

Has every delegate voted? Does any delegate desire to change his vote?

The Clerk will record the vote.

There being 89 votes in the affirmative, none in the negative, the rules are suspended.

Amendment No. 22 is before you.

The Chair recognizes Delegate Gallagher, the amendment having been seconded by Delegate Gilchrist.

DELEGATE GALLAGHER: Mr. President, ladies and gentlemen of the Convention: When the Committee on the Legislative Branch adopted section 3.11, which is a limitation on appointment of legislators to offices created while they were members of the General Assembly or offices for which compensation was increased, it was the intention of the Committee on the Legislative Branch that no member of the General Assembly could resign and thereafter be appointed to an office which had been created.

We used language which indicated that the terms during which he could not be appointed to such office were the full term to which he was elected.

If you will read section 3.11 as it came out of the Style and Drafting Committee, you will note it now says "No person elected or appointed to the General Assembly shall during his term of office be appointed to any office which shall have been created", et cetera.

We are somewhat fearful that the use of the words "his term of office" would indicate that if he resigned at the end of two years or one year or three years that he could, during the balance of that four-year term, be appointed to an office which had been created while he was a member of the General Assembly.

Consequently, we are moving to restore the intent of the Committee with more specific language, by inserting the following before the comma on line 29. It would read: "for which he was elected or appointed". The term of office, therefore, for which he was elected or appointed.

Then in line 32, you would strike out "his" term, which again raises the question of whether or not it was his term actually served or the full time to which he was elected, and use the word "such", referring back to the term for which he was elected or appointed.

I think this more accurately keeps the original intention of the Committee on the Legislative Branch, and I would urge the adoption of the amendment.

THE PRESIDENT: Are there any questions of the sponsor of the amendment? Is there any discussion?

Are you ready for the question?

The Clerk will ring the quorum bell.

Delegate Boileau.

DELEGATE BOILEAU: May I ask Delegate Gallagher a question?

THE PRESIDENT: Delegate Gallagher, do you yield for a question?

DELEGATE GALLAGHER: Yes, sir.

THE PRESIDENT: Delegate Boileau.

DELEGATE BOILEAU: Pardon my tardiness. I was looking up the section.

Section 4.09 of the executive article has a note that if the vacancies in the office of governor or lieutenant governor exist at the same time during the first year of their term the office shall be filled for the remainder of the term at the next general election.

Does that mean that if the salary of the governor or lieutenant governor has been retained by that General Assembly that no one in that General Assembly would be eligible to run for the office of governor or lieutenant governor?

THE PRESIDENT: Delegate Gallagher.

DELEGATE GALLAGHER: Well, as I understand it, if they raised the salary during this term, the term has not been completed, a member of the General Assembly could not succeed to the office for the remainder of the governor's or lieutenant governor's original term.

THE PRESIDENT: Delegate Boileau.

DELEGATE BOILEAU: It is not a matter of succession. It is a general election for the remainder of that particular term; not succession.

THE PRESIDENT: Delegate Gallagher.

DELEGATE GALLAGHER: I did not understand.

THE PRESIDENT: He was pointing out to you it would not be succession, but would be a new election.

DELEGATE GALLAGHER: If it is a new election there is nothing to prohibit