

posals deserved, this came to our attention. We then took the three or four proposals encompassing this field and tried to blend them together into some harmonious policy statement that the General Provisions Committee by a majority vote felt should be in the constitution.

THE CHAIRMAN: Delegate Borom.

DELEGATE BOROM: Then I would be interested in what testimony the Committee heard that influenced its decision to bring this particular section out to the floor, and the second part of the question is, I would like to know what the Committee vote was on this particular section.

DELEGATE BOYER: Answering your first question, naturally we heard from all of the individual delegates of this Convention who had introduced their proposals, and this was rather voluminous, but we heard in detail from them. Then we had before us Assistant Attorney General Norman Polovoy, who, as you know, is in charge of administering the consumer protection law that was just passed by the General Assembly this year, and his testimony provided some very pointed and enlightening reasons for his belief that this should be in the constitution.

In answer to your second question, when we first considered this, we had the basic question, should this even be in the constitution, and at that time there were nine members present and the vote was six to three that there should be something in the constitution protecting consumers. Then after hearing from the different proponents of it, I must say that none appeared in opposition to it, we took a vote and as I recall it was about a 9 to 3 or 4 for the adoption of GP-4.

THE CHAIRMAN: Delegate Borom.

DELEGATE BOROM: One further question: You mentioned that Mr. Polovoy testified before your Committee. You also stated earlier that this particular section gives no more to the General Assembly than it already has in the way of power to act on behalf of consumer protection. What was Mr. Polovoy's feeling?

Did he think that by including such a section in the constitution that the efforts of his department would be strengthened or enhanced in any way at all?

DELEGATE BOYER: So that there is no misunderstanding, I don't believe, or I did not intend to say that this does not give the General Assembly anything it does

not have. I was trying to answer Delegate Smith specifically, did it enlarge the police power of the General Assembly and my answer to that was in the negative.

Attorney General Polovoy was interested in seeing that this was included in the constitution, so that there could be no mistake about the protection of the consumer, so that this could help his department.

THE CHAIRMAN: Are there any further questions?

Delegate Hardwicke?

DELEGATE HARDWICKE: Mr. Chairman of the Committee, with regard to the words "protection" and "education", are the definitions of those words and the extent to which those concepts shall be implemented, completely left to the discretion of the legislature?

DELEGATE BOYER: I think unless we wanted to make about a 12-page or a 200-page book trying to spell out an all-inclusive definition of what these words mean, I think that we would have to allow some latitude to the General Assembly to implement this by legislation. It was our intention that the word "education" was to make clear that the state's duties is not discharged solely by the restriction or punishing of unethical dealers after the fact, but must include substantial efforts to assist the public in recognizing an improper transaction before the fact.

THE CHAIRMAN: Delegate Hardwicke.

DELEGATE HARDWICKE: If this provision is in the new constitution, could the General Assembly decide that no protection for education was necessary at any given time?

DELEGATE BOYER: Yes, it could decide that and it could only be upset, I imagine, by the challenge of a court test, which would attempt to determine what this Convention meant by these words.

THE CHAIRMAN: Are there any further questions?

Delegate Burdette?

DELEGATE BURDETTE: Mr. Chairman, a question to the Chairman of the Committee: I wonder if the Committee, gave consideration to language, or let me put it another way, was there any interpretation of this which could even remotely say that all business was harmful and unfair. It certainly does not say that, but my real question is, did the Committee give