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**December 13, 2006**

**To: Co-chairpersons Senator John P. "Jack" Kibbie, Senator Larry McKibben, and Representative Jodi Tymeson, and Members of the Continuity of Government Planning Interim Study Committee**

**From: Ed Cook, Senior Legal Counsel, Legislative Services Agency**

**Re: Background Information for the Continuity of Government Planning Interim Study Committee**

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**I. Charge — Overview.**

The Legislative Council created the Continuity of Government Planning Interim Study Committee and gave it the following charge: Examine issues relating to the continued functioning of state government following a disaster, including gubernatorial succession, replacement of constitutional officers and department heads, legislative elections to fill vacancies, and continued funding of state government if the General Assembly is unable to meet and pass a budget.

This memorandum will provide some legal background relative to the charge to the committee.

**II. Governmental Offices Continuity — Succession Issues.**

**A. Overview.** Critical to any discussion related to the continuity of government following a disaster is what happens if a vacancy or vacancies occur in the various offices of both the executive and legislative branches of government. The Iowa Constitution provides the basic parameters for filling vacancies in the executive and legislative branches.

As to executive branch vacancies, Article IV, section 10 of the Iowa Constitution provides the Governor with the power to fill such vacancies.<sup>1</sup> More specific guidelines governing vacancies are provided in Code chapter 69, which also specifically provides that the Governor has the authority to fill vacancies of state officers.<sup>2</sup>

Similarly, as to legislative branch vacancies, Article III, section 12 of the Iowa Constitution provides the Governor with the authority to call elections to fill such vacancies.<sup>3</sup> As with executive branch vacancies, additional rules governing elections to legislative offices are provided by Code section 69.14.

In both cases, though, the Governor's role is critical, either in having the power of appointment for filling executive branch vacancies or the power of calling an election to fill legislative branch vacancies.

## **B. Gubernatorial Succession.**

**1. Constitutional Provisions.** Gubernatorial succession is largely governed by the Iowa Constitution. Article IV, sections 17 and 19, provide that the line of succession goes from Lieutenant Governor, President of the Senate, Speaker of the House, to Governor elected by joint convention of the General Assembly. The applicable constitutional provisions provide as follows:

**Lieutenant Governor to Act as Governor.** SEC. 17. In case of the death, impeachment, resignation, removal from office, or other disability of the governor, the powers and duties of the office for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the lieutenant governor.

**Succession to Office of Governor and Lieutenant Governor.** SEC. 19. If there be a vacancy in the office of the governor and the lieutenant governor shall by reason of death, impeachment, resignation, removal from office, or other disability become incapable of performing the duties pertaining to the office of governor, the president of the senate shall act as governor until the vacancy is filled or the disability removed; and if the president of the senate, for any of the above causes, shall be incapable of performing the duties pertaining to the office of governor the same shall devolve upon the speaker of the house of representatives; and if the speaker of the house of representatives, for any of the above causes, shall be incapable of performing the duties of the office of governor, the justices of the supreme court shall convene the general assembly by proclamation and the general assembly shall organize by the election of a president by the senate and a speaker by the house of representatives. The general assembly shall thereupon immediately proceed to the election of a governor and lieutenant governor in joint convention.

**2. Joint Convention.** While the Iowa Constitution is specific as to succession through the Speaker of the House, exactly how the election of a Governor and Lieutenant Governor in joint convention would be accomplished is not specified. The Iowa Constitution does provide that elections by the General Assembly be viva voce and entered on the journal.<sup>4</sup> While it seems clear that the Iowa Constitution would require a majority of each house to constitute a quorum to transact business in joint convention,<sup>5</sup> the Iowa Constitution is silent as to what vote is necessary to elect a Governor by joint convention. This is in contrast to the Constitutional requirement that bills be passed "by the assent of a majority of all the members elected to each branch of the General Assembly ..."<sup>6</sup> While the Iowa Constitution is silent as to how a joint convention to elect a Governor and Lieutenant Governor would be conducted, the Code does provide for the manner of electing any "officer" by joint convention.<sup>7</sup> While "officer" is undefined, it would seem unlikely that it would refer to only officers of each house since each house, and not a joint convention, would determine their own officers. That Code section provides that each member of the joint convention shall vote, in alphabetical order, with the tellers reporting to the president of the convention the number of votes given for each candidate. The Code section then provides as follows, "If no person shall receive the votes of a majority of the members present, a second poll may be taken, or as many polls as may be required until some person receives a majority." If this provision is applicable, it would appear that a Governor could be elected by joint convention through the vote of a majority of the members present at that convention, once a quorum of each house was attained.

### **3. Disability Vacancy.**

a. The Iowa Constitution contemplates that the office of Governor could be vacated through a disability. While the Iowa Constitution does not provide for the determination of when a disability occurs, Code section 7.14 establishes the procedure for determining a vacancy by disability. Essentially, the Code section provides that the person next in line of succession to the office of the Governor, or the Chief Justice, may call a conference consisting of the person who is Chief Justice, the person who is Director of Mental Health, and the person who is the Dean of Medicine at the State University of Iowa. The Code then provides that the three members of the conference examine the Governor within 10 days after the conference is called. Within seven days after the examination, or if upon attempting to examine the Governor the members of the conference are unable to examine the Governor because of circumstances beyond their control, they shall conduct a secret ballot and by unanimous vote may find that the Governor is temporarily unable to discharge the duties of the office. Once the determination is made, the finding is made public and the person next in succession is notified and may become Governor until the disability is removed. Once a Governor determined to be disabled believes the disability has been removed, the Governor can call the same three-person conference and the conference shall examine the Governor and vote as to whether the disability has been removed in the same manner as the initial determination. A determination that the disability has been removed requires a unanimous vote.

b. While the statutory scheme governing the determination of a gubernatorial disability is fairly specific, especially as to who are members of the disability conference, the scheme was established at a time when the position of "director of mental health" existed and was required to be a psychiatrist.<sup>8</sup> Today, while the position of director of mental health does not exist, the duties of that position are now held by the Administrator of the Division of Mental Health and Disability Services who is not required to be a psychiatrist.<sup>9</sup> If this position is intended to fulfill the role of the "director of mental health," then corrective legislation may be necessary to reflect this change in Code section 7.14.

**4. Term of Office.** The Iowa Constitution provides that the term of office for the Governor and Lieutenant Governor is four years.<sup>10</sup> If the Lieutenant Governor succeeds to the office of Governor, the Iowa Constitution clearly provides that the powers and duties of Governor shall devolve upon the Lieutenant Governor, "for the residue of the term" or until the Governor is acquitted following impeachment or the Governor's disability is removed.<sup>11</sup> However, the Iowa Constitution and the Code are silent as to whether this would apply if the person succeeding to the office of Governor was the President of the Senate, Speaker of the House, or person elected by joint convention of the General Assembly. In any event, if the President of the Senate, Speaker of the House, or any other member of the General Assembly did become Governor, the Iowa Constitution would provide that the person would then become disqualified to hold a seat in the General Assembly.<sup>12</sup>

### **C. Statewide Elected Officials.**

**1. Overview.** In addition to the Governor and the Lieutenant Governor, the Attorney General, the Secretary of State, Auditor of State, Treasurer of State, and Secretary of Agriculture are elected statewide. Except for the Secretary of Agriculture, these elected officials are provided for by the Iowa Constitution and are elected to a four-year term.<sup>13</sup> By statute, the Secretary of Agriculture is also elected to a four-year term in the same manner as the Constitutional officers.<sup>14</sup> These elected officials, excluding the Lieutenant Governor and the Attorney General, constitute the Executive Council.<sup>15</sup>

The Iowa Constitution provides that if "no mode is provided by the constitution and laws for filling such vacancy, the governor shall have power to fill such vacancy, by granting a

commission, which shall expire at the end of the next session of the general assembly, or at the next election by the people."<sup>16</sup> In addition, the Iowa Constitution provides that a person appointed to fill a vacancy shall remain in office until the next general election and until the successor is elected and qualified pursuant to the result at that general election.<sup>17</sup> In furtherance of the Constitutional scheme, the Code provides that the Governor has the authority to appoint a person to fill a vacancy in a statewide elected office.<sup>18</sup> In addition, the Code provides that an officer filling a vacancy which is filled by election of the people shall continue until the next election at which such vacancy can be filled.<sup>19</sup> Exactly how this process works, however, varies as to the Lieutenant Governor and the other statewide elected officials.

**2. Lieutenant Governor.** Unlike the other statewide elected officials, the Lieutenant Governor is now not elected separately. Prior to 1988, the Lieutenant Governor was elected separately from the Governor and the procedure for filling a vacancy in that office and holding a subsequent election was the same as was provided for other statewide elected officials.<sup>20</sup> In 1988, the Iowa Constitution was amended to provide that the Governor and Lieutenant Governor are elected jointly and that voters shall designate their selection for both offices "as if these two offices were one in the same."<sup>21</sup> Subsequently, the inclusion of the Lieutenant Governor as a statewide office subject to the same rules governing vacancies and subsequent elections as other statewide offices was eliminated.<sup>22</sup> As a result, the question as to how long the term of office for a Lieutenant Governor appointed by the Governor to fill a vacancy in that office is not specifically provided for by statute. Code section 69.11 provides the basic framework and states that the person appointed to that position would continue to hold the position "until the next election at which such vacancy can be filled, as provided in section 69.12, and until a successor is elected and qualified." While Code section 69.12 provides for holding an election to fill a vacancy at the next "pending election," it would seem contrary to the Constitutional scheme to hold a Lieutenant Governor-only election at the general election two years prior to the end of the Governor's four-year term, if that was the next pending election, since both the Governor and Lieutenant Governor are treated by the Constitution as one office for purposes of an election. As such, it would appear that the provision in Code section 69.11 that a person appointed to an office subject to an election will hold that office until the "next election at which such vacancy can be filled" means that the next election for a Lieutenant Governor appointed to office would be the election in which the next election for both Governor and Lieutenant Governor will be held.

**3. Other Statewide Elected Officials.** Unlike the Lieutenant Governor, the other statewide officials are separately elected and the Code specifically provides the guidelines as to when the term of office for an officer appointed to one of these positions would end and be subject to an election. Code section 69.13 provides that if a vacancy occurs 89 or more days before a general election,<sup>23</sup> and the unexpired term in which the vacancy exists has more than 70 days to run after the date of that general election, then the vacancy shall be filled for the balance of the unexpired term at that general election. If the unexpired term expires within 70 days after the date of the next pending election, then the person elected to the office at that election for the succeeding term shall be deemed elected to fill the remainder of the unexpired term.<sup>24</sup>

**D. Legislators.** The Iowa Constitution provides that the Governor shall call an election to fill a vacancy for a senator or representative in the General Assembly.<sup>25</sup> Code section 69.14 provides that if the vacancy occurs during the legislative session or within 45 days of the convening of any session, the Governor shall call a special election at the earliest practical time giving at least 18 days notice. The special election shall be held on a Tuesday and shall not be on the same day as a school election. If the vacancy occurs more than 45 days prior to the convening of any session but prior to the next general election, the Governor has five days to call a special election which shall be held with at least 40 days notice.

### **III. Legislative Lawmaking Continuity.**

**A. Overview.** Based on the separation of powers concept incorporated in both the United States and Iowa Constitutions, the ongoing functioning of government is largely vested in the executive branch of government. Because of this, critical for most aspects related to the continuity of government is providing for the head of the executive branch of government, i.e., at the state level, the Governor. Still, the Iowa Constitution vests the lawmaking power with the General Assembly<sup>26</sup> making the issue of legislative lawmaking continuity one of what is necessary for the General Assembly to act.

**B. Legislative Voting Requirements.** If the legislature is to act, the question becomes how many legislators are needed to conduct business and pass legislation. The Iowa Constitution provides that a majority of each house shall constitute a quorum to transact business.<sup>27</sup> Once a quorum is reached, the Iowa Constitution provides that "(n)o bill shall be passed unless by the assent of a majority of all the members elected to each branch of the general assembly ..."<sup>28</sup> Ultimately, then, the question as to what is necessary for the legislature to exercise its lawmaking power becomes what "assent of a majority of all members elected" means, specifically in the context where a disaster may leave several vacancies in the legislature.

As currently constituted, the General Assembly has 50 senators<sup>29</sup> and 100 representatives.<sup>30</sup> If no vacancy exists, then the assent of 26 senators and 51 representatives is needed. The fact that a member may be absent or not voting does not change the requirement that 26 affirmative votes in the Senate and 51 affirmative votes in the House of Representatives are needed to pass a bill.<sup>31</sup> However, if one or more vacancies exist, the question becomes whether the 26 and 51 vote requirements are lessened, depending on the number of remaining legislators in each chamber. In discussing the ramifications of the effect of a member marked as "absent or not voting" in a 1916 Attorney General opinion, the Attorney General stated that each bill upon final passage must receive an affirmative vote of 26 votes in the Senate and 55 affirmative votes in the House of Representatives based on the fact that the legislature in 1916 was composed of 50 senators and 108 representatives.<sup>32</sup> Still, the opinion makes no mention as to whether that requirement is lessened if a vacancy occurs.

While no Iowa case law has discussed the particular issue described, the Louisiana Supreme Court was presented with such a question in 2005.<sup>33</sup> The Louisiana Constitution provides that "The favorable vote of at least a majority of the members elected to each house is required for a bill to become law." The question presented to the Court was whether the fact that there were two vacancies in the Senate reduced the number of votes necessary to pass a bill. In other words, does "members elected" or "elected members" mean the entire membership authorized to be elected to each house regardless of vacancies or the elected, seated, and sworn members. The Court concluded, citing a 1935 Louisiana case, that "members elected" means the entire membership authorized to be elected, regardless of vacancies. If this analysis is followed in Iowa, then 26 affirmative votes in the Senate and 51 affirmative votes in the House of Representatives would be needed to pass a bill, regardless of the number of vacancies that might occur following a disaster.

### **C. Other Procedural Requirements.**

**1. Location of Session.** The Code provides that sessions of the General Assembly shall be held at the seat of government "unless the governor shall convene them at some other place in times of pestilence or public danger."<sup>34</sup> Pursuant to the Iowa Constitution, the seat of government is designated as Des Moines.<sup>35</sup> As a result, unless the Governor provides for a different location, the legislature's authority to change the location of session is limited to different locations in Des Moines.

**2. Other Voting and Session Specific Requirements.** Neither the Iowa Constitution nor the Code establishes many additional procedural requirements relative to the operation of the General Assembly other than the number of legislators needed to act and pass bills. As to the manner of voting on bills, all the Iowa Constitution requires is that the votes for and against be recorded in the journal.<sup>36</sup> In addition, the Iowa Constitution requires that the doors of each house remain open unless a chamber determines secrecy requires otherwise,<sup>37</sup> and also requires that "(n)either house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting."<sup>38</sup> Essentially, the Iowa Constitution grants each house the authority to determine its rules of proceedings,<sup>39</sup> subject only to the quorum requirement necessary to conduct business.<sup>40</sup>

#### **D. Governmental Funding Continuity.**

**1. Overview.** If the General Assembly is unable to meet and pass legislation providing for the continued funding of government or for additional funding to meet a disaster, are there other methods available to provide for the funding of government and for other disaster-related expenses? The Iowa Constitution provides that, "(n)o money shall be drawn from the treasury but in consequence of appropriations made by law."<sup>41</sup> As a result, if the legislature is somehow unable to meet and pass legislation appropriating money for a disaster, money can still be appropriated only if it is otherwise authorized by law.

**2. Standing Unlimited Appropriations.** One mechanism established by the Code for providing funding for government without passage of a specific appropriations bill is commonly referred to as a standing appropriation. A law providing for a standing appropriation permits the appropriation of moneys for a particular purpose without the requirement of additional legislative action. While several of these appropriations exist for fairly specific purposes in the Code, two provide more general authority to expend funds for the operation of the executive and legislative branches of government.

Code section 7D.29 provides that the Executive Council "may incur the necessary expense to perform or cause to be performed any legal duty imposed on the council, and pay the same out of any money in the state treasury not otherwise appropriated." So long as moneys in the state treasury have not been otherwise appropriated, this section authorizes the expenditure of moneys without additional legislative action to perform any duty.

Similar to the authority granted the Executive Council, the Legislative Council is granted the authority to expend funds for the operation of the General Assembly from funds not otherwise appropriated.<sup>42</sup>

Limiting the authority in each instance is that the authority is granted only to the extent that moneys are available and not otherwise appropriated.

**3. Transfer of Funds.** If a disaster would strike during a fiscal year, one mechanism available to the Governor to provide additional moneys for certain purposes not otherwise appropriated is the authority to transfer funds within state government.<sup>43</sup> Of course, this authority only allows for the transfer of funds previously appropriated and does not authorize the expenditure of additional moneys.

**4. Iowa Economic Emergency Fund.** The Iowa Economic Emergency Fund<sup>44</sup> is a fund, separate from the State General Fund, from which moneys in the fund can be appropriated by the General Assembly for emergency expenditures.<sup>45</sup> The maximum balance in the fund is an amount equal to 2.5 percent of the adjusted revenue estimate for the fiscal year. As of June 30, 2006, the fund maximum balance was \$124.8 million but the actual balance was \$17.5 million. The section does provide an exception to the requirement that moneys in the fund be appropriated by the General Assembly by permitting moneys in the fund to be used for cash

flow purposes during a fiscal year so long as any moneys used are returned to the fund by the end of the fiscal year.<sup>46</sup>

**5. Cash Reserve Fund.** The Cash Reserve Fund<sup>47</sup> is a fund separate from the State General Fund, from which moneys in the fund can be appropriated by the General Assembly for nonrecurring emergency expenditures.<sup>48</sup> The maximum balance in the fund is an amount equal to 7.5 percent of the adjusted revenue estimate for the fiscal year. As of June 30, 2006, the fund balance was at its maximum of \$374.3 million. The Code section provides an exception to the requirement that moneys in the fund be appropriated by the General Assembly by permitting moneys in the fund to be used for cash flow purposes during a fiscal year so long as any moneys used are returned to the fund by the end of the fiscal year.<sup>49</sup>

#### **IV. Governmental Continuity — Disasters.**

**A. Overview.** As head of the executive branch of government, the Governor has the Constitutional authority to provide for the operation of the executive branch of government. With respect to disasters, Code chapter 29C establishes the basic governmental framework for dealing with emergencies by providing for the Governor's authority to issue a proclamation of disaster emergency<sup>50</sup> and by the establishment of the Homeland Security and Emergency Management Division of the Department of Public Defense.<sup>51</sup>

**B. Disaster Proclamation.** Code section 29C.6 establishes the parameters of the Governor's authority relative to a proclamation of disaster emergency. The Code section provides that the Governor has the authority to declare a state of disaster emergency for 30 days unless sooner terminated or extended by the Governor. The proclamation can be rescinded by passage of a concurrent resolution by the General Assembly or a resolution by the Legislative Council.

Once a disaster emergency is declared, the Governor has several powers relative to dealing with the emergency which are enumerated in Code section 29C.6. However, the powers enumerated relate primarily to the utilization of the executive branch of government and federal funding in assisting local jurisdictions in handling a particular emergency and generally not to the continued operation of state government. Still, the Governor is given the authority to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business if strict compliance would in any way hinder necessary action in coping with the emergency.<sup>52</sup> In addition, the Governor is given the authority to use federal financial assistance to meet "disaster-related necessary expenses" and to enter into an agreement with the federal government pledging the state to participate in the funding of the financial assistance authorized, and, if state funds are not otherwise available to the Governor, accept an advance of the state share from the federal government to be repaid when the state is able to do so.<sup>53</sup> Finally, the Code chapter authorizes the Governor to accept assistance, such as services, equipment, supplies, materials, or funds, to be utilized subject to the terms of the gift.<sup>54</sup> However, there is no specific statutory authority in the Code chapter that authorizes the Governor to expend state funds not already appropriated to meet state government funding needs in case of an emergency. One possibility, the Emergency Response Fund, created in Code section 29C.8A, is to only be used by the Homeland Security and Emergency Management Division to carry out planning and training for emergency response teams.

**C. Homeland Security and Emergency Management Division.** Code section 29C.5 creates the Homeland Security and Emergency Management Division within the Department of Public Defense. The Division is tasked with responsibility for, primarily, the administration of emergency planning matters, including emergency resource planning in this state, homeland security activities, and coordination of available services in the event of a disaster. As part of this task, the administrator of the division is given the specific duty to prepare "a comprehensive plan and emergency management program for homeland security, disaster preparedness,



response, recovery, mitigation, emergency operation, and emergency resource management of this state."<sup>55</sup> As a result, the Homeland Security and Emergency Management Division is the critical agency relevant to the development of disaster plans at the state level.

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<sup>1</sup> Iowa Const. Art. IV, § 10 provides as follows: "When any office shall, from any cause, become vacant, and no mode is provided by the constitution and laws for filling such vacancy, the governor shall have power to fill such vacancy, by granting a commission, which shall expire at the end of the next session of the general assembly, or at the next election by the people."

<sup>2</sup> Iowa Code § 69.8(2) provides for filling state office vacancies as follows: "2. State offices. In all state offices, judges of courts of record, officers, trustees, inspectors, and members of all boards or commissions, and all persons filling any position of trust or profit in the state, by the governor, except when some other method is specially provided. An appointment made under this subsection to a state office subject to section 69.13 shall be for the period until the vacancy is filled by election pursuant to law."

<sup>3</sup> Iowa Const. Art. III, § 12 provides for legislative vacancies as follows: "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."

<sup>4</sup> Iowa Const. Art. III, § 38.

<sup>5</sup> Iowa Const. Art. III, § 8.

<sup>6</sup> Iowa Const. Art. III, § 17.

<sup>7</sup> Iowa Code § 2.29.

<sup>8</sup> Iowa Code § 218.74 (Code 1966).

<sup>9</sup> Iowa Code § 217.10.

<sup>10</sup> Iowa Const. Art. IV, § 2.

<sup>11</sup> Iowa Const. Art. IV, § 17.

<sup>12</sup> Iowa Const. Art. III, § 22.

<sup>13</sup> Iowa Const. Art. IV, § 22, Art. V, § 12; Iowa Code § 39.9.

<sup>14</sup> Iowa Code § 39.9.

<sup>15</sup> Iowa Code § 7D.1.

<sup>16</sup> Iowa Const. Art. IV, § 10.

<sup>17</sup> Iowa Const. Art. XI, § 6.

<sup>18</sup> Iowa Code § 69.8(2).

<sup>19</sup> Iowa Code § 69.11.

<sup>20</sup> Iowa Code § 69.13 (Code 1987).

<sup>21</sup> Iowa Const. Art. IV, § 3.

<sup>22</sup> 1997 Iowa Acts, ch. 170, § 79.

<sup>23</sup> General election refers to the biennial election for national or state officers, members of Congress and of the General Assembly, Iowa Code § 39.3(7).

<sup>24</sup> Iowa Code §§ 69.11, 69.12(2).

<sup>25</sup> Iowa Const. Art. III, § 12.

<sup>26</sup> Iowa Const. Art. III, § 17.

<sup>27</sup> Iowa Const. Art. III, § 8.

<sup>28</sup> Iowa Const. Art. III, § 17.

<sup>29</sup> Iowa Code § 41.2.

<sup>30</sup> Iowa Code § 41.1.

<sup>31</sup> 1916 Op. Iowa Att'y Gen. 150, 151 (March 1916).

<sup>32</sup> 1916 Op. Iowa Att'y Gen. 150, 151 (March 1916); the legislature in 1916 was composed of 50 senators and 108 representatives.

<sup>33</sup> *Marionneaux v. Hines*, 902 So.2d 373 (La. 2005).

<sup>34</sup> Iowa Code § 2.1.

<sup>35</sup> Iowa Const. Art. XI, § 8.

<sup>36</sup> Iowa Const. Art. III, § 17.

<sup>37</sup> Iowa Const. Art. III, § 13.

<sup>38</sup> Iowa Const. Art. III, § 14.

<sup>39</sup> Iowa Const. Art. III, § 9.

<sup>40</sup> Iowa Const. Art. III, § 8.

<sup>41</sup> Iowa Const. Art. III, § 24.

<sup>42</sup> Iowa Code § 2.12.



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- <sup>43</sup> Iowa Code 8.39.
  - <sup>44</sup> Iowa Code § 8.55.
  - <sup>45</sup> Iowa Code § 8.55(3).
  - <sup>46</sup> Iowa Code § 8.55(3)(b).
  - <sup>47</sup> Iowa Code § 8.56.
  - <sup>48</sup> Iowa Code § 8.56(3).
  - <sup>49</sup> Iowa Code § 8.56(1).
  - <sup>50</sup> Iowa Code §§ 29C.3, 29C.6.
  - <sup>51</sup> Iowa Code § 29C.5.
  - <sup>52</sup> Iowa Code § 29C.6(6).
  - <sup>53</sup> Iowa Code § 29C.6(5).
  - <sup>54</sup> Iowa Code § 29C.13.
  - <sup>55</sup> Iowa Code § 29C.8(3)(a).

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