

Pieces of Iowa's Past, published by the Iowa State Capitol Tour Guides monthly, features historical facts about Iowa, the Capitol, and the early workings of state government. All italicized text/block quotes in this document are taken directly from historical publications with the actual spelling, punctuation, and grammar retained.

Examining the Zeros: Special Session for Code Revision

This year marked the beginning of the 90th Iowa General Assembly. Some of this year's *Pieces of Iowa's Past* articles will briefly examine the work of the 10th, 20th, 30th, 40th, 50th, 60th, 70th, and 80th General Assemblies, or observe interesting events that happened during those years. Special thank you to Leslie Hickey, Iowa Code Editor, for her research, assistance, and expertise on this topic.

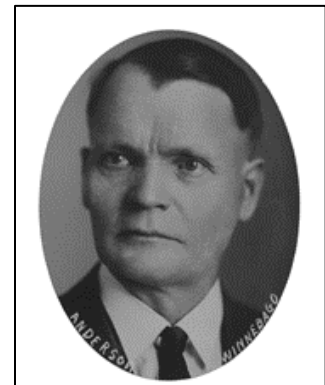
The 40th General Assembly convened January 8 and adjourned April 17, 1923, a 100-day session. The Governor of Iowa in 1923 was Nathan Kendall. Lieutenant Governor John Hammill presided over the Senate, and J.H. Anderson was Speaker of the House.



[Governor
Nathan Kendall](#)



[Lieutenant Governor
John Hammill](#)

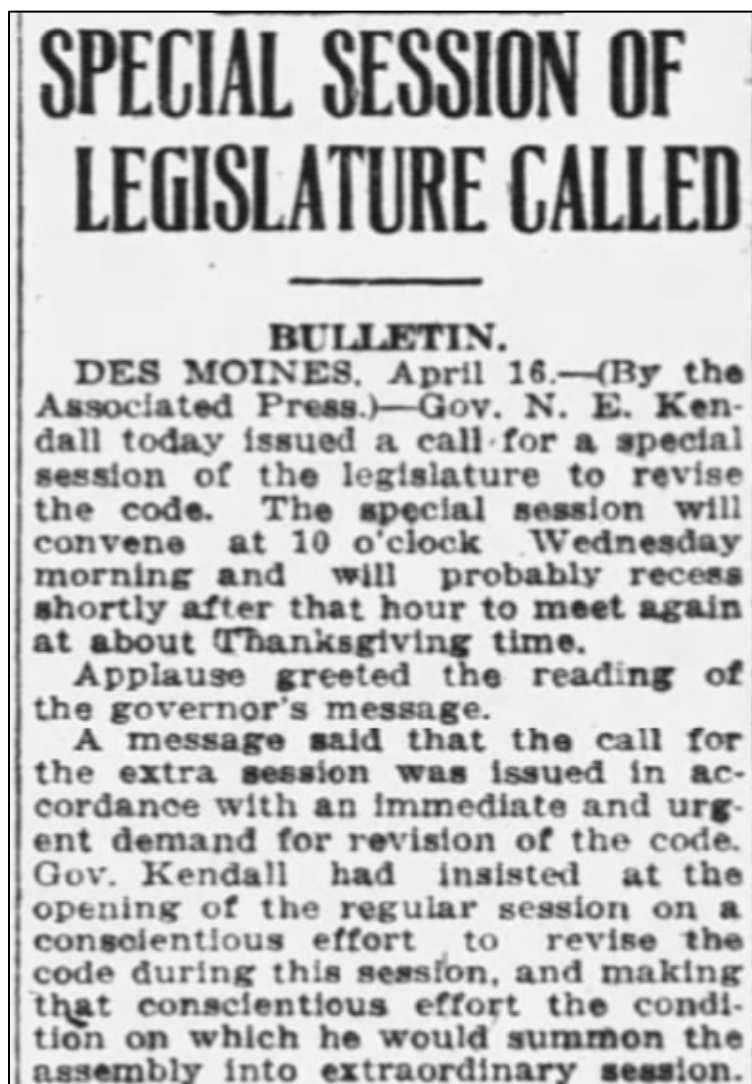


[Speaker J.H. Anderson](#)

There were 46 Republicans and four Democrats in the Senate, and in the House, there were 92 Republicans, 15 Democrats, and one Independent. Kendall was a Republican. In total, 158 legislators served during the 40th General Assembly.

Calling for a Special Session

The 40th General Assembly (GA) contained a special session that notably lasted for more calendar days than the regular session. The special session convened on December 4, 1923, and adjourned on July 30, 1924. However, the legislature was recessed from April 26 through July 22, 1924. The special session lasted for a total of 239 days and was the longest special session in state history.



[The Constitution of the State of Iowa](#) grants powers to call a special session to convene in one of two ways. One way is the governor calling back the legislature by proclamation. When both houses are assembled, he or she must state the purpose as to why the special session was called. The other way is that two-thirds of the members in each of the chambers must submit a written petition to the presiding officer in their respective house.

The [Senate Journal](#) made clear Kendall's reasoning in calling the extra session to convene nearly eight months after the regular session was adjourned.

Excerpt from The Senate Journal

To the Senate and House of Representatives of the Fortieth General Assembly:

Gentlemen: In the exercise of the power vested in me by section 11, article IV of the constitution, I have convened the Fortieth General Assembly in extraordinary session to conclude the revision of the code. In taking this action I in no measure renounce the conviction I expressed last January that the work was possible of accomplishment at the session then opening without serious interference with the routine business of the Assembly. But there was submitted to me the written report of your authorized joint committee advising me that at the regular session just adjourned conscientious effort was made in the direction of code revision and that it could not be completed at such session, supplemented by a concurrent resolution adopted with practical unanimity that a special session is necessary therefor. The formal and solemn judgment thus announced by the legislature is entitled to high consideration, and the executive is not at liberty to disregard it. The recommendation of the Senate and House is, therefore, acquiesced in because it is apparent (1) that no revision will be effected otherwise and (2) that unless revision is speedily consummated the vast sum already expended by the state in preliminary preparation may be wholly forfeited.

The immense importance of the work upon which you are now entering cannot be overstated. Your function is nothing less than to revise, reconstruct and recodify the statutes which have been formulated for the government of Iowa throughout the nearly eighty years of her statehood;

In calling for the special session, Kendall referred back to his [speech](#) on January 9, 1923, at the beginning of the 40th GA. He wanted the legislature to revise and condense the Iowa Code during the regular session. Kendall had already denied a special session during the previous GA (a decision that was met with some criticism).

However, Kendall pointed out that a joint committee of legislators advised that a special session was needed to complete the task. Public sentiment also seemed to echo the legislators' feelings.

In March 1923, about a month before session would later end, The Boyden Reporter published an article saying legislators were predicting a need for a special session.

But while waiting for the end of the melee another question is confronting the legislators—the same old one which was likened to Banquo's guest long ago—will there be an extra session to complete revising the code? The deafest man in the chamber could read on the lips or in the eyes of almost any assemblyman the answer that unless this legislature goes into special session to finish its work on the code bills thus far passed and on assimilating its new laws in a new code, a new legislature will have to spend about a year in untangling the tangle the present session has wound in the laws of the state of Iowa.

The Boyden Reporter; March 29, 1923

Revising the Code of Iowa

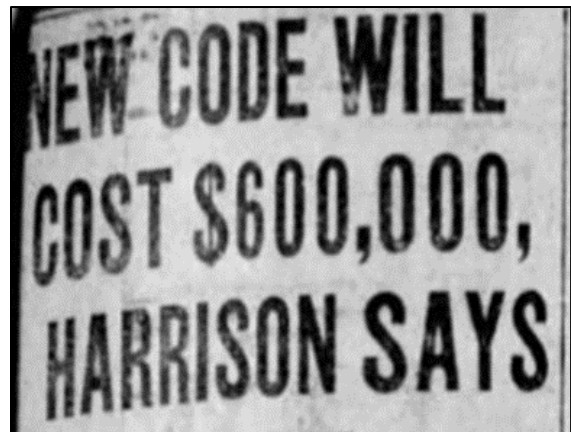
From December to July, there was a massive overhaul of the Iowa Code. Previously, the Code had not been updated since 1897. This meant that periodically, within the nearly 30 years without a complete Code published, the new laws that had been passed were compiled and added into a supplement for the Code.

Theoretically, a law that had been passed in 1908 may have been overridden by a new law passed ten years later in 1918. Given that 30-year gap without a complete Code, it would have been incredibly difficult to determine the laws of the state.

The update in 1924 marked a significant change in the way the Code was organized and carried out. That way is still in use today and is considered the first compilation of the modern Code for a number of reasons.

First, the Code was given a coherent numbering system. This system was used until 1945. In 1946, there was a complete renumbering of the Code, which is the numbering system used today. Second, a position of Code Editor was made permanent. The Code Editor was appointed by the Iowa Supreme Court and was overseen by a Code Supervising Committee, which was also established in the special session. Finally, changes were made so that the Code was to be published every four years for consistency with editing and publication.

The publishing schedule came as a result of an early April report by the Des Moines Register that the Code's revision was to cost the State \$600,000.



Des Moines Register; April 1, 1924

Representative Ernest P. Harrison proposed to the rest of the legislature a bill that he believed would save the state money in the long run, approximately \$400,000 for the next 26 years after passage.

The bill would put into law that the Code be published every four years, the base of the idea being that with consistent editing and publication, labor costs would be reduced. On April 8, 1924, that bill was passed by the Senate, the second chamber to vote positively for it.

While some of these changes were made permanent and others changed throughout the years, this special session to overhaul the Code and process greatly changed how the laws of Iowa were organized and presented to the public.

New Code Every 4 Years.

A new code will be published every four years through the passage by the senate yesterday of the Harrison bill, already passed in the house, providing for the publication of a new code after every even numbered session of the legislature and session laws after odd numbered sessions. The new plan is expected to save the state \$400,000 in the next twenty-six years and materially reduce the work of judges, lawyers and the public using the code through keeping all the statute laws in one volume half the time and never in more than two volumes.

The Des Moines Register; April 9, 1924