

1 THE CHAIRMAN: Any other delegate desire to
2 speak in favor?

3 Delegate Weidemeyer.

4 DELEGATE WEIDEMEYER: Mr. President, Members
5 of the Committee:

6 I rise in favor of the amendment.

7 If we look at section 531, we find, as
8 Delegate Henderson pointed out, that both the legislature
9 and the court have a concurrent jurisdiction in rule
10 making power, and that the last one to speak on the
11 subject is the rule to be applied; but also in
12 section 5.31, it begins "except as to matters specifically
13 provided by this Constitution."

14 Now, if you leave these words, as prescribed
15 by rule, in, then you are not complying with the intent of
16 5.31, and that is to give concurrent power; and you are
17 vesting it wholly in the court, rather than giving the
18 concurrent rule making power to both the court and the
19 legislature.

20 I would think that if we take it out and the
21 court rules on it, then we are operating under the rule.