

FEB 24 2003
STATE GOVERNMENT

HOUSE JOINT RESOLUTION
BY JOCHUM

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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 4

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 libelous was true, and was published with good motives and for

1 justifiable ends, the party shall be acquitted.

2 4. Section 9 of Article I of the Constitution of the State
3 of Iowa is amended to read as follows:

4 RIGHT OF TRIAL BY JURY -- DUE PROCESS OF LAW. SEC. 9. The
5 right of trial by jury shall remain inviolate; but the General
6 Assembly may authorize trial by a jury of a less number than
7 twelve men individuals in inferior courts; but no person shall
8 be deprived of life, liberty, or property, without due process
9 of law.

10 5. Section 10 of Article I of the Constitution of the
11 State of Iowa is amended to read as follows:

12 RIGHTS OF PERSONS ACCUSED. SEC. 10. In all criminal
13 prosecutions, and in cases involving the life, or liberty of
14 an individual the accused shall have a right to a speedy and
15 public trial by an impartial jury; to be informed of the
16 accusation against ~~him~~ the accused, to have a copy of the same
17 when demanded; to be confronted with the witnesses against ~~him~~
18 the accused; to have compulsory process for ~~his~~ the accused's
19 witnesses; and, to have the assistance of counsel.

20 6. Section 1 of Article II of the Constitution of the
21 State of Iowa, as amended by the Amendment of 1868 and by
22 amendment number 2 of the Amendments of 1970, is amended to
23 read as follows:

24 ~~SEE--1-~~ SECTION 1. Every citizen of the United
25 States of the age of twenty-one years, who shall have been a
26 resident of this state for such period of time as shall be
27 provided by law and of the county in which ~~he~~ the person
28 claims ~~his~~ the person's vote for such period of time as shall
29 be provided by law, shall be entitled to vote at all elections
30 which are now or hereafter may be authorized by law. The
31 General Assembly may provide by law for different periods of
32 residence in order to vote for various officers or in order to
33 vote in various elections. The required periods of residence
34 shall not exceed six months in this state and sixty days in
35 the county.

1 7. Section 4 of Article III of the Constitution of the
2 State of Iowa, as amended by the Amendment of 1880 and the
3 Amendment of 1926, is amended to read as follows:

4 QUALIFICATIONS. SEC. 4. No person shall be a member of
5 the House of Representatives who shall not have attained the
6 age of twenty-one years, be a citizen of the United States,
7 and shall have been an inhabitant of this State one year next
8 preceding ~~his~~ the person's election, and at the time of ~~his~~
9 the person's election shall have had an actual residence of
10 sixty days in the County, or District ~~he~~ the person may have
11 been chosen to represent.

12 8. Section 10 of Article III of the Constitution of the
13 State of Iowa is amended to read as follows:

14 PROTEST -- RECORD OF VOTE. SEC. 10. Every member of the
15 General Assembly shall have the liberty to dissent from, or
16 protest against any Act or resolution which ~~he~~ the member may
17 think injurious to the public, or an individual, and have the
18 reasons for ~~his~~ the member's dissent entered on the journals;
19 and the yeas and nays of the members of either house, on any
20 question, shall, at the desire of any two members present, be
21 entered on the journals.

22 9. Section 16 of Article III of the Constitution of the
23 State of Iowa, as amended by amendment number 4 of the
24 Amendments of 1968, is amended to read as follows:

25 EXECUTIVE APPROVAL -- VETO -- ITEM VETO BY GOVERNOR. SEC.
26 16. Every bill which shall have passed the General Assembly,
27 shall, before it becomes a law, be presented to the Governor.
28 If ~~he approve~~ the Governor approves, ~~he~~ the Governor shall
29 sign it; but if not, ~~he~~ the Governor shall return it with ~~his~~
30 the Governor's objections, to the house in which it
31 originated, which shall enter the same upon ~~their~~ its journal,
32 and proceed to ~~re-consider~~ reconsider it; if, after such ~~re-~~
33 ~~consideration~~ reconsideration, it again ~~pass~~ passes both
34 houses, by yeas and nays, by a majority of two thirds of the
35 members of each house, it shall become a law, notwithstanding

1 the Governor's objections. If any bill shall not be returned
2 within three days after it shall have been presented to him
3 the Governor, Sunday excepted, the same shall be a law in like
4 manner as if ~~he~~ the Governor had signed it, unless the General
5 Assembly, by adjournment, ~~prevent~~ prevents such return. Any
6 bill submitted to the Governor for ~~his~~ the Governor's approval
7 during the last three days of a session of the General
8 Assembly, shall be deposited by ~~him~~ the Governor in the office
9 of the Secretary of State, within thirty days after the
10 adjournment, with ~~his~~ the Governor's approval, if approved by
11 ~~him~~ the Governor, and with ~~his~~ the Governor's objections, if
12 ~~he~~ the Governor disapproves thereof.

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

27 10. Section 21 of Article III of the Constitution of the
28 State of Iowa is amended to read as follows:

29 MEMBERS NOT APPOINTED TO OFFICE. SEC. 21. No senator or
30 representative shall, during the time for which ~~he~~ the senator
31 or representative shall have been elected, be appointed to any
32 civil office of profit under this State, which shall have been
33 created, or the emoluments of which shall have been increased
34 during such term, except such offices as may be filled by
35 elections by the people.

1 11. Section 23 of Article III of the Constitution of the
2 State of Iowa is amended to read as follows:

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

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

11 DUTIES OF GOVERNOR. SEC. 8. ~~He~~ The Governor shall
12 transact all executive business with the officers of
13 government, civil and military, and may require information in
14 writing from the officers of the executive department upon any
15 subject relating to the duties of their respective offices.

16 13. Section 9 of Article IV of the Constitution of the
17 State of Iowa is amended to read as follows:

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

20 14. Section 11 of Article IV of the Constitution of the
21 State of Iowa is amended to read as follows:

22 CONVENING GENERAL ASSEMBLY. SEC. 11. ~~He~~ The Governor may,
23 on extraordinary occasions, convene the General Assembly by
24 proclamation, and shall state to both Houses, when assembled,
25 the purpose for which they shall have been convened.

26 15. Section 12 of Article IV of the Constitution of the
27 State of Iowa is amended to read as follows:

28 MESSAGE. SEC. 12. ~~He~~ The Governor shall communicate, by
29 message, to the General Assembly, at every regular session,
30 the condition of the State, and recommend such matters as ~~he~~
31 the Governor shall deem expedient.

32 16. Section 13 of Article IV of the Constitution of the
33 State of Iowa is amended to read as follows:

34 ADJOURNMENT. SEC. 13. In case of disagreement between the
35 two Houses with respect to the time of adjournment, the

1 Governor shall have power to adjourn the General Assembly to
2 such time as he the Governor may think proper; but no such
3 adjournment shall be beyond the time fixed for the regular
4 meeting of the next General Assembly.

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

7 PARDONS -- REPRIEVES -- COMMUTATIONS. SEC. 16. The
8 Governor shall have power to grant reprieves, commutations and
9 pardons, after conviction, for all ~~offences~~ offenses except
10 treason and cases of impeachment, subject to such regulations
11 as may be provided by law. Upon conviction for treason, ~~he~~
12 the Governor shall have power to suspend the execution of the
13 sentence until the case shall be reported to the General
14 Assembly at its next meeting, when the General Assembly shall
15 either grant a pardon, commute the sentence, direct the
16 execution of the sentence, or grant a further reprieve. He
17 The Governor shall have power to remit fines and forfeitures,
18 under such regulations as may be prescribed by law; and shall
19 report to the General Assembly, at its next meeting, each case
20 of reprieve, commutation, or pardon granted, and the reasons
21 therefor; and also all persons in whose favor remission of
22 fines and forfeitures shall have been made, and the several
23 amounts remitted.

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

26 LIEUTENANT GOVERNOR TO ACT AS GOVERNOR. SEC. 17. In case
27 of the death, impeachment, resignation, removal from office,
28 or other disability of the Governor, the powers and duties of
29 the office for the residue of the term, or until ~~he the~~
30 Governor shall be acquitted, or the disability removed, shall
31 devolve upon the Lieutenant Governor.

32 19. Section 20 of Article IV of the Constitution of the
33 State of Iowa is amended to read as follows:

34 SEAL OF STATE. SEC. 20. There shall be a seal of this
35 State, which shall be kept by the Governor, and used by ~~him~~

1 the Governor officially, and shall be called the Great Seal of
2 the State of Iowa.

3 20. Section 12 of Article V of the Constitution of the
4 State of Iowa, as amended by amendment number 1 of the
5 Amendments of 1972, is amended to read as follows:

6 ATTORNEY GENERAL. SEC. 12. The General Assembly shall
7 provide, by law, for the election of an Attorney General by
8 the people, whose term of office shall be four years, and
9 until ~~his~~ the Attorney General's successor is elected and
10 qualifies.

11 21. Paragraphs 1 and 2 of section 16 of Article V of the
12 Constitution of the State of Iowa, as added by the Amendment
13 of 1962, are amended to read as follows:

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

29 There shall be a District Judicial Nominating Commission in
30 each judicial district of the state. Such commissions shall
31 make nominations to fill vacancies in the District Court
32 within their respective districts. Until July 4, 1973, and
33 thereafter unless otherwise provided by law, District Judicial
34 Nominating Commissions shall be composed and selected as
35 follows: There shall be not less than three nor more than six

1 appointive members, as provided by law, and an equal number of
2 elective members on each such commission, all of whom shall be
3 electors of the district. The appointive members shall be
4 appointed by the Governor. The elective members shall be
5 elected by the resident members of the bar of the district.
6 The district judge of such district who is senior in length of
7 service shall also be a member of such commission and shall be
8 its chairman chairperson.

9 22. Section 1 of Article VI of the Constitution of the
10 State of Iowa, as amended by the Amendment of 1868, is amended
11 to read as follows:

12 COMPOSITION -- TRAINING. SECTION 1. The militia of this
13 State shall be composed of all able-bodied ~~male~~ citizens,
14 between the ages of eighteen and ~~forty-five~~ forty-five years,
15 except such as are or may hereafter be exempt by the laws of
16 the United States, or of this State, and shall be armed,
17 equipped, and trained, as the General Assembly may provide by
18 law.

19 23. Section 9 of Article VIII of the Constitution of the
20 State of Iowa is amended to read as follows:

21 STOCKHOLDERS' RESPONSIBILITY. SEC. 9. Every stockholder
22 in a banking corporation or institution shall be individually
23 responsible and liable to its creditors, over and above the
24 amount of stock ~~by-him-or-her~~ held by the stockholder, to an
25 amount equal to ~~his-or-her~~ the stockholder's respective shares
26 so held for all of its liabilities, accruing while ~~he-or-she~~
27 the stockholder remains such stockholder.

28 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment
29 to the Constitution of the State of Iowa is referred to the
30 General Assembly to be chosen at the next general election for
31 members of the General Assembly, and the Secretary of State is
32 directed to cause the same to be published for three
33 consecutive months previous to the date of that election as
34 provided by law.

35

EXPLANATION

1 This joint resolution proposes an amendment to the
2 Constitution of the State of Iowa to make all references to
3 persons or officers gender neutral. The resolution, if
4 adopted, would be referred to the next general assembly before
5 being submitted to the electorate for ratification.

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