

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

7 admit of undue delay, and would jeopardize continuity of operation of  
8 a legally constituted legislature; and (3) that it is therefore necessary  
9 to adopt special provisions as hereinafter set out for the effective  
10 operation of the legislature.

1 **SEC. 4. Definitions as used in this Act:**

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

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

1 **SEC. 5. Designation of emergency interim successors to legislators.**

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

1 **SEC. 6. Status, qualifications and term of emergency interim suc-**  
2 **cessors.** An emergency interim successor is one who is designated for  
3 possible temporary succession to the powers and duties, but not the  
4 office, of a legislator. No person shall be designated or serve as an  
5 emergency interim successor unless he may under the constitution and  
6 statutes hold the office of the legislator to whose powers and duties he  
7 is designated to succeed, but no constitutional or statutory provision  
8 prohibiting a legislator from holding another office or prohibiting the  
9 holder of another office from being a legislator shall be applicable to  
10 an emergency interim successor. An emergency interim successor  
11 shall serve at the pleasure of the legislator designating him or of any  
12 subsequent incumbent of the legislative office.

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

1     **SEC. 8. Oath of emergency interim successors.** Promptly after  
2 designation each emergency interim successor shall take the oath re-  
3 quired for the legislator to whose powers and duties he is designated  
4 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 legislature,  
4 and each legislator shall assist his emergency interim successors to  
5 keep themselves so informed.

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

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

1     **SEC. 12. Assumption of powers and duties of legislator by emer-**  
2 **gency interim successor.** If in the event of an attack a legislator is  
3 unavailable, his emergency interim successor highest in order of suc-  
4 cession who is not unavailable shall, except for the power and duty to  
5 appoint emergency interim successors, exercise the powers and assume  
6 the duties of such legislator. An emergency interim successor shall  
7 exercise these powers and assume these duties until the incumbent  
8 legislator, an emergency interim successor higher in order of succes-  
9 sion, or a legislator appointed or elected and legally qualified can act.  
10 Each house of the legislature shall, in accordance with its own rules,  
11 determine who is entitled under the provisions of this Act to exercise  
12 the powers and assume the duties of its members. All constitutional  
13 and statutory provisions pertaining to ouster of a legislator shall be  
14 applicable to an emergency interim successor who is exercising the  
15 powers and assuming the duties of a legislator.

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 accorded  
4 the privileges and immunities, compensation, allowances and other  
5 perquisites of office to which a legislator is entitled. In the event of  
6 an attack, each emergency interim successor, whether or not called  
7 upon to exercise the powers and assume the duties of a legislator, shall

8 be accorded the privileges and immunities of a legislator while travel-  
 9 ing to and from a place of session and shall be compensated for his  
 10 travel in the same manner and amount as a legislator. This section  
 11 shall not in any way affect the privileges, immunities, compensation,  
 12 allowances or other perquisites of office of an incumbent legislator.

1 SEC. 14. Quorum and vote requirements. In the event of an attack,  
 2 (1) quorum requirements for the legislature shall be suspended, and  
 3 (2) where the affirmative vote of a specified proportion of members  
 4 for approval of a bill, resolution or other action would otherwise be  
 5 required, the same proportion of those voting thereon shall be suffi-  
 6 cient.

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

Approved April 28, 1959.

## CHAPTER 90

### EMERGENCY LOCATION OF STATE GOVERNMENT

S. F. 406

AN ACT to authorize the establishment of an emergency temporary location, or loca-  
 tions, for the seat of government for the state and to authorize the exercise of  
 governmental powers and functions thereat.

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

1 SECTION 1. Whenever, due to an emergency resulting from the  
 2 effects of enemy attack, or the anticipated effects of a threatened  
 3 enemy attack, it becomes imprudent, inexpedient or impossible to  
 4 conduct the affairs of state government at the constitutional location  
 5 of the seat thereof in the city of Des Moines, Polk county, Iowa, the  
 6 governor shall, as often as the exigencies of the situation require, by  
 7 proclamation, declare an emergency temporary location, or locations,  
 8 for the seat of government at such place, or places, within or without  
 9 this state as he may deem advisable under the circumstances, and  
 10 shall take such action and issue such orders as may be necessary for  
 11 an orderly transition of the affairs of state government to such emer-  
 12 gency temporary location, or locations. Such emergency temporary  
 13 location, or locations, shall remain as the seat of government until the