

the intent, to avoid any constitutional authority to regulate billboards and other man-made effects upon the scenic beauty of the State, and I should like to query whether this substantive change is implicit in the language proposed.

THE PRESIDENT: Delegate Mentzer.

DELEGATE MENTZER: I am sorry. I do not understand.

THE PRESIDENT: Delegate Mentzer, I think what Delegate Burdette is saying is that, does the amendment have the effect or is it intended to have the effect to restrict the General Assembly to regulating natural beauty of the State as distinguished from scenic beauty affected by man-made objects, as for instance, billboards. Does this amendment deprive the legislature of the right to prevent or regulate billboards?

DELEGATE MENTZER: No, sir.

THE PRESIDENT: I take it, so that the intent would be clear, the Chair would understand the purpose of this section to be a mandate to the General Assembly to legislate in the field referred to, but is not intended in any way as a restriction on the plenary power of the General Assembly to legislate.

Does any delegate controvert the statement just made by the Chair?

Are you ready for the question?

The question arises on Amendment No. 6.

A vote Aye is a vote in favor of the amendment; a vote No is a vote against.

Cast your votes.

Has every delegate voted?

Does any delegate desire to change his vote?

The Clerk will record the vote.

There being 59 votes in the affirmative and 57 in the negative, the motion is carried. The amendment is adopted.

Delegate Gallagher, do you desire to offer your Amendment C?

DELEGATE GALLAGHER: Yes, Mr. President, I do.

THE PRESIDENT: Pages please distribute Amendment C, C for Charlie.

Delegate Sybert.

DELEGATE SYBERT: Mr. Chairman, the Chair announced Amendment No. 6 passed. I was under the impression sev-

enty-two votes were required on third reading.

THE PRESIDENT: This is amendments and as indicated by the Chair at the beginning of this session, amendments are adopted or rejected by a majority of those present and voting. Final vote on the article requires seventy-two votes. It is only the final vote on the articles that requires the absolute majority.

Amendment No. 7. The Clerk will read the amendment.

READING CLERK: Amendment No. 7 to Report S&D-18 by Delegate Gallagher. On page 49, section 9.10, Corporation Charters, in line 30 strike out the words: "that are now or may hereafter be";

And on line 35 after the word "charter" add the following: "except to the extent that application of this section may be prohibited by Article 1, section 10 of the Constitution of the United States".

THE PRESIDENT: The amendment is submitted by Delegate Gallagher. Is there a second?

DELEGATE BENNETT: Second.

THE PRESIDENT: The amendment is seconded by Delegate Bennett.

Delegate Gallagher.

DELEGATE GALLAGHER: I hope you will agree with me this is the last ride on the B&O Railroad amendment. The other evening when we amended this section, question was raised about the possibility concerning some pre-1892 special or general laws that would put us in a position with this language to contravene the prohibition against the right of contract interference with the first article of the Constitution of the United States.

At that particular time I could see no known statute. However, I have had a discussion with Mr. Walker Lewis, the advisor to the Committee on State Finance and Taxation and with other knowledgeable parties who are aware of the history of the B&O Railroad amendment, and we feel that even though there may be no problems with the language as it now exists, that we can insure ourselves by not getting into questions of when a statute was passed, to simply say that we intend to keep this section exactly as it was in the prior Constitution, and that we pick up all the possibilities, so to speak, except to the extent that the federal Constitution will not allow us to do so, particularly in view of the fact