

DELEGATE GALLAGHER: I do not think the Committee intended such a result. I think the Committee intended that concurrently with the operation of the General Assembly a record shall be made available to inform the public completely of what happened. I am sure you agree, Senator, as a lawyer, that legislative history is quite important, and in the proper interpretation of that which you intended on doing it is very helpful to have the transcript of what happened.

THE CHAIRMAN: Delegate James.

DELEGATE JAMES: This is a difference between a provision being directory and mandatory. I am not taking a position on that at the moment. However, I think it should be clear whether this provision concerning testimony is mandatory or directory.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: I certainly do not want to make it a second class requirement of this constitution. I think that this requirement ought to be as respected and followed honestly and in good faith as any other section of the constitution.

I would not want it downgraded. I think the Committee intends that there shall be the kind of information that 3.17 calls for.

THE CHAIRMAN: Delegate James.

DELEGATE JAMES: So that it conceivably could be mandatory, and if the facilities for recording debates and proceedings by minute stenographic transcript are not available, then the General Assembly would be immobilized.

This is the question that this raises.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: You are asking me for the effect. I wish I could give you a better answer. I simply say that if things come to that stage of the game when you cannot get a stenographer, that you must be in a great hurry.

THE CHAIRMAN: Delegate James.

DELEGATE JAMES: It could easily happen.

Now, the next thing along the same line is the requirement that the committee votes be attached in the record in the same manner as votes of the entire house are now attached and made record.

Would this go so far as to include the votes of, for instance, standing subcom-

mittees of a major committee? How far down the lines does this committee requirement go?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: As I understand it, it applies only to the regular committees of both the House and the Senate.

THE CHAIRMAN: Delegate James.

DELEGATE JAMES: And not to subcommittees?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: That is correct.

THE CHAIRMAN: Delegate James.

DELEGATE JAMES: This would be as I understand it and as I interpret it a legal requirement that must be in the journal. You are saying that not only the vote of the entire House, but the vote of the entire committee on the particular issue, or rather not necessarily the entire committee, but those present and voting would be a mandatory legal requirement?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Yes, sir.

THE CHAIRMAN: Delegate Gallagher, before we leave that section and because the Chair thinks it is so important, I would like to direct your attention a little more carefully to the series of questions propounded by Delegate James and call your attention to the Court of Appeals, with which I am sure you are familiar, that held under the present Constitution, that the requirement that the final votes on passage of a bill be entered in the journal was mandatory and that in the absence of the entry of the final votes, the bill was not properly enacted.

The Chair would like you to indicate clearly, so that the Committee of the Whole will be apprized, whether you intend that kind of result to follow from the last sentence of this section, beginning on line 17, which is practically the same as the present Constitution?

DELEGATE GALLAGHER: Yes, sir. I do not think that the Committee intended that any one requirement or any one sentence should have a higher priority than the other. They are all of equal dignity.

THE CHAIRMAN: Then I take it your answer would be that you would intend that the same result would follow from a viola-