

House Joint Resolution 2016 - Introduced

HOUSE JOINT RESOLUTION 2016
BY DE BOEF

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa relating to the power of the people to
3 approve or reject certain acts of the General Assembly by
4 referendum.

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

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

3 1. Article III, Legislative Department, Section 1,
4 Constitution of the State of Iowa, is repealed and the
5 following adopted in lieu thereof:

6 **General assembly — referendum.** SECTION 1. The Legislative
7 authority of this state is vested in a General Assembly which
8 shall consist of a Senate and a House of Representatives.
9 However, the people reserve the power to approve or reject at
10 the polls any act, independently of the General Assembly.

11 Upon written petition of eligible electors equal in number
12 to not less than ten percent of the vote cast for Governor
13 in the last general election for Governor, addressed to the
14 Governor and filed in the office of the Secretary of State
15 no later than the ninetieth day after final adjournment of
16 the General Assembly, requesting that one or more acts passed
17 by the General Assembly as approved by the Governor but not
18 then in effect by reason of the provisions of section 26, be
19 referred to the people, such acts shall not take effect until
20 thirty days after the Governor shall have announced by public
21 proclamation that the same have been ratified by a majority of
22 the electors voting thereon at a statewide election.

23 The effect of any act specified in such petition shall be
24 suspended upon the filing of the petition. If it is later
25 finally determined, in accordance with any procedure enacted
26 by the General Assembly, that such petition was invalid, such
27 act shall then take effect upon the day following such final
28 determination.

29 Upon receipt of a valid petition, the Secretary of State
30 shall notify the Governor who shall, by proclamation, give
31 notice of the day and time of an election on the proposition
32 to approve or reject the act specified in the petition. The
33 election shall be held no more than sixty days after the
34 Governor's proclamation. If the Governor fails to give notice
35 of the election on the petition, the Secretary of State shall,

1 by proclamation, order that the proposition be submitted to the
2 people at an election, and such order shall be sufficient to
3 enable the people to vote.

4 Any act referred to the people and approved by a majority of
5 the votes cast thereon shall, unless a later date is specified
6 in the act, take effect and become law thirty days after
7 the Governor proclaims that the act has been ratified by the
8 electorate.

9 The General Assembly may enact acts expressly conditioned
10 upon the people's ratification by referendum vote pursuant to
11 this section.

12 The right of the electorate to approve or reject an act of
13 the General Assembly shall not extend to acts that pertain
14 solely to facilitating the performance of the business of the
15 General Assembly or appropriating money therefor, or for the
16 payment of compensation fixed by law.

17 Sec. 2. Section 16 of Article III of the Constitution of
18 the State of Iowa, as amended by amendment number 4 of the
19 Amendments of 1968, is amended by adding the following new
20 paragraph at the end thereof:

21 **Vote of the people.** The veto power of the Governor shall not
22 extend to any act after the act has been approved by vote of the
23 people.

24 Sec. 3. Section 26 of Article III of the Constitution of
25 the State of Iowa, as amended by the Amendment of 1966 and the
26 Amendment of 1986, is amended to read as follows:

27 **Time laws to take effect.** SEC. 26. An act of the General
28 Assembly passed at a regular session of a General Assembly
29 shall take effect ~~on July 1~~ ninety days following its passage
30 unless a ~~different~~ later effective date is stated in an
31 act of the General Assembly. An act passed at a special
32 session of a General Assembly shall take effect ninety
33 days after adjournment of the special session unless a
34 ~~different~~ later effective date is stated in an act of the
35 General Assembly. ~~The General Assembly may establish by law~~

1 ~~a procedure for giving notice of the contents of acts of~~
2 ~~immediate importance which become law.~~

3 The effective date of an act referred to the people under
4 section 1 shall be determined under the provisions of section
5 1.

6 Sec. 4. REFERRAL AND PUBLICATION. The foregoing amendment
7 to the Constitution of the State of Iowa is referred to the
8 General Assembly to be chosen at the next general election
9 for members of the General Assembly and the Secretary of
10 State is directed to cause the same to be published for three
11 consecutive months previous to the date of that election as
12 provided by law.

13 EXPLANATION

14 This joint resolution proposes an amendment to the
15 Constitution of the State of Iowa giving the people the
16 power to approve or reject certain acts passed by the general
17 assembly.

18 The joint resolution provides that a law passed by the
19 general assembly shall not take effect until 90 days after
20 final adjournment of that session of the general assembly. If
21 during that time a valid petition is filed with the secretary
22 of state requesting that the law be submitted to the people at
23 election, the governor shall give notice of the election to be
24 held no later than 60 days after receipt of the petition. If
25 the law is approved by the people at election, it shall take
26 effect 30 days after proclamation of its approval.

27 The joint resolution provides that the right of the
28 electorate to approve or reject an act passed by the general
29 assembly shall not extend to acts that pertain solely to
30 facilitating the performance of the business of the general
31 assembly or for the payment of compensation fixed by law.

32 The joint resolution also provides that laws approved by
33 the people at election are not subject to the governor's veto
34 power.

35 The joint resolution, if adopted, would be referred to the

1 next general assembly for consideration a second time before
2 the amendment is submitted to the electorate for ratification.