

LAWS OF DELAWARE
VOLUME 81
CHAPTER 339
149th GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 410

AN ACT CONCURRING IN PROPOSED AMENDMENTS TO THE DELAWARE CONSTITUTION RELATING TO CONTINUITY OF GOVERNMENTAL OPERATIONS.

WHEREAS, an amendment to the Delaware Constitution was proposed in the 148th General Assembly, being Chapter 399, Volume 80, Laws of Delaware, as follows:

“AN ACT PROPOSING AMENDMENTS TO THE DELAWARE CONSTITUTION RELATING TO CONTINUITY OF GOVERNMENTAL OPERATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Article II, § 5 of the Delaware Constitution by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5. Place of meeting.

Section 5. The General Assembly shall meet and sit in Dover, the capital of the State; provided, however, that in ~~ease of insurrection, conflagration or epidemic disease~~ periods of emergency resulting from enemy attack, terrorism, disease, accident, or other natural or man-made disaster the General Assembly may temporarily meet and sit elsewhere.

Section 2. Amend Article XVII, § 1 of the Delaware Constitution by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1. Continuity of state and local governmental operations in periods of emergency ~~resulting from disasters caused by enemy attack.~~

Section 1. The General Assembly, in order to insure continuity of State and local governmental operations in periods of emergency resulting from ~~disasters caused by~~ enemy attack, terrorism, disease, accident, or other natural or man-made disaster, shall have the power and the immediate duty (1) to provide for prompt and temporary succession to the powers and duties of public offices whose immediate succession is not otherwise provided for ~~in~~ by this Constitution, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and (2) to adopt such other measures as may be necessary and proper for insuring the continuity of governmental operations. In the exercise of the powers ~~hereby conferred~~ conferred by this section, the General Assembly shall in all respects conform to the requirements of this Constitution except to the extent that in the judgment of the General Assembly ~~so to do~~ to do so would be impracticable or would ~~admit of~~ cause undue delay.”

WHEREAS, the proposed amendment was adopted by two-thirds of all members elected to each house of the 148th General Assembly and publicized in accordance with Article II, § 5 of the Delaware Constitution.

NOW THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Article II, § 5 of the Delaware Constitution by making deletions as shown by strike through and insertions as shown by underline as follows:

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Section 5. The General Assembly shall meet and sit in Dover, the capital of the State; provided, however, that in ~~ease of insurrection, conflagration or epidemic disease~~ periods of emergency resulting from enemy attack, terrorism, disease, accident, or other natural or man-made disaster the General Assembly may temporarily meet and sit elsewhere.

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Approved June 26, 2018