THE CHAIRMAN: Delegate Gallagher, will you take the floor to yield to a question?

DELEGATE GALLAGHER: Yes, sir.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: The date on 3.17(ab) is December 3, 1891. The note in the copy of the Constitution of 1867 indicates that that section 48 of Article III of that constitution was amended by Chapter 195, of the Acts of 1890, ratified November 3, 1891.

I assume that was the date of the general election. But rather than to have anyone feel this might be an erroneous date, the December date was the date it was actually made effective by some further act.

Yes, the December date is the date of certification by the governor.

THE CHAIRMAN: Delegate Gallagher, could the Chair ask you a question that might have some bearing on the Scanlan amendment?

DELEGATE GALLAGHER: Yes, sir.

THE CHAIRMAN: Perhaps your staff advisor could listen to this question, because I am not sure whether you researched it.

Is there doubt existing as to whether a legislature may by a public general law prohibit future legislatures from amending corporate charters so that in the absence of a provision such as that beginning on line 35, it would be necessary for the legislature to make such a provision with respect to every corporate charter granted?

DELEGATE GALLAGHER: Mr. Chairman, we have not researched the point, but I do not believe that one General Assembly could bind all future General Assemblies. It would seem to me that a future General Assembly could repeal or modify as it so desired, and I believe in answer to one of the questions during the question period, I said that because of that position, if you wanted to create this particular sentence as a state policy, you could only do it in a constitution. You could not rely upon the General Assembly.

I presume you are now asking whether or not you need a specific disclaimer every year, every time there was a new General Assembly.

THE CHAIRMAN: Or every time a corporate charter was created by special act if there were any such.

DELEGATE GALLAGHER: Yes, sir, that certainly would be a possibility. I do not know how —

THE CHAIRMAN: This section for instance, does not apply to banks.

DELEGATE GALLAGHER: No, sir; it specifically excludes it.

THE CHAIRMAN: It would be corrected by special act, without the provisions in line 35. In order to be safe, would you have to include such a provision in every bank charter thereafter granted?

DELEGATE GALLAGHER: In order to be safe, I think I would recommend that.

THE CHAIRMAN: Delegate Henderson.

DELEGATE HENDERSON: I want to ask Chairman Gallagher a question:

I may be entirely wrong about this, but I just had a notion that the date when an amendment takes effect is the date when it is voted on, rather than the date when it is certified.

Am I wrong in that? It seems to me that I have seen the note that it was ratified on such and such a date by the vote of the people. I just raise the point —

DELEGATE GALLAGHER: The reason we used December third, was that that was the date of the proclamation by the governor of the results of the November 3 election.

THE CHAIRMAN: Delegate Henderson, is not the question usually resolved by the act itself of submitting the amendment? Does it not say it shall become active upon ratification?

DELEGATE HENDERSON: I may be wrong. I thought it was the vote of the people rather than the date of certification. We might have it researched.

THE CHAIRMAN: Is that not because of the provision in the act of the General Assembly submitting the amendment, that it usually says it shall take effect upon the ratification by the vote of the people?

DELEGATE HENDERSON: It may be. It should be looked into.

DELEGATE GALLAGHER: I sent for the Act of 1890. I looked at it to see if there were any prefatory language which would help with the history of the section, and I did not inquire into what the act said about the effective date. It should be here in a minute.