

ter comes before the Convention, it is a main question unless divided. Ordinarily, all parts of the main question can be considered seriatim so you will have an opportunity to offer an amendment to a part. Then at the end, the whole question will be open again for amendment. Suppose the Legislative Committee had suggested a whole legislative article. Its recommendations and its report would be the main question. Therefore, amendments would be proper after each part in turn seriatim and after all was done an amendment that was germane previously would still be germane with respect to the whole question. You have that additional protection.

We have an amendment to Rule 47 [51], again a technical parliamentary matter, to make it clear that when a question is divided, the same seriatim procedure shall still apply. Under ordinary parliamentary law, once a main question is divided, for example, in two parts, both parts are equally a main question. When you come to the end of the consideration of the first main question, that is the end of the matter. No other amendments would be appropriate.

The proposal we have in the amendment to Rule 47 [51] is to make it clear that even after a question is divided, the same seriatim consideration that would be applicable in the case of a nondivided main question would still be applicable.

Our last change, again while it is somewhat a major change, is perhaps not as important as might appear. That is an amendment to Rule 50 [54]. Rule 50 [54] is the rule that deals with reconsideration in the Convention, not in the Committee of the Whole but in the Convention.

Your Rules committee recommends that the present rule be eliminated and an entirely new and somewhat more liberal rule be adopted, more liberal in the sense that it gives the delegate a little more chance to have his question reconsidered.

The first major aspect of it is that any question that has been adopted or rejected by the Convention may be reconsidered on motion at any time before the Convention adjourns. We are referring now to the Convention, not to the Committee of the Whole. Reconsideration in the Committee of the Whole is governed by Rule 35 [37] and in effect it means if you reconsider it, you do it at that session of the Committee of the Whole. We talk about the Convention on second reading, after things are coming back from the Committee on Style.

Your Committee proposes that no questions may be reconsidered more than once in the Convention with three exceptions: One, if the Committee on Style requests it. Two, if the substantive committee that originally reported the matter suggests it. Finally, and this is the more liberalizing provision, upon a petition signed by 15 delegates. These are the three instances where something could be reconsidered more than once.

We also permit, even if a motion to reconsider has been once defeated, a delegate to make a motion to reconsider. If it is defeated or tabled that would not prohibit the Committee on Style or the substantive committee or 15 delegates asking that the motion again be reconsidered.

We followed here, I think, the practice that prevailed in the great Constitutional Convention of 1787 where reconsideration was permitted day after day and time after time. The significant difference between that historical precedent and the rule we suggest is that there the reconsideration took place in the Committee of the Whole. The rule as liberalized, proposed by your Committee, would only be applicable to proceedings in the Convention itself, most specifically, I would think, on second reading.

I suppose I have omitted some details. The report is long enough but I hope you have all read it. This then is the Twelfth Report of your Committee.

THE PRESIDENT: Are there any questions of the Chairman of the Committee for purposes of clarification? Delegate Johnson.

DELEGATE JOHNSON: Delegate Scanlan, I realize of course that this report was prepared prior to our experience with the militia in the Committee of the Whole. I wonder, in light of our experience, if it would not be better, under Rule 46A [50] on page 5, to delete the requirement that the amendment be placed on the desk of each delegate prior to the time the amendment is offered. The rule would still provide, of course, that the amendment would have to be in writing and would have to appear at the floor desk. But because experience has shown that there will be times when a delegate may wish to withdraw his amendment or may not offer it and because delegates may have a similar amendment in mind and there would be duplication, I am wondering if the chairman would delete that language and still carry the thrust of the Committee's proposal?