

provisions, the implementation of this constitution, trying to blend it in with the present one, it was decided, and this is with the approval of the Committee that we would request that you would adopt an amendment which I believe is lettered amendment A.

THE CHAIRMAN: Will the pages please distribute amendment A?

DELEGATE BOYER: And if I may, Mr. Chairman, I will then speak on this amendment A, rather than GP-9.

THE CHAIRMAN: Yes.

DELEGATE BOYER: We found, frankly, much to my amazement, that our recommendation of GP-9 dealing only with common law evidently did not go far enough in order to protect the implementation of the various statutory and constitutional concepts that we would like to have incorporated in future case law and in the future constitution.

GP-9 dealing only with ancient statutory law was the result, the finished product, after the General Provisions Committee heard many witnesses, including judges on the Court of Appeals.

But on the transitory provisions, particularly in the Local Government Committee, I had some problems that did not fit in with our Recommendation GP-9 and this was sort of like opening Pandora's box. There were many other matters that then flower into the conversation that evidently GP-9 which we had intended to cover everything, did not.

For that reason we recommend for your consideration the amendment A on GP-9 and ask that it be considered because we feel it to be more encompassing and more inclusive and more direct for the purposes of this new constitution.

THE CHAIRMAN: Are there any questions of the Committee Chairman?

Delegate Moser.

DELEGATE MOSER: Chairman Boyer, I take it in line 13 of the amendment where the words appear "or as lawfully changed", that means the changes can occur in any manner, including a change in existing law made by the schedule of legislation which will accompany the constitution. Is that correct?

THE CHAIRMAN: Delegate Boyer.

DELEGATE BOYER: I am glad you said that, Delegate Moser, because you

wrote the amendment, and I would imagine that you would know more about it than anybody, but, yes, that is correct.

DELEGATE MOSER: You and I intend the same thing, I take it.

The second question: I assume that the amendment does encompass everything that is encompassed in your original Committee Recommendation GP-9, does it not?

THE CHAIRMAN: Delegate Boyer.

DELEGATE BOYER: Yes, there are three words that we, as a General Provisions Committee, were rather proud of our authorship of, and the three words are "including common law", and we thought that would cover everything we had in GP-9. Are there any other questions of the Committee?

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: Delegate Boyer, I would like to ask you about those three words as they fit in with the words "is lawfully changed". One of the general uses of the common law is that it can be changed. The courts can evolve it. Do those two phrases mean that we do not intend to freeze perpetually the common law as it now is, but we intend to permit it to continue to be changed also as it has been changed?

THE CHAIRMAN: Delegate Boyer.

DELEGATE BOYER: Yes, this is absolutely true and I am awfully glad you brought that up. It is not our intention to remain frozen in our common law. It should remain flexible, and we should keep it that way.

DELEGATE GRANT: I assume you mean you herein adapt all the interpretations of the common law as made by the Court of Appeals as of the date of the Constitution?

DELEGATE BOYER: As of the effective date of the constitution, that would be the difference between now and June 30th, 1968.

THE CHAIRMAN: Any other questions of the Committee Chairman? There appear to be none. If not, Delegate Boyer will return to his seat.

The pages have distributed amendment A which will be Amendment No. 1.

The Clerk will read the provision.

READING CLERK: Amendment No. 1 to Committee Recommendation GP-9 by the