

THE PRESIDENT: Committee Report EB-1 is referred to the Committee on Calendar and Agenda. Are there any other reports, Mr. Clerk?

CHIEF CLERK: There will be, but there are none here.

THE PRESIDENT: The next item of business, introduction and first reading of proposals. You should have on your desk two memoranda by Delegate Finch. One is a supplemental memorandum accompanying Delegate Proposal No. 419, and the other is a memorandum accompanying Delegate Proposal No. 285.

Delegate Proposal No. 445. The Clerk will read the proposal.

READING CLERK: Delegate Proposal No. 445, by Delegate Fornos. Title,

A PROPOSAL that no statute, state agency regulation, or ordinance of a municipality or political subdivision of the State shall be valid if it restrains or hampers the freedom of normal commercial or contractual activities between those engaged in intrastate trading in legal commodities, unless the prohibitions or mandates contained therein directly protect the health, safety or welfare of the citizens of the State.

THE PRESIDENT: Delegate Proposal No. 445 is referred to the Committee on Local Government.

I should announce that accompanying Committee Recommendation GP-4 is Committee Memorandum GP-4.

Are there any motions or resolutions?

(There was no response.)

If not, the Chair recognizes Delegate Powers.

DELEGATE POWERS: Mr. President, I move the Convention resolve itself into the Committee of the Whole for the purpose of considering orders of the day, subject to Debate Schedules Nos. 1 and 2 previously adopted.

THE PRESIDENT: Is there a second?

(Whereupon, the motion was seconded.)

All those in favor of the motion to resolve into the Committee of the Whole, signify by saying Aye; contrary, No. The Ayes have it. It is so ordered.

(Whereupon, at 10:13 A.M., the Convention resolved itself into the Committee of the Whole.)

COMMITTEE OF THE WHOLE

NOVEMBER 9, 1967—10:13 A.M.

PRESIDENT H. VERNON ENEY,
PRESIDING

(The mace was removed by the Sergeant-at-Arms.)

THE CHAIRMAN: The Committee of the Whole will come to order. We are at the point on which section 3.04 is still subject to amendment. Just before the Committee of the Whole arose yesterday, the Chair had recognized Delegate James Clark, and he still has the floor. We spent a great deal of time yesterday in debating various amendments with respect to section 3.04. There are still some amendments to be offered dealing with this same problem, of the size of the legislature. Since the adjournment of the session of the Convention yesterday, there have been some conferences in an effort to bring to a quick decision the question of the size of the legislature. In an effort to do this, to present clearly to the Committee of the Whole what seem to be the probable two alternatives, the following procedure has been agreed upon.

Delegate James Clark desires the floor in order to present a motion for an amendment to section 3.04, providing for fractional representation or fractional voting. In order to present very clearly to the Committee of the Whole what appear to be the two alternatives as to size of the General Assembly, he will yield the floor to Delegate Sherbow, who will propose an amendment that the size of the legislature be limited to 120 in the House of Delegates and 40 in the Senate.

The Committee is very anxious that its recommendation be submitted to a vote and accordingly Delegate Bamberger will move an amendment to Delegate Sherbow's amendment, submitting to the Committee of the Whole a proposition that the legislature shall consist of a House of Delegates of 108 members and a Senate of 36 members.

This will afford the Committee of the Whole the opportunity to vote on these two propositions: first, 36-108 and if that is defeated, then the 40-120. As will appear from the course of the discussion, if the 36-108 amendment is adopted, Senator Clark still desires to present his plan for fractional voting and will be recognized in order to do so. If the Committee of the Whole adopts the 40-120 ratio, Delegate