

It will be here very shortly, but in view of the rule that requires it to be printed, we will move to section 2 and come back immediately thereafter to section 1. I take it your amendment to section 1, or deletion, whichever it is, in no way affects the consideration of section 2, Delegate Scanlan?

DELEGATE SCANLAN: That is correct, Mr. Chairman.

THE CHAIRMAN: Delegate Koss.

DELEGATE KOSS: Mr. Chairman, I regard that as non-substantive; it is a question of style. I would have no objection if you want to suspend the rule on that.

THE CHAIRMAN: Delegate Schloeder.

DELEGATE SCHLOEDER: I will move to suspend the rules, if that is proper, at this time.

THE CHAIRMAN: The motion is to suspend the rules to permit consideration of an amendment, to strike section 1, consisting of lines 9, 10 and 11. I do not think we should do this, because this is in the Committee of the Whole. Let me do it another way if I may, please.

DELEGATE SCHLOEDER: I was just advised by the Committee Chairman of the Committee on Rules that it is not proper.

THE CHAIRMAN: It is not proper for the Committee of the Whole. May I ask if there is any objection to considering the amendment, which is not printed, but is on its way, and which would have the effect of deleting the entire section 1, lines 9, 10 and 11. Is there any objection? In the absence of objection, the Chair will proceed to a consideration of the amendment. Delegate Scanlan. Is the motion seconded?

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

DELEGATE SCANLAN: Mr. Chairman, fellow delegates, I hope we avoid the error to which we are all tempted at times. Being on the Legislative Committee, I along with my colleagues succumb to the temptation to put things into the constitution that need not be here, and would be better left out. We are not drafting a code of laws. We are not drafting a set of statutes. The section 1 as it now stands states that the people reserve to themselves the power known as the referendum, and then proceeds to delegate that power to the various agencies of this State in the sections that follow.

I suggest, one, that it is unnecessary to state that the people reserve to themselves the power of the referendum and secondly, I think that it perhaps raises some complications. If the power is truly reserved to the people, then despite what is said in the sections that follow, there always could be the argument that there was some petition power still vested and residing in the people that was not delegated in the provisions of the constitution which followed. I think it adds nothing. I think it serves only to confuse but primarily, I think it is entirely unnecessary.

The referendum power will be dealt with in the constitution in the sections of the Committee's Report that follow, and, therefore, I move that section 1 be stricken.

THE CHAIRMAN: Delegate Koss.

DELEGATE KOSS: Well, I would agree with Delegate Scanlan that it makes no substantive change in the recommendation; I still would like to speak in opposition to his amendment. First of all, this is certainly a power that the people reserve to themselves—the power known as the referendum. It can certainly not be taken care of by statute, and I do not think Mr. Scanlan meant to say that. If it goes in, it has to go in in the constitution, and secondly, this is the language in the present constitution. I cannot hope to compete with Mr. Scanlan's eloquence, but I would like to point out to him that the referendum and the provision of it is a tool that is used by the people. It is not used primarily by lawyers, and that it is important to us who are not lawyers to be able to look at the beginning of a section and try to find out what it means, without trying to go through and read all the provisions.

I will not use that argument in terms of everything else, but certainly in terms of the referendum, I think it is valid.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

DELEGATE PULLEN: I would like to ask a question.

THE CHAIRMAN: Delegate Koss, do you yield to a question?

DELEGATE KOSS: Yes.

THE CHAIRMAN: Delegate Pullen.

DELEGATE PULLEN: I understand the wording of that section and the following one, but I don't understand the