

DELEGATE H. TAYLOR: As I understand it, if we are here, we get \$25.00 and if we are not here, it costs us \$15.00. I am just puzzled by the arithmetic.

DELEGATE SCANLAN: If we are here, we get the \$25.00 we are allowed as per diem expense. If we are not here and not excused, we not only do not get the \$25.00, we are penalized an additional \$15.00, which is taken from the basic \$2,000 salary.

On the other hand, if it is an excused absence, we do not get the \$25.00 expenses. On the other hand we do not get penalized \$15.00.

THE PRESIDENT: Are there any further questions? Delegate White?

DELEGATE WHITE: I would like to ask the Chairman if he could justify paying the expense money in the case of an excused absence, or is this a legal barrier?

DELEGATE SCANLAN: Yes. I think there is a legal barrier. I would like, in that respect, to refer the Convention to the language from section 11 of chapter 4, of the Enabling Act; it is found in the large blue volume, I believe, around page 501. There the General Assembly, I think, has made rather manifest its legislative intention in this respect saying, "The members of the Convention shall receive per diem or any other payments, only with respect to those days on which they are in actual attendance of meetings at or on behalf of the Convention."

I think that language, in your committee's view, would not permit a man who was excused from attending to receive the \$25.00 for expenses in attending a session he did not attend, so I think the answer to that is we felt that would not be permitted.

THE PRESIDENT: I might supplement that by reporting that that is one of the questions which I asked the attorney general. I was informed by the office of the attorney general today that his opinion will state, as Mr. Scanlan just stated, that there is no discretion in the Convention with respect to the \$25.00 expense payment.

Delegate Storm?

DELEGATE STORM: Mr. President, suppose the meetings which you attend are public relations meetings for Lions, Rotary, and other clubs that want you to speak, and conflict with a regular meeting. This is not considered a meeting in furtherance of the Convention work, because it is not in Annapolis?

DELEGATE SCANLAN: My original reaction to that would be no, that would not be a session of the committee or subcommittee or a session of the Convention. On the other hand, I suppose in an important meeting, where the Convention or a committee of the Convention felt that despite the rules, it was more important that one or two of the members went to such a meeting and spoke, it seems to me it would not take any great deal of ingenuity for a committee chairman pursuant to the rule to create a subcommittee to deal ad hoc with that subject and I suppose in a particular case it could be possible that presenting of views of the Convention at an outside meeting might constitute a meeting of a duly authorized subcommittee, in which case it would be all right. But outside of that sort of situation, my answer to your question would probably be no. I am glad, however, I do not have to administer the standard. We only propose it. The President will have to administer it.

DELEGATE STORM: In other words, if I do not get excused by my committee chairman, then I had better cancel these meetings, is that right?

DELEGATE SCANLAN: No, just do not count on the \$25.00 for going there.

DELEGATE STORM: Or the \$15.00.

DELEGATE SCANLAN: Or the \$15.00.

DELEGATE STORM: It seems to me if I do not get the \$25.00, I ought not to get the \$15.00.

DELEGATE SCANLAN: You do not have an excused absence. I say, it seems to me with a little sagacity on your committee chairman's part, this thing could be worked out to everybody's satisfaction.

THE PRESIDENT: Are there further questions? Delegate Chabot?

DELEGATE CHABOT: With regard to 70C [76], illness of the delegate, is that illness to the delegate only or does that pertain to the immediate family situation?

DELEGATE SCANLAN: I would take it to mean that the illness of one's wife or the illness of a child requiring the presence of a father, if not covered in that section, certainly could be reached by the last phrase, factors beyond the delegate's control.

DELEGATE CHABOT: How would that rule be applied in situations where the Convention itself was not meeting and many of the committees were not meeting and other committees were meeting?