

powers with respect to state and local public offices in the event that all applicable provisions which designate who shall succeed to those offices have been exhausted, and yet there be no one to succeed to those offices.

THE CHAIRMAN: Is it limited to that, or could the General Assembly provide by law that the provisions of the constitution with respect to succession of the governor should be suspended during the period of an emergency.

DELEGATE GALLAGHER: No, sir, we do not anticipate that. We anticipate that all constitutional provisions with respect to who shall succeed the one office must first be exhausted before the General Assembly could pass legislation which would have an effect upon the filling of those offices in the event of a vacancy or inability to carry them out.

THE CHAIRMAN: Would it be contemplated that the legislature, by such a public general law, could provide for the suspension of the provisions of the constitution as to the vote required to pass an act of the General Assembly?

DELEGATE GALLAGHER: Yes, sir, it would.

THE CHAIRMAN: Would it be contemplated that they could provide for suspension of the veto power of the governor?

DELEGATE GALLAGHER: It would not, if there would be a governor in office, someone holding the office.

THE CHAIRMAN: Would it be contemplated that they could provide that during the period of the emergency monies could be expended out of the state treasury without the warrant of the comptroller or check of the treasurer?

DELEGATE GALLAGHER: Yes, sir, it would, if those persons could not perform their duties within the time necessary or were not present or presumed to be dead or disabled.

THE CHAIRMAN: In other words, would it be fair to say that the intent of the second sentence of this section is that the General Assembly could, by law, provide for the suspension of constitutional provisions only to the extent that by reason of the emergency the constitutional provisions could not be given effect?

DELEGATE GALLAGHER: Yes, sir, that is correct.

THE CHAIRMAN: But that the constitutional provisions could not be suspended

to the extent that notwithstanding the emergency they could be given effect?

DELEGATE GALLAGHER: That is correct.

THE CHAIRMAN: Are there any other questions?

Delegate Bennett.

DELEGATE BENNETT: Delegate Gallagher, further with regard to the questions that the Chairman put to you, section 9 of the personal rights article, reads as follows, as you perhaps recall: "The right of the writ of habeas corpus and the provisions of this constitution shall not be suspended."

Now, aren't these two in conflict?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: No, sir, I do not think so. We specifically disclaim any intention that this section 3.19 could in any way override any of the personal rights guaranteed in the constitution, particularly the right of the writ of habeas corpus.

In other words, we tried to limit ourselves to two areas. One is the filling of governmental offices, and the other is continuity of operation of government.

THE CHAIRMAN: Delegate Bennett.

DELEGATE BENNETT: I am just wondering whether the Committee on Style, with its enormous tasks, might try to reconcile these and perhaps suggest an amendment that during a period of emergency this provision of yours might apply.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: We have specifically limited the time within which section 3.19 shall apply when we say "during the period of any such emergency only". We try to hold it down so that you do not get a martial law situation where you just go on and on and there is no termination date as to when these suspensions come to an end.

THE CHAIRMAN: Delegate Gallagher, could I illustrate your point by another question, and correct me if I am wrong.

Is it contemplated that the General Assembly could by law provide, for instance, that in an emergency judges, temporary judges, could be appointed in some manner other than the manner provided in the constitution but could not deprive a citizen