

We are on section 10, terms in office of incumbents. Delegate Byrnes completed his question.

Is there any other question on section 10, terms of office of incumbents?

The Chair, hearing none,—

It is nice to be sociable, but we have to keep the talk down under a roar.

Delegate Bennett.

DELEGATE BENNETT: May I revert a minute to section 8 regarding redistricting and refer, if I may, to Delegate Gallagher's memorandum which, I think, is a very useful memorandum, if I may address a question to Delegate Gallagher. Is it your suggestion, Delegate Gallagher, that we undertake to do something about alleviating the pressure on the General Assembly to adopt the so-called official figures?

DELEGATE JAMES (presiding): Delegate Gallagher, do you yield. This is direct to Delegate Hardwicke, but I guess we can break the rule a little.

Delegate Gallagher.

DELEGATE GALLAGHER: I will be unusually brief, Mr. President.

The purpose of the memorandum is to show the deviation from the mean for each house seat in 1960 and in 1970, assuming one hundred forty-two seats in both 1960 and 1970. We are developing what the deviations would be in 1970 using one hundred twenty seats and using the 1960 population.

Naturally, the entire thrust of this memorandum is an argument for the support of the Committee of the Whole's action, and I will not debate that now since that will be up later.

DELEGATE JAMES (presiding): All right.

We have completed our questions on section 10, and we will go to section 11, lieutenant governor. That was one section that I could interpret immediately when I read it.

Section 12, any questions on section 12?

Delegate Chabot.

DELEGATE CHABOT: Article 2, section 7, also gives the legislature some broad powers regarding impeachment. Is there any intention to continue these powers?

DELEGATE HARDWICKE: In other words, your question is whether there

should be a postponement of the impeachment powers, Delegate Chabot?

DELEGATE CHABOT: No. Not whether there should be a postponement, but one of these provisions of the current Constitution that is being continued by section 12 also gives the legislature power of impeachment. It is in our green copy of the present Constitution. It is on page 14 which would mean that if that section continues and we have new impeachment procedures for a while, we may have several different methods. Was there any intention to do this?

DELEGATE JAMES (presiding): Delegate Chabot, in answer to your question, there was no such intention, and if we leave this transitional provision just as it is, it is my guess that the court would interpret this section 12 as control with regard to the incumbent governor over any contrary provision if the new constitution. I do not think it is a matter of any crucial importance.

It was inadvertent, but my belief is that the incumbent governor would be impeached pursuant to section 7 of our constitution because the more specific provision controls the general in case of conflict. It is a good question.

Delegate Chabot, are you making inquiry concerning whether there should be further clarification of this?

DELEGATE CHABOT: Yes, to make sure that the Committee of the Whole has it before it, so that if it feels that there is a problem, the matter is finally decided by a decision and not by inadvertence. I assume that the current governor will take note of the difficulties.

DELEGATE HARDWICKE: It is our intention that the prior Constitution will control with regard to the incumbent governor, notwithstanding anything in the present constitution, albeit, it was slightly inadvertent.

DELEGATE JAMES (presiding): Any further questions on section 12?

*(There was no response.)*

Section 13?

If there are no questions, we will go to section 14.

The Chair hearing no questions, section 15.

The Chair hearing no questions, we will proceed to the judicial branch, section 16, judicial power.