

Power of Referendum line 11 following the word "Referendum" add a comma and the following words: "as set forth in this article."

THE CHAIRMAN: The question before you is on Amendment No. 2. Does anybody desire to speak in opposition? Delegate Macdonald.

DELEGATE MACDONALD: A parliamentary inquiry, Mr. Chairman. It has been said before that Amendment No. 2 is an amendment to amend Amendment No. 1.

THE CHAIRMAN: It is not. The Chair incorrectly stated it was an amendment to the amendment. It is a perfecting amendment to section 1 of Committee Recommendation S&E-1 and as such may be considered before we consider Amendment No. 1, which would delete the entire section. Delegate Macdonald.

DELEGATE MACDONALD: My question is, Mr. Chairman, why is the question not on Amendment No. 1?

THE CHAIRMAN: Because Amendment No. 2 is a perfecting amendment. It is in order to perfect section 1 before you act on the amendment to delete it so that there will be a clear choice for the Committee of the Whole between deleting the section and retaining it as perfected.

Is there any further parliamentary inquiry? Delegate Anderson.

DELEGATE ANDERSON: As I see it, if we strike out those words, then there is no reserve of power left, except those things that are mentioned in paragraph 2.

THE CHAIRMAN: That is correct, and I understand that is Mr. Scanlan's point.

THE CHAIRMAN: Delegate Anderson, would you restate your last comment? The reporter did not get it.

DELEGATE ANDERSON: The comment that I made is, as I understand it, this amendment will say, the people will reserve to themselves the power known as the referendum, as set forth in this article.

Now, if you adopt that language, the only powers that people will have reserved will be those things that are mentioned in paragraph 2.

THE CHAIRMAN: That is the point, as I understand it, that is made by Delegate Scanlan, or one of the points.

DELEGATE ANDERSON: I do not know what point he made.

THE CHAIRMAN: I understand he made the same point you are making.

DELEGATE ANDERSON: I am glad to know he is making the same point that I made, and I understood Judge Henderson made the point also. I think that first paragraph 1 is very essential, without change.

THE CHAIRMAN: Does any delegate desire to speak in opposition to the clarifying amendment to Section 1? That is the question before you. Delegate Rybczynski.

DELEGATE RYBCZYNSKI: Mr. Chairman, back in the Committee, it was at my suggestion that we inserted this statement. My purpose in suggesting it at that time and my argument at that time was the same as it is now. The reservation was to be for all levels of government within this State; that is, county, municipal, and the state, and that thereafter the definition sections would apply to those laws enacted by the state legislature.

Now there has been a comparison of this wording with the wording in the legislative power. Let us read 3.01. "Legislative power of the state is vested in the General Assembly." Let us compare it to this: "The people reserve to themselves the power known as the referendum."

As was stated before, it could very well go into the section on Personal Rights and Preamble. However, in order to keep things together, we thought it best to include it in this section, and the adding of the words by Delegate Chabot will do exactly what Delegate Anderson is fearful of; that is, at the time that the referendum is challenged in a city charter, it is very possible that a court will say, no, a city charter cannot have power of referendum because it is not set out in paragraphs 2 to 6.

I strongly suggest that we all vote against Delegate Chabot's proposal.

THE CHAIRMAN: Does any delegate desire to speak in favor of the clarifying amendment? Delegate Mason?

DELEGATE MASON: I would like to ask the Chairman a question.

THE CHAIRMAN: Delegate Koss?

DELEGATE MASON: Yes.

THE CHAIRMAN: Let me see if someone wants to speak in favor first. Does anyone desire to speak in favor of Amendment No. 2? Delegate Chabot.

DELEGATE CHABOT: I find it difficult