

Delegate Grant.

DELEGATE GRANT: I have one amendment with respect to style with regard to section 10.04. It is designated as "A".

DELEGATE JAMES (presiding): The pages will distribute Amendment A.

Does everyone have a copy?

This will be Amendment No. 3.

The Clerk will read the amendment.

READING CLERK: Amendment No. 3 on Style, as amended by Report S&D-17 to Committee Recommendations GP-7, GP-8, GP-9, GP-12, R&P-1, and LB-3 on second reading, by Delegate Grant: On page 3, section 10.04, Effective Date of Constitution, in line 5 after the word "except" insert the following: "as provided in section 10.01 of this constitution and".

DELEGATE JAMES (presiding): Delegate Grant.

DELEGATE GRANT: This simply is a style amendment to the constitution as a result of a colloquy when this section, GP-12, originally came up.

What it does is make the date at which the old Constitution ceases to be effective, July 1, 1968, except as provided by section 10.01 of this constitution, and as otherwise specifically provided in the schedule of transitional provisions attached to this constitution.

Section 10.01 is a Mother Hubbard clause intended to preserve all rights which exist at the date the old Constitution goes out of effect.

Now, the bulk of these rights, of course, are statutory rights, but there are a few of the rights that are based on constitutional provisions.

Because of the language in the last clause of the Mother Hubbard in 10.01, one of the provisions of this Constitution is that the old Constitution will go out of effect. It in fact avoids those rights, which is not what the Committee of the Whole intended.

There is no difficulty with getting a clause in which conflicts with the present Constitution, because you already have in lines 10 and 11, "insofar as it is not in conflict with this Constitution," so that clears out anything that would be in conflict.

This simply provides that any rights which are not specifically provided in the

schedule of transitional legislation will nevertheless continue under the Mother Hubbard.

DELEGATE JAMES (presiding): Delegate Penniman, do you wish to comment on this proposed amendment?

DELEGATE PENNIMAN: We did it as it came to us.

As you will note, we made no changes. I confess that I am not sure what has been added, and perhaps this is a question that Delegate Boyer might wish to address himself to.

DELEGATE JAMES (presiding): Delegate Boyer, will you yield?

DELEGATE BOYER: I will be glad to.

I can see no particular harm that Amendment No. 3 does, neither can I see any particular good. It certainly spells out the intent of this Convention. I am certain that the Mother Hubbard clause is retained in toto.

If you will look on line 3 of section 10.04 it says "this Constitution becomes effective" on such and such a date.

If this constitution becomes effective, it would include also section 10.01, which is part of the constitution. So we feel that it would be adequate to leave it as it is.

At the risk of throwing a bone to Mother Hubbard, I think that probably Amendment A does clarify it, and yet I am reluctant to concur on it because it violates one of the rules of the Style Committee by referring back to a previous or any other inclusive amendment, so I would reluctantly oppose my good friend.

DELEGATE JAMES (presiding): A point of inquiry:

Does section 10.01 not deal with the existing law, whereas section 10.04 deals with the constitution which is being replaced? It seems to me they are two entirely different subjects.

DELEGATE BOYER: I would feel they are very much interconnected, Mr. Chairman.

DELEGATE JAMES (presiding): Delegate Hardwicke.

DELEGATE HARDWICKE: I think the Chairman has it correctly. The 10.01 is intended to preserve law, and the Constitution is not intended to be preserved under the language of 10.01. If you were to adopt this amendment, you would preserve the