

THE CHAIRMAN: Amendment No. 3 is withdrawn.

Are there any other amendments to section 3.17(ab), Delegate Gallagher?

DELEGATE GALLAGHER: Mr. Chairman, do you consider it necessary to formally suggest that on line 30 the comma after the word "act" and the word "and" be deleted, and on line 31 the comma will be deleted, or would the Style Committee take care of that?

THE CHAIRMAN: I think it would be well if the Style Committee understands that the sense of that clause would be expressed if you deleted the comma, and word "and" in line 30, the comma in line 31, and the comma after "character" in line 33.

The Committee on Style has noted it. You have an amendment, Delegate Grant?

DELEGATE GRANT: Mr. Chairman, I have one question that I wanted to ask the Chairman of the Committee in regard to this because of the difference in the language between this and section 48. In the old section 48, directing your attention to lines 42 and 43, where you have the date of December 3, 1891, in the old Constitution, it just referred to the fact that the General Assembly shall not alter or amend the character of any corporation existing at the time of the adoption of this article, and presumably the adoption of this article was in 1867, and not 1891.

DELEGATE GALLAGHER: No, that is not correct.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: The sentence beginning "with the General Assembly" which exists on line 41 was added by the 1890 General Assembly, and submitted to the electorate and voted upon favorably on December 3, 1891, so that entire sentence beginning with "The General Assembly" was an 1891 constitutional amendment to the earlier two sentences which appeared in the 1851, 1864 and 1867 Constitutions.

THE CHAIRMAN: Any further questions, Delegate Grant?

DELEGATE GRANT: I follow what you intend. However, the wording in the old Constitution refers to the article, and not to the amendment, and the adoption of the article was in 1867. The adoption of the amendment was in 1891. I just wanted to get the record straight as to exactly what we meant.

DELEGATE GALLAGHER: You are suggesting that the date should be earlier in time?

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: I am suggesting that as the present Constitution reads, if it is the intention to embrace the present constitutional language, the adoption of the article was in 1867, and it does not appear to be conditioned upon the adoption of the amendment in 1891 as it is in your proposed document.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: I see the difficulty, but I would doubt that you could pass a constitutional amendment in 1891 with respect to the conduct of corporations prior to that time, and retroactively remove an exemption when the statutory or constitutional authority did not exist until 1891.

I really think the germane date is 1891, the date of the adoption of the amendment to what was then Article III, section 48, with only the first two sentences.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: I still suggest, then, that that be made abundantly clear on the record, the exact date that was intended.

DELEGATE GALLAGHER: Yes, I will. And also I will take a look at the acts of 1890, because I did not notice the use of the article in that act. It may have been a carry-over after the constitutional amendment was passed. A change may have been made.

THE CHAIRMAN: Delegate Gilchrist.

DELEGATE GILCHRIST: Mr. Chairman and fellow delegates, I am also interested in trying to get through with this section. I would like to suggest to Delegate Scanlan perhaps he could accomplish what he has in mind by just adding the four words "except for municipal purposes". Then it reads exactly as it was.

Even though I am not for what you are suggesting, I think we could put that in and vote on it, and perhaps finish this article.

THE CHAIRMAN: Delegate Marion, for what purpose did you rise?

DELEGATE MARION: I had a question for Chairman Gallagher.