

FILED FEB 17 1976

SENATE JOINT RESOLUTION 1006

By COMMITTEE ON COUNTY GOVERNMENT

Substituted for HJR 1003 4/30

Passed Senate, Date 2-26-76 (p. 225) Passed House, Date 4-30-76 (233)

Vote: Ayes 29 Nays 14 Vote: Ayes 84 Nays 7

Approved _____ *Motion to reconsider filed 5/3 (p. 2383) w.d. 5/20*

SENATE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa to provide home rule for counties and
3 joint county-municipal corporation governments.

4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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Congressional District	Newspapers	Dates Published
First	Burlington Hawk Eye, Burlington Davenport Quad City Times, Davenport	7/27 - 8/24 - 9/21 - 10/26 7/26 - 8/23 - 9/20 - 10/25
Second	Cedar Rapids Gazette, Cedar Rapids Dubuque Telegraph Herald, Dubuque	7/26 - 8/23 - 9/20 - 10/25 7/26 - 8/23 - 9/20 - 10/25
Third	Mason City Globe Gazette, Mason City Waterloo Courier, Waterloo	7/27 - 8/24 - 9/21 - 10/26 7/26 - 8/23 - 9/20 - 10/25
Fourth	Ottumwa Courier, Ottumwa Newton Daily News, Newton	7/26 - 8/23 - 9/20 - 10/25 7/27 - 8/26 - 9/21 - 10/26
Fifth	Council Bluffs Nonpareil, Council Bluffs Ames Tribune, Ames	7/28 - 8/26 - 9/22 - 10/27 7/27 - 8/24 - 9/21 - 10/26
Sixth	Sioux City Journal, Sioux City Fort Dodge Messenger, Fort Dodge	7/27 - 8/24 - 9/21 - 10/26 7/26 - 8/23 - 9/20 - 10/25

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Capitol, in Des Moines, this 30th day of December, A.D., Nineteen Hundred and Seventy-six.

MELVIN D. SYNHORST.
Secretary of State

SENATE JOINT RESOLUTION 1006

H-5525

- 1 Amend Senate Joint Resolution 1006 as
- 2 follows:
- 3 1. Page 1, by striking everything after
- 4 the period in line 13 and all of lines 14 and
- 5 15.

H-5525 FILED BY HULLINGER of Decatur
MARCH 4, 1976 - *Lost 4/30 (p. 2333)*

1 Section 1. The following amendment to the Constitution
2 of the State of Iowa is hereby proposed:

3 Article three (III), legislative department, Constitution
4 of the State of Iowa is hereby amended by adding the follow-
5 ing new section:

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

16 If the power or authority of a county conflicts with the
17 power and authority of a municipal corporation, the power
18 and authority exercised by a municipal corporation shall
19 prevail within its jurisdiction.

20 The proposition or rule of law that a county or joint
21 county municipal corporation government possesses and can
22 exercise only those powers granted in express words is not
23 a part of the law of this state.

24 Sec. 2. The foregoing proposed amendment to the Constitu-
25 tion of the State of Iowa is hereby referred to the general
26 assembly to be chosen at the next general election for mem-
27 bers of the general assembly and the secretary of state is
28 directed to cause the same to be published for three con-
29 secutive months previous to the date of said election as
30 provided by law.

31 EXPLANATION

32 This amendment will provide home rule powers and authority
33 for counties or joint county-municipal corporation govern-
34 ments. The home rule powers and authority cannot be incon-
35 sistent with state law and the power to tax is limited to
36 those taxes expressly authorized by the general assembly.

SENATE JOINT RESOLUTION 1006

H-6482

1 Amend Senate Joint Resolution 1006 as passed by
2 the Senate as follows:

3 1. Page 1, by striking lines 6 through 23, and
4 inserting in lieu thereof the following:

5 "NEW SECTION. Any county may frame a home rule
6 charter for the structure and operation of its own
7 government or for the government of one or more
8 municipal corporations within the county, consistent
9 with the Constitution of this state.

10 At the general election to be held in the year
11 1980, and in each tenth year thereafter, and also
12 at such times as the governing body of a county may,
13 by resolution, provide that the question, "Shall there
14 be a charter convention for the purpose of
15 establishing, revising or abolishing charter home
16 rule in this county?", shall be decided by the electors
17 qualified to vote in such county for members of the
18 general assembly; and in case a majority of the
19 electors so qualified, voting at such election, for
20 and against such proposition, shall decide in favor
21 of a charter convention, the governing body of the
22 county, within sixty days following such election
23 shall establish a procedure for the election of
24 delegates to such charter convention, and for
25 submitting the results of said charter convention,
26 in the form of a proposed charter, to the people,
27 in such manner and within such time as the governing
28 body of the county shall provide; and if the people
29 of the county shall approve and ratify such proposed
30 charter by a majority of the electors qualified to
31 vote in such county for members of the general
32 assembly, voting thereon, such charter shall become
33 the newly established organic law of that county in
34 accordance with the terms thereof.

35 Whenever the question calling for a charter
36 convention within a county is submitted to the electors
37 for decision, the further question, "Does this
38 municipal corporation desire to be governed by the
39 terms of a county charter?", shall also be decided
40 in each municipal corporation within the county that
41 is not so governed, by the electors qualified to vote
42 in each such municipal corporation for members of
43 the general assembly; and in case a majority of the
44 electors so qualified, voting at any such election,
45 for and against such proposition, shall decide that
46 the municipal corporation does desire to be governed
47 by the terms of a county charter, the governing body
48 of the county charter, if required by countywide vote
49 to establish a procedure for the election of delegates
50 to a charter convention, shall also establish in its

1 election procedure an assurance of delegate
2 representation from each municipal corporation which
3 has indicated its desire to be governed by the terms
4 of a county charter. The vote at which the people
5 of the county may approve and ratify a charter for
6 county purposes shall also serve to determine if that
7 charter has been approved and ratified for municipal
8 purposes by any of the municipal corporations which
9 had theretofore indicated a desire to be governed
10 by the terms of a county charter and had accordingly
11 participated in the charter convention. If the people
12 of a municipal corporation, at said charter vote,
13 shall approve and ratify such proposed charter by
14 a majority of the electors qualified to vote in such
15 municipal corporation for members of the general
16 assembly, voting thereon, such charter shall become,
17 upon its approval and ratification for county purposes,
18 the newly established organic law of that municipal
19 corporation.

20 The governing body of a county may present to the
21 electors a proposition to amend or dissolve an existing
22 charter, but any such proposition shall not become
23 effective unless and until it is approved in the same
24 manner and with the same formality as would be required
25 to approve and ratify the results of a charter
26 convention. Neither this amendatory power nor that
27 which is implicit in the powers given to a charter
28 convention shall prohibit the inclusion within a
29 charter of more restrictive terms and conditions
30 affecting the right to amend the same; in which case,
31 those restrictive terms and conditions shall not be
32 abrogated except through compliance therewith or by
33 an act of the general assembly declaring the
34 restrictions, or any of them, to be against public
35 policy. In submitting a proposed charter, charter
36 amendment, or terms for abolishing a charter, alternate
37 articles or propositions may be presented for the
38 choice of the voters and may be voted on separately
39 without prejudice to others.

40 A charter so established shall supersede all laws
41 inconsistent therewith, save only that it be consistent
42 with the Constitution of this state.

43 The position and term of all elective officers
44 who are in office at the time of the approval of a
45 home rule charter shall terminate or continue as
46 provided in the charter.

47 Counties functioning under charters shall continue
48 to act in an administrative capacity for the state.
49 In that capacity such counties shall continue to have
50 all the rights, powers, privileges, and benefits then

1 possessed or thereafter conferred by general law or
2 the charter. All such authority granted to and imposed
3 on the county officers by general law shall be vested
4 in the governing body of the county unless expressly
5 vested in specific officers by the charter. The
6 governing body may by resolution delegate any of its
7 executive or administrative powers, authority, or
8 duties not expressly vested in specific officers by
9 the charter, to any county officer or officers or
10 county employee or employees.

11 The general assembly may by passage of a law
12 receiving a majority vote of both houses discontinue
13 specific taxes or methods of collecting revenues
14 established in such charters, but not in a manner
15 to jeopardize rights of existing bond holders.

16 Counties not adopting charters shall have all
17 powers and functions not denied or limited by this
18 Constitution or state law, except that they shall
19 not have power to levy any tax unless expressly
20 authorized by the general assembly.

21 If the power or function of a county not adopting
22 a charter conflicts with the power or function of
23 a municipal corporation, the power or function
24 exercised by the municipal corporation shall prevail
25 within its jurisdiction."

26 2. Amend the title, by striking lines 2 and 3,
27 and inserting in lieu thereof the words "of the State
28 of Iowa to allow counties to adopt charters and provide
29 home rule".

482 FILED - *Filed out of* BY
APRIL 30, 1976 *order 4/20 (2234)*
Because not on file at
the time final remarks
were begun.

BY BINA Of Scott
CUSACK of Scott
DRAKE of Muscatine
HARVEY of Scott
HIGGINS of Scott
HINKHOUSE of Cedar
OAKLEY of Clinton

SENATE JOINT RESOLUTION 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:

Section 1. The following amendment to the Constitution
of the State of Iowa is hereby proposed:

Article three (III), legislative department, Constitution
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power and authority of a municipal corporation, the power
and authority exercised by a municipal corporation shall
prevail within its jurisdiction.

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county municipal corporation government possesses and can
exercise only those powers granted in express words is not
a part of the law of this state.

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Senate Joint Resolution 1006, P. 2

bers of the general assembly and the secretary of state is
directed to cause the same to be published for three con-
secutive months previous to the date of said election as
provided by law.

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this resolution originated in the
Senate and is known as Senate Joint Resolution 1006, Sixty-sixth
General Assembly.

STEVEN C. CROSS
Secretary of the Senate