

The question arises on the adoption of Amendment No. 3 to Committee Recommendation GP-10.

A vote Aye is a vote in favor of Amendment No. 3. A vote No is a vote against.

Cast your votes.

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 101 votes in the affirmative and 2 in the negative, the motion carries. The amendment is adopted.

Are there any further amendments to Committee Recommendation GP-10?

*(There was no response.)*

THE CHAIRMAN: The question then arises on the adoption of Committee Recommendation GP-10.

Are you ready for the question?

*(Call for the question.)*

The question arises on the adoption of Committee Recommendation GP-10 as amended.

A vote Aye is a vote in favor of the recommendation as amended. A vote No is a vote against.

Cast your votes.

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 89 votes in the affirmative and 16 in the negative, the motion carries. Committee Recommendation GP-10 as amended is adopted.

The next item on the agenda is a consideration of Committee Recommendation GP-11.

The Chair recognizes Delegate Boyer.

DELEGATE BOYER: Mr. Chairman, ladies and gentlemen, GP-11 deals with separation of powers.

At the present time, the constitutions of no fewer than forty states contain the separation of powers requirement in one form or another. The only states which do not have such provision in their constitutions are Alaska, Delaware, Hawaii, Kan-

sas, New York, North Dakota, Ohio, Pennsylvania, Washington, and Wisconsin. A few states include this provision in their Bill of Rights, and this occurred primarily in the constitutions of the older states along the eastern coast—Georgia, Maryland, Massachusetts, New Hampshire and North Carolina.

In nearly all of the other states, the clause is separately identified under the head of "Distribution of Powers". Its special importance is recognized by setting it forth as one of the first articles of the constitution preceding the articles which outline the establishment of the judicial, legislative, and executive branches.

Cases decided by the Court of Appeals under the separation of powers doctrine, as set forth in Article 8 of our present Constitution, illustrate that the inclusion of this article in the Constitution has presented a useful defense against the improper accumulation of power in any one department of government.

Your Committee on General Provisions had taken up this particular item recognizing that it had already been included under Article 8 of the Declaration of Rights in our Constitution of 1867, and recommends for your consideration the reinclusion of it in the present constitution. If it was good then, it must be good now.

THE CHAIRMAN: Are there any questions of the Committee Chairman?

The Chair calls your attention to the fact that this was a matter discussed to some extent several days ago, or last week, in connection with another committee recommendation.

Delegate Carson.

DELEGATE CARSON: Chairman Boyer, the last two words used are "judicial review".

Do you mean by that that the requirement of judicial review could be satisfied by merely having the court review a record of the administrative agency? I assume you do.

THE CHAIRMAN: Delegate Boyer.

DELEGATE BOYER: Yes, under the Administrative Procedure Act, Article 2(b).

THE CHAIRMAN: Are there any other questions?

Delegate Willoner.