

There being 49 votes in the affirmative and 67 in the negative, the motion is lost, and the amendment is rejected.

Are there any other amendments to section 3.03(b)?

Do you still desire to offer your amendment?

DELEGATE GILCHRIST: With the permission of the co-sponsors, I will withdraw it, sir.

THE CHAIRMAN: Any objection from the co-sponsors? If not, the amendment will not be offered.

Delegate Fox, do you propose to offer your amendment?

DELEGATE FOX: No, sir.

THE CHAIRMAN: Are there any other amendments to section 3.03(c)? The Chair hears none.

Are there any amendments to section 3.19? The Chair hears none. Are there any amendments to section 3.17(a) (b)?

DELEGATE SCANLAN: I have an amendment designated Amendment E to that section.

THE CHAIRMAN: Just a second.

Pages will please distribute the amendment E.

This will be Amendment No. 3. The Clerk will read the amendment.

READING CLERK: Amendment No. 3 to Committee Recommendation LB-3, by Delegates Scanlan and Bothe: On pages 2 and 3 section 3.17 (ab), Corporation Charters, strike out all of lines 29 through 50, inclusive, on page 1 and all of lines 1 through 9, inclusive, on page 2; and insert in lieu thereof the following: "The provisions of Article Three, Section 48 of the Constitution of 1867 shall remain in effect as part of this Constitution."

THE CHAIRMAN: Delegate Scanlan.

DELEGATE SCANLAN: Of all the wordy and prolix provisions with which we have infiltrated the constitution thus far, none offends me quite so much as this. However much I contemplate the necessity, I end up with an uneasy feeling that it may not be necessary.

However, I will accept the words of lawyers more competent in the relationship of the B&O tax exemptions and the corporate laws of this state.

My own personal feeling is that the matter could be handled in the schedule of legislation, and if one had faith in the General Assembly, that the General Assembly would not yield on the point, I think the matter could safely rest there.

However, there appears to be some concern, legitimate or not, that this would not work out that way, and that the matters must be dealt with in the constitution.

While I come to that reluctant conclusion, and I am still unsure about it, let us deal with it in as succinct a manner as possible, and not load down the constitution with a provision which may soon become unnecessary if Mr. Gallagher's prediction about the course of action on the B&O as a result of the pending merger with the C&O railroad is borne out.

My amendment would merely incorporate by reference the present provisions of section 48 of Article III of the Constitution of 1867 which are set forth at great length and almost in hoc verba in the proposed section 3.17(ab).

I have offended one of the rules of style that we shall not incorporate by reference in the constitution. However, to every rule there must be some exception, and I say that the case of the B&O tax exemption is so unique, so complicated, and stands so by itself, that it presents a highly unusual situation, and I think we are entitled to deal with it in a highly unusual manner. The manner proposed by the Committee is to clutter up the constitution with ancient verbiage.

The manner proposed is to make an exception to the rule of style, and incorporate by reference all the constitutional authority in section 48, Article III, and transfer that, continuing it in effect as part of this constitution.

In short, I think I have done in one sentence what the Committee proposes to do in nearly 300 words. I urge that you support the amendment. You will have yielded something of substance, and I think you will have gained a little of form, not to mention style.

THE CHAIRMAN: Are there any questions?

DELEGATE RYBCZYNSKI: Point of order.

THE CHAIRMAN: State the point.

DELEGATE RYBCZYNSKI: I suggest that the amendment is out of order for two reasons; number one because of the