

January 29, 1969  
State Government, *Pass 2-25*  
*See " " 4-2, Pass 1-15*

HOUSE FILE 106

By GOODE

Passed House, Date *4-1-69* Passed Senate, Date *1-19-70*  
Vote: Ayes *113* Nays *2* Vote: Ayes *59* Nays *0*  
*Pass 1-17*  
Approved *Jan. 28, 1970*

## A BILL FOR

- 1 An Act relating to members of the general assembly of the state
- 2 of Iowa and repealing chapter thirty-eight B (38B), Code
- 3 1966.
- 4 *Be It Enacted by the General Assembly of the State of Iowa:*
- 5 Section 1. Chapter thirty-eight B (38B), Code 1966, is
- 6 hereby repealed.

### EXPLANATION OF HOUSE FILE 106

On Monday, January 13, 1969, I signed the following oath as required by Article III, section 32, of the Constitution of the State of Iowa:

"I do solemnly swear, or affirm, (as the case may be,) that I will support the Constitution of the United States, and the Constitution of the State of Iowa, and that I will faithfully discharge the duties of Senator, (or Representative, as the case may be,) according to the best of my ability."

I see by chapter 38B of the Iowa Code of 1966 that each legislator *shall* designate not fewer than three or more than seven emergency interim successors to his powers and duties and specify their order of succession.

Now, under that oath that I signed, I cannot do this because I firmly believe I would be violating section 12 of Article III of the Iowa Constitution and not be supporting it to the best of my ability. Section 12, Article III, of the Constitution says, "Vacancies. Sec. 12, When Vacancies occur in either house, the Governor or the person exercising the functions of Governor, shall issue writs of election to fill such vacancies."

If I am wrong, I am sorry but this is the way I feel about it.