

THE PRESIDENT: Would he yield for a question?

DELEGATE MARION: Yes.

DELEGATE SCANLAN: Yes.

DELEGATE MARION: Regardless of what it is called in the old Constitution, does it not go on to provide the same procedure or whatever it is that is going to change the constitution?

THE PRESIDENT: Just a second, please.

DELEGATE SCANLAN: Yes, it does. Yes, the old Constitution, after specifying any constitution, change or amendment, goes on to set out how it is to be adopted, how it shall become effective, which is the same as an amendment. That is exactly what the General Provisions Committee language does; so therefore I think I am in the position of Mark Twain, Delegate Marion, the more you explain your amendment, the more I do not understand it.

THE PRESIDENT: Is there any further discussion?

Delegate Gleason asked the Chair to comment. For what it is worth, the Chair's comment is as follows:

I think Delegate Marion is quite correct in saying that technically what is spoken of as a proposal in section 10.03 is an amendment.

But I do not believe that is the ordinary understanding of the term. I think that most people think of an amendment as encompassing something less than a complete revision of the entire constitution. I am a little fearful that in the context of section 10.02, where obviously the amendment proposed by the General Assembly is intended to refer to an amendment that is something less than a complete revision, the amendment proposed by the Convention would be thought of as in the same character.

In section 10.03 what is contemplated is at least the possibility that there would be a complete revision, and whether the word proposal is the most apt word to describe it, I do not know. I think there is a sufficient difference to warrant the inclusion in section 10.03 of the additional language.

Let me call your attention to the fact, as pointed out by Delegate Marion, that as modified by Amendment No. 2 the last five lines of section 10.03 now read: "Any proposal recommended by the Convention for changing the Constitution shall be sub-

mitted to the voters of the State for adoption and shall be effective only if approved by the affirmative vote of a majority of those voting on the proposal."

Is there any further discussion?

Delegate Marion has already spoken twice. Is there any objection to his speaking a third time?

*(There was no response.)*

The Chair hears none; unanimous consent.

The Chair recognizes Delegate Marion.

DELEGATE MARION: Mr. President, in view of your explanation, I want to direct a further question to you, if I might, sir.

THE PRESIDENT: Certainly.

DELEGATE MARION: If the construction of amendment in section 10.02 is limited to the extent that you indicated it is, or might be, in popular usage, would that mean then that the General Assembly through its amendment process by submitting to the voters by a previous vote of members of both houses could not submit a proposal, or in broader context, an amendment, which would have the effect of changing the entire constitution and substituting therefor a new constitution?

THE PRESIDENT: No, indeed. And the Chair did not mean to indicate that the word "amendment" in section 10.02 was limited as you have indicated.

The Chair said, or thought he said, that technically I think you are correct. I think the term "amendment" in 10.02 is coextensive with "proposal" in 10.03.

I am suggesting only that in popular understanding, even though the General Assembly may submit an amendment under section 10.02 which would accomplish a complete revision of the constitution, and even though a Constitutional Convention under section 10.02 could do the same thing, this is not the normal procedure, and what most people would be thinking of under section 10.02 is something less than that.

Delegate Marion.

DELEGATE MARION: This further question:

If that is the case, and if the power of the General Assembly to submit amendments and the power of the Constitutional Convention to submit amendments is to be coextensive, should not the word "amend-