EMERGENCY INTERIM EXECUTIVE SUCCESSION ACT

Act 202 of 1959

AN ACT to provide, in the event of an emergency resulting from disaster occurring in this state caused by an enemy attack upon the United States or by civil disorder, for prompt and temporary succession to the powers and duties of state executive offices, the incumbents of which may become unavailable for exercising the powers and discharging the duties of such offices.

History: 1959, Act 202, Eff. Mar. 19, 1960 ;-- Am. 1969, Act 145, Imd. Eff. July 31, 1969

The People of the State of Michigan enact:

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31.1 Emergency interim executive succession act; short title.

Sec. 1.

This act shall be known and may be cited as the "emergency interim executive succession act".

History: 1959, Act 202, Eff. Mar. 19, 1960

31.2 Emergency interim executive succession act; definitions.

Sec. 2.

As used in this act:

(a) "Unavailable" means that the lawful incumbent of the office, including any deputy exercising the powers and discharging the duties of the office because of a vacancy, and his duly authorized deputy are not available to exercise the powers and discharge the duties of the office.

(b) "Disaster" means an extraordinary misfortune caused by an enemy attack upon the United States or by civil disorder and resulting in widespread destruction of life and property.

(c) "Enemy attack" means any attack or series of attacks by a power hostile to the United States which causes or may cause death, injury or substantial damage to the people and property in the United States by sabotage, or by the use of bombs, missiles or shells, or any other weapons of conventional, atomic, radiological, chemical, bacteriological, biological or any other nature, process or means.

(d) "State executive officers" means the elected heads of the principal departments of this state.

(e) "Emergency interim successor" means a person designated pursuant to this act who, in the event the incumbent or his deputy is unavailable, is to exercise the powers and discharge the duties of an office until a successor is appointed or elected and qualified as may be provided by law, or until the lawful incumbent or his deputy is able to resume the exercise of the powers and discharge of the duties of the office.

(f) "Deputy" means any deputy, assistant or other subordinate officer, authorized pursuant to law to exercise all of the powers and discharge the duties of the office.

History: 1959, Act 202, Eff. Mar. 19, 1960 ;-- Am. 1969, Act 145, Imd. Eff. July 31, 1969

31.3 Governor; designation of emergency interim successors; review.

Sec. 3.

The governor, taking into consideration the safety factor to be gained by the geographical dispersion of appointments, shall designate within 30 days after his inauguration, 5 emergency interim successors to his powers and duties and specify their order of succession. The governor shall cause a list of these appointments together with their order of succession to be filed with the secretary of state. The governor shall review and, as necessary, revise the designation of emergency interim successors to his powers and duties to insure that at all times there are 5 such qualified emergency interim successors. The governor shall keep the emergency interim successors generally informed as to the duties, procedures, practices and current affairs of his office.

History: 1959, Act 202, Eff. Mar. 19, 1960 ;-- Am. 1969, Act 145, Imd. Eff. July 31, 1969

31.4 Governor; successor, exercise of powers and discharge of duties.

Sec. 4.

If the governor, lieutenant governor, the elected secretary of state, the elected attorney general, the president pro tempore of the senate and speaker of the house of representatives are not able or are unavailable to exercise the powers and discharge the duties of the governor because of a disaster, the available emergency interim successor highest in order of succession shall exercise the powers and discharge the duties of the office of governor until a new governor is elected and qualified, or until a preceding named officer becomes available. No emergency interim successor to the aforementioned offices, other than governor, may serve as governor.

History: 1959, Act 202, Eff. Mar. 19, 1960 ;-- Am. 1969, Act 145, Imd. Eff. July 31, 1969

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31.5 State executive officers; successors, designation, review.

Sec. 5.

All state executive officers, within 30 days after taking office, taking into consideration the safety factor to be gained by geographical dispersion of appointments, shall designate by title 5 emergency interim successors and specify their order of succession. The state executive officers shall file a list of the emergency interim successors, together with their order of succession, with the secretary of state. The state executive officers shall review and, as necessary, revise the designation of emergency interim successors to insure that at all times there are 5 qualified emergency interim successors. A state executive officer shall keep his emergency interim successors generally informed as to the duties, procedures, practices and current affairs of his office.

History: 1959, Act 202, Eff. Mar. 19, 1960 ;-- Am. 1969, Act 145, Imd. Eff. July 31, 1969

31.6 State executive officers; successors, exercise of powers and discharge of duties.

Sec. 6.

If any state executive officer is not able or is unavailable to exercise the powers and discharge the duties of the office because of a disaster, the legally authorized deputy of the officer shall exercise the powers and discharge the duties of the office. If the deputy is not able or is unavailable to exercise the powers and discharge the duties of the office because of a disaster, the available emergency interim successor, highest in order of succession, shall exercise the powers and discharge the duties of the office. The emergency interim successor shall exercise the powers and discharge the duties until a new officer is appointed or elected and qualified or the regular incumbent of the office or his deputy again becomes available to exercise the powers and discharge the duties of the office.

History: 1959, Act 202, Eff. Mar. 19, 1960 ;-- Am. 1969, Act 145, Imd. Eff. July 31, 1969

31.7 Emergency successor; qualifications.

Sec. 7.

No person shall be designated or shall serve as an emergency interim successor under this act unless, under the constitution and the statutes of this state, he may hold the office to which he has been designated.

History: 1959, Act 202, Eff. Mar. 19, 1960

31.8 Emergency successor; removal, replacement.

Sec. 8.

Until such time as the person designated as an emergency interim successor succeeds to the exercise of the powers and the discharge of the duties of an office in accordance with this act, he may be removed or replaced by said designating authority at any time, with or without cause, by filing notice with the secretary of state.

History: 1959, Act 202, Eff. Mar. 19, 1960

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31.9 Emergency successor; notice of designation or removal; form, publication.

Sec. 9.

All notices to the secretary of state provided for in this act shall be in writing and signed and sworn to by the designating authority. The secretary of state shall inform the governor, the director of the state office of civil defense, the clerk of the house of representatives, the secretary of the senate and all emergency interim successors of all the designations, removals and changes. The clerk of the house of representatives and the secretary of the senate shall publish the notices of designations, removals and changes in the journals of their respective houses, and shall publish therein a complete list of all current designations at the beginning of each legislative session.

History: 1959, Act 202, Eff. Mar. 19, 1960

31.10 Emergency successor; determination of availability.

Sec. 10.

In the event of a disaster in this state, the governor or the secretary of state, or any deputy or emergency interim successor exercising the powers and discharging the duties of the offices, shall determine if any officer or his deputy is not able or is unavailable to exercise the powers and discharge the duties of an office, and if any officer or deputy is determined to be unavailable, the governor or the secretary of state, or any deputy or emergency interim successor exercising the powers and discharging the duties of the offices, shall inform the next available emergency interim successor so that he may exercise the powers and discharge the duties of the office.

History: 1959, Act 202, Eff. Mar. 19, 1960 ;-- Am. 1969, Act 145, Imd. Eff. July 31, 1969

31.11 Emergency successor; privileges and immunities in office; compensation, expenses.

Sec. 11.

When called upon to exercise the powers and discharge the duties of an office, an emergency interim successor shall be accorded the same privileges, immunities and other perquisites accorded to the regular incumbent, but the emergency interim successor shall receive no compensation except his necessary and actual expenses in exercising the powers and discharging the duties of the office. Nothing in this section shall affect in any way the privileges, immunities, compensation, allowances and other perquisites of the regular incumbent.

History: 1959, Act 202, Eff. Mar. 19, 1960

31.12 Emergency successor; oath of office, filing.

Sec. 12.

Promptly after his designation in writing to the secretary of state by the designating authority, each emergency interim successor shall take the oath of office for the office to which he has been designated, and no other oath shall be required. The oath shall be istered by any person authorized to administer oaths in this state, and filed with the secretary of state.

History: 1959, Act 202, Eff. Mar. 19, 1960 ;-- Am. 1969, Act 145, Imd. Eff. July 31, 1969

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31.13 Emergency successor; duty to keep informed.

Sec. 13.

Each emergency interim successor shall keep himself generally informed as to the duties, procedures, practices and current affairs of the office to which he has been designated.

History: 1959, Act 202, Eff. Mar. 19, 1960

31.14 Emergency successor; termination of authority by legislature, election to fill vacancy.

Sec. 14.

The legislature, by law, may terminate at any time the authority of the emergency interim successors to exercise the powers and discharge the duties of an office as herein provided. An election to fill any elective vacancy in an office, the powers of which are being exercised and the duties of which are being discharged by an emergency interim successor, shall be held within 1 year after the date of the disaster under which the emergency interim successor succeeded to the powers and duties of the office.

History: 1959, Act 202, Eff. Mar. 19, 1960 ;-- Am. 1969, Act 145, Imd. Eff. July 31, 1969

31.15 Disputes arising under act; determination.

Sec. 15.

Any dispute concerning a question of fact arising under this act, except a dispute of facts relative to the office of governor, shall be determined by the governor or other official authorized under the constitution and this act to exercise the powers and discharge the duties of the office of governor, and his decision shall be final. Any dispute concerning a question of fact arising under this act with respect to the office of governor shall be determined by the chief justice of the supreme court.

History: 1959, Act 202, Eff. Mar. 19, 1960

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