

would have to go to work as soon as those figures were available and get them into the General Assembly promptly, and hopefully the General Assembly would then take action so that there would be an opportunity to set up congressional districts for the primary election.

THE CHAIRMAN: So that the Committee would intend that the words, in lines 23 and 24, "immediately prior to the statewide congressional general election" would mean any time after the census figures were available and prior to the primary election?

DELEGATE GALLAGHER: Yes, sir, that is correct, between the time of the 1970 federal census count being available and the primary election.

THE CHAIRMAN: Are there any other questions?

THE CHAIRMAN: The Chair hears none.

Would you please proceed, then, with the Committee's report on the next subject?

DELEGATE GALLAGHER: The next section having to do with continuity of government during an emergency is one which has become fashionable in recent constitutions.

The purpose of this is to provide for continuity of government in the event of an emergency, disaster, or enemy attack, and for continued operation of government.

The reason it is necessary to include this section in the constitution is that the Committee contemplates that in times of disaster it would be necessary to suspend some constitutional operations, some constitutional procedures. I am not talking about the area of personal rights, but I am talking about the area of office holding.

Let us suppose that something happened to Annapolis while the General Assembly was in session and that a large number of the members of the General Assembly were killed. We would anticipate that the General Assembly would, prior to such a disaster, indicate that in the event that a quorum were not alive or could not be called there would be some other method of operating the General Assembly.

We would anticipate that if all the constitutional officers were wiped out so that the orderly filling of vacancies could not take place in a disaster, the General Assembly would pass legislation prior to such an emergency saying in such event the

governor shall be selected under these circumstances or the governor shall be the man who holds office in this particular area.

The same thing for the operation of government. If you cannot get a General Assembly together and you cannot appropriate funds because of a disaster, government would be stalemated, and we would contemplate therefore that the General Assembly would pass laws which, despite constitutional provisions, would in an emergency allow the disbursement of state monies, even though it could not otherwise be constitutionally accomplished.

We debated the inclusion of this at some length. I might say we had great pressure on us from the state civil defense organization to pass a very lengthy kind of emergency constitutional provision, but we felt that we wanted to reduce it to a skeletal form, to merely provide that the General Assembly could pass legislation in these two areas anticipating a disaster, and at the same time in so doing set aside or allow the possibility of setting aside some constitutional procedures.

If we did not include this in the constitution then the General Assembly could do nothing to anticipate an emergency except as would be allowed by the constitution. If this would be the case, the General Assembly might find that it could not adequately handle an anticipated disaster. Consequently, we feel the language is necessary.

I might say the Committee went back and forth three or four times before it ultimately decided to do it. This language in 3.19 is the best language we could arrive at after studying the Rhode Island and New York constitutions in both of these regards. We felt that this was the best method of approaching the problem.

THE CHAIRMAN: Are there any questions of the Committee Chairman?

THE CHAIRMAN: The Chair hears no questions.

The Chair has one question, Delegate Gallagher, with respect to the second sentence, and the same language is used in the first sentence.

What is meant by the phrase "continuity of state and local public offices and governmental operations" insofar as provisions of the constitution are concerned?

DELEGATE GALLAGHER: The meaning of the language is that the General Assembly may provide who shall exercise