

we proceed with the consideration of this in view of what Delegate Wheatley indicates, we would not be able to adjourn until some time between 7:15 P.M. and 7:30 P.M.

Would the delegates who would prefer not to do so simply indicate to the Chair? Raise your hand.

The delegates who would prefer not to continue and complete this consideration if we can finish it between 7:15 P.M. and 7:30 P.M.

Quite obviously, most would prefer to continue. Very well. This is a controlled period.

Delegate Lord, you have an amendment?

DELEGATE LORD: Mr. Chairman, I would like Amendment J to be distributed.

THE CHAIRMAN: Please distribute Amendment J. This will be Amendment No. 5. The Clerk will read the Amendment.

READING CLERK: Amendment No. 5 (to accompany Minority Report GP-6A) to Committee Recommendation GP-6 by Delegates Boyer, Lord, Key, Singer, E. J. Clarke, and Caldwell.

On page 2 strike out all of lines 12 through 26, inclusive, and all of section 5.

THE CHAIRMAN: The Chair recognizes Delegate Lord.

DELEGATE LORD: I do not think the amendment has been fully distributed, but I will yield three minutes to Delegate Moser.

THE CHAIRMAN: Just a second. What delegates do not have a copy of the amendment? Will the pages please distribute the amendment quickly?

My attention has been called to the fact that in the discussion a few minutes ago I spoke of resuming Monday. I meant Tuesday, of course.

Have all delegates now received a copy of Amendment No. 5? If not, indicate to the pages.

Very well. Delegate Lord.

DELEGATE LORD: Mr. Chairman, I will yield three minutes to Delegate Moser.

THE CHAIRMAN: Delegate Moser.

DELEGATE MOSER: Mr. Chairman and ladies and gentlemen, I submit that section 5 should be rejected by this Convention not only because it seems to seem to legislate,

but also because as legislation it legislates badly.

All the arguments in favor of Amendment No. 1 substituting for sections 1 and 4 apply here with even greater force in favor of deleting section 5. If section 5 is deleted the minority proposal would permit Article 77 of the Maryland Annotated Code, public education, to continue just as it is.

I emphasize that nothing in the local government article and particularly in the provisions relating to counties would prevent this.

As changes in the law implement new concepts in local school organization, as changes in the law are required to implement new concepts of local school organization, the General Assembly as the elected representative of the people can accomplish this.

No reason exists or has been suggested by the minority to limit the power of the General Assembly in this field and yet this is just what section 5 if it is left in would do.

I had analyzed this provision and I thought I understood it, but I must confess to total confusion over Vice-Chairman Wheatley's answer to some of the questions today. I submit it is poorly drawn and ambiguous in a number of ways.

I am not quite sure what the words "fiscal authorities" mean, for instance. Does the referendum requirement continue to apply after one referendum has been held on the first change of fiscal authority or can it be changed the second time without referendum.

There are other ambiguities and I think that the main inconsistency, that the provision which Delegate Wheatley explained would permit the counties to operate in this field, seems to me to be in direct conflict with what we have adopted as an amendment in substitution of majority section 1.

I think also and in closing that the Majority Report is misleading where it suggests that the counties and the local governments are being given a greater say in education. Local governments are in fact being effectively prevented from changing this constitutionally engraved structure of local boards.

For these reasons I sincerely hope that the amendment will pass.

THE CHAIRMAN: Delegate Wheatley.