

legality. According to my English, the word "referendum" means one thing, period, but the next section invalidates the word.

THE CHAIRMAN: Delegate Koss.

DELEGATE KOSS: I am afraid I do not understand Delegate Pullen's question. If you would rephrase, it, please?

THE CHAIRMAN: Delegate Pullen.

DELEGATE PULLEN: The word "referendum," means you can refer anything, but in the next section, you specify what you can subject to referendum. I say it may be legal and it may be correct. From the standpoint of the use of the word, there is a difference between Section 1 and 2. I think I am supporting your position..

THE CHAIRMAN: Delegate Koss.

DELEGATE KOSS: Delegate Pullen, I suspect that that would happen every place else. In the section that we worked on earlier this week, we said something about legislative power being vested in the General Assembly. There are certainly exemptions to the delegation of power, and I think that this is the sort of thing that happens when you try to write a constitution.

THE CHAIRMAN: Delegate Pullen.

DELEGATE PULLEN: I want to leave it in, and I think left in it does something to the next section. That is the question I am asking you; does it?

THE CHAIRMAN: Delegate Koss, I think the point that Delegate Pullen is asking you to address yourself to is this: he is saying that as he understands the words "the referendum", particularly as used in section 1 and capitalized, it is a very broad reservation of power to people without limitation, and he therefore suggests to you, or asks you whether or not you are fearful that the effect of section 1 is to nullify section 2, which puts limitations on the power of referendum. Is that your question, Delegate Pullen?

DELEGATE PULLEN: That is it, and I want it to do that.

THE CHAIRMAN: Delegate Koss.

DELEGATE KOSS: I think my answer to your question would be no. I do not think it does; that the language in Section 1 is not nullified by section 2.

THE CHAIRMAN: Delegate Sybert.

DELEGATE SYBERT: Mr. Chairman, I would like to inquire whether Delegate

Scanlan, the proposer of the amendment, would yield to a question.

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

DELEGATE SCANLAN: Certainly, Judge Sybert.

DELEGATE SYBERT: Delegate Scanlan, earlier this afternoon, we passed the Committee Recommendation LB-1 of the Legislative Branch, which granted the full legislative power to the legislature; and in view of that, isn't it necessary to amend or reserve the power of referendum to the people? Isn't it better at least to retain section 1 of S&E-1?

THE CHAIRMAN: Delegate Scanlan.

DELEGATE SCANLAN: It is only better, if you intend, as suggested by Delegate Pullen's question, to reserve powers of referendum that are not set forth in the sections that follow. If you intend that the sections that follow are not exclusive powers of referendum to be observed in this State, then by all means retain section 1; but if you intend that sections 2 through 6, or similar sections, as proposed by the Committee are to be the power of referendum, as exercised in this State, then you should debate section 1. I think Delegate Pullen's question pointed it up very well, and I think yours does, too, sir. If there is something more that is reserved that is not set forth in sections 2 through 6, and you want to reserve that, by all means keep section 1; but if you want to vest referendum power in its full scope with all limitations upon it that you want, as set forth in sections 2 through 6, then I think you have an obligation to delete section 1; so it is more than a matter of style. It becomes a matter of substance, and I think both on style and substance, I am in favor of deleting it.

THE CHAIRMAN: Is there any other delegate desiring to speak in opposition? Delegate Koss.

DELEGATE KOSS: Can I ask Delegate Scanlan if he would yield to a question?

THE CHAIRMAN: Do you yield to a question, Delegate Scanlan?

DELEGATE SCANLAN: If the questioner is Mrs. Koss.

THE CHAIRMAN: Delegate Koss.

DELEGATE KOSS: I cannot understand your interpretation of S&E-1 unless you feel that the present Constitution, the