

CHAPTER 87

VETERANS' BONUS APPROPRIATION

S. F. 294

AN ACT providing for an appropriation to the service compensation fund existing under section thirty-five A point three (35A.3), Code 1958, for the purpose of paying unpaid claims to veterans of World War II and the expenses of administration by the auditor.

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

1 SECTION 1. There is hereby appropriated from the general fund
2 of the state, from funds not otherwise appropriated, the sum of fifty-
3 five thousand dollars (\$55,000.00) or so much thereof as may be neces-
4 sary to the service compensation fund provided for by section thirty-
5 five A point three (35A.3), Code 1958. The sum herein appropriated
6 shall be used for the purpose of paying claims, filed on or before June
7 30, 1957, which have been, or may hereafter be, allowed by the auditor
8 of state and to pay the expenses of the administration in carrying out
9 the duties as prescribed by the provisions of chapter thirty-five A
10 (35A), Code 1958.

11 Notwithstanding the provisions of any other statute or statutes the
12 balance remaining in the service compensation fund, after the pay-
13 ment of all expenditures herein authorized, shall revert to the general
14 fund of the state.

Approved March 16, 1959.

CHAPTER 88

EXECUTIVE AND JUDICIAL CONTINUITY IN WAR

S. F. 404

AN ACT to provide, in the event of attack upon the United States, for the continuity of the executive and judicial functions of the government of the state and the governments of the political subdivisions of the state by providing for additional officers who can act as governor; by providing for emergency interim succession to other executive offices of the state and its political subdivisions; by providing for special emergency judges; and by authorizing political subdivisions to enact resolutions and ordinances relating to the subject.

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

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

1 SEC. 2. Short title. This Act shall be known and may be cited as
2 the "Emergency Interim Executive and Judicial Succession Act."

1 **SEC. 3. Declaration of policy.** Because of the existing possibility
2 of attack upon the United States of unprecedented size and destruc-
3 tiveness, and in order, in the event of such an attack, to assure con-
4 tinuity of government through legally constituted leadership, author-
5 ity and responsibility in offices of the government of the state and its
6 political subdivisions; to provide for the effective operation of govern-
7 ments during an emergency; and to facilitate the early resumption of
8 functions temporarily suspended, it is found and declared to be neces-
9 sary to provide for additional officers who can exercise the powers and
10 discharge the duties of governor; to provide for emergency interim
11 succession to governmental offices of this state, and its political sub-
12 divisions, in the event the incumbents thereof (and their deputies,
13 assistants or other subordinate officers authorized, pursuant to law,
14 to exercise all of the powers and discharge the duties of such offices
15 hereinafter referred to as deputy) are unavailable to perform the
16 duties and functions of such offices; and to provide for special emer-
17 gency judges who can exercise the powers and discharge the duties of
18 judicial offices in the event regular judges are unavailable.

1 **SEC. 4. Definitions.** Unless otherwise clearly required by the con-
2 text, as used in this Act:

3 1. *Unavailable* means either that a vacancy in office exists and there
4 is no deputy authorized to exercise all of the powers and discharge the
5 duties of the office, or that the lawful incumbent of the office (includ-
6 ing any deputy exercising the powers and discharging the duties of an
7 office because of a vacancy) and his duly authorized deputy are absent
8 or unable to exercise the powers and discharge the duties of the office.

9 2. *Emergency interim successor* means a person designated pur-
10 suant to this Act, in the event the officer is unavailable, to exercise the
11 powers and discharge the duties of an office until a successor is ap-
12 pointed or elected and qualifies as may be provided by the constitution,
13 statutes, charters and ordinances or until the lawful incumbent is able
14 to resume the exercise of the powers and discharge the duties of the
15 office.

16 3. *Office* includes all state and local offices, the powers and duties of
17 which are defined by the constitution, statutes, charters, and ordi-
18 nances, except the office of governor, and except those in the legis-
19 lature and the judiciary.

20 4. *Attack* means any attack or series of attacks by an enemy of the
21 United States causing, or which may cause, substantial damage or
22 injury to civilian property or persons in the United States in any
23 manner by sabotage or by the use of bombs, missiles, shellfire, or
24 atomic, radiological, chemical, bacteriological, or biological means or
25 other weapons or processes.

26 5. *Political subdivision* includes counties, cities, towns, townships,
27 districts, authorities, and other public corporations and entities
28 whether organized and existing under charter or general law.

1 **SEC. 5. Additional successors to office of governor.** In the event
2 that the governor, for any of the reasons specified in the constitution,
3 is not able to exercise the powers and discharge the duties of his office,
4 or is unavailable, and in the event the lieutenant governor, president
5 pro tempore of the senate, and the speaker of the house of representa-
6 tives be for any of the reasons specified in the constitution not able

7 to exercise the powers and discharge the duties of the office of gov-
8 ernor, or be unavailable, the attorney general, secretary of state, state
9 treasurer, and state auditor, shall, in the order named, if the preceding
10 named officers be unavailable, exercise the powers and discharge the
11 duties of the office of governor until a new governor is elected and
12 qualifies, or until a preceding named officer becomes available; pro-
13 vided however, that no emergency interim successor to the aforemen-
14 tioned offices may serve as governor.

1 **SEC. 6. Emergency interim successors for state officers.** All state
2 officers, subject to such regulations as the governor (or other official
3 authorized under the constitution or this Act to exercise the powers and
4 discharge the duties of the office of governor) may issue, shall, upon
5 approval of this Act, in addition to any deputy authorized pursuant
6 to law to exercise all of the powers and discharge the duties of the
7 office, designate by title emergency interim successors and specify
8 their order of succession. The officer shall review and revise, as neces-
9 sary, designations made pursuant to this Act to insure their current
10 status. The officer will designate a sufficient number of such emer-
11 gency interim successors so that there will be not less than three, nor
12 more than seven, such deputies or emergency interim successors or
13 any combination thereof, at any time. In the event that any state
14 officer is unavailable following an attack, and in the event his deputy,
15 if any, is also unavailable, the said powers of his office shall be exer-
16 cised and the said duties of his office shall be discharged by his desig-
17 nated emergency interim successors in the order specified. Such
18 emergency interim successors shall exercise said powers and dis-
19 charge said duties only until such time as the governor under the con-
20 stitution or authority other than this Act (or other official authorized
21 under the constitution or this Act to exercise the powers and discharge
22 the duties of the office of governor) may, where a vacancy exists,
23 appoint a successor to fill the vacancy or until a successor is otherwise
24 appointed, or elected and qualifies as provided by law; or an officer (or
25 his deputy or a preceding named emergency interim successor) be-
26 comes available to exercise, or resume the exercise of, the powers and
27 discharge the duties of his office.

1 **SEC. 7. Enabling authority for emergency interim successors for**
2 **local offices.** With respect to local offices for which the legislative
3 bodies of cities, towns, townships, and counties may enact resolutions
4 or ordinances relative to the manner in which vacancies will be filled
5 or temporary appointments to office made, such legislative bodies are
6 hereby authorized to enact resolutions or ordinances providing for
7 emergency interim successors to offices of the aforementioned govern-
8 mental units. Such resolutions and ordinances shall not be incon-
9 sistent with the provisions of the Act.

1 **SEC. 8. Emergency interim successors for local officers.** The pro-
2 visions of this section shall be applicable to officers of political sub-
3 divisions (including, but not limited to, cities, towns, townships, and
4 counties, as well as school districts) not included in section seven (7).
5 Such officers, subject to such regulations as the executive head of the
6 political subdivision may issue, shall designate by title (if feasible)
7 or by named person, emergency interim successors and specify their

8 order of succession. The officer shall review and revise, as necessary,
9 designations made pursuant to this Act to insure their current status.
10 The officer will designate a sufficient number of persons so that there
11 will be not less than three, nor more than seven, deputies or emer-
12 gency interim successors or any combination thereof at any time. In
13 the event that any officer of any political subdivision (or his deputy
14 provided for pursuant to law) is unavailable, the powers of the office
15 shall be exercised and duties shall be discharged by his designated
16 emergency interim successors in the order specified. The emergency
17 interim successor shall exercise the powers and discharge the duties
18 of the office to which designated until such time as a vacancy which
19 may exist shall be filled in accordance with the constitution or stat-
20 utes or until the officer (or his deputy or a preceding emergency in-
21 terim successor) again becomes available to exercise the powers and
22 discharge the duties of his office.

1 SEC. 9. **Special emergency judges.** In the event that any judge of
2 any court is unavailable to exercise the powers and discharge the
3 duties of his office, and in the event no other judge authorized to act
4 in the event of absence, disability or vacancy or no special judge
5 appointed in accordance with the provisions of the constitution or
6 statutes is available to exercise the powers and discharge the duties
7 of such office, the duties of the office shall be discharged and the
8 powers exercised by the special emergency judges hereinafter pro-
9 vided for:

10 1. The governor shall designate for each member of the supreme
11 court special emergency judges in the number of not less than three
12 nor more than seven for each member of said court and shall specify
13 their order of succession.

14 2. The chief justice of the supreme court in consultation with the
15 other members of said court shall designate for each court of record
16 except the supreme court, special emergency judges in the number of
17 not less than three nor more than seven for each judge of said courts
18 and shall specify their order of succession.

19 Such special emergency judges shall, in the order specified, exer-
20 cise the powers and discharge the duties of such office in case of the
21 unavailability of the regular judge or judges or persons immediately
22 preceding them in the designation. The designating authority shall
23 review and revise, as necessary, designations made pursuant to this
24 Act to insure their current status.

25 Said emergency special judges shall discharge the duties and exer-
26 cise the powers of such office until such time as a vacancy which may
27 exist shall be filled in accordance with the constitution and statutes or
28 until the regular judge or one preceding the designee in the order of
29 succession becomes available to exercise the powers and discharge the
30 duties of the office.

1 SEC. 10. **Formalities of taking office.** At the time of their designa-
2 tion, emergency interim successors and special emergency judges shall
3 take such oath as may be required for them to exercise the powers and
4 discharge the duties of the office to which they may succeed. Notwith-
5 standing any other provision of law, no person, as a prerequisite to the
6 exercise of the powers or discharge of the duties of an office to which
7 he succeeds, shall be required to comply with any other provision of
8 law relative to taking office.

1 SEC. 11. **Period in which authority may be exercised.** Officials
 2 authorized to act as governor pursuant to this Act, emergency interim
 3 successors and special emergency judges are empowered to exercise
 4 the powers and discharge the duties of an office as herein authorized
 5 only after an attack upon the United States, as defined herein, has
 6 occurred. The legislature, by concurrent resolution, may at any time
 7 terminate the authority of said emergency interim successors and
 8 special emergency judges to exercise the powers and discharge the
 9 duties of office as herein provided.

1 SEC. 12. **Removal of designees.** Until such time as the persons
 2 designated as emergency interim successors or special emergency
 3 judges are authorized to exercise the powers and discharge the duties
 4 of an office in accordance with this Act, including section eleven (11)
 5 hereof, said persons shall serve in their designated capacities at the
 6 pleasure of the designating authority and may be removed or replaced
 7 by said designating authority at any time, with or without cause.

1 SEC. 13. **Disputes.** Any dispute concerning a question of fact aris-
 2 ing under this Act with respect to an office in the executive branch of
 3 the state government (except a dispute of fact relative to the office of
 4 governor) shall be adjudicated by the governor (or other official au-
 5 thorized under the constitution of this Act to exercise the powers and
 6 discharge the duties of the office of governor) and his decision shall
 7 be final.

Approved April 28, 1959.

CHAPTER 89

LEGISLATIVE CONTINUITY IN WAR

S. F. 403

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

1 SEC. 2. **Short title.** This Act shall be known as the "Emergency
 2 Interim Legislative Succession Act."

1 SEC. 3. **Declaration of policy.** The legislature declares: (1) that
 2 recent technological developments make possible an enemy attack of
 3 unprecedented destructiveness, which may result in the death or in-
 4 ability to act of a large proportion of the membership of the Legis-
 5 lature; (2) that to conform in time of attack to existing legal require-
 6 ments pertaining to the legislature would be impracticable, would