

4 studies deemed necessary by the study committee in determining its
5 recommendations.

Approved May 28, 1976

CHAPTER 1262

STATE INSURANCE POOL STUDY

S. J. R. 1009

A JOINT RESOLUTION to provide for an interim study of the feasibility of creating a state insurance pool for the purpose of underwriting certain fire, casualty and liability risks, and to provide for an appropriation.

WHEREAS, the general assembly finds that governmental subdivisions of this state cannot readily obtain general insurance coverage; and

WHEREAS, the general assembly finds that the costs of such coverage when available in some instances has increased in excess of two hundred percent over a period of one year; and

WHEREAS, the general assembly finds that because of the withdrawal from the market of one insurance company the general liability coverage of sixty-seven Iowa communities has been canceled this year; and

WHEREAS, the general assembly finds that the continued availability of professional liability insurance coverage for persons in the health care delivery field is not assured; and

WHEREAS, the general assembly finds that liability insurance coverage for manufacturers of products and other types of errors and omissions insurance are becoming increasingly difficult, if not impossible to obtain; and

WHEREAS, the general assembly finds that the unavailability of any of those types of insurance coverage would have grave economic and social implications in respect to the health and welfare of the people of this state, NOW THEREFORE,

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. The legislative council is directed to create a ten-member study
2 committee which shall include members of the appropriate standing committees
3 of the senate and house of representatives representing both political parties,
4 which committee shall conduct during the 1976-77 legislative interim a
5 comprehensive study of the feasibility of creating a state insurance pool to
6 provide general insurance coverage for governmental subdivisions of this state.
7 The study committee also shall consider the feasibility of consolidating into that
8 state insurance pool the underwriting of liability coverage for persons in the
9 health care delivery field and for persons engaged in the manufacture and
10 distribution of products. The committee shall consider the feasibility of
11 consolidating other types of errors and omissions insurance into the pool and
12 shall study the underlying reasons for the restricted insurance markets as outlined
13 above and shall recommend solutions to ease the market difficulties if possible.

14 The study committee shall study alternatives including but not limited to
15 reinsurance pools, revision of the Iowa tort claims act, changes in liability law
16 and tort reform.

17 The study committee shall retain, if necessary, consultants and assistants to
 18 accomplish the study. Nonlegislative consultants and assistants may be
 19 reimbursed for reasonable expenses and may receive a per diem for each day in
 20 actual attendance with the committee upon approval of the legislative council.

21 The study committee shall prepare and submit a report to the legislative
 22 council and to the general assembly at the conclusion of the interim, which shall
 23 be accompanied by legislative bill drafts designed to carry out any
 24 recommendations of the committee.

1 SEC. 2. There is appropriated to the legislative council for the use of the study
 2 committee created by this Act during the fiscal year beginning July 1, 1976 and
 3 ending June 30, 1977, the sum of twenty-five thousand (25,000) dollars, or so
 4 much thereof as is necessary, to accomplish the purposes of this Act.

Approved June 20, 1976

CHAPTER 1263

HOME RULE FOR COUNTIES

S. J. R. 1006

A JOINT RESOLUTION proposing an amendment to the Constitution of the state of Iowa to provide home rule for counties and joint county-municipal corporation governments.

Be It Resolved by the General Assembly of the State of Iowa:

1 SECTION 1. The following amendment to the Constitution of the State of Iowa
 2 is hereby proposed: Article three (III), legislative department, Constitution of the
 3 State of Iowa is hereby amended by adding the following new section:

4 NEW SECTION. Counties or joint county-municipal corporation governments
 5 are granted home rule power and authority, not inconsistent with the laws of the
 6 general assembly, to determine their local affairs and government, except that
 7 they shall not have power to levy any tax unless expressly authorized by the
 8 general assembly. The general assembly may provide for the creation and
 9 dissolution of joint county-municipal corporation governments. The general
 10 assembly may provide for the establishment of charters in county or joint county-
 11 municipal corporation governments.

12 If the power or authority of a county conflicts with the power and authority of
 13 a municipal corporation, the power and authority exercised by a municipal
 14 corporation shall prevail within its jurisdiction.

15 The proposition or rule of law that a county or joint county-municipal
 16 corporation government possesses and can exercise only those powers granted in
 17 express words is not a part of the law of this state.

1 SEC. 2. The foregoing proposed amendment to the Constitution of the State of
 2 Iowa is hereby referred to the general assembly to be chosen at the next general
 3 election for members of the general assembly and the secretary of state is directed
 4 to cause the same to be published for three consecutive months previous to the
 5 date of said election as provided by law.