

JAN 13 1999
STATE GOVERNMENT

HOUSE JOINT RESOLUTION 2
BY NELSON

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution of
2 the State of Iowa to make the Constitution of the State of
3 Iowa gender neutral.

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

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HJR 2

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

3 1. The first paragraph of the Preamble of the Constitution
4 of the State of Iowa is amended to read as follows:

5 PREAMBLE. WE THE PEOPLE OF THE STATE OF IOWA, grateful to
6 the Supreme Being for the blessings hitherto enjoyed, and
7 feeling our dependence on Him the Supreme Being for a
8 continuation of those blessings, do ordain and establish a
9 free and independent government, by the name of the State of
10 Iowa, the boundaries whereof shall be as follows:

11 2. Section 4 of Article I of the Constitution of the State
12 of Iowa is amended to read as follows:

13 RELIGIOUS TEST -- WITNESSES. SEC. 4. No religious test
14 shall be required as a qualification for any office, or public
15 trust, and no person shall be deprived of any of his the
16 person's rights, privileges, or capacities, or disqualified
17 from the performance of any of his the person's public or
18 private duties, or rendered incompetent to give evidence in
19 any court of law or equity, in consequence of his the person's
20 opinions on the subject of religion; and any party to any
21 judicial proceeding shall have the right to use as a witness,
22 or take the testimony of, any other person not disqualified on
23 account of interest, who may be cognizant of any fact material
24 to the case; and parties to suits may be witnesses, as
25 provided by law.

26 3. Section 7 of Article I of the Constitution of the State
27 of Iowa is amended to read as follows:

28 LIBERTY OF SPEECH AND PRESS. SEC. 7. Every person may
29 speak, write, and publish his the person's sentiments on all
30 subjects, being responsible for the abuse of that right. No
31 law shall be passed to restrain or abridge the liberty of
32 speech, or of the press. In all prosecutions or indictments
33 for libel, the truth may be given in evidence to the jury, and
34 if it appears to the jury that the matter charged as libellous
35 was true, and was published with good motives and for

1 justifiable ends, the party shall be acquitted.

2 4. Section 10 of Article I of the Constitution of the
3 State of Iowa is amended to read as follows:

4 RIGHTS OF PERSONS ACCUSED. SEC. 10. In all criminal
5 prosecutions, and in cases involving the life, or liberty of
6 an individual the accused shall have a right to a speedy and
7 public trial by an impartial jury; to be informed of the
8 accusation against ~~him~~ the accused, to have a copy of the same
9 when demanded; to be confronted with the witnesses against ~~him~~
10 the accused; to have compulsory process for ~~his~~ the accused's
11 witnesses; and, to have the assistance of counsel.

12 5. Section 1 of Article II of the Constitution of the
13 State of Iowa, as amended by the Amendment of 1868 and by
14 amendment number 2 of the Amendments of 1970, is amended to
15 read as follows:

16 ELECTORS. SEC. 1. Every citizen of the United States of
17 the age of twenty-one years, who shall have been a resident of
18 this State for such period of time as shall be provided by law
19 and of the County in which ~~he~~ the person claims ~~his~~ the
20 person's vote for such period of time as shall be provided by
21 law, shall be entitled to vote at all elections which are now
22 or hereafter may be authorized by law. The General Assembly
23 may provide by law for different periods of residence in order
24 to vote for various officers or in order to vote in various
25 elections. The required periods of residence shall not exceed
26 six months in this State and sixty days in the County.

27 6. Section 4 of Article III of the Constitution of the
28 State of Iowa, as amended by the Amendment of 1880 and the
29 Amendment of 1926, is amended to read as follows:

30 QUALIFICATIONS. SEC. 4. No person shall be a member of
31 the House of Representatives who shall not have attained the
32 age of twenty-one years, be a citizen of the United States,
33 and shall have been an inhabitant of this State one year next
34 preceding ~~his~~ the person's election, and at the time of ~~his~~
35 the person's election shall have had an actual residence of

1 sixty days in the County, or District ~~he~~ the person may have
2 been chosen to represent.

3 7. Section 10 of Article III of the Constitution of the
4 State of Iowa is amended to read as follows:

5 PROTEST -- RECORD OF VOTE. SEC. 10. Every member of the
6 General Assembly shall have the liberty to dissent from, or
7 protest against any Act or resolution which ~~he~~ the member may
8 think injurious to the public, or an individual, and have the
9 reasons for ~~his~~ the member's dissent entered on the journals;
10 and the yeas and nays of the members of either house, on any
11 question, shall, at the desire of any two members present, be
12 entered on the journals.

13 8. Section 16 of Article III of the Constitution of the
14 State of Iowa, as amended by amendment number 4 of the
15 Amendments of 1968, is amended to read as follows:

16 EXECUTIVE APPROVAL -- VETO -- ITEM VETO BY GOVERNOR. SEC.
17 16. Every bill which shall have passed the General Assembly,
18 shall, before it becomes a law, be presented to the Governor.
19 If ~~he~~ the Governor approve, ~~he~~ the Governor shall sign it; but
20 if not, ~~he~~ the Governor shall return it with ~~his~~ the
21 Governor's objections, to the house in which it originated,
22 which shall enter the same upon ~~their~~ its journal, and proceed
23 to ~~re-consider~~ reconsider it; if, after such ~~re-consideration~~
24 reconsideration, it again ~~pass~~ passes both houses, by yeas and
25 nays, by a majority of two thirds of the members of each
26 house, it shall become a law, notwithstanding the Governor's
27 objections. If any bill shall not be returned within three
28 days after it shall have been presented to ~~him~~ the Governor,
29 Sunday excepted, the same shall be a law in like manner as if
30 ~~he~~ the Governor had signed it, unless the General Assembly, by
31 adjournment, ~~prevent~~ prevents such return. Any bill submitted
32 to the Governor for ~~his~~ the Governor's approval during the
33 last three days of a session of the General Assembly, shall be
34 deposited by ~~him~~ the Governor in the office of the Secretary
35 of State, within thirty days after the adjournment, with ~~his~~

1 the Governor's approval, if approved by ~~him~~ the Governor, and
2 with ~~his~~ the Governor's objections, if ~~he~~ the Governor
3 disapproves thereof.

4 The Governor may approve appropriation bills in whole or in
5 part, and may disapprove any item of an appropriation bill;
6 and the part approved shall become a law. Any item of an
7 appropriation bill disapproved by the Governor shall be
8 returned, with ~~his~~ the Governor's objections, to the house in
9 which it originated, or shall be deposited by ~~him~~ the Governor
10 in the office of the Secretary of State in the case of an
11 appropriation bill submitted to the Governor for ~~his~~ the
12 Governor's approval during the last three days of a session of
13 the General Assembly, and the procedure in each case shall be
14 the same as provided for other bills. Any such item of an
15 appropriation bill may be enacted into law notwithstanding the
16 Governor's objections, in the same manner as provided for
17 other bills.

18 9. Section 21 of Article III of the Constitution of the
19 State of Iowa is amended to read as follows:

20 MEMBERS NOT APPOINTED TO OFFICE. SEC. 21. No senator or
21 representative shall, during the time for which ~~he~~ the senator
22 or representative shall have been elected, be appointed to any
23 civil office of profit under this State, which shall have been
24 created, or the emoluments of which shall have been increased
25 during such term, except such offices as may be filled by
26 elections by the people.

27 10. Section 23 of Article III of the Constitution of the
28 State of Iowa is amended to read as follows:

29 FAILURE TO ACCOUNT. SEC. 23. No person who may hereafter
30 be a collector or holder of public monies, shall have a seat
31 in either House of the General Assembly, or be eligible to
32 hold any office of trust or profit in this State, until ~~he~~ the
33 person shall have accounted for and paid into the treasury all
34 sums for which ~~he~~ the person may be liable.

35 11. Section 8 of Article IV of the Constitution of the

1 State of Iowa is amended to read as follows:

2 DUTIES OF GOVERNOR. SEC. 8. He The Governor shall
3 transact all executive business with the officers of
4 government, civil and military, and may require information in
5 writing from the officers of the executive department upon any
6 subject relating to the duties of their respective offices.

7 12. Section 9 of Article IV of the Constitution of the
8 State of Iowa is amended to read as follows:

9 EXECUTION OF LAWS. SEC. 9. He The Governor shall take
10 care that the laws are faithfully executed.

11 13. Section 11 of Article IV of the Constitution of the
12 State of Iowa is amended to read as follows:

13 CONVENING GENERAL ASSEMBLY. SEC. 11. He The Governor may,
14 on extraordinary occasions, convene the General Assembly by
15 proclamation, and shall state to both Houses, when assembled,
16 the purpose for which they shall have been convened.

17 14. Section 12 of Article IV of the Constitution of the
18 State of Iowa is amended to read as follows:

19 MESSAGE. SEC. 12. He The Governor shall communicate, by
20 message, to the General Assembly, at every regular session,
21 the condition of the State, and recommend such matters as he
22 the Governor shall deem expedient.

23 15. Section 13 of Article IV of the Constitution of the
24 State of Iowa is amended to read as follows:

25 ADJOURNMENT. SEC. 13. In case of disagreement between the
26 two Houses with respect to the time of adjournment, the
27 Governor shall have power to adjourn the General Assembly to
28 such time as he the Governor may think proper; but no such
29 adjournment shall be beyond the time fixed for the regular
30 meeting of the next General Assembly.

31 16. Section 16 of Article IV of the Constitution of the
32 State of Iowa is amended to read as follows:

33 PARDONS -- REPRIEVES -- COMMUTATIONS. SEC. 16. The
34 Governor shall have power to grant reprieves, commutations and
35 pardons, after conviction, for all ~~offences~~ offenses except

1 treason and cases of impeachment, subject to such regulations
2 as may be provided by law. Upon conviction for treason, he
3 the Governor shall have power to suspend the execution of the
4 sentence until the case shall be reported to the General
5 Assembly at its next meeting, when the General Assembly shall
6 either grant a pardon, commute the sentence, direct the
7 execution of the sentence, or grant a further reprieve. He
8 The Governor shall have power to remit fines and forfeitures,
9 under such regulations as may be prescribed by law; and shall
10 report to the General Assembly, at its next meeting, each case
11 of reprieve, commutation, or pardon granted, and the reasons
12 therefor; and also all persons in whose favor remission of
13 fines and forfeitures shall have been made, and the several
14 amounts remitted.

15 | 17. Section 17 of Article IV of the Constitution of the
16 State of Iowa is amended to read as follows:

17 | LIEUTENANT GOVERNOR TO ACT AS GOVERNOR. SEC. 17. In case
18 of the death, impeachment, resignation, removal from office,
19 or other disability of the Governor, the powers and duties of
20 the office for the residue of the term, or until ~~he~~ the
21 Governor shall be acquitted, or the disability removed, shall
22 devolve upon the Lieutenant Governor.

23 | 18. Section 20 of Article IV of the Constitution of the
24 State of Iowa is amended to read as follows:

25 | SEAL OF STATE. SEC. 20. There shall be a seal of this
26 State, which shall be kept by the Governor, and used by ~~him~~
27 the Governor officially, and shall be called the Great Seal of
28 the State of Iowa.

29 | 19. Section 12 of Article V of the Constitution of the
30 State of Iowa, as amended by amendment number 1 of the
31 Amendments of 1972, is amended to read as follows:

32 | ATTORNEY GENERAL. SEC. 12. The General Assembly shall
33 provide, by law, for the election of an Attorney General by
34 the people, whose term of office shall be four years, and
35 until ~~his~~ the Attorney General's successor is elected and

1 qualifies.

2 20. Paragraphs 1 and 2 of section 16 of Article V of the
3 Constitution of the State of Iowa, as added by the Amendment
4 of 1962, are amended to read as follows:

5 There shall be a State Judicial Nominating Commission.
6 Such Commission shall make nominations to fill vacancies in
7 the Supreme Court. Until July 4, 1973, and thereafter unless
8 otherwise provided by law, the State Judicial Nominating
9 Commission shall be composed and selected as follows: There
10 shall be not less than three nor more than eight appointive
11 members, as provided by law, and an equal number of elective
12 members on such Commission, all of whom shall be electors of
13 the State. The appointive members shall be appointed by the
14 Governor subject to confirmation by the Senate. The elective
15 members shall be elected by the resident members of the bar of
16 the State. The judge of the Supreme Court who is senior in
17 length of service on said Court, other than the Chief Justice,
18 shall also be a member of such Commission and shall be its
19 chairman chairperson.

20 There shall be a District Judicial Nominating Commission in
21 each judicial district of the State. Such commissions shall
22 make nominations to fill vacancies in the District Court
23 within their respective districts. Until July 4, 1973, and
24 thereafter unless otherwise provided by law, District Judicial
25 Nominating Commissions shall be composed and selected as
26 follows: There shall be not less than three nor more than six
27 appointive members, as provided by law, and an equal number of
28 elective members on each such commission, all of whom shall be
29 electors of the district. The appointive members shall be
30 appointed by the Governor. The elective members shall be
31 elected by the resident members of the bar of the district.
32 The district judge of such district who is senior in length of
33 service shall also be a member of such commission and shall be
34 its chairman chairperson.

35 21. Section 1 of Article VI of the Constitution of the

1 State of Iowa, as amended by the Amendment of 1868, is amended
2 to read as follows:

3 | COMPOSITION -- TRAINING. SECTION 1. The militia of this
4 State shall be composed of all able-bodied ~~male~~ citizens,
5 between the ages of eighteen and ~~forty-five~~ forty-five years,
6 except such as are or may hereafter be exempt by the laws of
7 the United States, or of this State, and shall be armed,
8 equipped, and trained, as the General Assembly may provide by
9 law.

10 | 22. Section 9 of Article VIII of the Constitution of the
11 State of Iowa is amended to read as follows:

12 | STOCKHOLDERS' RESPONSIBILITY. SEC. 9. Every stockholder
13 in a banking corporation or institution shall be individually
14 responsible and liable to its creditors, over and above the
15 amount of stock ~~by him or her~~ held by the stockholder, to an
16 amount equal to ~~his or her~~ the stockholder's respective shares
17 so held for all of its liabilities, accruing while ~~he or she~~
18 the stockholder remains such stockholder.

19 | Sec. 2. The foregoing amendment to the Constitution of the
20 State of Iowa is referred to the General Assembly to be chosen
21 at the next general election for members of the General
22 Assembly, and the Secretary of State is directed to cause the
23 same to be published for three consecutive months previous to
24 the date of that election as provided by law.

25 | EXPLANATION

26 | This joint resolution proposes an amendment to the
27 Constitution of the State of Iowa to make all references to
28 persons or officers gender neutral. The resolution, if
29 adopted, would be referred to the next general assembly before
30 being submitted to the electorate for ratification.

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