

According to the discussion with Professor Penniman, the presence of the word "that" required for smoothness and the insertion of the word "any" which does give a little trouble to some of us that are reading this. I wonder if we could delete on line 38 the word "any" and on line 38 the word "that" and still retain the smoothness and continuity and not change the substance as adopted by the Committee of the Whole.

THE PRESIDENT: I must confess that I do not follow what is troubling you, Delegate Burgess. The clause of the sentence as you would modify it would read "subject to reasonable limitations and restrictions, the General Assembly may prescribe by law," and the way it is now is "subject to any reasonable limitations and restrictions that the General Assembly may prescribe by law."

It seems to the Chair grammatically the way it is is much to be preferred and I cannot understand the difference in substance or why you are concerned about the difference in substance, any difference.

DELEGATE BURGESS: Mr. President, the problem that has been encountered here, quite frankly is that I can read it two ways, as I am sure the Chair can, but the problem is that there is, at least in the mind of some of the delegates, a suggestion that the word "any" has a connotation which would tend to possibly broaden interpretation of this section beyond what was intended by the Committee of the Whole.

THE PRESIDENT: How can it broaden? This is where I lost you.

DELEGATE BURGESS: I can see arguments on both sides. However, since there is a question of interpretation arising in some minds I wonder if we might clarify it. The "any", I feel, modifies "limitations", but there was the suggestion here that "any" would mean unlimited although this was suggested as a distinct probability.

THE PRESIDENT: I am disturbed at your suggestion because it seems to me that it raises a question that I did not think existed. It was my understanding from the discussion on the floor that the purpose of this clause was to indeed to give the General Assembly in a sense unlimited, except as limited by the word "reasonable", power to prescribe limitations, any they chose to prescribe. Is that not the situation?

DELEGATE BURGESS: That is correct. With that interpretation I am sure that all minds will be put at ease in this area, if that is spread on the record and is considered as the legislative intent, if you will, here, I am sure everybody would be satisfied.

THE PRESIDENT: So far as the Chair is concerned, I think the intent of the clause in lines 38 to 40, on page 4, is to confer upon the General Assembly the power to prescribe by law any and all limitations and restrictions that the General Assembly might desire to prescribe, subject to the reasonableness of the limitations and restrictions, as prescribed in this line.

DELEGATE BURGESS: So should there be a judicial test, it would be that of reasonableness.

THE PRESIDENT: The only test is that of reasonableness.

DELEGATE BURGESS: That satisfies, I think, the problem. Thank you.

THE PRESIDENT: Delegate Bamberger.

DELEGATE BAMBERGER: Mr. President, page 75, lines 2 and 3, I am a little bothered by the language suggested by the Chair, as I understood it, the awkwardness of it, that would read "appoint a charter board of not to exceed nine members at any time."

THE PRESIDENT: That is correct. No. Appoint at any time a charter board of not to exceed nine members.

DELEGATE BAMBERGER: I am bothered by the "of not to exceed nine members." Would it read better if it was "of not more than"?

THE PRESIDENT: It would to me. Do you want to suggest the modification?

DELEGATE BAMBERGER: I suggest that.

THE PRESIDENT: Is there any objection to changing the words "not to exceed" in line 2, page 75, to the words, or change the words "to exceed" to the words "more than" so it would read, "of not more than nine members"? Any objection?

The Chair hears none. The modification will be made.

Delegate Marvin Smith: