

pendent to permit immediate consideration of section 30 of the schedule of transitional provisions and sections 21, 22 and 23 of the schedule of legislation in GP-13.

Is there a second?

*(Whereupon, the motion was duly seconded.)*

THE PRESIDENT: The question arises on the adoption of section 30 as amended of transitional provisions and the adoption of sections 21, 22 and 23, all as contained in GP-13.

A vote Aye is a vote in favor; 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 97 votes in the affirmative and 0 in the negative, the motion is carried and section 30 as amended of the schedule of transitional provisions; and sections 21, 22 and 23 of the schedule of legislation, all as contained in Committee Recommendation GP-13 is adopted on second reading.

The Chair now calls up Resolution 29 which has been printed. Has it been distributed, Mrs. Marx?

Resolution No. 29, has it been distributed?

Delegate Barrick.

DELEGATE BARRICK: I am sure by now each one of the delegates knows Dean Wheeler from Hollins College. He has been with us throughout the session, consistently. He has been a great help to many of us individually and has been a great help to the Convention as a whole.

We have a double pleasure today in that he has with him in the gallery over your head his lovely wife, Trudy, and I wish you would give them a warm welcome.

*(Applause.)*

THE PRESIDENT: The resolution has been read. The Chair recognizes Delegate Scanlan.

DELEGATE SCANLAN: Mr. Chairman and fellow delegates: I would like to move for suspension of the rules to consider Resolution No. 29, since it is a proposal to amend Rule 29, it would ordinarily have to be referred to the committee and lay over

for two days. I request suspension of this rule.

THE PRESIDENT: Is there a second?

*(Whereupon, the motion was duly seconded.)*

THE PRESIDENT: Is there any discussion? Are you ready for the question?

*(Call for the question.)*

This requires a roll call vote.

All in favor, vote Aye; opposed, No.

Cast your vote.

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

The Clerk will record the vote.

There being 91 votes in the affirmative and none in the negative, the motion is carried and the rules are suspended.

The Chair recognizes Delegate Scanlan to speak to Resolution No. 29.

DELEGATE SCANLAN: Hopefully we will take up and perhaps complete tomorrow third reading. Rule 59 as it now stands would appear to require that on the third reading we would have to approach each individual section of the entire constitution by a majority of the delegates.

Rule 59 was drafted at a time when there was some uncertainty in our minds as to what the enabling act meant, whether it required approval of the majority of the delegates on any article or division of the constitution.

We now have in hand, and there was previously distributed to you an opinion of the attorney general dated December 26, 1967, in which it makes it perfectly clear that the majority of the delegates is required for the approval of each article of the constitution, and that the legislature apparently used the word "division" contemplating the possibility that we could use some other term, other than an article.

In any event, his opinion is perfectly clear that the requirements of the enabling act would be satisfied if each article of the proposed new constitution were approved by a majority of the delegates; that is, 72. He specifically points out that our Rule 59 imposes a requirement that is not in the enabling act and which goes beyond the enabling act.

I therefore think it wise that we return to the requirements of the enabling act and