

mandatory provision, but that substantial compliance shall be sufficient to meet its terms.

With respect to the second sentence, "the daily journal shall be published as soon as practicable and the transcript shall be available to the public."

It is the intention and interpretation of the Committee on the Legislative Branch that this sentence shall be met, if it is substantially complied with, and is considered to be mandatory.

With respect to the third sentence, beginning, quote, "All final committee votes on all bills in both houses shall be entered by individual reported vote in the daily journal of the appropriate House."

It is the intention of the Committee that this sentence shall be complied with by substantial compliance, and the sentence shall be considered mandatory.

Continuing, quote, "No bill shall be enacted nor shall a resolution requiring the action of both houses be adopted unless it is passed in each house by majority of all the members of that House."

It is the intention and interpretation of the Committee on the Legislative Branch that this sentence must be literally complied with and that it is mandatory.

Next sentence, quote, "A vote in joint session or by either House on any bill or resolution or for the election or confirmation of any State officer shall be taken only in public session."

It is the intention and interpretation of the Committee on the Legislative Branch that this sentence shall be complied with when there is substantial compliance, and the sentence is considered mandatory.

Finally, "On final passage of a bill, including a bill proposing a constitutional amendment or resolution, the vote cast by each Member shall be recorded in the journal of the House of which he is a Member."

It is the intention and interpretation of the Committee on the Legislative Branch that this sentence shall be complied with when it is substantially complied with or met and that it is mandatory. In making this interpretation of the last sentence, the Committee on the Legislative Branch is cognizant of the fact that it is specifically overruling and overriding the opinion arrived at in *Redwood v. Lane* 69 Atlantic 2nd 907.

THE CHAIRMAN: Are there any questions of the Committee Chairman with respect to the statement just made?

Delegate Hardwicke.

DELEGATE HARDWICKE: Mr. Chairman.

THE CHAIRMAN: Delegate Gallagher, do you yield to a question?

DELEGATE GALLAGHER: Yes.

THE CHAIRMAN: Delegate Hardwicke.

DELEGATE HARDWICKE: Mr. Chairman, in section 3.18, Conflict of Interest, you have mandated to the legislature that they by law provide for a code of ethics.

Would it not be feasible, or rather, did you give consideration to mandating the legislature to do the things that you have provided for in 3.17, but that you make them do it by rule, and if they do it by rule and it is there on rule that is involved and not a constitutional rule. Would that not achieve the same purpose, but with greater clarity than to rely upon this phrase, "substantial compliance"?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: I think it would be the feeling of our Committee, Delegate Hardwicke, that the items covered by section 3.17 are of such significance to the proper operation of the General Assembly and the interests of the public that although they may be technical and procedural, that they are sufficiently important to spell out in the constitution.

Now, it may well be that in order to implement the constitutional language that there will be required further rules, and certainly, we would contemplate that the General Assembly could and would adopt such rules, but to the extent that we desire to cover specific areas, we believe that we would prefer and we do prefer to state what the practice shall be.

THE CHAIRMAN: Delegate Hardwicke.

DELEGATE HARDWICKE: I only raise the question as to whether you really mean what you say when you say that it is that important when you permit substantial compliance to be construed to be actual compliance.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Well, we mean what we say, but at the same time, we are not anxious to have some slight