

For what purpose does Delegate Gleason rise?

DELEGATE GLEASON: Mr. Chairman, I would like to enter into this dialogue which you have embarked on, because I do not want any misconstruction going throughout the Committee of the Whole with respect to how intently the Committee entered into this area about the effect of the legality of a bill as to each of these sentences.

It seems to me that you are in an arena of court interpretation here and this is something that the Committee on the Legislative Branch did not enter into, and so I would hope that the Chairman in response to your inquiries would state that we did not have the Court of Appeals decisions before us. Certainly, however, when we got into such things as the transcription of the debates, we intended that there be a transcription of the debates kept and that it should be furnished to the public, period.

We got no further than that. If a transcript is not kept, and if a bill is passed without a transcript, and if somebody goes into court and challenges that bill on that basis, that becomes a court matter in my judgment, not a matter of legislative history with respect to the constitution on this floor.

THE CHAIRMAN: The Chair's earlier questions might have, therefore, been misleading because they were general and the answer was very general. It was for that reason that it caused me some concern. I will obtain a copy of the opinion of the Court of Appeals to which I referred and let you have it, Delegate Gallagher, before the dinner recess.

Are there any further questions of the Committee Chairman?

Delegate Storm?

DELEGATE STORM: Mr. Chairman, is the Committee itself going to give serious consideration to this whole section?

THE CHAIRMAN: My suggestion is that I will make the opinion available to Delegate Gallagher at the dinner recess, and he may be able to give the kind of answer that Delegate Gleason is talking about, and thereby end any further discussion of the problem.

DELEGATE GALLAGHER: Mr. Chairman, I would like to state that the Committee never considered what it would like to see in the way of consequences for the failure to follow these provisions. Cer-

tainly this does not have an intent to do mayhem to the legislature.

THE CHAIRMAN: Delegate Sherbow.

DELEGATE SHERBOW: May I ask Delegate Gallagher this question: would you believe that not following the journal properly would invalidate a \$50 million school bond issue, but it did? The Clerk pulled down Senate bill number so and so instead of House bill number so and so, and the poor judge in the lower court said "Well, that could not be that important", but the Court of Appeals said "Oh, yes it was", and that is the case that the Chairman is referring to, so the effect that Delegate Gleason is talking about could be as catastrophic as it was in that particular case. The effect of what you are putting in here may mean that it has not only to be carried out, but that if you do not carry it out all the legislation on that day may not be valid.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: My Committee is not a group of homicidal maniacs, but at the same time it would like to see certain disclosure facilities made available to the public.

THE CHAIRMAN: Delegate Sherbow.

DELEGATE SHERBOW: I am with you on that part, but the part that bothers me is to make sure that the effect if some clerk does not carry it out is not as bad as it was those days when the Senate did not have the results carefully worked out.

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

Delegate Grant.

DELEGATE GRANT: Delegate Gallagher, was section 3.09, drafted by the Committee in light of the decisions by the Committee of the Whole as to the appointive nature of the judicial offices and also the fact that many of their terms, et cetera, would be prescribed by rule instead of by law?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: I cannot say that we gave any special consideration to the judiciary at all in this.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: It would be my interpretation, then, since judges are appointed and not elected, that if there were anything done in the way of a judicial