4. Dental Examiners
5. Dietician Examiners
6. Hearing Aids Dealers Examiners
7. Mortuary Science Examiners
8. Nursing Home Administrators Examiners
9. Optometry Examiners
10. Physical and Occupational Therapy Examiners
11. Podiatry Examiners
12. Psychology Examiners
13. Social Work Examiners
14. Speech Pathology and Audiology Examiners

Ten of the boards are independent. They are:

1. Board of Architectural Examiners
2. Board of Examiners for Court Shorthand Reporters
3. Board of Nursing
4. Board of Accountancy
5. Board of Engineering and Land Surveying Examiners
6. Employment Agency License Commission
7. Board of Pharmacy Examiners
8. Board of Law Examiners
9. Real Estate Commission
10. Board of Medical Examiners

Other Agencies

The following is a list of other agencies. Some are mentioned in other parts of this text. Some work largely in conjunction with another larger agency. For example, the Board of Parole works hand-in-glove with the Department of Corrections. The duties of many of these agencies are somewhat apparent by their titles.

1. Academy of Science
2. Advisory Board on IPERS
3. Appeals Board
4. Appellate Defenders Office
5. Board of Parole
6. Capitol Planning Commission
7. Commission on Children, Youth, and Families
8. Department of Credit Unions
9. Department of Veterans Affairs
10. Foster Care Review Board
11. Geological Survey
12. Governor's Committee on Employment of the Handicapped
13. High Technology Council
14. Job Service Appeal Board
15. Law Enforcement Academy
16. Mississippi River Parkway Commission
17. Occupational Safety and Health Review Commission
18. Product Development Commission
19. Professional Teaching Practices Commission
20. Prosecuting Attorney Training Council
21. Rail Finance Authority
22. Spanish Speaking Peoples Commission
23. State Archaeologist
24. State Records Commission
25. State Vocational Advisory Council
26. Voter Registration Commission
27. Voting System Examiners

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 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 1983 the Ombudsman received more than 4,300 contacts and made initial inquiries following most of the contacts. 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. Here are two examples of cases handled by this office:

Case 80-89:

Citizen alleged that she had been wrongfully denied two weeks of unemployment benefits. Citizen aide/ombudsman learned from Job Service that the citizen had

submitted proof of her work searches for the two weeks in question on the wrong forms. Citizen aide/ombudsman requested that Job Service arrange a telephone hearing for the citizen. The hearing was held and she received benefits for the two weeks in question.

Case 80-133:

Citizen was a provider of babysitting services under the Department of Social Services WIN program and had not received her paycheck. Citizen aide/ombudsman investigated and found that the citizen had moved and not sent Department of Social Services her new address which resulted in the check getting lost in the mail. Department of Social Services stopped payment on the original check and sent a duplicate to the citizen's new address.⁵

Calling State Government Here are some offices to call or write to get information or help from state government officials. All the offices are in Des Moines and the zip code is 50319.	
Have a problem with an agency of state or local government? Contact the Aide Office!	515 East 12th St 1-800-358-5510
Have a small business? Need information about government regulations? Contact the Development Commission!	600 East Court 1-800-532-1216 281-7017 in Des Moines
Do you need information about energy? Contact the <i>Iowa Energy Policy Council!</i>	Capitol Complex 1-800-532-1114 281-7017 in Des Moines
As a consumer, do you think you have been cheated or misled? Contact the <i>Consumer Protection Division</i> of the Attorney General's office.	Hoover Building 515-281-5926
Problems in farming? The governor has established a farm crisis hot-line.	1-800-447-1985
Do you need information about jobs in state government? Contact the <i>Merit Employment Office.</i>	Grimes Office Bldg 525-281-3351
To contact the governor, call or write:	The Honorable —Governor of Iowa Statehouse 515-281-5221
To secure information on the courts, contact the <i>State Court Administrator.</i>	Statehouse 515-281-5221
To contact your state representative or senator during a legislative session:	The Honorable Statehouse House - 281-3221 Senate - 281-3371
For general legislative information, contact the <i>Public Information Office.</i>	Statehouse 281-5129

Reforming the Executive Branch

As state governments go, Iowa's executive bureaucracy is fairly efficient. The stories of great waste and fraud in government programs that the national news media broadcast from time to time somehow never seem to take place in Iowa. Compared with the federal bureaucracy, Iowa's executive branch is a marvel of efficiency and simplicity. Compared with the ideal state government, however, there is still plenty of room for improvement.

A major criticism is that the state bureaucracy has simply grown too big and complex. Between 1950 and 1979 the number of agencies proliferated and the number of state employees more than doubled. Since that year, however, there has been little growth in the size of state government.

There are major obstacles to reducing the size and complexity of state government. State institutions and offices and the employees who work there are spread throughout Iowa. When the legislature or a state agency thinks about closing down one, people in that locality protest vehemently. Several of the larger state agencies employ legislative liaisons to lobby the legislature and, if necessary, fight against any proposed cuts in their agency's budget. Virtually every agency has a constituency it serves that will aid that agency in efforts to retain all current programs. Also, in order to be eligible for federal funds through numerous federal programs, Iowa has to maintain a certain number of offices and employees.

Finally, there are some things inherent in the nature of government that does not encourage savings. A manager in the private sector who saves money will probably be rewarded. His government counterpart may see his next year's budget reduced because the agency obviously didn't need as much as it received. An official who has worked in both sectors comments on this: "Government keeps growing, and I don't see anything that's ever going to stop it... It just has a built in momentum of its own... If you do something good in industry and save a lot of dough, then you get a bonus. If you do something good in government and save a bunch of dough, they take another chunk out of your hide."⁶

What, if anything, can be done? Some conservative critics of state government support the elimination of some agencies and programs. Most people, however, see a genuine need for state government programs and services. They favor keeping current government agencies and programs, but taking needed steps to make them more efficient.

The two most often mentioned ways to make state government more efficient are: (1) combining and/or reorganizing state agencies, and (2) bringing to state

government procedures that have proven highly efficient and successful in the private sector.

The most recent example of consolidation has been the creation of the Water, Air, and Waste Management Department in 1982 from three other agencies.

When creating some new agencies, the legislature has placed them under existing agencies rather than added independent agencies. Examples are the High Technology Council and the Product Development Commission being placed under the Iowa Development Commission.

A governor's task force report recommended in 1979 the further consolidation of state government through the consolidation of existing agencies into several "super" agencies. A major goal of this reform would be to reduce the number of officials reporting directly to the governor. According to one former state administrator, "In the private sector, it's very, very unusual to have more than six or eight or ten people reporting to anyone. No governor is so omnipotent that he can directly run all those agencies, boards and commissions."⁷ In 1985, the governor indicated he would present a plan to the legislature calling for the consolidation of state agencies.

More headway has been made in bringing efficiency measures to state government. In 1983 the governor appointed a task force to study state government and make recommendations to enhance efficiency. The final report entitled, "Task Force on Efficiencies and Cost-Effectiveness in Iowa State Government," "...concentrated on improving the efficiency and cost-effectiveness of the operation of state agencies, rather than upon programmatic considerations. In other words, an effort has been made to focus upon reducing the cost of delivering the services provided by state agencies, rather than upon questions regarding the desirability or propriety of the provision of any of those services by the state."⁸

The report suggested eighty-one cost-saving changes and projected an annual total savings per year of \$11.7 million by the 1987 fiscal year. The inspector general is in charge of attempting to implement these changes. In January of 1985 he reported that forty-three recommendations had been implemented producing a projected cost-savings of about \$2 million annually by fiscal year 1987. Shortly thereafter, the legislature enacted laws implementing additional task force recommendations involving holiday pay, phased retirement, and national guard leave for state employees.

A main reason that the \$11.7 million savings projected by the task force is not close to realization is that a recommendation that accounts for a quarter of the total savings is yet to be implemented. This is a "span of control" recommendation which would mandate the elimination or downgrading of supervisory positions

that do not supervise a large enough number of employees.

Today the executive branch of state government has about 23,000 employees. Whether this number goes up, down, or remains static will depend in large part on the financial condition of the state in future years and the actions of the federal government.

Questions for Review

1. Name the five executive officials elected by the people (besides the governor).
2. How does the attorney general's office help protect Iowa's consumers?
3. What are the major transportation problems facing Iowa in the 1980s?
4. Describe the Iowa community corrections system. Is Iowa's system a good idea?
5. Where are Iowa's prisons located? Why is it important that Iowa have maximum, medium, and minimum security prisons?
6. What is the prison classification system?
7. How are the Finance Authority and Family Farm Development Authority similar?
8. Suppose you were governor. What state agencies, if any, would you recommend for elimination?
9. How has state government efficiency and effectiveness been increased in recent years?
10. How does one get a job in state government?
11. What state agencies are involved in promoting economic development? What are some ways they are attempting to achieve this?

References

1. *Webster's Seventh New Collegiate Dictionary* (Springfield: G C Merriam Co., 1967), p. 112.
2. *Ibid.*
3. *Iowa Transportation Improvement Program 1985-1990* (1985), Iowa Department of Transportation, p. 23.
4. *Department of Human Services Overview*, Iowa Department of Human Services, December, 1984, p. 4.
5. Report to the Governor of Iowa and the Sixty-ninth General Assembly by the Iowa Citizens' Aide/Ombudsman (1980).
6. Jack Walters, Director of General Services as quoted in *Iowa Commerce*, May/June, 1985, page 20.
7. Ron Mosher, former state comptroller, as quoted in *Iowa Commerce*, May/June, 1985, page 20.
8. Governor's Task Force on Efficiencies and Cost-Effectiveness in Iowa State Government, December, 1983, page 3.

5. The Judiciary

STEVE WAS WALKING down the corridor of his high school one day during lunch when he ran into his state representative, a former teacher of his. "That's a dumb law you guys passed," said Steve, "I'm talking about the one that says you can be considered 20 percent at fault when someone rear-ends your car while you are stopped at a stop sign."

"We didn't do that," said the legislator, "the Iowa Supreme Court did."

"Since when does the supreme court make the laws?" shot back Steve.

"Since about forever," said the legislator, "you see, for over a century Iowa has operated under the common law doctrine of contributory negligence. Common law is not law passed by a legislative body, but law based on court decisions. Contributory negligence means that if you sue someone and the jury finds that you were even a little at fault yourself, you can't collect anything. Seventeen months ago the Iowa Supreme Court, in a case called "Goetzman vs. Wichern" effectively threw out this doctrine.

"They replaced it with a doctrine of comparative negligence. This means that even if you are partially at fault in an accident you can recover damages to cover your injuries minus an amount determined by the percentage you were at fault. Unfortunately some insurance companies have taken advantage of the new ruling automatically to assign 20 percent of the fault to anyone their client runs into."

"Can't you legislature guys do something about that?" said Steve.

"We just passed a bill which fine tunes the new comparative negligence doctrine," said the representative. "It goes into effect in six weeks."

Steve was finding out what any citizen who reads the story behind the headlines already knows. Decisions by the Iowa judiciary have a big impact on our laws and our entire way of life.

In addition to the landmark case cited above, major decisions of the Iowa Supreme Court in the last year have determined that a social host can be held liable for an accident caused by a person drinking alcohol at the host's party and that fundamentalist Christian schools

must employ certified teachers and meet a number of other state education standards.

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.

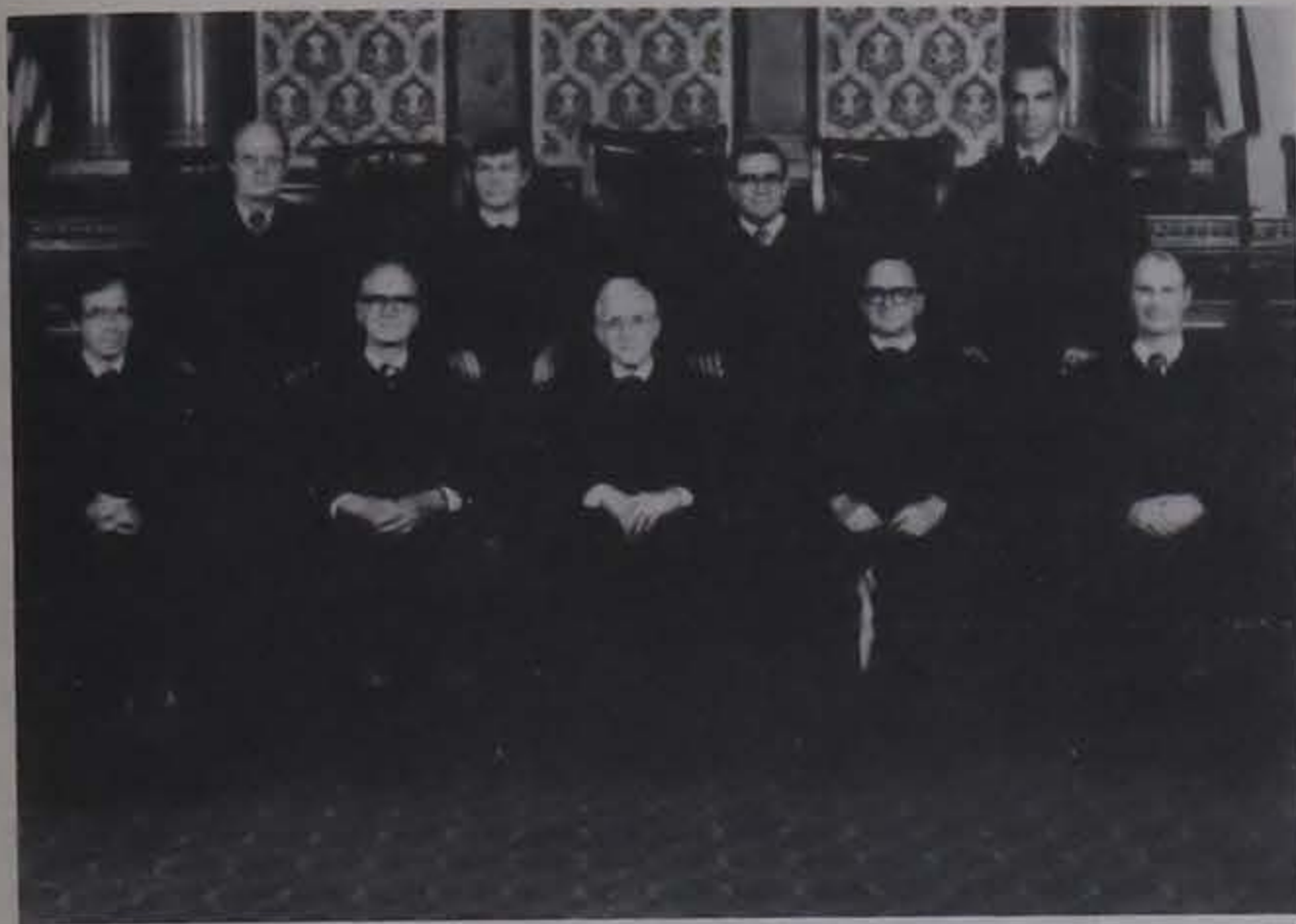
The Judiciary in Iowa¹

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



Members of the Iowa Supreme Court, left to right: Mark McCormick; James H. Carter; Harvey Uhlenhopp; Jerry L. Larson; W. Ward Reynoldson, Chief Justice; Louis W. Schulta; K. David Harris; Charles R. Wolle; and Arthur A. McGiverin. Photo courtesy State Court Administrator.

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. Every two years the justices elect one of their members chief justice. The chief justice has no more say in deciding cases than the other justices. However, he or she does have more responsibility in matters of court administration and the supervision of lower courts.

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 upon application of the Commission on Judicial Qualifications for cause. 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.² 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. Unlike the U.S. Supreme Court, the Iowa 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 civil 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. 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.

SUPREME COURT SCHEDULE 1985

January		
7-8	9	10-11
Uhlenhopp	C	Reynoldson
Harris	O	McGiverin
McCormick	N	Larson
Carter	F	Schultz
[Wolle]	E	
Alternate:	R	Alternate:
[Schultz]	.	[Uhlenhopp]
February		
4-5	6	7-8
Reynoldson	C	Harris
Uhlenhopp	O	McGiverin
McCormick	N	Schultz
McGiverin	F	Carter
[Larson]	E	[Wolle]
Alternate:	R	Alternate:
[Wolle]	.	[Larson]
March		
11-12	13	14-15
Uhlenhopp	C	Reynoldson
McCormick	O	Uhlenhopp
Schultz	N	Harris
Carter	F	McGiverin
[Wolle]	E	[Larson]
Alternate:	R	Alternate:
[Larson]	.	[Carter]

The structure of "court week" is indicated by the calendar for the first three months of 1985. 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 his or her 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 any one case. This is true for approximately 80 percent of the cases. (This allows more cases to be heard.) About 20 percent of the cases are heard *en banc* (by all nine justices). A case is heard *en banc* whenever two or more of the justices request it.

The main power of the court, however, resides not in its power to hear cases appealed from the lower courts,

but 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 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, recommends 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.

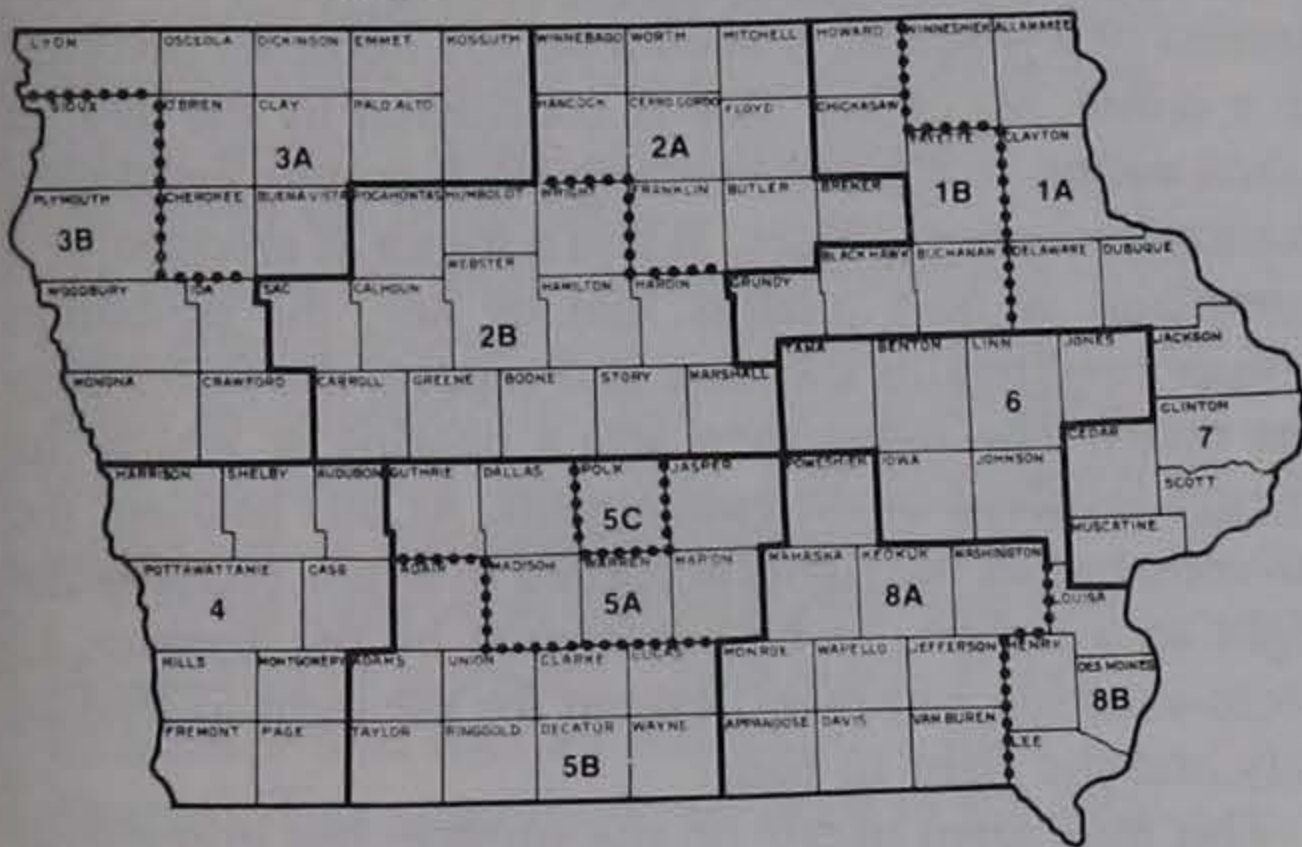
Iowa Court of Appeals

Back in 1976 justice 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 1984, the Iowa Supreme Court transferred 569 cases to the court of appeals. The most difficult and complex cases were retained by the state supreme court. During 1984, there were 1,884 filings (1,297 civil and 589 criminal) and 1,857 dispositions. Of the terminations by formal opinion, the state supreme court handled 323 cases while the court of appeals disposed of 528 cases. Now the average time lapse from "ready for submission" to final disposition is five months.

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

State Judicial Districts



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. Ninety-nine 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. Thirty-nine 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 cases and criminal cases. When the defendant is charged with a 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 \$3,000.

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 alternate time be-

**STATE OF IOWA
JUDICIAL BALLOT
November 6, 1984**

Vote on all named by placing a dark spot (●) in the appropriate box after each name.

SUPREME COURT

Shall the following judges of the Supreme Court be retained in office?

- CHARLES R. WOLLE YES
- _____ NO
- JAMES H. CARTER YES
- _____ NO

COURT OF APPEALS

Shall the following judges of the Court of Appeals be retained in office?

- _____ YES
- BRUCE M. SNELL, JR. NO
- _____ YES
- MAYNARD J. V. HAYDEN NO
- _____ YES
- ROSEMARY SHAW SACKETT NO
- _____ YES
- DICK R. SCHLEGEL NO

DISTRICT COURT

Shall the following judges of the District Court be retained in office?

- _____ YES
- HAROLD J. SWAILES NO
- _____ YES
- ROBERT E. FORD NO
- _____ YES
- THOMAS L. KOEHLER NO

Shall the following associate judges of the District Court be retained in office?

- _____ YES
- JOHN R. SLADEK NO
- _____ YES
- ROBERT E. SOSALLA NO

tween 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 clerks, 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 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 is 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 him or her, the probation officer investigates the case and reports the findings to the court. The judge then sets a hearing at which the parties involved in the case appear. At this hearing, the juvenile has all the rights accorded to adults (such as the right to a lawyer, to be confronted by the accuser, to cross-examine witnesses) except for 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 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 his or her future.

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 proce-

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 While Intoxicated). In 1984 there were more than 16,000 such cases filed. This represented 40 percent of the total criminal cases filed.
2. What's the most common civil case filed? Dissolution of marriage. There were 16,595 such cases filed (not all resulted in a final divorce). This comprised 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 956 in 1974 to 1,884 in 1984, an increase of 97.1 percent.
4. Over the last eight years the Iowa Supreme Court has upheld the lower courts' decisions 61 percent of the time, reversed the decisions 28 percent of the time, and produced a "mixed decision" 11 percent of the time. (A mixed ruling both upholds and reversed parts of a lower court ruling.)
5. The total cost of financing Iowa's courts in 1984 was approximately \$60 million.
6. Of all cases brought before Iowa's juvenile courts in 1984 approximately one-third were child in need of assistance cases and about two-thirds involved delinquents.

dures 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 too 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 his or her crime.

Court Procedure in Criminal Cases³

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

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.

arraignment at which time the defendant hears the charges contained in the indictment or information and enters a plea, generally either 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 presentence 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 his or her 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 he or she 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. He or she 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, he or she 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 judgment 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 155 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 civil cases involved less than \$3,000. 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.⁴ 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 proceedings 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 January of 1983 Chief Justice W.W. Reynoldson appeared before a joint session of the legislature to deliver his annual "State of the Judiciary" address. He stated: "This good government legislation has been developed over a four-year period. After a seven month study by an independent firm, it was drafted and fine tuned by three successive joint interim committees... The concept is quite simple: Iowa's state court system should be funded by the state... For the first time, this legislation will attach to the judicial branch all those persons who serve in the department."

Justice Reynoldson was asking for something he had been requesting for years—that the state, which was then paying 25 percent of the cost of the court system, also assume the 75 percent of costs being paid by the counties. This would create a system that was unified both jurisdictionally and financially.

SF 495	
Assumption of Court Costs by the State	
Phase-in Schedule	
Jury fees	— October 1, 1983
Witness fees	— July 1, 1984
Court reporters	— July 1, 1984
Court attendants	— January 1, 1985
Juvenile court officers	— July 1, 1985
Clerks of the district court	— July 1, 1986
Costs of indigent defense	— July 1, 1987

Within three months, the legislature enacted such a bill (SF 495). The bill consolidated the support staff of the judiciary and centralized the financing of the state court system. The administrative consolidation and fiscal centralization plan called for a five-year phase in of various components of the judicial system. The property taxpayers of the ninety-nine counties who previously funded nearly 75 percent of the cost of the Iowa court system, after 1987 will be responsible for only a fraction of court expenses—basically heat, electricity, and maintenance of the courtrooms and judicial offices in the courthouses.

The key component of this reform involved placing the office of clerk of court under state control. Beginning January 1, 1989, or whenever a vacancy occurs in the office after June 30, 1986, the clerks will be appointed and serve at the pleasure of the judges in the

judicial election district rather than be elected by the voters.

Although SF 495 was touted because of its property tax relief aspects, the major reason the judiciary favored it was that it gave judges and court administrators greater control over the court system. The five-year phase in of the plan was included because the state simply did not have the money to do the whole reform at once. Even with the state gradually assuming court revenue (filing fees, fines, etc.) from the counties, the change meant a net \$35 million increase in state costs.

SF 495 capped twenty years of judicial reform in Iowa. In 1962 a constitutional amendment eliminated popular election of judges. Today it is generally agreed that judges should be able to make decisions without taking political factors into account. Popular election was replaced by the current system in which supreme court (and appeals court) and district court judges must stand for popular retention every eight and six years, respectively. 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 of the judges when they go to the polls. As a result, they either skip the special judicial ballot or vote "yes" to retain the judges. Not all judges are retained, however. In the 1970s, three judges were turned out by the voters. This seeming ineffectiveness of popular referendum to evaluate the performance of judges is at least part of the reason for a 1972 constitutional amendment.

This constitutional amendment allows the Iowa Supreme Court to "retire judges for disability and to discipline or remove them for good cause."⁵ Of course, the legislative branch has always had the power to impeach judges of both the supreme and district courts, but only "for any misdemeanor or malfeasance in office."⁶ Thus, a judge could not be removed for illness or inability. The 1972 amendment corrected this problem.

A major step in judicial reform came in 1973 when a unified trial court system became effective. 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 a magistrate. Also in 1973, legislation requiring presentence investigations, establishing the deferred judgment procedure, and allowing judges to order convicted defendants to pay restitution was passed.

Another development in recent years, technically outside of 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 alter-

native 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, United Way, private organizations and individuals, and the state. Future state funding, however, is a matter of considerable debate in the legislature.

Recent legislation has also focused on the rights of victims. In the early eighties, legislation was enacted judges to order persons convicted of crimes to pay restitution to their victims whenever possible. Later, the legislature extended the concept by creating a restitution program for juvenile delinquents.

What about people victimized by crimes for which no one is convicted? The legislature enacted a surcharge on all criminal fines to create a victim restitution fund. This fund will partially compensate victims who are otherwise not compensated and who in no way themselves contributed to the crime. In 1984 this fund was extended to victims of drunk drivers with the enactment of a \$100 fee charged OWI offenders to get their licenses back.

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 124 district court judges instead of ninety-nine.

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 with in 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 is a dispute resolution center?

References

1. The author is indebted to Jerry Beatty, executive director of judicial education and planning for 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. This section was written by Donald R. Mason, executive director of the Prosecuting Attorneys Training Coordinator Council.
4. The petit jury is composed of only six citizens in magistrate court.
5. Iowa Constitution, Article V, Section 19.
6. Iowa Constitution, Article III, Section 20.

6. Financing State and Local Government

ECONOMICS AND GOVERNMENT are highly inter-related. 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, 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 government laws.

State Taxes

Altogether Iowa collects eighteen taxes. Iowa's Department of Revenue collects fifteen of them. Two taxes are relatively insignificant and account for less than 4 percent of all gross tax collections. They are: (1) the equipment car tax and (2) the real estate transfer tax.

The insurance premium tax is a 2 percent tax on the premiums collected by insurance companies. Of course, it is really the purchasers of insurance who pay this tax since it is "passed on" to them by the insurance companies.

Five other minor taxes include the tobacco, cigarette, beer, wine, and liquor taxes. The latter three taxes are collected by the Iowa Beer and Liquor Control Commission. These taxes are sometimes half-humorously referred to as "sin taxes" since part of the reason for their existence is to discourage consumption.

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 fees. 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 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 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.

Iowa's five other taxes are based on the "ability to pay principle." The ability 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.¹ Taxes covered by this principle are (1) corporation income tax, (2) franchise tax, (3) inheritance and estate taxes, (4) sales tax, and (5) 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 corporation 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.

The two largest state taxes are the sales tax and the individual income tax. A 4 percent sales tax is levied on the sale of most goods and services. The most notable exceptions are food and prescription drugs. Iowa's 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 Iowa's sales tax less regressive.

Some of you may already have filed an individual income tax return. This is our largest state tax accounting for 44 percent of general fund revenue in FY 1986. Most of it is collected throughout the year as money is withheld from paychecks and sent to the Department of Revenue. 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. Therefore, indexing is not currently in effect.

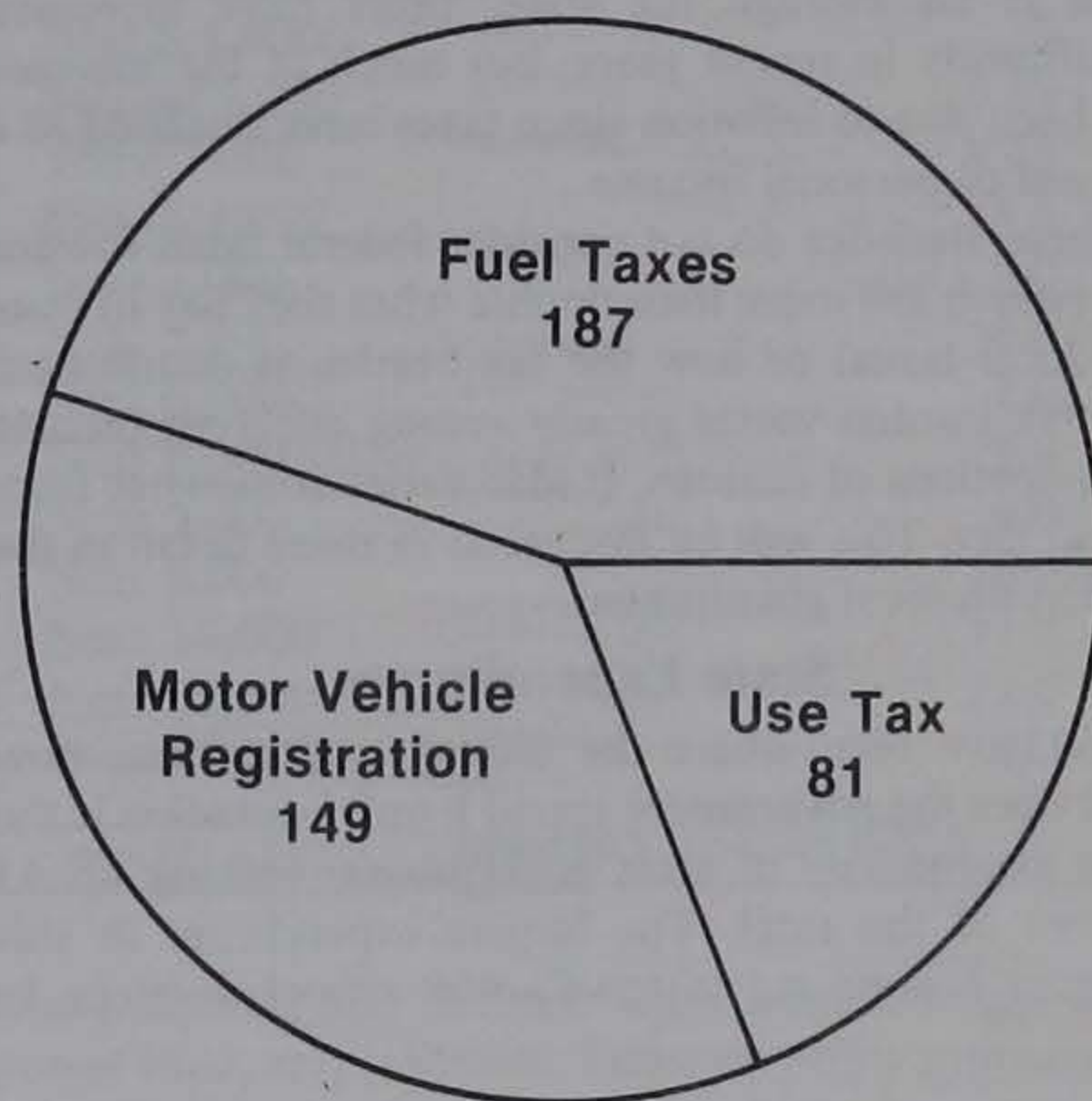
Iowa Taxes Compared With Other States

Do Iowans have a light or heavy tax burden? How do state and local taxes in Iowa compare with taxes in other states?

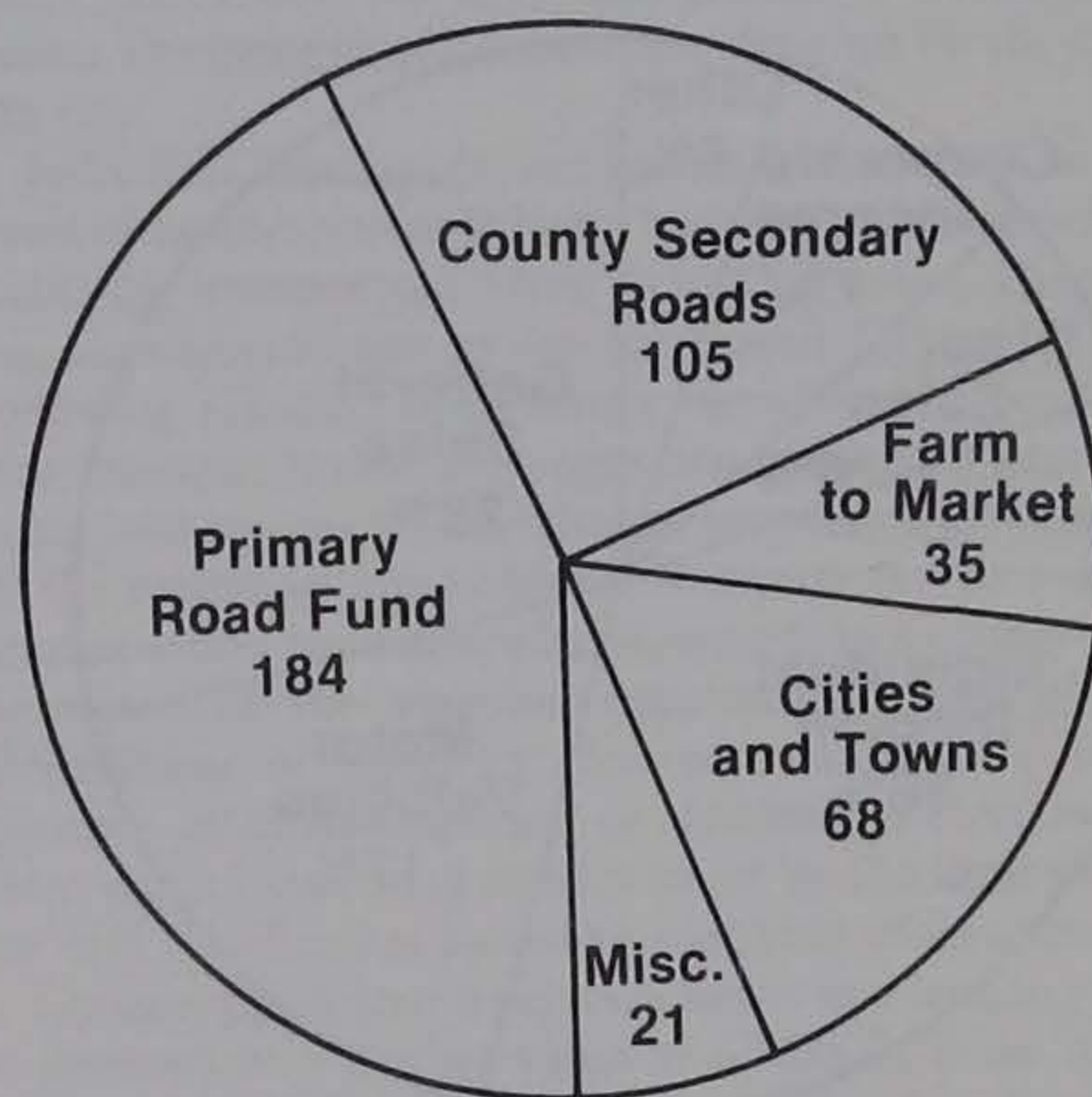
In 1983 Iowans paid on average \$1,171 in state and local taxes, compared to the U.S. average of \$1,214. Iowa ranked twenty-first among the states. In 1983 Iowans paid an average of 10.85 percent of their personal incomes in state and local taxes compared to a national average of 11.05 percent. Iowa ranked twenty-third among the states.²

Over the years state and local taxes have increased significantly. Iowans paid an average of \$277 in 1965 and \$637 in 1975. However, the percentage of the income Iowans pay in state and local taxes has gone

STATE OF IOWA - 1984 ROAD USE TAX FUND



SOURCE OF FUNDS - 417
(in millions)



DISTRIBUTION OF FUNDS - 414
(in millions)

Source: State of Iowa Budget in Brief
1985-1987

down from 11.63 percent in 1965 and 12.14 percent in 1975 to 10.85 percent in 1983.³

From these statistics we can conclude the following: Iowa is an average tax state, taxes have increased significantly in recent years, but much of the increase has been due to inflation since taxes have declined as a percent of personal income.

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

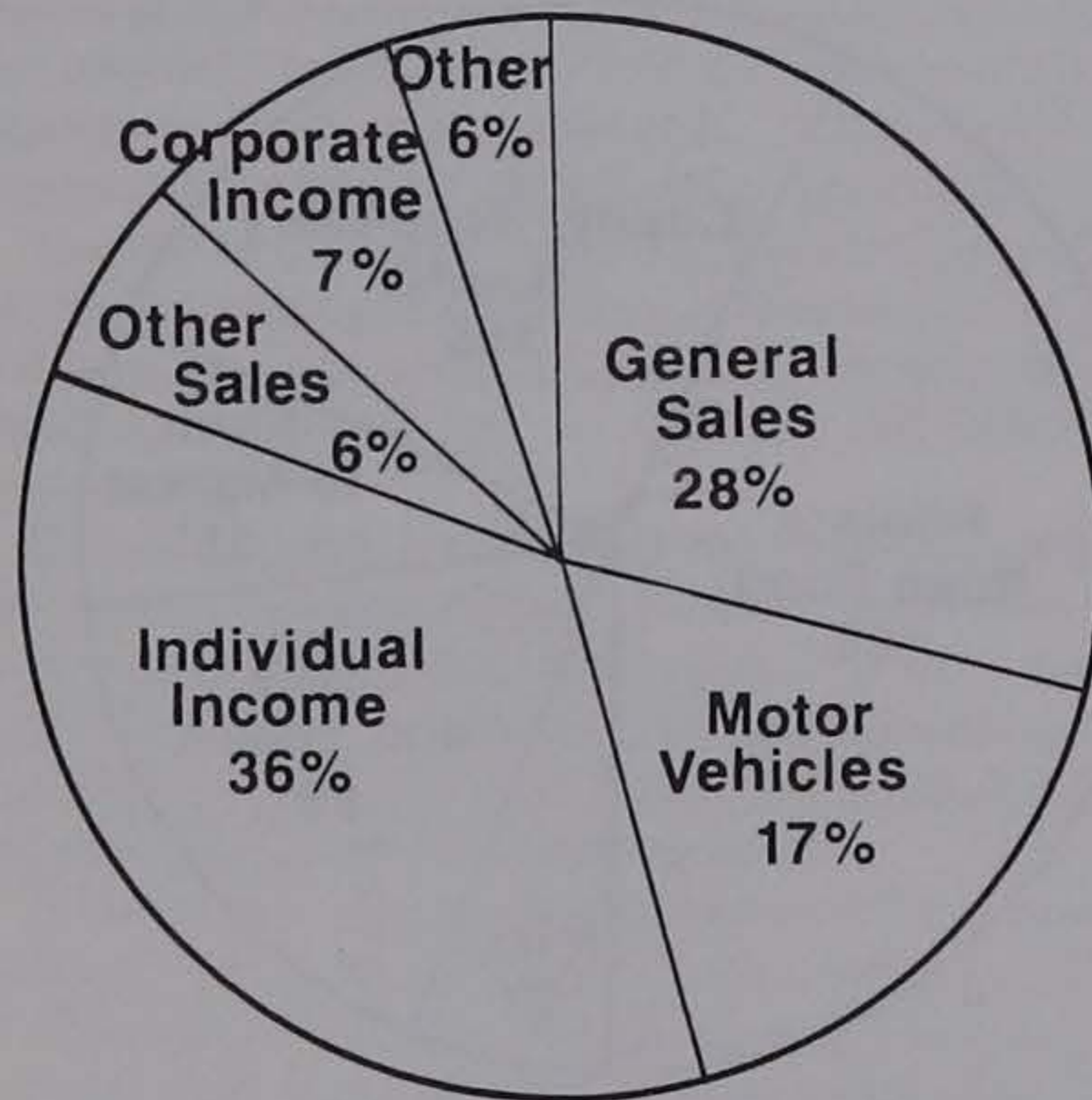
We have seen where the money comes from; now what does the government spend it on? Education is the main expenditure of state government, making up 43 percent of the total. The largest expenditure in this category is state aid to Iowa's 438 school districts. In

fiscal year 1985-1986, school foundation aid alone amounted to \$713 million.

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 of The University of Iowa currently is less than \$1,400 while annual tuition at most Iowa private colleges exceeds \$4,000. Community colleges also receive funds from the property tax.

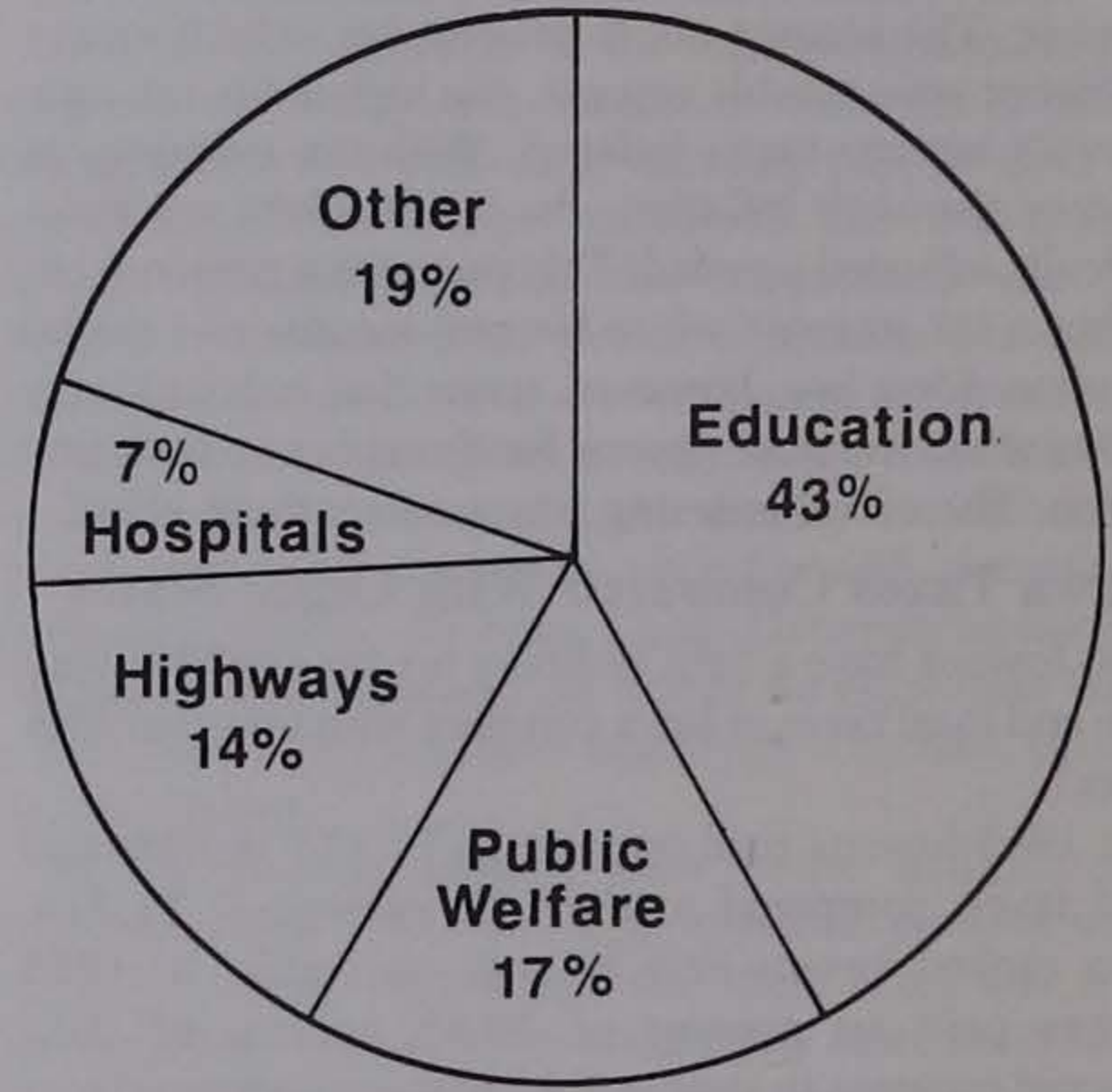
The second largest expenditure of state government (17 percent of the total in 1983) was for social assistance payments and social services operations. The former includes the state's share of ADC, Medicaid, and smaller entitlement programs. The latter includes the tax component cost of operating Iowa's prisons and state hospitals, and much of the cost of the services performed by state social workers. Together this social service/assistance component accounts for about 20 percent of the general fund.

Iowa State Tax Collections 1983



Source: Clayton Ringgenberg and Cynthia Nowell, Iowa State Government Revenues and Expenditures: 1950-1983. Iowa City: Institute of Public Affairs, The University of Iowa, 1985, Table 6.

Iowa State Expenditures 1983



Source: Clayton Ringgenberg and Cynthia Nowell, Iowa State Government Revenues and Expenditures: 1950-1983. Iowa City: Institute of Public Affairs, The University of Iowa, 1985, Appendix C.

The third biggest state expenditure in 1983 was for road construction, maintenance, and repair. As noted above, this money is kept in a separate fund, called the road use tax fund; it is not a part of the state's general fund.

In fiscal year 1985 Iowa spent \$453.7 million from this fund.⁴ This amount was equal to about 22 percent of the general fund expenditures for that year. Most of the money is divided as follows: (1) the primary road fund (state highways)—45 percent, (2) county farm-to-market roads—9 percent, (3) other county roads—28 percent, and (4) city streets—18 percent. A small amount of gas tax revenue is earmarked for a special economic development fund. Besides these state expenditures federal aid and local property taxes are also used to pay for roads.

A major expenditure of state government each year is for property tax credits. These credits amount to more than \$200 million each year. They are included in the "Other" category (19 percent) of the 1983 total. These tax credits are money, from state taxes, that the state sends to local governments to replace property tax revenue lost to local governments because of state laws such as the homestead tax credit, the agricultural land tax credit, and the personal property tax credit.

Rounding out the state expenditure picture are such costs as law enforcement, natural resources, government regulations, and general government.

Financing Local Government

In Iowa we have more than 3,000 units of government. This includes about 950 cities, 438 school systems, 99 counties, and 15 area community college districts, and many 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

assessed on owners of real and personal property. This includes land and the buildings and improvements on that land. Iowa used to have a significant personal property tax on things like farm equipment and store inventories but this tax has almost been phased out and will be completely eliminated by July 1, 1987. This leaves five main categories of property: agricultural land, residential property, commercial property, indus-

Iowa Individual Income Tax Rates

Taxable Income	Rate (Percent)
First \$ 1,000	.5
Second 1,000	1.25
Third 1,000	2.75
Fourth 1,000	3.5
Next 3,000	5.0
Next 2,000	6.0
Next 6,000	7.0
Next 5,000	8.0
Next 5,000	9.0
Next 5,000	10.0
Next 10,000	11.0
Next 35,000	12.0
Over 75,000	13.0

Source: Code of Iowa 1985, section 422.5

trial property, and utilities. Utilities include gas lines, power lines, and railroads. Taxes on utility property are centrally levied and collected by the Iowa Department of Revenue.

The other four categories of property are locally assessed by 117 assessors—one in each county and the remainder in eighteen 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 biannual equalization order of the Department of Revenue. (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.

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 .724832. This was the roll-back rate used to calculate residential property taxes due in 1985. Property taxes are annually "rolled back" to keep the total of statewide assessments

**TAX LEVIES FOR 1984 HENRY COUNTY,
IOWA**

Incorporated Cities

	State and County	Area Community College	School	Corp.	Total
Mt. Pleasant	7.37201	.45418	12.92688	9.56025	30.31332
New London	7.37201	.45418	14.93588	9.07002	31.83209
Winfield	7.37201	.45418	10.96056	7.11348	25.90023
Wayland	7.37201	.45418	10.02085	11.20164	29.04868
Salem	7.37201	.45418	12.92688	5.55035	26.30342
Hillsboro	7.37201	.63184	11.70672	8.09613	27.80670
Olds	7.37201	.45418	10.02085	6.63746	24.48450
Mt. Union	7.37201	.45418	10.96056	5.18054	23.96729
Rome	7.37201	.45418	12.92688	8.09770	28.85077
Westwood	7.37201	.45418	12.92688	6.00003	26.75310
Coppock	7.37201	.45418	10.02085	4.96699	22.81403

under limitations established by the legislature. Thus, \$50,000 x .724832 equals \$36,241.60, 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) a veteran or (2) aged or disabled and in a low-income bracket are entitled to additional property tax credits. Thus, \$36,241.60 minus \$4,850 leaves \$31,391.60—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 1984 the total property tax levy in Mount Pleasant was \$30.31332 for every \$1,000 worth of property owned. Multiply this figure by 31.3916 (the amount of thousand dollar units of property owned) and the total is \$951.58. This is the property tax owed, payable in September 1985 and March 1986 in installments of \$475.59. Property tax collections are payable one and one-half years after the date of assessment.

An analysis of the chart shows you where that 30.31332 comes from. Simply add together the tax levies of Henry County (7.37201), Area 16 Community College (.45418), Mount Pleasant Community School District (12.92688), and the city of Mount Pleasant (9.56025) and you get 30.31322. The 7.37201 figure under the state and county includes minor levies by a few other taxing districts such as agricultural extension or sanitation districts. The state collects no property taxes to pay for general fund expenditures.

Suppose you live in the country. You don't have to pay a city levy, but you do pay a township levy. A person living in Center Township, Henry County (two miles outside of Mount Pleasant), for example, in 1985 had a total dollars per thousand tax levy of 24.55337. That is 7.37201 to Henry County, .45418 to Area 16 Community College, 12.92688 to Mount Pleasant Community School District and 3.42651 to Center Township. Most of this township levy goes for county road maintenance. A lesser amount goes for fire service and the township cemetery.

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 protection and fire protection, public libraries, and hospitals. A relatively small amount of property tax is spend 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 paid off. "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 personal income in 1981, a decrease of some 30 percent in ten years."⁵

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 enacted limitations in the late 1970s 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.

The importance of the property tax in local government finance has declined. In 1966 property taxes paid for 59 percent of the cost of local government. By 1981 that figure was down to 36.6 percent.⁶ Today Iowa local governments actually get more money in state and federal aid than they do from their own property taxes.

Property Tax Pros and Cons

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.

The percentage of their income that many farmers must pay in property tax has increased significantly in recent years as farm income has plummeted and property taxes have risen slightly.

Despite biannual state equalization orders and efforts by Iowa assessors to assess property in a uniform and consistent manner, the fact remains that Iowa's 117 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 and schools eventually spend. The county auditor is the main official involved in computing and distributing property taxes.

Counties get about 40 percent of their money from property taxes and 30 percent from federal and state aid (1981 statistics). The other 28 percent of the budget comes from miscellaneous revenue and charges. The latter category includes such things as dog licenses, sale

Major State Programs That Financially Aid Local Governments and School District in Iowa Fiscal Years 1964 and 1984 (Figures in Millions of Dollars)

	1964	1984
Agricultural Land Tax Credit	11.3	43.5
County Assistance	—	5.2
Extraordinary Property Tax Reimbursement	—	10.3
Franchise Tax Fund	—	5.0
Homestead Tax Credit	29.6	90.8
Liquor Profits Distribution - Cities and Towns	2.3	12.9
Local School District Foundation Aid	25.0	663.6
Military Service Tax Credit	2.2	3.3
Monies and Credits Replacement - Cities and Counties	—	2.4
Municipal Assistance	—	14.2
Peace Officer's Retirement	—	1.6
Personal Property Tax Replacement	—	44.9
Personal Property Tax Replacement - Live stock	—	8.0
Road Use Tax Fund - Cities and Towns	16.3	67.8
Road Use Tax Fund - Farm-to-Market, Counties	12.6	35.5
Road Use Tax Fund - Secondary Roads, Counties	37.6	105.4
Total	136.9	1114.4

Sources: State of Iowa, *Reports* prior to 1984; figures for 1984, personal communication from State Comptroller's Office.

This chart clearly shows how much state aid to local government increased. Basically, state aid comes in three categories: (1) tax credits, (2) tax replacements, and (3) direct aid.

Tax credits give property owners a credit against taxes they would normally owe. Sometimes this is paid by the state directly to the property owners after they have paid their property tax (an example is the elderly and disabled tax credit). Sometimes the credit is taken into account before property tax bills are sent out (examples are the homestead tax credit and the military service tax credit). Tax replacements are aids sent to local governments to replace taxes eliminated by the general assembly (an example is the personal property tax on livestock replacement). Direct aid is the largest category. It includes money sent to local governments to finance local schools and road maintenance. It also includes aids that can be spent for any purpose such as municipal assistance, county assistance, and liquor profits distribution.

of property to recover back taxes, charges for recording property deeds, fines collected by magistrates, and cigarette and beer license fees.

Counties spend their money on such things as law enforcement, mental health, general government (court-house 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 fund, state general assistance, a share of the state's liquor profits, and tax credits. Tax credits result from the state's decision to limit property taxes which causes lost 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 an election 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 revenues 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 fees 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, fines imposed by magistrates, 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 of assessed valuation.

Some Iowa cities are at the combined general fund/emergency fund limit of \$8.37. Others 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 determine 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.

Concern about how to finance local government adequately has risen in recent years. By 1982, 40 percent of Iowa cities were at the \$8.10 general fund limit. By 1985 there was concern that a decline in property tax valuations in many counties of the state could seriously erode the tax base of local government.

These factors, along with the potential elimination of federal revenue sharing, led to the 1985 legislative enactment of local option taxes. Local option taxes can be enacted by a majority vote of the people. Iowa law allows three kinds: (1) a vehicle tax imposed county wide, (2) a one-cent sales tax imposed county wide and applicable only in townships and cities that approve it, and (3) an earnings tax on adjusted gross income which can be imposed by either a city or a county.

Local option taxes may allow some cities and counties to decrease further 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.

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 will explain 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 in those buildings such as carpet, lights, suspended ceilings, new boilers, and so forth. The general fund is used to pay ongoing expenses (salaries, insurance, transportation, heat, supplies).

All the money spent in the schoolhouse fund is raised by property taxes. There are basically three tax levies that are used to raise schoolhouse fund money. A schoolhouse site levy can be levied by a vote of a school board. This levy is limited to \$.27 for every \$1,000 of assessed valuation. The tax levy requires a 50 percent vote of the people, can be enacted for a period of one to ten years, and is limited to \$.67 per \$1,000 of assessed valuation.

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 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.

School Funding in Iowa (millions of dollars)

	Actual 1972-1973		Projected 1984-1985	
Property Taxes (excluding credits)	\$338.5	51.7%	\$576.5	35.4%
State Aid (including credits)	274.2	41.9	834.5	51.2
Miscellaneous In- come	41.7	6.4	217.7	13.3

Source: State Comptroller's Office

Equality of educational opportunity, as measured by per pupil spending, is greater in Iowa than in any other state. Property taxes for schools have not increased as much as state aid or inflation in the last twelve years. This has been due mainly to changes in school finance. In 1972-1973 the average property tax levy for the school general fund was \$13.31. In 1984-1985 it was \$10.55.⁷ Finally, the state dictates fairly closely how much money each school system can spend. Let's see how the system works.

Over the last twelve years state aid to schools has been greatly increased by more than \$500 million while property tax increases have been held down. Today state aid pays about for 50 percent of the costs of public schools and property taxes pay only 35 percent. The situation was almost exactly reversed from fifteen years ago.

The method for determining how much money each school district receives from the state through the school foundation formula is rather complicated. A starting point is the concept of "state cost per pupil." State cost per pupil during the first year of the foundation plan (1972-1973) was \$911. This represented the average controlled budget spending per pupil of all Iowa school districts. Since then the figure has gone up annually, by a state determined rate, to \$2,518 in 1985-1986.

The state requires all school districts to levy a school general fund property tax levy of \$5.40 per \$1,000 of assessed valuation. The state then pays state aid to each school district to bring them up to 80 percent of the state cost per pupil. In 1985-1986, 80 percent of \$2,518 (state cost per pupil including AEA support costs) was \$2,014.

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 \$1,200 per pupil, and receives \$814 per pupil in state aid (\$1,200 + \$814 = \$2,014). Poor school district B levies its \$5.40 property tax, collects \$600 per pupil, and receives \$1,414 per pupil from the state (\$600 + \$1,414 = \$2,014).

On top of this state aid, a school district can levy an

additional property tax to bring total revenue up to a figure called the "district" cost per pupil. Similar to the "state" cost per pupil, this figure is equal to the school district's 1971-1972 actual costs per pupil plus all the allowable growth the district has received since, plus any extra spending authority a school may have been granted for special reasons by the State School Budget Review Committee. This allowable growth is determined annually, a year in advance, by the state comptroller. The average allowable growth for 1985-1986, for example, was 5.3 percent, or \$127 per pupil.

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. AEAs provide special services for handicapped children, media services, and other educational services to public schools. AEAs 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 AEAs.

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. In 1984-1985, miscellaneous income provided about 13.3 percent of all school money.

School boards can also enact small property tax levies to pay for such things as liability insurance and unemployment benefits. Many schools choose not to enact these special levies, however, and pay for these costs from other income sources.

Schools also have the authority to spend their unspent balance from the previous year. The unspent balance is the difference between the maximum amount a district could spend in the previous year and the amount actually spent.

With declining enrollment, many small school systems have had trouble making ends meet. About fifty schools have taken advantage of another revenue source, the enrichment tax. This tax is a combination of property and income tax. It can be enacted by a 50 percent vote of the voters in the school district.

Finally, state law allows schools, with state approval, to receive additional spending authority to finance talented and gifted programs, returning dropouts and dropout prevention programs, and approved educational improvement projects. In these cases, the state does not give the schools more money, but simply more authority to increase their property tax levies.

As the name implies, the state limits the spending authority of each school on a per pupil basis. If school enrollment is stable or going up, this does not present

any problem. A school with the same enrollment as in the previous year would have the same spending authority as in the previous year plus the allowable growth determined by the state comptroller.

Most schools, however, have suffered from declining enrollment in recent years. This factor often effectively cancels out the allowable growth a school would receive. Since schools cannot easily reduce their budgets in proportion to their enrollment and since other costs keep escalating, the state has taken action to deal with the declining enrollment problem.

The state has responded in two major ways. First, it allows schools to use a formula to determine enrollment that allows schools to count more students than they actually have. These extra students are sometimes referred to as "ghost" students. Secondly, the state guarantees each school system that, regardless of enrollment decline, its controlled budget will be increased annually by at least 2 percent.

Proposed Changes in School Funding

Major changes in the way schools are financed may be imminent. This is due to a number of factors including a rediscovered need to achieve educational excellence, problems with a fourteen-year-old school aid formula, declining enrollment, and special problems faced by small rural schools.

Ever since the publication of the "Nation at Risk" report by a national task force in 1983, educational reform and increased educational funding have occurred in many states. The desire to achieve educational excellence has become a higher priority. Iowa has not been in the forefront of this movement. This is partly because Iowa schools were never as poor as those in many other states to begin with and partly because the state's continuing financial crisis has limited the ability to pump significantly larger amounts of state dollars into our schools. Raising property taxes during a major farm crisis is even more unappealing. Many Iowans feel that, though our schools are among the best in the nation, they could still stand substantial improvement. A blue ribbon task force appointed by the legislature in 1984 concluded that some improvements can be made with little or no additional expenditures, but that real improvement takes real money.

Even if legislators find a means to increase school funding significantly beyond the current constraints of the school foundation formula, the question of how that money should be distributed remains. Some favor the elimination of "ghost" students and the return to paying state aid on the basis of actual enrollment. Proponents of this change suggest that the huge enrollment declines of the past have fairly well bottomed out (between 1972-1973 and 1984-1985 Iowa school enrollment dropped from about 640,000 to under 500,000).

Special problems faced by small rural schools are also a potential cause for change. In 1985, 187 school systems in Iowa (42 percent of the total) enrolled 500 students or less. The gap between what these schools pay their faculties and the salaries paid by larger schools has been constantly increasing in recent years. Part of this is due to the fact that small schools generally spend a much higher percentage of their budget on transportation. To remedy this, some have suggested taking transportation costs out of the school aid formula or a combination of additional property taxation authority and additional state aid for schools with higher than average transportation costs. Others say such proposals are dodging the real issue—that there are too many small schools. They call for the consolidation of the smaller schools into larger units that would be more cost efficient and, they believe, provide better education.

Such a change is strongly opposed by many people in small towns who believe that having a school is a key to the survival of their community. The issue has high political sensitivity. In recent years the legislature has facilitated the ability of small schools to continue by encouraging shared programs among schools and by allowing school systems to exist with just an elementary school or with an elementary and a junior high. The pressure for change, however, will continue. This pressure is both educational and financial.

Future State and Local Tax Reform

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 “ability to pay,” (2) consideration of the principle of “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?

In 1985 the legislature eliminated the sales tax on industrial and farm machinery and equipment and completed the phase out of the personal property tax. This was done mainly to improve Iowa’s economic development climate. In order to accomplish this without reducing government services, however, the legislature had to extend the sales tax to soda pop, candy, and several other previously exempt services.

A special legislative tax study committee did a comprehensive study of Iowa’s tax system in 1984. This study might point the way for future changes. Recommendations in the study are numerous, but some of the main ones include allowing local option taxes, increasing the sales tax by one cent, lowering farmland taxes by a change in the productivity formula, exempting Iowans with incomes under \$8,000 from the state income tax, charging sales taxes on newspapers, expanding property tax credits for the elderly and disabled, and eliminating the homestead tax credit.

Some citizens would oppose the report because of its recommendations for tax increases. Since the late 1970s, a group of Iowans called the Iowa Taxpayers Association has been active in opposing additional taxes. A main goal of the group is the adoption of a constitutional amendment which would limit growth in state and local revenues and state and local spending to a rate equal to the increase in inflation added to any increase in state population.

Supporters of the amendment charge that taxes are already too high and government spends too much money. Opponents point out the state is already constitutionally required to have a balanced budget, there are already spending and tax levy limits on local governments, and that government spending increases have slowed in the last several years. They believe the amendment would place an unnecessary “straitjacket” on state and local government.

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 Iowa’s general fund?
4. Which of Iowa’s taxes do you think are the fairest? The least fair?
5. What are the major expenditures of state government?
6. How much is the total property tax assessment of property in the city where you go to school? Call you county auditor’s office to find out. Then use that information to calculate the tax bill on a \$40,000 home.
7. Should Iowa have a state constitutional amendment that limits how much state and local revenues and spending can increase?
8. What are the pros and cons of the property tax?
9. What is tax indexing? 10. What are some problems with our current system of school finance? Why are changes eminent?

References

1. Charles Grotto, *Publication Pm-985*, Cooperative Extension Service, Iowa State University, January, 1981.
2. Data is from U.S. Census Bureau as compiled by the U.S. Advisory Commission on Intergovernmental Relations.
3. Ibid.
4. *Iowa Transportation Improvement Program, 1985-1990*, page iii.
5. "Real" Growth in Property Taxes in Iowa: Considering the Effects of Inflation, Institute of Public Affairs, January, 1984, page 2
6. *Report on Property Taxes in Iowa*, Iowa Advisory Commission on Intergovernmental Relations, December, 1983, page 36.
7. Iowa Department of Public Instruction, 1984.

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 nonelection 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. We have few political "pros" like those found in some of the larger cities of other states. 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.

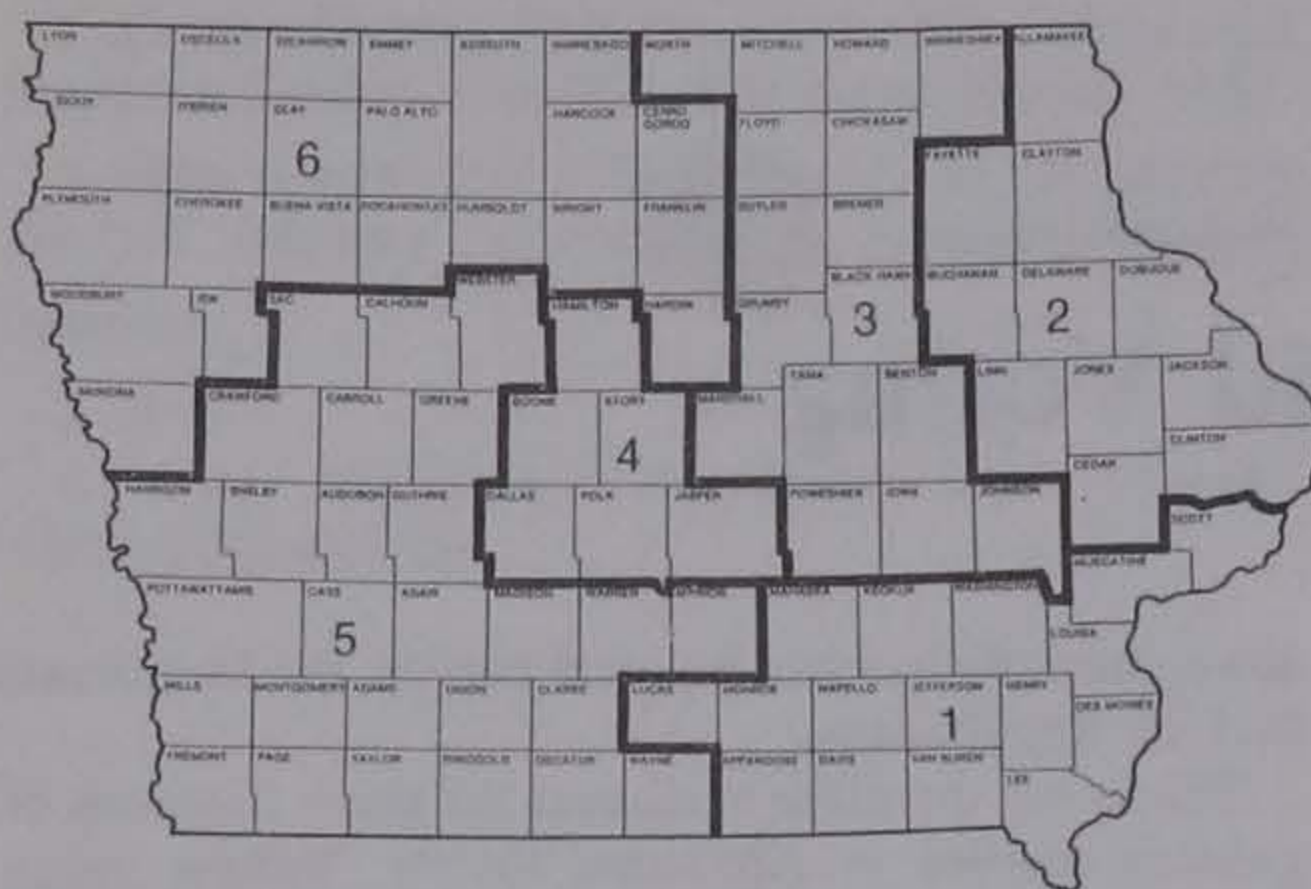
With the coming of the great depression in the 1930s, the Democratic Party became the majority party in the nation. Democrats made considerable political gains in Iowa, but the Republicans remained the stronger of the two parties in the state.

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 1985, 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, four are Republicans and three 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 one-third Democrat, one-third Republican, and one-third independent (no party). There are slightly more registered Democrats

Congressional Redistricting Plan
Adopted by the General Assembly - 1981



than registered Republicans, but Republicans, on the average, are slightly more likely to vote than are Democrats.¹

Two other factors make Iowa politics highly competitive. One-third of Iowa voters are independents. The candidates, Democrat or Republican, who can appeal to this group have excellent chances. Secondly, Iowans are notorious ticket splitters. In 1982, they gave Republican Governor Terry Branstad 53 percent of the vote and Democrat Lt. Governor Bob Anderson about the same percentage. In 1984, Iowans gave 54 percent of their votes to Republican President Ronald Reagan and 56 percent of their votes to Democratic Senator Tom Harkin.

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 nonelection year, they do little in their precinct other than occasionally informing party members of upcoming party events or selling tickets for fund-raising 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, finds and organizes a party headquarters a few months prior to each election, and serves as speaker for the political party in the county. During the last few months before a general election, he or she 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 the resultant opportunity to know state officials and members of the U.S. Congress personally, 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 registration at the caucus.

The precinct caucus does essentially three things. First, it elects a new committeeman and a new committeewoman 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 conventions 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. This document expresses how the Iowans of that 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 his or her 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 he or she attends a precinct caucus, this person's preference is made known.

Not all states use the convention system for selecting delegates to the national convention. In more than thirty states, there are presidential primaries, where members of each political party cast votes for the person of their choice to be their party's candidate for president.

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. In the first seven weeks of the year, presidential candidates, campaign staffs, and national news media teams swarm in and out of Iowa. In 1980, George Bush became the leading candidate of the moderate wing of the Republican party with a strong caucus showing. This later helped him win the vice-presidential nod. Walter Mondale's 1984 first place finish in the Democratic caucuses started him on the road to his party's nomination.

Whether or not Iowa caucuses maintain their first-in-the-nation status remains to be seen. There is national pressure to move the caucus date back. Many feel presidential campaigns are too long. They also think it wrong that "early" states like Iowa and New Hampshire exert a disproportionate influence on the choice of presidential candidates.

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 the 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 candidate stands on other issues.

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 1984, Iowa congressional campaign costs averaged over \$200,000 each and the two major party candidates for the U.S. Senate each spent over \$2 million. PAC contributions are also a factor contributing to the re-election of incumbents

since they usually receive significantly higher PAC contributions than their challengers.

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."² This situation does not bode well for either of Iowa's political parties.

For several years, the number of Iowa voters who register as "no party" has equaled or exceeded the numbers who register as Democrats or Republicans. Some folks point to this fact as a sign of weaknesses of the two political parties.

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 changed all 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 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 appeal 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.³ 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 candi-

dates 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 he or she 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 precinct 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 Iowa precinct to another fourteen days (for example) before an election. This person will not be allowed to vote in the old precinct. Should he or she fail to register in the new precinct 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 home town 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. Also, be sure that you do not register to vote in your college town and then vote in your home town (or vice versa).

Voter Registration

Just what is voter registration anyway? When you register to vote you are simply filling out a statement in

ALTERNATE VOTER REGISTRATION FORM. See instructions on reverse side. Please type or print in ink.

Spec. Sec. No. (if available)			Month	Day	Year	Male <input type="checkbox"/> Female <input type="checkbox"/>	Republican <input type="checkbox"/> Democrat <input type="checkbox"/>
Birth Date			Phone Number			<small>(Check one for your party affiliation to state party)</small>	
NAME							
Last		First		Full Middle			
IOWA VOTING RESIDENCE							
Street and number, including apartment number, or care name							
City		County		State		Zip Code	
COMPLETE IF YOUR CURRENT NAME OR CURRENT ADDRESS (OR BOTH) DIFFERS FROM THE NAME OR ADDRESS GIVEN ON YOUR LAST PREVIOUS REGISTRATION.							
Full name given on last previous registration							
Full address given on last previous registration							
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 Iowa in 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 4)				Applicant's Signature			
Signed this _____ day of _____ 19____				Date of Registration (Postmark Date)			

Form 28 (Rev. 84)

Voter registration form.

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 noncounty seat city, to serve as voter registrar in that city. You may be able to register at school, since a new law mandates that the county auditors visit all high school in the county at least once. 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 reregister. At the time you do this, your voter registration at your previous residence will be canceled.

Elections in Iowa

So far we have been talking about Iowa's primary elections, which are held the first Tuesday after the first Monday in June in even-numbered years, and the 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, congressmen/women, 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 nonpartisan 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. Other 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 to pass.

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. 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 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.

If PAC influence remains strong or continues to grow, legislation may be enacted which attempts to limit that influence. Already legislation has been introduced in the general assembly which would limit PAC contributions, effectively mandate campaign spending limitations, and provide partial public funding of statewide and legislative races.

A problem with this approach is that it would require about \$1.5 million to \$2 million annually from the state to finance. If public financing is prohibitive, Iowa could do what the federal government and other states have done and place limitations on the amount of money an individual can contribute to a candidate.

Finally, there is discussion about changing the way we select county officials. The Iowa Advisory Commission on Intergovernmental Relations has held hearings to consider making county office elections nonpartisan

and/or making all county offices except the board of supervisors appointive.

Proponents of nonpartisan elections say that electing people to county office as Democrats or Republicans unnecessarily interjects partisan hostilities between courthouse officials of different parties. They cite the fact that nonpartisan city elections seem to work well in Iowa. Opponents of this change say that nonpartisan elections would weaken local political party organizations since salaried county officials are often the "backbone" of such groups.

Over the years we have stopped electing assessors, medical examiners, county engineers, and clerks of court. Some people believe this trend should be continued by making the jobs of auditor, recorder, sheriff, county attorney, and treasurer appointed by the board of supervisors.

Proponents of this change say that currently the board of supervisors is charged with establishing county policy, but they have no direct authority over the officials who carry out that policy. Opponents of the change say that such a move would weaken political parties and also take away the right to choose officials from the people.

Politics for Teenagers in Iowa

Because of the eighteen-year-old vote, your opportunities 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 1980. 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 your 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 candidate's 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 1980s.

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, (4) nonpartisan elections of elected county officials, (5) appointment of county officials except board of supervisors.

References

1. According to statistics supplied by the Iowa Voter Registration Commission in July, 1985, there were 566,000 registered Democrats, 537,000 registered Republicans, and 537,000 voters registered as "no party."
2. "Money, Not Parties, Runs Campaigns," *Des Moines Register*, September 13, 1981.
3. Huckshorn, Robert J., *Political Parties in America*, second edition, page 343.

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.

Aid to Families With Dependent Children—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 comptroller 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.

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 states 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 the 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.

Categorical Grant—A form of federal aid to states 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 legislature that meets only part of each year. Legislators do not receive a full-time salary and are expected to earn money in other occupations.

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 what 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 who avow 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 nonlegislators 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.

Comptroller—The state official in charge of developing the state's general fund budget and seeing that it is carried out. One of the governor's most important aides, the comptroller is also responsible for economic forecasting.

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 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.

Dispute Resolution Center—Centers in several Iowa cities where citizens can come to resolve quarrels without going to court.

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.

Enrolled Bills—The form a bill takes after it has been passed in the same form by both legislative chambers.

Equalization Order—The review and adjustment of tax assessments among taxing districts done biannually 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.

Fiscal Bureau—A group of full-time professionals 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.

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."

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 law 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.

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.

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 states by which citizens, through petition, can cause a law to be submitted to the voters for approval or disapproval.

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.

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.

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.

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.

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.

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.

Precinct—The base geographical unit for polling districts and party organizations.

Precinct Caucus—The biannual 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.

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.

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.

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.

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.

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.

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.

Warrant—A written document authorizing payment. Also, a short-term obligation 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.

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