

sensation came on 3.23 that the section 8.02 would be headed "Public Higher Education" rather than merely "Higher Education" since there were some questions raised with respect to that, otherwise the change is "as is prescribed by General Assembly" is the insertion of the "General Assembly by law" from line 4 bringing it up where it said "as the General Assembly may deem to be appropriate". I understand there are some questions about that latter withdrawal. It seemed to the Committee that that was the same thing as in the last sentence.

Are there any questions of the Committee Chairman?

Delegate Henderson?

DELEGATE HENDERSON: Don't the words "their funds" introduce a difference concept?

DELEGATE BOYER: It is the funds which have been appropriated to them so there is no intention.

THE PRESIDENT: I am not clear. Were you suggesting a modification that instead of expenditure of their funds it would read the expenditure of the funds appropriated to them? I am not sure whether I understood you.

DELEGATE BOYER: No, in explanation of their funds, Delegate Henderson, I think, was asking whether I was suggesting that they had funds somehow independent of those that had been deemed necessary and appropriated by the General Assembly and I did not mean any such change in meaning. It is only those funds.

THE PRESIDENT: That comment provokes a question from the Chair because some of the institutions do indeed have funds that are not appropriated by the General Assembly and I take it that it is intended that they would have power of supervision.

DELEGATE PENNIMAN: Yes, including those that are appropriated and those that they have from other sources.

THE PRESIDENT: Are there any questions of either committee chairmen?

Delegate Henderson.

DELEGATE HENDERSON: It seems to me that this is an unfortunate change so far from clarifying it confuses the issue. This is a matter that was debated at great length. It was represented as a compromise. It was adopted here with great difficulty and now this change of language in

both sections disturbs me. I do not see why we cannot return to the original draft in both cases.

THE PRESIDENT: The Chair is going to suggest, because I think it will save time in the long run, that rather than move to a consideration of either the amendments proposed by the Committee on Style or any other amendments at this time that instead we recess for lunch with the hope that the delegates will all have carefully read these sections and also Delegate Boyer will be able to more quietly prepare whatever amendments he desires to offer. I think in this way we can make better time after lunch.

Delegate Boyer.

DELEGATE BOYER: After talking with several members of the Committee and our legal staff, it is going to be our intention to come back with an amendment reaffirming the exact language that we had in the draft with the exception of the deletion of the word "State" and inserting in lieu thereof "General Assembly" to conform with the Style Committee and the existing language.

THE PRESIDENT: Delegate Penniman.

DELEGATE PENNIMAN: Might I make one comment on the last sentence in section 8.02. The Committee on Style conferred about this sentence with Delegate Lord who presented both of these sections to the Committee of the Whole as the spokesman for the minority point of view in the Committee. As I understand his explanation and interpretation of the intent of this last sentence, the words "the funds thereof" meant, in effect, their funds and the last line, line 8, which has been deleted by the Committee on Style, was meant to refer to the words "additional powers" which appear back up in line 5. It is a little difficult to follow the modification of powers as set out with the language in line 8. I had understood that Delegate Lord was going to try his hand at re-writing that last sentence to see whether or not he could get the expression contained in the last sentence earlier in the sentence so that it would read as he intended it to read but consistent with the other minor modifications that the Committee on Style had made. I would suggest that it is not as clear as it might be if we allowed it to stand in the language as originally adopted by the Committee of the Whole.

THE PRESIDENT: Perhaps you could confer with Delegate Boyer and Delegate