

rules in any way, it has to be accomplished by a three-fifths vote of this Convention.

I move, Mr. Chairman, that the three-fifths rule on the amendment of the rules be sustained and kept in the document.

THE CHAIRMAN: It be restored?

DELEGATE FORNOS: Yes.

DELEGATE SCANLAN: Just a point of order. I wonder whether Mr. Fornos was in the room when I explained that the three-fifths that appeared in the second line of Rule 64 [68] is in there by a clerical error, and so now his amendment is to restore what was there by clerical error and not there by liberal act of the Convention.

DELEGATE FORNOS: Yes, but I think it was a Freudian slip.

THE CHAIRMAN: Does the Chairman of the Rules Committee wish to make any comment on this proposal?

DELEGATE SCANLAN: Yes. That would put us, Mr. Chairman and fellow delegates, in the ridiculous position that we would require a three-fifths vote to move our rules and yet require only a majority vote to suspend them. I know of no other legislative body that would have such a strange dichotomy.

If it is to be at all logical, it should be the reverse. The feeling of the committee, and a fairly universal feeling it was, is that this Convention should not be a slave to its rules, but a master, provided that a majority of the delegates and that is a constitutional majority wish either to amend or suspend their rules, and I stand on the Committee's action and would recommend to this body that it reject Mr. Fornos' amendment to make official what was merely a clerical error.

THE CHAIRMAN: Any further discussion? The Chair recognizes Delegate Clarke.

DELEGATE E. CLARKE: Mr. President pro tem, I believe that this would be contrary to House Bill 28, which was the Enabling Act, which requires 72 only. The chairman of that committee is here. Perhaps he could comment.

THE CHAIRMAN: Does Delegate Boyer wish to make any comment?

DELEGATE BOYER: Mr. President, delegates, members of the Committee, this one point caused, I imagine, the most problems in the General Assembly in adopting

the enabling legislation of House Bill 28, setting up the rules and guide lines for this Convention. It was the consensus of the General Assembly, for what it is worth, that we should be consistent throughout and have a majority rule, rather than any unusual voting.

There was mention of three-fifths, three-fourths, two-thirds, and a majority, but for consistency and continuity, the General Assembly adopted a straight, across the board majority rule on all of its deliberations.

THE CHAIRMAN: Delegate Fornos.

DELEGATE FORNOS: Delegate Boyer, was this not the attempt for substantive matters we were considering, rather than the rules, which we have taken so much time here to discuss very thoroughly and to adopt here today?

DELEGATE BOYER: Delegate Fornos is correct, that the enabling legislation as adopted in the past by the General Assembly and signed by the governor did merely touch on the substantive matters. However, I think it would not be inconsistent to be consistent and to adopt, I would say, across the board majority rule.

DELEGATE FORNOS: A point of clarification, on Rule 64 [68]. What I had recommended was that the affirmative vote of three-fifths of all the delegates would be left in line 2 and for the suspension of rules, in the next to the last line of that paragraph, the majority of all delegates and also the figure three-fifths be replaced in the paragraph. I think it is conceivable to me that we can stand all day arguing about these rules and carefully considering them and after having studied them in our homes throw them out and say that on any given day whatever majority happens to prevail, we will destroy the rules and suspend them or operate without the rules that the Convention may want to operate under. The legislative bodies in all of the states, contrary to Mr. Scanlan's remark, do operate under a three-fifths suspension of rules, which govern the operations of their bodies.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Mr. President, I might point out that in addition to the substantive aspects of this constitution which require a three-fifths vote, that also on a procedural matter — pardon me, it is a majority vote rather than a three-fifths vote which controls on procedural matters. In section 10, where we arrive at the point where we must decide whether to