

# Health Bill Passes at Last Minute

By Dr. Ronald Eckoff

In the Fall 2010 issue of the newsletter we quoted from IPHA President Frank Kilpatrick regarding the discouragement in May 1967 regarding the attempt to pass a new local health act establishing local boards of health in Iowa. He also said that the bill did pass at the end of the 1967 legislative session. (A summary of Frank's president's message of March 1968 can be found on the IPHA website under IPHA Organization, sub-item IPHA History. Many other history items are also there.)

A survey in 1965 found only 46 counties in Iowa had public health nurses or visiting nurse associations. The county public health nurses were employed by the board of supervisors, as there were no real county boards of health. Only 7 counties had some type of local environmental health services. Over the next two years a major statewide campaign by the Iowa Department of Public Health, Iowa Public Health Association and others promoted the need for a change in the law regarding local public health services.

IPHA participated in the drafting of legislation and Senate file 342 was introduced on February 27, 1967 by the Committee on Public Health and Welfare. On March 1 the bill was placed on the calendar. Senator John Ely of Linn County was one of the key backers of the bill and on March 2 he filed an amendment to change from  $\frac{1}{4}$  to  $\frac{1}{2}$  mill the levy that could be levied to support the local board of health.

On April 6 there was unanimous consent to make the bill a special order of business on April 10. On April 7 Senator Cassidy of Scott County filed an amendment to strike "Commissioner" and insert "State Board of Health" in the sections regarding approval of district boards of health. He also filed an amendment regarding city boards of health for cities over 25,000 population.

The Senate took up the bill on April 10 and passed the Ely amendment and one of the Cassidy amendments. The Senate continued work on the bill on April 11 and passed the other Cassidy amendment. An amendment from Senator Messerly of Black Hawk County regarding the process for adoption of rules was adopted. A couple of other minor amendments were also adopted and the bill was passed by a vote of 34 aye, 19 nay, and 8 absent or not voting. In less than two weeks from introduction, the bill passed the Senate with no damaging amendments.

On April 13 the House received the bill from the Senate and it was referred to the Committee on Public Health and Welfare. On April 20 the committee recommended an amendment striking the levy and referring to the limitations in Chapters 404 and 444 and recommended the bill pass. Then nothing appeared to happen for the next two months. (The IPHA annual meeting was during that interval and the lack of activity was probably the reason for the discouragement noted by Frank Kilpatrick.) On June 15 the bill was placed on the Sifting Committee calendar.

On June 22 the House took up the bill and Rep. Sorg of Linn County moved the committee amendment. Rep. Harbor of Mills County moved rereferral to the Appropriations Committee. Rep. Sorg raised a point of order that the rereferral was out of order. The speaker ruled that the motion to re-refer was in order. Representative Doderer of Johnson County moved that the bill be deferred as unfinished business, and that motion passed.

On June 22 Rep. Mahoney of Polk County filed an amendment to change the requirement for a member of the board to be a licensed MD or DO to an individual licensed in the healing arts. Several amendments were filed on June 23, including one to eliminate licensure of food preparation places by local boards of health. On June 26 Mahoney filed an amendment to say: "Nothing in this chapter shall be construed to impede, limit, or restrict the right of free choice by an individual to the health care or treatment that he may select."

The House took up the bill on June 28. The committee amendment was adopted. Several minor amendments were adopted. Mahoney's healing arts amendment failed. The "nothing to impede" amendment was adopted. Rep. Gittens of Pottawattamie County moved an amendment to strike "and duties" from section 8 and it was adopted. The bill then passed with 79 aye, 29 nay, and 21 absent or not voting. (The bill took two and a half months to get through the House and had amendments eliminating the levy authority and the "duties" imposed on the local boards.)

On June 29 the Senate received the amended bill from the House, concurred in the House amendments and passed the bill with 41 aye, 9 nay, and 9 absent or not voting. It was sent to the Governor on July 1. The Governor signed the bill on July 27, 1967.

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It was the third from the last bill signed by the Governor.

## 1880 State Board of Health Bill

The passage of the original bill establishing the State Board of Health in 1880 also had some interesting twists. Senate File 98 was introduced on January 29, 1880. On February 13 the Committee on Medicine, Surgery and Hygiene recommended amendments and passage. On February 24 some amendments were adopted and some failed, then the bill was recommitted. On February 27 the committee reported a substitute bill and it was adopted with 45 ayes, 1 nay and 4 absent or not voting.

The House received the bill from the Senate on February 27 and it was referred to the Committee on Medicine, Surgery and Hygiene on February 28. On March 23 the bill was recommended by the Sifting Committee. The House took up the bill on

March 25 and the only two proposed amendments failed. The rules were suspended to consider the bill for a 3<sup>rd</sup> time by a vote of 58 aye, 27 nay, and 15 absent or not voting. The vote on the bill was 49 aye, 40 nay, and 11 absent or not voting. The bill failed to receive a constitutional majority and thus failed. There was then a vote to reconsider with 55 aye, 37 nay, and 8 absent or not voting. The final vote on the bill was 92 aye, 0 nay, and 8 absent or not voting. (I have no idea why the massive change in the vote.)

The act was deemed of immediate importance and took effect after publication in the Iowa State Leader on April 1 and the Iowa State Register on April 3. The Governor appointed the nine members on April 23 and the first meeting was held at the State House on May 5, 1880.



**At Public Health group meeting**

Iowa Public Health Association dignitaries attending the IPHA annual meeting in Fort Dodge are shown standing in front of the prize winning exhibit, "Camp Sunnyside," shown by

the Iowa Society for Crippled Children and Adults in the volunteer agency division. They are from left: X. P. (Jack) Boyles, regional engineer, Fort Dodge, local arrangements chairman;

Frank Kilpatrick, Iowa City, vice president; Melvin D. Lightner, Des Moines, president, and Dr. J. F. LeRoque, Des Moines, general program and convention chairman.

—Messenger photo