

House Joint Resolution 3 - Introduced

HOUSE JOINT RESOLUTION 3
BY HIGHFILL

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa to provide home rule for school
3 districts.

4 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 hereby proposed:

3 Article III, Legislative Department, Constitution of the
4 State of Iowa, is hereby amended by adding the following new
5 section:

6 **School district home rule.** SEC. 39B. School districts are
7 granted home rule power and authority, not inconsistent with
8 the laws of the general assembly, to determine their local
9 affairs and government, except that they shall not have power
10 to levy any tax unless expressly authorized by the general
11 assembly.

12 If the power or authority of a school district conflicts with
13 the power and authority of a municipal corporation, county,
14 or joint county-municipal corporation government, the power
15 and authority exercised by a municipal corporation, county, or
16 joint county-municipal corporation government shall prevail
17 within the jurisdiction of the municipal corporation, county,
18 or joint county-municipal corporation government.

19 The rule or proposition of law that a school district
20 possesses and can exercise only those powers granted in express
21 words is not a part of the law of this state.

22 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed
23 amendment to the Constitution of the State of Iowa is hereby
24 referred to the general assembly to be chosen at the next
25 general election for members of the general assembly, and the
26 secretary of state is directed to cause the proposed amendment
27 to be published for three consecutive months previous to the
28 date of that election as provided by law.

29

EXPLANATION

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 This joint resolution proposes an amendment to the
33 Constitution of the State of Iowa to provide home rule powers
34 and authority for school districts. The home rule powers
35 cannot be inconsistent with state law and the power to levy

1 any tax is limited to those taxes expressly authorized by
2 the general assembly. If the power or authority of a school
3 district conflicts with the power and authority of a municipal
4 corporation, county, or joint county-municipal corporation
5 government, the power and authority exercised by a municipal
6 corporation, county, or joint county-municipal corporation
7 government shall prevail within the jurisdiction of the
8 municipal corporation, county, or joint county-municipal
9 corporation government.

10 The resolution, if adopted, would be referred to the next
11 general assembly before being submitted to the electorate for
12 ratification.