

Delegate Gallagher, I do not want to quibble, but I think your statement was susceptible of an interpretation you did not intend.

MR. GALLAGHER: Are you speaking of Cecil and Harford Counties, Mr. President?

THE CHAIRMAN: That was one of the questions, yes.

DELEGATE GALLAGHER: Perhaps it would be best to say that we speak in terms of confining oneself to the territory of one county.

THE CHAIRMAN: Would it be accurate to say that what you were intending was that in creating districts, it would not be possible to create a district that would combine a county or counties of the eastern shore, other than Cecil County, with any county or counties on the western shore? I ask this just so there will not be any question in the Committee on Style.

DELEGATE GALLAGHER: Yes, sir, it would. I am deliberately avoiding mentioning Smith Island for the record and I would hope its history would take due note of that fact.

THE CHAIRMAN: Very well. Is there any question as to the statement of the Committee Chairman?

If not, the Chair is not aware of any other amendments to sections prior to section 3.16. Are there any?

*(There was no response.)*

THE CHAIRMAN: Delegate Gallagher, do you have an amendment to section 3.16?

DELEGATE GALLAGHER: Mr. President, an amendment is being prepared following our meeting this morning in your office.

THE CHAIRMAN: Very well. Then we will pass section 3.16 and come back to it.

We have now reached the point on the debate schedule where we have under consideration the minority report with respect to section 3.17. This will be Minority Report LB-2(A). The Chair recognizes Delegate Gilchrist to present the Minority Report.

*(At this point, First Vice-President James Clark assumed the Chair.)*

DELEGATE CLARK: Delegate Gilchrist.

DELEGATE GILCHRIST: Mr. Chairman, ladies and gentlemen: First, Mr.

Chairman, I think I might note that Minority Report LB-2(A) involves not only section 3.17, but also sections 3.13 and 3.16, and separate amendments are involved for each one of them.

The point which is involved in this minority report relating to 3.17 is applicable also to the two other sections which I have referred to, although with a somewhat lesser import.

The majority recommendation abolishes the historic Maryland constitutional majority requirement in voting for the passage of bills.

This requirement has been in the Maryland Constitution since Maryland has had a Constitution, and it has required the vote of a majority of the members of the House, or the Senate, as the case may be, for the passage of a bill.

The majority recommendation proposes that a bill shall be passed by a majority of the members present and voting. The minority does not believe that in a Senate of 40 people and a House of 120 people, 11 people in the Senate and 31 people in the House should be able to pass bills of the magnitude which the budget of Maryland has reached at this point, so that 11 Senators and 31 Delegates could pass a billed budget. This is not government by majority of elected representatives. This is government by minority. This is not only a departure from the tradition of Maryland, but this is departure from the practice in most of the states of the United States.

It is noted in the minority report that there are only five states which have constitutional provisions which permit that which the majority recommendation proposes.

There are two tabulations of the methods of requiring voting percentages which have been before our Committee, one a publication by the Council on State Governments, the other a publication of the Council of State Legislators. The two tabulations are a bit different but they come up with what is basically the same.

There are twenty-six states which require approval by a majority of members elected in each House. There are five which require approval by a majority of the members present in each House. There are three which require a majority of each House; there are three which require a majority of those present, if the number is equal to or greater than a stipulated number of members. In two cases, two-fifths of the entire membership, in the other case,