

necessary, therefore, in view of the history of the thing, to reserve the power and take it back from the legislature somewhere in this constitution?

THE CHAIRMAN: Delegate Scanlan.

DELEGATE SCANLAN: Judge Henderson's historical summary is quite accurate, but if you have a legislature of plenary powers, unless something is specified in the Constitution regarding the referendum, there would be no such power. We propose or hopefully we propose in sections 2 through 6 to vest the power of referendum and to set it forth in all of its particulars with all its limitations. If that is true, it is unnecessary to say that something further is reserved in the people, unless we want to indeed reserve something further in the people that is not covered in sections 2 through 6.

THE CHAIRMAN: Does any other delegate desire to speak in opposition? Delegate Hanson.

DELEGATE HANSON: Mr. Chairman, my opposition will be phrased somewhat in the form of a question.

THE CHAIRMAN: To whom is the question addressed?

DELEGATE HANSON: To Delegate Scanlan.

THE CHAIRMAN: I will have to see if someone wants to speak in opposition? Delegate Rybczynski.

DELEGATE RYBCZYNSKI: Mr. Chairman, the reasoning stated by Delegate Weidemeyer was an exact reflection of the Committee's action. It was designed to state the power of reservation. First of all, there is a definition of that power. I would suggest that as it stands, it looks quite well.

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

DELEGATE SCANLAN: Of course.

THE CHAIRMAN: Delegate Hanson, state your question.

DELEGATE HANSON: In light of what Delegate Henderson just said a few minutes ago, if we do not reserve the power of referendum to the people, would the case not be in spite of what is said in sections 2 through 6 that the General Assembly might under its plenary power have the ability to enact legislation and to refer that legislation to the people?

THE CHAIRMAN: Delegate Scanlan.

DELEGATE SCANLAN: No. I believe Judge Henderson gave you the answer to that when he cited the decision in this case and said the legislature would not have the power to refer back to the people the power that had been delegated to it. I think his answer to that is accurate, and my answer to that would be no.

THE CHAIRMAN: Does any delegate desire to speak in opposition? Delegate Chabot.

DELEGATE CHABOT: Mr. Chairman, would it be in order at this time to present a perfecting amendment to the Committee Report, to add the word "referendum" on line 11, the words "as set forth in this article"?

THE CHAIRMAN: You would have to treat it as an amendment, and I would like to find out where the amendment is.

The amendment is still not here. It will be here. Is your perfecting amendment to section 1 one that we can treat without having it written? Would you state what it is, Delegate Chabot?

DELEGATE CHABOT: It would add on line 11, after the word "referendum", "as set forth in this article"; and then the period would come after the word "article".

I submitted it to Dr. Phillips just a minute or two ago. I am sure that it will not be ready for a little while.

THE CHAIRMAN: Is there any objection to considering the perfecting amendment, even though it is not printed at the moment? In the absence of objection, the Chair will entertain a motion to perfect the original question, section 1, by adding after the word "referendum" and before the period in line 11 the words "as hereinafter set forth in this article". Is that your language?

DELEGATE CHABOT: Except for the word "hereinafter"; just, "as set forth in this Article".

THE CHAIRMAN: The words "as set forth in this Article". Is there a second to that amendment?

DELEGATE BENNETT: Seconded.

THE CHAIRMAN: Delegate Scanlan.

DELEGATE SCANLAN: With some reluctance in the interim I would withdraw my amendment and accept Delegate Chabot's amendment, despite the fact that