

has been a penny wise and a pound foolish in the way they reward their public servants.

I think that the Committee on transitional legislation has done a fine job in that respect, but I am opposed to the postponement of the rights of the people whose properties have been damaged irreparably by the public condemnation procedures, to further postpone their right to compensation for the damages the State has caused, and therefore, I support this amendment.

THE CHAIRMAN: Delegate Kiefer.

DELEGATE KIEFER: Mr. President, I am sorry I was out on other business of the Committee of the Whole when this first came up.

I would just say to the delegates here that as the Committee originally proposed this particular item, there was no qualification on the word "damages". It was to be left to court construction, whatever implementation might be necessary by the legislature.

However, Amendment No. 4 to S&D-9 specifically provided that there should be added to this business the language, "except that the allowance for compensation for property damaged but not taken for public use or purposes shall be subject to reasonable limitations and restrictions that the General Assembly may prescribe by law."

That was adopted by the Committee of the Whole and that is what you have. I believe that if we are going to act in good faith we have got to give the legislature an opportunity to do so. When we discuss this thing, and I had complete knowledge of this and acquiesced in it, we had to pick a date. This is the earliest practical date that gives the legislature an opportunity to do exactly what this Committee of the Whole wants it to do.

Do not think we therefore are acting in really good faith if we eliminate it. We ought at least to give the legislature a chance to say how they want to limit this if in fact they do. I would, therefore, have to say to be consistent we should vote against this amendment. This is not the position the Committee on Transitional Legislation originally took. This does carry out what apparently is the intention of the Committee of the Whole.

THE CHAIRMAN: Delegate Cicone.

DELEGATE CICONE: I was going to speak in opposition.

THE CHAIRMAN: Does any other delegate desire to speak in favor?

Delegate Burgess.

DELEGATE BURGESS: Ladies and gentlemen of the Convention, as one of the sponsors of the original concept here, I have the feeling sometimes that the additional language makes a situation more or less where the tail is wagging the dog. If this is a right, and I feel strongly that it is, and I think that the majority of us do feel that way, it does seem to me that the delay here works a hardship on a few people who will probably be very seriously hurt by this thing.

I would respectfully suggest that if this cannot be implemented in a faster and more efficient manner, that possibly it should be. If the legislature should act in its up and coming session in some manner, I think this would be a step in the right direction and I would concur in what Delegate Johnson said in this area and respectfully request that you consider this amendment favorably.

THE CHAIRMAN: Delegate Cicone.

DELEGATE CICONE: I, too, am not in favor of not putting in the constitution delayed rights, but all I have heard here is delayed rights for a small group of people. I think we are here to think of all the people.

Now, it will be a delayed right for all of the people not to know what this is going to cost them and not just a small group, and I think that all of the people should have the benefit of our General Assembly's first laying down the guidelines for these damages, and looking into the matter. In that manner also they will have the right to contact their legislature while this is being looked into.

I think their rights are just as important as the small few who temporarily may suffer some damages, but I think the right of all the people to know what it is going to cost them before they have any guidelines laid down is predominant.

THE CHAIRMAN: Delegate Winslow.

DELEGATE WINSLOW: Mr. Chairman, I move the previous question.

THE CHAIRMAN: Is there a second?

DELEGATE JAMES: Second.