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REPEAL ACT TO NAME EMERGENCY INTERIM SUCCESSORS

House Bill 5321 as enrolled
Public Act 303 of 2000
Second Analysis (10-17-00)

Sponsor: Rep. Valde Garcia
House Committee: Local Government and
Urban Policy
Senate Committee: Local, State and Urban
Affairs

THE APPARENT PROBLEM:

During the 'cold war' when the leaders of the United States and the Union of Soviet Socialist Republics (USSR) vied for supremacy as the world's two super powers, international peace seemed precarious. The threat to the peace and well-being of the peoples of the world came largely from the super powers' growing nuclear arsenals, and their sometimes inadequate or inept diplomatic efforts to control the arms race. The nuclear threat existed from the end of World War II until the USSR disbanded and its states reformulated as republics comprising the Commonwealth of Independent States (CIS) on December 8, 1991.

At times during the 'cold war' the threat of nuclear attack seemed so clearly imminent to political leaders in this country that steps were taken to provide back-up leadership at all levels of the government. Generally, it was acknowledged that nuclear war would be devastating, and that the loss of life in the areas where nuclear bombs exploded would be substantial if not complete.

In 1959, at what was perhaps the height of fear about nuclear war, a law was passed to ensure five successors for each local governmental leader, in the event that many leaders would die in a large-scale nuclear attack. Specifically, the act provides for the designation, qualifications, removal and replacement, privileges, and exercise of powers of emergency interim successors in the event of an emergency resulting from a disaster occurring in the state caused by an enemy attack upon the United States. That law is now recognized to be an outdated legal artifact of the 'cold war' and it has been recommended that it be repealed.

THE CONTENT OF THE BILL:

Under Public Act 203 of 1959, the Emergency Interim Local Succession Act, within three days after taking office, an officer of a political subdivision (excepting a judicial officer or an officer in the state classified civil service) is required to designate five emergency interim successors, and to place them in order of priority to assume the officer's duties if necessary. Under the law, the officer must file the titles of his or her emergency interim successors with the clerk or other recording officer of the political subdivision, and with the county clerk. Then, if the officer of a political subdivision is not able to exercise the powers and discharge the duties of the office because of a state disaster caused by an enemy attack upon the United States, the legally authorized deputy is required to exercise the powers and discharge the duties of the office. If the deputy is unable to discharge the duties of the office, the available emergency interim successor highest in the order of succession is to assume those duties.

House Bill 5321 would amend the Emergency Interim Local Succession Act to require an officer of a political subdivision, except a judicial officer or an officer in the state classified civil service, within three days of taking office, to designate one emergency interim successor (instead of five emergency interim successors, as currently required). The bill also would repeal the act on December 31, 2000.

MCL 31.104 and 31.105

FISCAL IMPLICATIONS:

The Senate Fiscal Agency notes that the bill would have no fiscal impact on state or local government. (10-3-00)

ARGUMENTS:

For:

This legislation would repeal an outdated law that stands as an artifact of the 'cold war' and the burgeoning arsenals of the nuclear age. Nuclear war between the super powers is no longer possible since one super power, the USSR, disbanded, and then reorganized as the Commonwealth of Independent State (CIS) on December 8, 1991. Since that time the rapid build-up of nuclear arms has come to a close, and the threat to world peace is much attenuated. Although the nuclear threat has not abated completely since rogue terrorist states are now acknowledged to have nuclear weapons at their disposal, there is no need for public officials everywhere to name five successors for their leadership posts.

Analyst: J. Hunault

#This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.