

very simple amendment. All it is designed to do is to substitute the word "representatives" for "delegates", where it appears in Article III of the Constitution.

The amendment came before the Committee on the Legislative Branch and failed for want of a majority by a 10-10 vote. The amendment is based on three simple factors, one of which has been amply testified to here yesterday, by not only the bicameralists, but by the unicameralists and the Chairman of the Legislative Branch Committee. It is based on the fact that we have to devise methods and ways to raise the visibility of the legislative branch of the government.

One of the things that I have experienced, and I do not know whether that experience is shared by other members, is the fact that people are generally confused, especially the new people that move into the State, are generally confused as to which branch of the government a member of the House of Delegates really belongs to.

I know, of course, that the House of Delegates has a long meaning to the natural born and native born residents of this State, but when we take a look at the word "delegate", a delegate goes to a convocation or a convention or some other assembly with a specific mission. He is not going there as a representative. He is going there under restrictions, with a specific job to do. He is not a representative. To this extent the designation "House of Delegates" is a misnomer and misleading.

When we look at what the lower house of the legislature is called in the other fifty-nine states, excluding, of course Nebraska, which has a unicameral legislature, we find most of the states designating their lower house as the House of Representatives. Three states call the house the "House of Delegates", and those three are Maryland, Virginia and West Virginia, and one designates the house as the Assembly.

I do think that while we are at this business of trying to strengthen the legislature, trying to clarify what the Legislative Branch should or should not do, in the minds of the people this amendment would serve a very salutary purpose. The argument was raised in Committee that this would be confusing with respect to the federal House of Representatives so that people would generally be uncertain as to whether an individual actually served in a lower house in the State legislature or served in a lower house of the United States Congress.

I might say that that confusion apparently does not exist with respect to the Senate, because of course, our Senate is called the Senate in the State as well as the United States Senate. I do not think any further explanation of the amendment is necessary. I hope it will pass, though I do not think the whole strength of the Legislative Article is going to rest on whether it does or does not pass, but I do think it is a worthy amendment.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Mr. Chairman and members of the Committee, I rise to speak against the proposed amendment which would substitute "House of Representatives" for "House of Delegates" in section 3.10.

The sponsor of the amendment, Mr. Gleason, is correct in that on two occasions the Committee tied 10 to 10 on the vote as to whether or not the amendment would be accepted in Committee. Since it failed to receive a majority of 11, it was not a Committee recommendation.

I think it is significant that in the Constitution of 1776 the Article creating the Legislative Branch stated that "the legislature shall consist of two distinct branches, a Senate and a House of Delegates, which shall be styled the General Assembly of Maryland." The Constitution of 1851 said, "the legislature shall consist of two distinct branches, a Senate and a House of Delegates, which shall be styled the General Assembly of Maryland." The Constitution of 1864 said, "the legislature shall consist of two branches, the Senate and the House of Delegates" and likewise the Constitution of 1867, under which we presently operate.

An examination of the nomenclature used during the colonial period would also indicate that Maryland has been consistent in referring to its lower chamber as the House of Delegates.

In this respect we probably differ somewhat from the State of Virginia, which at one time applied the name, the House of Burgesses, and later changed it to the House of Delegates.

I would say, therefore, that I oppose this amendment, first, because the nomenclature has been a part of the fabric of our state government since colonial times down to this day.

I further believe that it would be difficult from the point of view of examining