

The Chair recognizes Delegate Marion to speak to the amendment. This is the amendment distributed last night, marked E. It is number 11.

Delegate Marion.

DELEGATE MARION: Mr. President, this amendment is offered primarily as an amendment of style. I am told that it has substantive connotations. The reason it was offered is because as amended on the floor by the Committee of the Whole, the last sentence of section 4.24 became what seemed to me, at least, to be ambiguous at best, with no punctuation in the sentence. After "majority vote," to the end of the sentence it became unclear. I think the Committee on Style felt that it was not something we could try to punctuate or tamper with in any way, and therefore it was reported back in exactly the way it was left by the Committee of the Whole.

I have offered my amendment because it seems to me that is the way it should be punctuated. I have made a couple of small changes in words, added the words "by law" in the last line, since it seems to me that that is the way the General Assembly would prescribe such powers and such other actions for the Board of Review.

The amendment is offered, in short, because the "or otherwise act in such manner and have such powers as the General Assembly may prescribe" did not seem to relate, or could seem to relate to any or all of what preceded it.

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Mr. President, last night I said I did not think this was a style amendment. It seems to me it makes a very important change in policy.

The way section 4.24 came out of the Committee of the Whole, the General Assembly had complete jurisdiction to determine what the procedures of the Board of Public Works should be. Under the Marion amendment, the General Assembly would be prohibited from doing anything about the requirement of the board holding its meetings in public.

Now, we have had all of the arguments on this before, and I do not see any need for repeating them, except it seems to me that there are some instances where it will be absolutely necessary for the board to hold its meetings in public, for example, in determining the negotiating position.

I do not want to spread that all over the public record and let people know how high

you are willing to go to buy a piece of property. You certainly would not hold those meetings in public. I think it will all be left up to the General Assembly the way it was in the section as it came from the Committee of the Whole.

THE PRESIDENT: Any further discussion?

Delegate Burdette.

DELEGATE BURDETTE: Mr. President, I should like to say that the Chairman of the Committee touches upon a point which explains why the matter was not handled in the Committee on Style.

I am not of the opinion that the language which came from the Committee of the Whole makes it absolutely clear that the General Assembly determines whether or not the Board of Review meets in public. If that is the desire of the Committee of the Whole, the language can be achieved, but it seems to me that it may seem to mandate, even with the language which the Committee of the Whole has used.

THE PRESIDENT: Is there any further discussion?

Are you ready for the question?

The Clerk will ring the quorum bell.

The question arises on the adoption of Amendment No. 11 to Committee Recommendation EB-1 and EB-2 as amended by Report S&D-13. A vote Aye is a vote in favor of the amendment. A vote No is a vote against.

Cast your vote.

Has every delegate voted? Does any delegate desire to change his vote?

The clerk will record the vote.

There being 20 votes in the affirmative and 75 in the negative, the motion fails. The amendment is rejected.

Delegate Penniman, the Chair has a question.

In line 41 on page 9, the sentence ends with the words "may prescribe." It does not have the words "by law" added.

The Chair was of the opinion that the Committee on Style was following the uniform practice of saying "prescribed by law" unless it intended to confer the power of the General Assembly to act by resolution.

Am I correct about that?