

CHAPTER 72

DETERMINATION OF EXECUTIVE DISABILITY

H. F. 713

AN ACT relating to the determination of executive disability.

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

1 SECTION 1. Amend chapter seven (7), Code 1962, by adding the
2 following section:

3 1. Whenever it appears that the governor is unable to discharge the
4 duties of his office for reason of disability pursuant to Article IV,
5 section 17, Constitution of Iowa, the person next in line of succession
6 to the office of the governor, or the chief justice, may call a conference
7 consisting of the person who is chief justice, the person who is director
8 of mental health, and the person who is the dean of medicine at the
9 state university of Iowa. Provided, if either the director or dean is
10 not a physician duly licensed to practice medicine by this state he may
11 assign a member of his staff so licensed to assist and advise on the
12 conference. The three members of the conference shall within ten
13 (10) days after the conference is called examine the governor. Within
14 seven (7) days after the examination, or if upon attempting to ex-
15 amine the governor the members of the conference are unable to
16 examine him because of circumstances beyond their control, they shall
17 conduct a secret ballot and by unanimous vote may find that the gov-
18 ernor is temporarily unable to discharge the duties of the office.

19 2. The finding of or failure to find a disability shall be immediately
20 made public, and in case the governor is found to be unable to dis-
21 charge the duties of the office, the person next in line of succession to
22 the office of governor shall be immediately notified. After receiving
23 the notification such person may, under section 17, Article IV and
24 amendment 2 of 1952, Constitution of Iowa, become governor until the
25 disability be removed.

26 3. Whenever a governor who is unable to discharge the duties of the
27 office believes his disability to be removed, he may call a conference
28 consisting of the three persons referred to as members of such a con-
29 ference in subsection (1) of this Act. The three members of the con-
30 ference shall within ten (10) days examine the disabled governor.
31 Within seven (7) days after the examination they shall conduct a
32 secret ballot and by unanimous vote may find the disability removed.

33 4. The finding of or failure to find the disability removed shall be
34 immediately made public.

Approved July 1, 1965.