

February 27, 1963.

Cities and Towns.

Laid on Table?
Vote 5/15
aye 17 Nays 73
lost
without recommendation
Towns 4/5

By STANLEY, MOWRY, CARSTENSEN,
EVELAND, DARRINGTON, SWISHER,
RILEY, and MENSING.

House File 380

Passed House, Date... *5-15-63*

Passed Senate, Date... *5-17-63*

Vote: Ayes... *91* Nays... *8*

Vote: Ayes... *47* Nays... *0*

Approved.....

amended by Senate 5/18
concurred by House
aye 87
nays 0

Legislative Committee
Sept. Com. Cal. 5/16

A BILL FOR

An Act relating to the powers of cities and towns and to confer upon them broad powers of self-determination with respect to local and internal affairs.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 Section 1. Section three hundred sixty-eight point two
- 2 (368.2), Code 1962, is amended by adding at the end thereof
- 3 the following:
- 4 "It is hereby declared to be the policy of the state of
- 5 Iowa that the provisions of the Code relating to the
- 6 powers, privileges, and immunities of cities and towns are
- 7 intended to confer broad powers of self-determination as to
- 8 purely local and internal affairs upon such municipal
- 9 corporations and should be liberally construed in favor of
- such corporations. The rule that cities and towns have only
- those powers expressly conferred by statute has no
- application to this Code. Its provisions shall be construed
- to confer upon such corporations the widest possible scope
- of implied power over local and internal affairs which may
- 15 exist within constitutional limits. No section of the Code
- 16 which grants a specific power to cities and towns, or any
- 17 reasonable class thereof, shall be construed as narrowing
- 18 or restricting the general grant of police powers hereinabove
- 19 conferred unless such restriction is expressly set forth

20 in such statute or unless the terms of such statute are
 21 so comprehensive as to have entirely occupied the field
 22 of its subject. However, statutes which provide a manner
 23 or procedure for carrying out their provisions or exercising
 24 a given power shall be interpreted as providing the
 25 exclusive manner of procedure and shall be given substantial
 26 compliance, but legislative failure to provide an express
 27 manner or procedure for exercising a conferred power shall
 28 not prevent its exercise. However, cities and towns shall
 29 not have power to levy any tax except as expressly authorized
 30 by statute."

EXPLANATION OF HOUSE FILE 380

The purpose of this bill is to confer limited "home rule" powers upon cities and towns to the extent that it is legislatively possible to confer such power by legislative measures. This is a modified form of "home rule" which does not require an amendment to the Constitution of Iowa or a complete revision of Title XV, Code of Iowa and other statutes related thereto.

This bill does not in any way limit the power of the legislature to enact laws restricting the power of cities and towns.

HOUSE FILE 380

- 1 Amend House File 380 as follows:
- 2 1. By striking in line 8 the word "purely" and inserting
- 3 in lieu thereof the word "strictly".
- 4 2. By striking in lines 13 and 14
- 5 the words "the widest possible scope of implied power over" and
- 6 inserting in lieu thereof the words "broad and implied power
- 7 over all".
- 8 3. By striking in line 18 the word "police".
- 9 4. By striking in line 28 the word "However" and
- 10 inserting in lieu thereof the words "Notwithstanding any of the
- 11 provisions of this section".

Filed and adopted
 May 17, 1963.

By NOLAN

HOUSE FILE 380

- 1 Amend House File 380, section 1, line twenty-nine (29)
- 2 by inserting the words "or license" after the word "tax".

Filed and lost ✓
 May 15, 1963.

KNOCK of Union.

HOUSE FILE 380

- 1 Amend House File 380 as follows:
- 2 1. In line twenty-nine (29), insert after the word "tax"
- 3 the following: ", assessment, excise, fee, charge or other
- 4 exaction".
- 5 2. Add the following new section:
- 6 "Sec. 2. Cities and towns shall not have power to license
- 7 construction contractors."

Filed and adopted
 May 15, 1963.

STANLEY of Muscatine.

*Dir. 1
 adopted 5/15*

*Dir. 2
 adopted 5/15*