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CITY OF MUSCATINE PRESS RELEASE

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THE CELEBRATION OF HOME RULE CONTINUES IN IOWA

Amendment gives city residents more control over their future

MUSCATINE, Iowa – In 1968 the citizens of Iowa voted for an amendment to the Iowa Constitution that allowed cities the ability to provide more local governance and regulation with certain restrictions. The grass roots effort that led to the passage of the Home Rule Amendment sought to give city residents the right to govern their own affairs through their elected city councils.

Every city across Iowa has issued or will be issuing proclamations supporting and celebrating the 50th anniversary of this landmark amendment that constitutionalized local control in the state of Iowa. The City Council of the City of Muscatine passed a resolution Thursday (Dec. 6) night as the City now joins the 224 Iowa communities that have already passed a proclamation in support of Home Rule.

The amendment transitioned Iowa from a Dillon's Rule state, where local government powers are derived exclusively from the state legislature, to a Home Rule state where local government powers are derived from the State Constitution.

"Local control is what gives citizens a voice in their local communities," Alan Kemp, executive director of the Iowa League of Cities, said. "Home Rule, or local control, truly empowers residents and leaders at the city level to make the decisions that best fit their community."

The amendment provides that:

“Municipal corporations are granted home rule power and authority, not inconsistent with the laws of the general assembly, to determine their local affairs and government, except that they shall not have power to levy any tax unless expressly authorized by the general assembly. The rule or proposition of law that a municipal corporation possesses and can exercise only those powers granted in express words is not a part of the law of this state.”

“The Dillon Rule” was named after Iowa Supreme Court justice John Dillon who ruled in an 1868 case that city governments could only possess and exercise those powers granted to them in the Code of Iowa.

A March 2015 Home Rule Special Report by the Iowa League of Cities, explained the history of the Home Rule movement, the Iowa amendment, what cities can do, and what cities cannot do.

The Home Rule movement, the report noted, began in the early 20th Century as a way to give cities the power to determine their form of government and the authority to exercise their municipal powers as they could determine the best interests of their citizenry.

The report also noted that Iowa’s home rule amendment limits the exercise of home rule power in several ways: home rule power cannot be exercised inconsistently with the laws of the General Assembly; it is limited to local affairs and government; and, it does not include the power to levy any tax unless that tax is expressly authorized by the General Assembly.

Home Rule, however, is not an absolute. The Iowa General Assembly, by the wording of the amendment to the Iowa Constitution, can chip away at local control by passing legislation that would take precedence over municipal jurisdiction.

This creates a significant challenge to municipal leaders to balance the wishes of the state legislatures with the needs of the community.

The Iowa League of Cities notes that the citizens of Iowa have enshrined in their Constitution the expectation that cities will exercise their Home Rule powers to determine their local affairs



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and government. City officials, therefore, have a duty to use their Home rule powers for the benefit of their citizenry. Not only must city officials resist challenges to their Home Rule powers, but they must also resist the temptation to seek explicit authority from the Legislature to act, when the Home rule Amendment provides them all the authority they need.

[Iowa League of Cities Home Rule Anniversary](#) page