

DELEGATE BARD: Mr. Chairman.

THE CHAIRMAN: Delegate Bard.

DELEGATE BARD: Ladies and gentlemen:

First let me say I hope some of that green stuff that appeared on the last occasion is still around after mine.

I would like to present the Minority Report LB-1F. Our minority report proposes that "The General Assembly shall meet in regular annual sessions, convening on the third Wednesday of January of each year, unless otherwise prescribed by law."

Actually, I would like to make this clear—it is important—we can hardly call this the minority report. The vote in our Committee was ten in favor of this report, and ten in favor of what is called the majority report.

In fact, the Chairman of our Committee was for this report and had some good logical reasons for his support. I plan to embody some of our Chairman's good thoughts into the presentation today.

I hope you will vote for the Chairman's ideas, not his eloquence.

It is important to note that our LB-1F Minority Report differs from the Majority Report only on the question of how the length of the session shall be determined. In opening the debate on LB-1F I would like to make it clear that the main point is the bringing before the Committee of the Whole the chief advantages that come through a legislatively determined session. We would like to call it a flexible session.

The proponents of the Minority Report want to make it clear that we are not speaking about a continuous session as such, nor are we necessarily speaking about requiring full time service which would not permit attention to one's chosen profession. Our main point is that the constitution should permit a flexible schedule that might bring the short session on one occasion, and a somewhat longer one on another occasion, as time and problems require.

The principal reason for permitting the General Assembly to set its own session length is the fundamental belief in the ability and integrity of the legislature to set its own schedule. The General Assembly is responsible enough, we believe, to rule itself and does not need a constitutional deadline in order to maintain legislative discipline.

As the Citizens Commission on Maryland Government makes clear, we are giving increasing support to the idea of a strong executive and a strong judicial department.

In giving both these branches of the government more power, should we not at the same time give more power to the legislative department, if the concept of checks and balances is to hold?

It is true that a legislature faced with the constitutional deadline for adjournment may have a spur to action, but forced action is often precipitous and unwise. Legislatively determined sessions would end the log jam of hastily passed bills during the last two weeks of the constitutionally limited session.

In the 1965 and 1966 sessions of the Maryland legislature, 80 percent of the bills were enacted in the rush of the last two weeks. Legislatively determined sessions would permit the General Assembly to adjust its session length to its workload, and would avoid the pressure and inevitable mistakes of the last-minute log jam. I could give you some illustrations of some of these errors.

A legislative-determined session would also eliminate the need to amend the constitution at a future date when a 90 day session proved woefully inadequate. History has shown the time requirement for legislative session changes frequently. In recent years Maryland has changed from biennial sessions to annual sessions; then from a 60-day session alternating with a 30-day session to a straight 70-day session every year.

Even now the legislature itself is asking for further change to 90 days. Certainly a rule of state government that has changed so frequently in the past should not be put in the constitution where it cannot be easily changed in the future.

Another argument in favor of a legislatively determined session is it strengthens the position of the legislature vis-a-vis the governor. With limited sessions the governor becomes virtually all-powerful in state government after the date when the legislature is constitutionally forced to adjourn.

The limited session strengthens the governor's veto, because all legislation vetoed after the legislature adjourns is not immediately subject to the General Assembly overriding the veto. The governor's veto is a pocket veto, and makes him the most powerful legislator of all.