

DELEGATE CLAGETT: And translating that, it means that if we have the 120-40 set-up, the requirement would only be that there be 37 members of the House to suspend the requirement, as against 72 under the present constitutional provision, and in the Senate, it would only require 13 as against 24, using the three-fifths, a quorum being in one instance 61, that is, in the first instance, and in the second instance, 21?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: You are correct, and as I said there is a minority report which goes into this, that opposes it.

THE CHAIRMAN: Delegate Beatrice Miller.

DELEGATE B. MILLER: Mr. Chairman, I will wait for my question.

THE CHAIRMAN: Are there any further questions? Delegate Freedlander?

DELEGATE FREEDLANDER: No, I am sorry.

THE CHAIRMAN: Are there any further questions? Delegate Dulany.

DELEGATE DULANY: Mr. Chairman, I have a question for Mr. Gallagher.

THE CHAIRMAN: Proceed.

DELEGATE DULANY: Chairman Gallagher, is there anything in section 3.02 to prevent a county that would be entitled to say three-fourths of a senator being divided into two, three or four, senatorial districts?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: No.

THE CHAIRMAN: Delegate Dulany.

DELEGATE DULANY: Is there anything to restrict that in your opinion? You said there is nothing to prevent it. Is there anything to restrict such division?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: To the extent of following the natural political boundaries and the geographical outline, that would point you in the direction, but it would not be an overriding reason to have you maintain at least one unit vote.

THE CHAIRMAN: Delegate Dulany.

DELEGATE DULANY: What is the intention of the Committee in this regard?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: I do not think the Committee has an intention, because the Committee does not feel that in the Constitution you can arrive at what each county would consider to be substantial equity, and that this would be the ultimate responsibility of the commission and the General Assembly itself.

THE CHAIRMAN: Delegate Dulany.

DELEGATE DULANY: That is all.

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

*(There was no response.)*

The Chair is fearful that his earlier requests to the Committee Chairman with respect to section 3.17 may perhaps have been too general and thereby have been confusing. I would like to go back over that, if I may.

You indicated, Chairman Gallagher, that taking the last sentence in the section, the sentence beginning on line 17, which is almost the same as the corresponding provisions of the present Constitution, that failure to observe the requirements of that section would invalidate a bill. Is that correct?

DELEGATE GALLAGHER: Yes, sir, on the basis that you inform me that the Court of Appeals had so held in substantially equal language.

THE CHAIRMAN: That is true. The Court of Appeals so held and then following that the rules of the Senate and the House were amended to require that the vote be actually entered on the journal.

On that assumption, I would like to go to each sentence of the section, and not ask you for a legal opinion but rather the intent of the Committee at this point.

In the event either house of the General Assembly failed to keep a daily journal on any particular day, would you take it from this sentence that any bill discussed on a day as to which there was no journal would be invalid, assuming that you could ever prove that it was discussed on that day?

DELEGATE GALLAGHER: Mr. Chairman, I would like to read the opinion of the Court of Appeals in that case before I try to answer that.

THE CHAIRMAN: Let me just suggest that we pass those questions then until tomorrow, but if you would give consideration to that section.