

Amen.

(Whereupon, a roll call was made.)

THE PRESIDENT: Delegate Carson, Delegate Grumbacher, Delegate Hardwicke, Delegate Harkness, Delegate O'Connor, Delegate Pullen, Delegate Webster.

The Clerk will record the roll call.

There being a quorum present, the Convention is in session.

The Chair recognizes Delegate Powers, Chairman of the Committee on Calendar and Agenda.

DELEGATE POWERS: Mr. President, I move the adoption of the calendar and agenda.

(The motion was duly seconded.)

THE PRESIDENT: Is there any discussion?

(There was no response.)

All those in favor, signify by saying Aye; contrary, No. The Ayes have it. It is so ordered. The calendar is adopted.

The first item of business are reports of standing committees. Among those, the first item is consideration of the Third Report of the Committee on Rules, Credentials and Convention Budget proposing an amendment to the rules by adopting a new Chapter 9, compensation for absences. This report was circulated to you last week. You should have copies. The Chair recognizes Delegate Scanlan, Chairman of the Committee, and suggests that he come forward and speak from the Clerk's desk.

DELEGATE SCANLAN: Mr. President, fellow delegates, today I have the honor to present to the Convention with a favorable recommendation the Third Report of our committee. In this report we recommend that the Convention adopt a new chapter 9, consisting of three sections, three rules, dealing with the question of attendance, absence, and penalties for absence.

Our committee was requested by a number of people including the President to deal with this subject. A subcommittee composed of Delegate Sickles as Chairman, Delegate Malkus, and Delegate Grant looked into the issue—pardon me, I think Delegate Mason was also a member of the subcommittee. They discussed it informally with representatives of the attorney general's office who advised them just the other day by telephone that the proposed rule suffices from the legal point of view.

We begin, of course, with the statutory language, which is found in chapter 5 of the companion Enabling Act. It is set forth on page 1 of the explanatory comment and we read this rule to give this Convention the power to adopt by rule the standard which would control for deciding that a delegate was present and entitled to receive his \$25.00 a day compensation, and the standards which would control for determining whether a delegate was absent and thus subject to the penalty of a \$15.00 a day deduction for unexcused absence.

The Committee will concede that lawyers and others could read the statutory language in a more limited fashion. It is possible to argue with some cogency that the phrase "as determined by the rules of the Convention," appearing in the next to last line of Section 1 of Chapter 5, refers only to a determination of what is an authorized committee or an authorized subcommittee, or an authorized session of the Convention.

On the other hand it can be read broadly, as your Committee has elected to read it. The language can be read broadly to modify the whole sentence and to make it clear that this Convention has a rule-making authority to deal with the subject.

Let me say at the outset, the standard that we have selected is a clear and reasonably simple standard, and also as I will indicate in a minute, represents the Committee's view that the standard be a strict one. In brief, we propose that if a delegate is present at either a session of the Convention, or a meeting of a committee or a subcommittee of the Convention on a particular day, then he is present for the purpose of being entitled to his \$25.00 expenditure or payment. On the other hand, if he is not in attendance at any of those enumerated, that is, either a session of the Convention or a committee meeting or a subcommittee meeting on a particular day, he is not entitled to receive his \$25.00 expenditure.

With respect to whether or not a person may be excused and thus be saved from the penalty of the \$15.00 deduction from his salary, the committee has adopted what we believe is a fairly stringent rule.

We propose that a delegate shall be excused by the President from attendance at sessions of the Convention or meetings of any authorized committee or subcommittee thereof, due to illness, death in the immediate family, or other reasons beyond the control of the delegate, and the excused absence shall be entered upon the minutes.