

1 DELEGATE MOSER: No one can order anyone to do
2 this. It is simply a mandate. That is to say that there
3 is no legal way to do it. It is a mandate to them which
4 presumably would not be ignored, but I don't believe that
5 except if there were a violation of due process that this
6 could be enforced. We have had this question up many,
7 many times and it envisions more than a ministerial act
8 and therefore it would not be enforceable in that respect.

9 THE CHAIRMAN: Any other delegate desire to speak
10 in opposition? Delegate Sherbow.

11 DELEGATE SHERBOW: Will Delegate Moser yield
12 to a question?

13 THE CHAIRMAN: Delegate Moser, do you yield
14 to another question?

15 DELEGATE MOSER: With hesitation.

16 THE CHAIRMAN: Delegate Sherbow.

17 DELEGATE SHERBOW: In the event this amendment
18 is voted down and the Scanlan amendment remains and this
19 section is taken down, would not the Court of Appeals and
20 would not in the alternative the General Assembly have this
21 right anyway?