HOUSE FILE 764
BY COMMITTEE ON GOVERNMENT
OVERSIGHT

(SUCCESSOR TO HSB 247)

(As Amended and Passed by the House April 22, 2019)
[= New Language by the House

A BILL FOR

An Act relating to publication and procedural provisions relating to proposed constitutional amendments and including effective date provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 49A.1, Code 2019, is amended to read as follows:

49A.1 Publication of proposed amendment.

1. Whenever any proposition to amend the Constitution has passed the general assembly and been referred to the next succeeding legislature, the ~~state commissioner of elections~~ general assembly shall cause the same to be published as provided in this section, ~~once each month, in two newspapers of general circulation in each congressional district in the state,~~ for the time required by the Constitution.

2. For purposes of complying with the publication requirements of this section, the general assembly shall cause the proposition to amend the Constitution to be published, once each month, in two newspapers of general circulation in each congressional district in the state and published, during each month, on an internet site of the general assembly.

Sec. 2. Section 49A.3, Code 2019, is amended to read as follows:

49A.3 Proof of publication — record — ~~report to legislature~~.

1. Proof of the publication required by section 49A.1 shall be filed by the general assembly in the office of the state commissioner of elections, recorded in a book kept for that purpose, and preserved by the commissioner. Proof of publication required by this subsection shall be made by the general assembly as follows:

a. Proof of publication by newspaper shall be made by filing in the office of the state commissioner of elections affidavits of the publishers of the newspapers designated by the general assembly for publication and a certificate by the general assembly of the selection of such newspapers.

b. Proof of publication on an internet site of the general assembly shall be made by filing a certificate by the general assembly in the office of the state commissioner of elections that publication as described in this paragraph has been made

as required by law.

2. Proof of the publication specified in ~~sections 49A.1 and~~ section 49A.2 shall be made by the affidavits of the publishers of the newspapers designated by the state commissioner of elections and such affidavits, with the certificate of the state commissioner of the selection of such newspapers, shall be filed in the commissioner's office, recorded in a book kept for that purpose, and preserved by the commissioner~~, and in the case of constitutional amendments the commissioner shall report to the following legislature the action in the premises~~.

Sec. 3. Section 49A.5, Code 2019, is amended to read as follows:

49A.5 Submission at special election.

The general assembly may provide for the submission of a constitutional amendment to the people at a special election for that purpose, at such time as it may prescribe, ~~proclamation for which election shall be made by the governor,~~ and the same shall in all respects be governed and conducted as prescribed by law for the submission of a constitutional amendment at a general election.

Sec. 4. Section 49A.9, Code 2019, is amended to read as follows:

49A.9 Expenses.

Expenses incurred under the provisions of this chapter shall be audited and allowed by the director of the department of administrative services and paid out of ~~any~~ money ~~in the state treasury not otherwise~~ appropriated to the state commissioner of elections.

Sec. 5. Section 49A.10, Code 2019, is amended to read as follows:

49A.10 Action to test legality.

1. Whenever an amendment to the Constitution of the State of Iowa shall have been proposed and agreed to by the general assembly and shall have been agreed to by the succeeding general assembly, any taxpayer may file suit in equity in

the district court at the seat of government of the state, challenging the validity, legality or constitutionality of such amendment, ~~or the procedure connected therewith,~~ and in such suit the district court shall have jurisdiction to determine the validity, legality or constitutionality of said amendment ~~or the procedure connected therewith,~~ and enter its decree accordingly, and may grant a writ of injunction enjoining the governor and state commissioner of elections from submitting such constitutional amendment~~,~~ if ~~it, or the procedure connected therewith,~~ the proposed constitutional amendment shall have been found to be invalid, illegal or unconstitutional.

2. An amendment to the Constitution of the State of Iowa which has been proposed and agreed to by the general assembly and has been agreed to by the succeeding general assembly shall not be determined invalid in any action challenging the validity, legality, or constitutionality of such amendment in the event of an error or omission occurring with [one of] the publication requirements of section 49A.1 and shall be submitted to the electorate for ratification at the next general or special election as determined by the general assembly.

Sec. 6. REPEAL. Section 49A.7, Code 2019, is repealed.

Sec. 7. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.