

judgeship, that a legislator would not be eligible during his term of office to be appointed to that judgeship; is that correct, Chairman Gallagher?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Yes, that was always the practice under the old Constitution, except where they created a new judgeship by constitutional amendment, and said that the old prohibition did not apply, and then the state senator became a judge.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: Now, the second question is, since in the matter of judgeships they are prescribed to be on a uniform salary scale, if the judgeship was uniformly increased in compensation during the period of time that the legislature was, would he not be eligible once again?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: That would be my understanding.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: In regard to the position such as commissioners and clerks, which are created by rule, and the appointment is as prescribed by rule and tenure of duty, et cetera, would not the very fact that the General Assembly passed an appropriation act make the legislator ineligible?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: I think it would. I think if the legislature were responsible for increasing the compensation for that office, even by passing the general appropriations bill, that no member of the General Assembly who voted for the increase could fill the office during the term for which he had been elected to the General Assembly.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: You would hold that interpretation, even though the actual pay scale is to be established by rule and not by law? In other words, when you refer to the General Assembly, you mean the General Assembly acting by law, or do you mean General Assembly, providing general support, with the specific pay matter being established by rule?

THE CHAIRMAN: Delegate Gallagher?

DELEGATE GALLAGHER: I think this has to be construed in a broad manner and

I think if any member of the General Assembly were a party in some way, as a member of the General Assembly, in increasing the compensation for an office that he then could not fill it during the term for which he was elected.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: By virtue of the passage of the general appropriations bill?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Yes.

THE CHAIRMAN: Delegate Gallagher, in response to one of the earlier questions of Delegate Grant, you said, provided the member of the General Assembly voted on the matter.

I take it that that was an inadvertent slip?

DELEGATE GALLAGHER: Yes, sir. As long as he is a member of the General Assembly regardless of whether he voted.

THE CHAIRMAN: Delegate Gleason.

DELEGATE GLEASON: Mr. Chairman, our Chairman has done his usual lucid, precise job in explaining the Committee's action in connection with the Recommendation No. 2 of the Committee on the Legislative Branch.

There was however, one colloquy, I think, and I do not know where it fits into this recommendation, but I would hate to have it lie without our shoring up our position a little bit.

It was with respect to Delegate Storm's questions on single member districts. As I recall it the discussion went somewhat along the lines that one of the purposes of this was to shore up minority representation in the State of Maryland.

Am I correct, as I believe I am, that in the discussion of this provision in the Committee there is absolutely no discussion on minority representation relating to single member districts, but rather the discussion was that this was the effective way for individuals and people living in a district to know who their representative was in the House of Delegates and be able to get at him when the situation required.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Delegate Gleason is correct. The discussion went along those lines. I do not think though that we could have failed to observe that a minority party, be it a 49-51 percent or