

On motion by Hagenow of Polk, the House was recessed at 10:02 a.m., until 1:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 1:59 p.m., Speaker Upmeyer in the chair.

Mohr of Scott, chair of the committee appointed to notify the Senate that the House was ready to receive it in Joint Convention, reported the committee had performed its duty. The report was received and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Secretary of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station and the members of the Senate were seated in the House chamber.

#### JOINT CONVENTION PIONEER LAWMAKERS SIXTY-FOURTH BIENNIAL SESSION

In accordance with [House Concurrent Resolution 6](#) duly adopted, the Joint Convention was called to order at 2:01 p.m., President Whitver presiding.

Senator Dix of Butler moved that the roll call be dispensed with and that the President of the Joint Convention be authorized to declare a quorum present.

The motion prevailed.

President Whitver announced a quorum present and the Joint Convention duly organized.

President Whitver welcomed the Pioneer Lawmakers on behalf of the Senate.

President Whitver presented Speaker Linda Upmeyer who welcomed the Pioneer Lawmakers on behalf of the House.

President Whitver presented Representative Mascher, who responded to the welcome and announced the 1997 class of legislators who were eligible to become members of the Pioneer Lawmakers.

PIONEER LAWMAKERS  
CLASS OF 1997

SENATE

Angelo, Jeff	Behn, Jerry
Black, James E.	Gaskill, E. Thurman
King, Steve	McKibben, Larry
Redwine, John	Rehberg, Kathleen M.
Schuerer, Neal	

HOUSE OF REPRESENTATIVES

Bukta, Polly	Chiodo, Frank J.
Dix, Bill	Dolecheck, Cecil
Dotzler, Jr., William	Falck, Steve
Foege, Ro H.	Ford, Wayne
Frevert, Marcella R.	Hansen, Brad
Huser, Geri	Jenkins, G. Willard
Knight, Rebecca	Osterhaus, Robert
Rayhons, Henry V.	Richardson, Steve
Scherrman, Paul J.	Thomas, Roger
Whitead, Wesley	

Honorary members of the 2017 class were the following:

HONORARY PIONEER LAWMAKERS

Bond, Mona	Boyd, David
Brauch, Bill	Cacciatore, John
Davis, J.D.	Dickinson, Glen
Douglas, Mark	Dugdale, Pam
Fenton, Susan	Freeman, Doreen Reno
Hudson, Brad	Hunt, Jack
Kleppe, Chad	Laurenzo, Linda
Maxwell, Mark	Mulqueen, Bob
Obradovich, Kathie	Obradovich, Jim

Ovel, Steve  
Rex, Deb  
Triplett, Mike

Palmer, Dave  
Tomlonovic, Jody

Musical Tribute to the Pioneer Lawmakers was presented by the Roosevelt High School Jazz Combo.

Representative Mascher introduced Scott D. Newhard, who addressed the Joint Convention as follows:

#### PIONEER LAWMAKERS ADDRESS

Good afternoon. It is a personal honor for me to be addressing a joint session of the General Assembly and particularly to be part of the proceedings welcoming the new Pioneer Lawmakers. Recognition by the General Assembly since 1886 of those lawmakers who have served their state in the past is more than a tradition; it validates the strength of continuity in our democratic process. That continuity is even more obvious as we have here either serving today or being inducted the children of former legislators: Frank Chiodo, Geri Huser, Deb Rex, Bobby Kaufman, Linda Upmeyer. John Forbes is the son-in-law of a former Speaker and the step-son of a former representative, and Andy McKean the great grandson of a Senator.

While today honors historic continuity, we also celebrate that our democratic process is the peaceful, though sometime tumultuous, method to bring about change. In December of last year the legendary lobbyist Chuck Wasker died at the age of 90. Charlie lobbied for over 50 years; and commented more than once "I have seen a lot of changes around here in my career – and I opposed every one of them."

When Rep. Mascher, in her role as President of Pioneer Lawmakers, asked me to make this address it was with some trepidation. A colleague suggested I mention a few of my bills that are still pending. I responded that's a great idea, and then a feeling of terror came over me as I remembered – no one who ever addresses a joint session gets what they ask for – at least not in its original form. So, I will not trouble you with promoting my bills if you will resist checking to see what bills I am currently registered on.

The passage of time allows you new legislator inductees to share the fonder memories of service with one another, the memories of the toughness of the job and tensions that developed on past issues fades. That is a natural thing. My memories of first becoming a legislator and how I felt are very clear. What one of us does not appreciate the first job we had after high school.

Being as young as I was, people asked me right after the election "how did you possibly get elected?" Toward the end of my third term people were still asking "how did you ever get elected?" My response always was the Mark Twain quote about the election of politicians during the gilded age "that man had all the fools on his side and that makes a majority in any town."

A common remark from constituents that has not changed in 40 years, and is spoken today "why can't you all just come together and agree to do what's right for the people."

That comment is an inherent citizen trait – the American DNA compels us to want to do what is right. But as President Johnson once reflected, “To do what is right is easy, to know what the right thing to do, can be very difficult.” The design of our system of government is based on checks and balances and separation of powers. These are not merely mechanisms of oversight. By the very nature of duties and powers of each branch of government tensions exist; suspicion of the other’s powers arise; assertions of each bodies positions conflict between House and Senate; and both the legislative and executive branches for the last 250 years and for the next thousand years to come will assert “we wanted to do something, but those non-elected, appointed judges won’t let us.” So by design, the enacting or changing laws with the intent of “doing the right thing” is supposed to be difficult. The process naturally creates stress on those of you who have duties to make the process work, dissatisfaction among citizen’s who do not understand the forces at play, and disenchantment by those who view compromises as sell-outs. It makes you wonder why anyone would ever want to have or keep this job. Each of us probably has our own way of coping with this. It has been my observation during my 45 years around here that the foundation for coping and functioning in a tension designed structure is the relations you develop with one another.

I am troubled when I bring up the name of a House member to a Senator and the reply is “I don’t know him”. I hear the same from the House and often the people I am talking about are of the same party. As a young legislator, I became acquainted with every House member and Senator. I knew their wives by name and often knew their children.

When I first came here, I sat right about there (second desk in) and behind me at an angle, along the aisle, sat Rep. Harold Fischer from Wellsburg. This man was one of the titans of the House. He had served for 16 years. He was chairman of the House Commerce Committee. He was articulate, had the commanding presence of a former tank commander and was now over 300 pounds. In debate he could cut you to the quick. His nickname, which was well deserved, was “Grumpy.” I was terrified of him and so were most people. Several weeks after the session opened, I was having dinner by myself downtown. I was seated and had just placed my order when in walked Grumpy by himself. I kept my head down and when I looked up he was standing over me. He said “have you ordered yet”, I replied that I just had and he said “well I’ll order now too.” He looked at the waiter and added “bring us two drinks.” He then looked at me and said “you are old enough to drink aren’t you.” He sat down and said “you walk by me in the chamber 10 times a day, why don’t you ever talk to me.” I meekly replied “I’m afraid to. I mean I don’t want to bother you.” He replied “the only thing I know about you is a speech you gave on the floor – and I got the impression that you are a bonehead. If you would talk to me and I got to know you I might then think you’re only half-a-bonehead.” And so began what was the final line from the movie Casablanca “Louie, I think this is the beginning of a beautiful friendship.”

From that night on, I talked to him every day of our service together. We frequently had dinner either alone or in a small group. He would continue to point out to me how dumb my ideas were. I finally would push back and question his neanderthal thinking. One night we were out together. He looked across the bar and said “there is so and so, we used to serve together, let’s go over and see him.” His friend was with a bunch of people. Grump introduced me as “This is my good friend, Scott Newhard, he votes wrong all day long, but I am going to help him grow out of that.”

Our relations allowed us to take some indulgence with one another. We worked into the evening more often than you do today. We had no midnight cut off rule. One late evening I was walking out of the chamber. Grumpy had his shoes off and his feet up on the desk. He kept a little fan below his desk to "cool himself." As I walked by I reached over and pulled on his big toe. I kept walking. Apparently this took him by so much surprise that he slid out of his chair onto the floor. I was by then at the door and turned around. He ran toward me exclaiming "I'll show you pup." He took me by the neck and the seat of the pants and threw me through the door, down the steps and I rolled to the rail. He then clapped his hands together, laughed loudly to the door man and went back inside. Within the hour I did retaliate in a manner I will not describe today (although an orange was involved). The end result was a special order of business resolution drawn up setting a wrestling match between us to be held opening day of the session in 1974. Regarding that – as I told you Grump was over 300 lbs. and at the time I was 130 lbs. The set match was called off due to my cowardliness, I mean my good sense.

Within the week of the assault on one another, we adjourned for the year, June 24 around 5 in the morning. Grump was gathering up his things to go home. I went over to help him carry some boxes and we walked to the parking lot together. As we got to his car he opened his trunk. I looked in and it was full of original bills. In those days bills were wrapped with rubber bands. These were bills as introduced. If you had possession of them practically nothing could be done on them unless you allowed it. There were hundreds in there. So many that nothing else could fit in the trunk. In fact, some spilled onto the parking lot. I said what are these doing here? Grump said these are "bills assigned to the Commerce Committee that I don't think the people of Iowa deserve to have foisted on them." I asked what are you going to do with them. He replied "bury them in my backyard." He told me to just put those boxes in the back seat. As he climbed in the car he said "You know, Scotty, we've had a lot of fun. I'd like to take you home – climb in the trunk!"

Did Grump and I ever vote together on big issues? No! Did we vote together on some issues? Seldom! Did we ever do anything for one another? We made one another laugh. Did our relationship help the legislative process? Yes, in the sense that we took our jobs seriously, but not ourselves – which made doing a serious job bearable. Did he impact my life? Well, I'm still talking about him 40 years later.

Friendships can suffer in the course of the legislative process. It is not surprising when you feel strongly about an issue and a friend feels strongly the other way. Your mutual conduct can cause bitterness. It can be further amplified because you know you are in the right and your "friend" is not.

In 1975, I handled the bill to allow pilot projects for electronic banking. This was the legislation that first authorized what today we know as electronic bank machines and retail acceptance of electronic payment. My close friend Representative and later Senator Art Small did not like the format of my bill. He was concerned it would have an adverse impact on smaller Iowa banks as well as the consumer. I'm sure he had other reasons too, but I was having none of it. Finally after weeks of preparing this bill, working with the interested parties and so on, an amendment to the bill was developed that we thought was acceptable to enough legislators to pass the bill. During the final preparation of the bill there was a request by Arthur to file some amendments from the floor of which he showed us several. We did not like any of them. I said "I have to oppose them, but let's do a voice vote and I'll say I leave it to the

will of the house and if the first two pass so be it. Then you must withdraw the rest of them.” All agreed, we shook hands, out we went. The bill was called up for consideration. First amendment, opening remarks by Small, opposition by Newhard, left to the will of the House and amendment passes on a voice vote. Second amendment, same routine, amendment passes. While I am finalizing my thoughts on the major amendment, Rep. Small is recognized for his next amendment. I am not even paying attention as this is supposed to be a withdrawn. Seeing no other mikes up Small gives final remarks and the amendment passes on a voice vote. Now we are on the 4th amendment. Small gives opening remarks. I jump up, agitated because he has not withdrawn it and because I don't even understand it. Now I am screaming that I vigorously oppose this amendment, but to no avail. All the momentum was with Arthur and my request for a division reflected that. I even suffered through one more amendment passing. I didn't know what that did either. I just know I did not like it. So finally I pass my amendment which basically was the final bill that now had been ruined by my friend, Arthur Small. The leader immediately recessed for lunch. Rep. Small sat down there. I bounded over three tiers of desks to where he was sitting. Enraged, I grabbed his tie and started cinching it tightly around his neck while yelling “What were you thinking?” As he was having the life choked out of him, he responded “I was on such a roll I just couldn't help myself.” I finally loosened my grip muttering something about “well the Senate is taking that stuff out. Period. No more discussion on this.” As I turned away in a huff, Art called me back. “Hey Scott, can I borrow some money for lunch?” And off we went to lunch.

Did Art and I vote together on the big issues? Nearly always. Did we vote together on small issues? Sometimes. Did we ever do anything for one another? No, I always did everything for him. But he did make me laugh. Did our relationship help the legislative process? Yes, in the sense that differences of opinion could be within one's own party and still be resolved. Did he impact my life? Well, I'm still talking about him 40 years later.

You know sometimes you do things around here, either out of a sense of mischief, sometimes to make a point, or sometimes both. During my day, we worked on Friday's usually adjourning by noon. One Friday morning I listened to a whole variety of introductions of various school groups, pork queens, basketball teams, and former legislators. We would stop whatever debate was going on, listen to the introduction from the hometown legislator, give them an appropriate ovation and on and on and on. I mentioned to Majority Leader Fitzgerald that since no one actually listens to those introductions, I could probably introduce a monkey and get a standing ovation. He acknowledged that probably would be the case. That acknowledgement was all the validation I needed. I promptly returned to my desk and prepared an introduction for my good friend and mentor Professor Ozzie Kincaid of the University of Okoboji. With Fitzgerald's cooperation, I was to wait for his signal that everything was finished for the day and then I should seek the floor for the purpose of an introduction. Upon being recognized, I prattled on about this man of great accomplishments. If you actually listened to it you realized it, was utter non-sense. Who writes a 10 volume text on township government? What is the University of Okoboji? When I concluded my introduction, I stated he is sitting in the southeast balcony and will you please welcome Professor Ozzie Kincaid. Everyone turned around, stood up and applauded a completely empty balcony. We adjourned and returned Monday to a newspaper account of the Phantom Professor Kincaid feted by the House of Representatives. Now the vast majority of legislators were amused, a few were not. But as weeks went on other legislators would actually start quoting Ozzie in debate. He even made it into

Senate debate (not surprising) whenever an authoritative source was needed to bolster an argument. Ozzie became such a legislative fixture that each year we had some type of play or program for the House and Senate at night featuring some new adventure involving Professor Kincaid. In fact, when I was approaching the last few days of my final session – a retirement party was to be held with Ozzie as the featured speaker. However just before the event scheduled for April 5, 1978 the legislature was shocked to learn of Ozzie's untimely death. So the retirement party ended up being a wake for Ozzie. Upon adjournment, over 100 House members and Senators along with Attorney General Dick Turner led a procession from the Capitol steps down the west side to Norden Hall. Pallbearers carried his casket, with Art Small and myself being chief mourners. One of my severest critics for introducing Ozzie in the first place asked to be pallbearer. The pageantry of it all was featured on the front page of the Des Moines Register with a picture of the casket and pallbearers. As a side note, one of the Representatives that was a pall bearer told me few days later that he was supposed to drive home to his district for a meeting that night, but he called them to say he was working on important legislative business and could not return. He said just my luck I'm on the front page of the paper carrying the casket of a non-existent person. I felt bad and apologized if our hijinks got him in trouble at home. He said "I wouldn't have missed it for anything." After I left the legislature, I was still around as I worked in the Attorney Generals' Office. Each year for 10 years Art Small and I wrote plays revolving around some major issue in the legislature that year with Ozzie coming back to life in some heroic role after being touched by the wand of his fairy god mother. These plays always featured myself as some hapless do-gooder, being thwarted by legislative leaders who played themselves. My character is always saved by the return of Ozzie played by Art Small. Were they good plays? Probably not. Were they successful plays? Enormously successful. These played year in, and year out to crowds of 500 at the Savery Hotel waiting in anticipation not to see me the hapless do-gooder, or Art as Ozzie, but to see the fairy godmother played every year by Senator Dick Drake wearing a blonde wig, wearing a pink tutu, carrying a wand, while smoking a cigarette. Straight from central casting.

Now was such silliness appropriate for public officials back then? Did those plays bring more cooperation between the majority and minority? Probably not. Did those plays affect the vote on big issues? No. Did those plays impact the legislative process? Well let me just say that legislators of both parties laughed at and with themselves for three hours which made returning to the tough issues the next day a little easier. And why do I believe this – because people are still talking today about the plays that occurred thirty to forty years ago.

To the Pioneer class of 2017, we salute you for not only your service, but for your individual role in the history of this State; for your commitment to wanting to do what's right; and your struggle to figure out the right thing to do. It's been my observation that those who always start out knowing what's right struggle the most to achieve it.

I also salute the honorary members. Your legislative classmates achieve this status automatically. You have been invited. Among you are lobbyists, staff and press. Your role in making the process work is crucial and often unsung in importance until today.

Thomas Jefferson once mused that he thought a democracy should have an upheaval every twenty years, including blood being spilt to nourish the thirst for liberty. Even he did not foresee that the strength of the legislative process created by the founding

fathers could avoid such catastrophe. Avoid it by allowing legislative bodies to consider, debate and even clash over the issues facing our citizens. And that alternative to periodic revolutions is what makes this job so hard and so necessary.

The pioneers, those serving today, and those who play a support role in the legislature are the heirs of Madison, Clay, Calhoun, Webster, Reed, and Allison. For those of you who are new legislators, this year, no doubt you will reminisce twenty years from now about the major issues of 2017, and how you did things so much better than the legislature of 2037. I hope also that ask yourselves about each other's families and about where their children are (some of whom you know by name). I hope you laugh about an exchange you had on the floor. I hope you remind yourselves regardless of party that you are part of a comradery that only truly understands what dynamics played on you when reaching a public policy decision. Even your toughest opponent on an issue was influenced by that same dynamic. In this we are all brothers and sisters.

On a personal note, I would like to recognize a double pioneer, Senator Wally Horn. Wally and I came to the House together in 1973. For several years we lived together (those stories are only told at the breakfast table in the cafeteria from 7 - 8 am each morning). Wally and I not only developed a lifelong friendship as a result of serving together, but he was the predominant influence on me to complete my education after I left the legislature. This was a profound effect on my life. My father preceded my mother in death and at my mother's funeral in December of 2014, I saw Phyllis and Wally walk in, they sat in the back just as we were to begin. I walked to the back and embraced them. I told them "Wally as long as I have you, I will never be an orphan" – and I will always feel that way. Senator Horn, you have served in this legislature for one quarter of the state's entire history and been my friend for two thirds of my life.

The legislature is composed of human beings charged with representing human beings. Therefore we have all the human traits of idealism, prejudice, bravery, cowardice, patience, impatience, high mindedness, and sometimes pettiness. In the late spring of 1977, I was sitting at my desk and the Speaker recognized a colleague who, in my view, was a self-appointed expert on every issue that came along and who felt the need to share that with us on nearly every issue debated. I turned to my clerk and asked her to prepare an announcement for the local press saying I would not seek re-election the following year. She asked me why I would do this and I said "I am sick and tired of listening to him and I'm not going to spend the rest of my life doing it". Despite her protests, the announcement was prepared and sent out. A week later, my clerk was reading one of the eastern Iowa papers and said "Oh look! Representative so and so (the self-appointed expert) has announced he's not running again either. He must have gotten sick and tired of listening to you". Well, some of you in this chamber may have come to that conclusion as well. So again, congratulations to our new pioneer lawmakers and thank you for allowing me the honor of addressing you today.

On motion by Hagenow of Polk, the Joint Convention was dissolved at 2:44 p.m.

The House resumed session at 3:13 p.m., Speaker Upmeyer in the chair.