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Senate File 403
By PRENTIS, SCHROEDER

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A BILL FOR

An Act to provide for continuity of the state legislature in the event of an attack by an enemy of the United States.

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

1 Section 1. Existing civil law for constitutional government
2 under normal conditions must, at times, reasonably yield to the
3 paramount right of the state, through the reservoir of its re-
4 served police power, to protect, by appropriate legislation, its
5 sovereignty, its government, its people and their general welfare,
6 against exigencies arising out of a great emergency; therefore,
7 the general assembly hereby provides during such emergencies
8 tantamount to martial law conditions for provisional government
9 upon a proclamation of such emergency by the governor or one
10 acting in his stead.

1 Sec. 2. Short title. This Act shall be known as the "Emer-
2 gency Interim Legislative Succession Act."

1 Sec. 3. Declaration of policy. The legislature declares:
2 (1) that recent technological developments make possible an enemy
3 attack of unprecedented destructiveness, which may result in the
4 death or inability to act of a large proportion of the membership
5 of the Legislature; (2) that to conform in time of attack to
6 existing legal requirements pertaining to the legislature would
7 be impracticable, would admit of undue delay, and would jeopardize
8 continuity of operation of a legally constituted legislature; and

9 (3) that it is therefore necessary to adopt special provisions
10 as hereinafter set out for the effective operation of the legis-
11 lature.

1 Sec. 4. Definitions as used in this Act:

2 1. Attack means any action or series of actions taken by an
3 enemy of the United States resulting in substantial damage or
4 injury to persons or property in this state whether through sabo-
5 tage, bombs, missiles, shellfire, or atomic, radiological,
6 chemical, bacteriological, or biological means or other weapons
7 or methods.

8 2. Unavailable means absent from the place of session (other
9 than on official business of the legislature), or unable, for
10 physical, mental or legal reasons, to exercise the powers and dis-
11 charge the duties of a legislator, whether or not such absence or
12 inability would give rise to a vacancy under existing constitu-
13 tional or statutory provisions.

1 Sec. 5. Designation of emergency interim successors to legisla-
2 tors. Each legislator shall designate not fewer than three or
3 more than seven emergency interim successors to his powers and
4 duties and specify their order of succession. Each legislator
5 shall review and, as necessary, promptly revise the designations
6 of emergency interim successors to his powers and duties to insure
7 that at all times there are at least three such qualified emergency
8 interim successors.

1 Sec. 6. Status, qualifications and term of emergency interim
2 successors. An emergency interim successor is one who is designa-
3 ted for possible temporary succession to the powers and duties, but
4 not the office, of a legislator. No person shall be designated
5 or serve as an emergency interim successor unless he may under

6 the constitution and statutes hold the office of the legislator
7 to whose powers and duties he is designated to succeed, but no
8 constitutional or statutory provision prohibiting a legislator
9 from holding another office or prohibiting the holder of another
10 office from being a legislator shall be applicable to an emer-
11 gency interim successor. An emergency interim successor shall
12 serve at the pleasure of the legislator designating him or of
13 any subsequent incumbent of the legislative office.

1 Sec. 7. Recording and publication. Each designation of an
2 emergency interim successor shall become effective when the legis-
3 lator making the designation files with the secretary of state
4 the successor's name, address and rank in order of succession.
5 The removal of an emergency interim successor or change in order
6 of succession shall become effective when the legislator so
7 acting files this information with the secretary of state. All
8 such data shall be open to public inspection. The secretary
9 of state shall inform the governor, the state office of civil
10 defense, the presiding officer of the house concerned and all
11 emergency interim successors, of all such designations, removals
12 and changes in order of succession. The presiding officer of
13 each house shall enter all information regarding emergency interim
14 successors for the house in its public journal at the beginning
15 of each legislative session and shall enter all changes in member-
16 ship or order of succession as soon as possible after their occur-
17 rence.

1 Sec. 8. Oath of emergency interim successors. Promptly after
2 designation each emergency interim successor shall take the
3 oath required for the legislator to whose powers and duties he
4 is designated to succeed. No other oath shall be required.

1 Sec. 9. Duty of emergency interim successors. Each emergency
2 interim successor shall keep himself generally informed as to the
3 duties, procedures, practices and current business of the legis-
4 lature, and each legislator shall assist his emergency interim
5 successors to keep themselves so informed.

1 Sec. 10. Place of legislative session. Whenever in the event
2 of an attack, or upon finding that an attack may be imminent, the
3 governor deems the place of session then prescribed to be unsafe,
4 he may change it to any place within or without the state which
5 he deems safer and convenient.

1 Sec. 11. Convening of legislature in event of attack. In the
2 event of an attack, the governor shall call the legislature into
3 session as soon as practicable, and in any case within ninety
4 days following the inception of the attack. If the governor
5 fails to issue such call, the legislature shall, on the ninetieth
6 day from the date of inception of the attack, automatically con-
7 vene at the place where the governor then has his office. Each
8 legislator and each emergency interim successor, unless he
9 is certain that the legislator to whose powers and duties he is
10 designated to succeed or any emergency interim successor higher
11 in order of succession will not be unavailable, shall proceed to
12 the place of session as expeditiously as practicable. At such
13 session or at any session in operation at the inception of the
14 attack, and at any subsequent sessions, limitations on the length
15 of session and on the subjects which may be acted upon shall be
16 suspended.

1 Sec. 12. Assumption of powers and duties of legislator by
2 emergency interim successor. If in the event of an attack a
3 legislator is unavailable, his emergency interim successor highest

4 in order of succession who is not unavailable shall, except for
5 the power and duty to appoint emergency interim successors, exer-
6 cise the powers and assume the duties of such legislator. An
7 emergency interim successor shall exercise these powers and as-
8 sume these duties until the incumbent legislator, an emergency
9 interim successor higher in order of succession, or a legislator
10 appointed or elected and legally qualified can act. Each house
11 of the legislature shall, in accordance with its own rules,
12 determine who is entitled under the provisions of this Act to
13 exercise the powers and assume the duties of its members. All
14 constitutional and statutory provisions pertaining to ouster of
15 a legislator shall be applicable to an emergency interim successor
16 who is exercising the powers and assuming the duties of a legis-
17 lator.

1 Sec. 13. Privileges, immunities and compensation of emergency
2 interim successors. When an emergency interim successor exercises
3 the powers and assumes the duties of a legislator, he shall be ac-
4 corded the privileges and immunities, compensation, allowances and
5 other perquisites of office to which a legislator is entitled.
6 In the event of an attack, each emergency interim successor,
7 whether or not called upon to exercise the powers and assume the
8 duties of a legislator, shall be accorded the privileges and
9 immunities of a legislator while traveling to and from a place
10 of session and shall be compensated for his travel in the same
11 manner and amount as a legislator. This section shall not in
12 any way affect the privileges, immunities, compensation, al-
13 lowances or otherwise perquisites of office of an incumbent legislator.

1 Sec. 14. Quorum and vote requirements. In the event of an
2 attack, (1) quorum requirements for the legislature shall be sus-

3 pended, and (2) where the affirmative vote of a specified propor-
4 tion of members for approval of a bill, resolution or other action
5 would otherwise be required, the same proportion of those voting
6 thereon shall be sufficient.

1 Sec. 15. Termination of operation of provisions of this act.
2 The authority of emergency interim successors to succeed to the
3 powers and duties of legislators, and the operation of the provi-
4 sions of this Act relating to quorum and the number of affirma-
5 tive votes required for legislative action shall expire two years
6 following the inception of an attack, but nothing herein shall
7 prevent the resumption before such time of the filling of legis-
8 lative vacancies and the calling of elections for the legislature
9 in accordance with applicable constitutional and statutory pro-
10 visions. The governor, acting by proclamation, or the legislature,
11 acting by concurrent resolution, may from time to time extend or
12 restore such authority or the operation of any of such provisions
13 upon a finding that events render the extension or restoration
14 necessary, but no extension or restoration shall be for a period
15 of more than one year.