

February 15, 1963.

Passed on File.

*Cities and Towns 2/19 Pass as amended 4/4*  
Passed Senate, Date... 4-17-63

Vote: Ayes... 41 Nays... 7

Approved.....

S. J. R. 15

By RIGLER and FROMMELT.

Passed House, Date.....

Vote: Ayes..... Nays.....

*ifting Committee 4/27*

# SENATE JOINT RESOLUTION

A Joint Resolution proposing to amend Article three (III) of the Constitution of the State of Iowa to provide home rule for city and town governments.

*Be It Resolved by the General Assembly of the State of Iowa:*

- 1 Section 1. The following amendment to the Constitution
- 2 of the State of Iowa is hereby adopted:
- 3 "Article three (III), legislative department, Constitution
- 4 of the State of Iowa is hereby amended by adding the following
- 5 new section:
- 6 'Cities and towns are hereby empowered to determine their
- 7 local affairs and government, except as provided in this
- 8 section.
- 9 'The general assembly shall provide by general law,
- 10 applicable to all cities and towns, for the methods by which
- 11 boundaries may be altered and by which cities and towns may
- 12 be merged, consolidated and dissolved.
- 13 'Cities and towns shall exercise determination over local
- 14 affairs and government by ordinances passed by the local
- 15 governing body. The enactment of ordinances on any subject
- 16 of local affairs and government shall be permitted except
- 17 as the provisions of this constitution and enactments of the
- 18 general assembly on any such subject specifically prohibit
- 19 or restrict such ordinances.
- 20 'In order to prohibit or limit ordinances permitted by

21 this section, a statute relating to cities and towns must  
22 be general in terms and effect; it must be of statewide  
23 concern and of uniform application. Such statutes now in  
24 effect or hereafter enacted and as later amended and until  
25 repealed shall govern all cities and towns.

26 'Powers and authority granted cities and towns by this  
27 section shall be liberally construed for the purpose of  
28 giving cities and towns the largest measure of self-government.  
29 The rule that cities and towns have only those powers  
30 expressly conferred by statute shall not apply.

31 'A statute which grants a specific power to cities and  
32 towns shall not be construed as narrowing or restricting the  
33 general grant of powers to cities and towns under this  
34 constitution unless such restriction is expressly set forth  
35 in such statute or unless the terms of such statute are so  
36 comprehensive as to have entirely occupied the field of its  
37 subject. Statutes which provide a manner or procedure for  
38 carrying out or exercising a given power shall be interpreted  
39 as providing the exclusive manner or procedure, where no  
40 alternative is specified, but failure to provide any express  
41 manner or procedure for exercising a conferred power shall  
42 not prevent its exercise.'"

1 Sec. 2. The foregoing proposed amendment is hereby  
2 referred to the general assembly to be chosen at the next  
3 general election for members of the general assembly, and  
4 the secretary of state shall cause the same to be published  
5 for three consecutive months previous to the date of said  
6 election as provided by law.

EXPLANATION OF S. J. R. 15

The purpose of this resolution is to give the 945 cities and towns of Iowa a measure of home rule and to eliminate the necessity for the legislature having to handle so many city and town bills each legislative session.

The Iowa Constitution has very little to say about state-municipal relations. Rather the present legal arrangement is the result of an accumulation of court decisions and legislative precedents through the years. This legal arrangement permits cities and towns to do only those things which are spelled out clearly in the statutes or which are clearly implied by these laws.

Because this legal arrangement is deeply ingrained in Iowa, it is felt that a constitutional amendment is required to significantly change this arrangement. This resolution would amend the constitution, if approved by the legislature and the people, to give cities and towns the authority to make local decisions in cases not specifically prohibited by state law or the constitution.

This resolution does not give complete freedom to cities and towns to do as they please. State laws now in effect would still be in effect. Any laws passed in the future would also have precedence over any local ordinance.

What this resolution does do is to provide a legal arrangement so that cities and towns can act locally on (1) local matters not already legislated upon and (2) details which state statutes do not cover. This is designed to encourage local initiative and action and eliminate many minor legislative requests so that the legislature would not have to spend its time on these purely local matters.

Laws relating to finances (debt and levy limits for example) of cities and towns would still be in effect. However, cities and towns would be able to levy local taxes and other charges unless, or until, these are specifically prohibited. Upon the approval of a similar amendment, the Kansas legislature passed laws to prohibit municipal sales and income taxes.

Kansas is one of 30 states which have home rule. This amendment for Iowa is patterned after the Kansas amendment. It would give a measure of home rule to any community which wanted to exercise this authority.

SENATE JOINT RESOLUTION 15

- 1 Amend Senate Joint Resolution 15 by inserting at the end
- 2 of line 19 of section 1 the following:
- 3 "However cities and towns may levy only those taxes,
- 4 excises, fees, charges and other exactions now or hereafter
- 5 permitted by statute."

Filed  
April 4, 1963.

*adopted 4/17*

By SCHROEDER.

SENATE JOINT RESOLUTION 15

- 1 Amend Senate Joint Resolution 15 as follows:
- 2 By striking in line 2 of section 1 the word "adopted"
- 3 and inserting in lieu thereof the word "proposed".

Filed and adopted ✓  
April 17, 1963.

By TURNER.