

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

*(There was no response.)*

If not, the Clerk will record the vote.

There being 136 votes in the affirmative and none in the negative, the motion carries. The rules are suspended.

The first item is the Sixth Report of the Committee on Rules, Credentials and Convention Budget. This is the report which was heretofore read and referred to the Committee on Calendar and Agenda yesterday, October 2. It has to do with Resolution No. 4, which was offered on September 22. You should have copies, both of the Sixth Report and of the resolution. The Chair recognizes Delegate Scanlan, Chairman of the Committee. Will you come forward, please, sir?

DELEGATE SCANLAN: Mr. President, fellow delegates, I have the honor to present the Sixth Report of the Committee on Rules, Credentials and Convention Budget, which deals with Resolution No. 4, introduced in this body on September 22. The recommendation of your committee is that Resolution No. 4 not be adopted by the Convention.

As originally drafted, Resolution No. 4 would require that with respect to each delegate proposal and substantive committee recommendation regarding the fiscal program that these be accompanied by a memorandum setting forth the monetary budget required by the fiscal program, and if a similar program now exists, a comparative cost study of the proposed program with the program now in existence. The sponsor of Resolution No. 4 appeared before the Committee on Rules to explain his proposal, and in his appearance modified it to propose that the fiscal note required under his resolution be only applicable to substantive committee recommendations and not applicable to delegate proposals.

The Committee believes that the resolution should be rejected, both in its original and amended form. Apparently a fiscal note procedure has been tried in recent years in the Maryland General Assembly, without any considerable success, but whether it was successful there or not, the Maryland General Assembly is a legislative body. It is not a Constitutional Convention. It seems to our Committee that it is of the essence of a successful Constitutional Convention that the flow of ideas emanating

from the delegates not be arbitrarily restricted and cut off. If you were to require a fiscal note with respect to each delegate proposal or even with respect to each committee proposal, you would be putting an undue burden, not only on the delegates and the Committee members, but also on the officials of the State, especially in the Fiscal Research Bureau, who would be inundated with requests to provide fiscal information required. Moreover, there is always the difficulty of knowing in a particular case whether or not it was the type of a recommendation that would require a fiscal note. Consider, for example, the whole Bill of Rights section. Can the effect of those provisions, whatever they ultimately may be, be evaluated in financial terms? Most of us think not.

In recommending the rejection of this resolution, we do agree that the fiscal note procedure perhaps could be in connection with some financial committee reports, especially the Committee on State Finance and Taxation. It might well be that the members of that committee and its chairman might think that in a particular case a proposed recommendation would be more convincing or more understandable on the part of the delegates if it were accompanied by a fiscal note. In such a case we would urge that they use a fiscal note. However, even here we did not think it a subject which should be enshrined in the rules as a rigid requirement. We would leave it to the good judgment of the various committees as to whether or not in a particular case a fiscal note should accompany the committee recommendation.

On these grounds, therefore, the Rules Committee recommends that the resolution not be adopted, either in its original form, or as amended by its sponsor in his appearance before the Committee.

THE PRESIDENT: The question is on the adoption of Resolution No. 4, notwithstanding the contrary recommendation of the Committee. Is there any discussion?

*(There was no response.)*

Are you ready for the question?

*(Call for the question.)*

A vote Aye is a vote in favor of the adoption of Resolution No. 4. A vote No is a vote against the adoption of Resolution No. 4. A vote No, in other words, is an approval of the Committee's recommendation. We, perhaps, should take a roll call vote.

*(Whereupon a roll call vote was taken.)*