

DELEGATE WHITE: Mr. Chairman, as the situation now stands, by the tie vote, if we fail to reconsider the constitution actually as of this moment would make no mention of this agency, is that right?

THE CHAIRMAN: That is not entirely correct.

Let the Chair again state what he understands the situation to be as a result of the last vote.

As a result of the last vote, the Committee Recommendation as amended, namely, the Recommendation that the Board of Public Works be provided for in the constitution, is neither approved or disapproved; therefore there has been no action of the Committee of the Whole on that question. There is no recommendation that a Board of Public Works be provided for in the constitution, no recommendation that a Board not be provided for in the constitution. Therefore, on a consideration of Committee Recommendation EB-1, the blue paper, it would be in order for anyone to submit an amendment providing for a Board of Public Works.

If such an amendment is not offered or if such an amendment is offered and rejected, there would be no Board of Public Works provided for in the constitution.

If such an amendment is offered and the amendment is approved, then obviously there would be a Board of Public Works provided for in the constitution.

Delegate Gallagher.

DELEGATE GALLAGHER: Mr. Chairman, a point of parliamentary inquiry:

If the motion to reconsider fails, is it not correct that the matter is once and for all and forever disposed of?

THE CHAIRMAN: I do not think that is accurate. It is too general a statement. In the first place, the Chair does not think you are limited to one motion to reconsider in the Committee of the Whole, but entirely apart from that, this is only a Committee of the Whole, and this is not binding on the Convention.

In other words, this motion is not what is commonly called a clincher.

The parliamentarian suggests I ought to amplify my previous statement to make it abundantly clear that the effect of the last action is to leave no Committee Recommendation approved by the Committee of

the Whole, and thus to leave the matter open for any pertinent amendments.

There is no positive recommendation, so the matter is open for any pertinent recommendations. A positive recommendation one way or the other would, of course, be controlling to the extent the Chair indicated previously.

Delegate Case.

DELEGATE CASE: Mr. Chairman, another possibility occurred to me, and I wonder if we can have a ruling on it. It is this: Suppose the motion for reconsideration wins and the matter is then open for reconsideration, and then a tie vote is had —

THE CHAIRMAN: On which? On the amendment?

DELEGATE CASE: Yes.

Then do I take it that the amendment would fail and the proponents of the Board of Public Works would then be precluded from offering an amendment when the recommendations come up at a later time.

THE CHAIRMAN: Assuming that the Committee of the Whole takes the next step and approves Committee Recommendation No. 1; in other words, you would not stop with the amendment. You would have to take the next step. You said if the vote were tie on the amendment, the amendment would fail.

The Chair would then have to put the Committee Recommendation, and depending upon the action on the Committee Recommendation —

DELEGATE CASE: If that passed, then your original ruling would be reinstated; namely, that when the blue paper comes up before us, we could not offer at that time an appropriate amendment to reconstitute a constitutional Board of Public Works?

THE CHAIRMAN: I think that would be true, assuming it would be considered at the Convention after the Committee of the Whole reported this recommendation.

Delegate White.

DELEGATE WHITE: I would like to ask the Chairman a question, the Chairman of the Committee.

THE CHAIRMAN: Pertaining to the motion for reconsideration?

DELEGATE WHITE: Yes.

THE CHAIRMAN: Delegate Morgan, would you yield to a question?