

THE CHAIRMAN: The question arises on the motion—

DELEGATE CASE: A point of order.

THE CHAIRMAN: The Chair was losing sight of the fact we are in the Committee of the Whole. The motion is not in order.

Delegate Weidemeyer.

DELEGATE WEIDEMEYER: Mr. President and members, I want to speak in opposition to this amendment because I feel for two reasons that the wording of the transitory provision is perfectly proper. It only delays the matter for one year, and if we look at the provisions of the damage clause, it says, except in the manner provided by law. Certainly the legislature ought to have at least one year's opportunity to provide for those exceptions and to say where it may be needed and where it may not. The concept is good. I am in favor of it.

Another thing is this: I have not shared the horrors and fears that we are going to bankrupt the State by this new concept of damages, but nevertheless we must realize that there are some areas of damages and some compensation that must be paid. The State must set up its reserves for that. Any corporation or insurance company operating prudently always has to set up reserves for losses, and this will only give them one year to set up those reserves for these probable losses. I think it is only fair that we give the private corporations condemning, or the State as the case may be, that one year's opportunity to set up their budgets. I think it is only sound fiscal arrangement for us to do it, and I think the amendment should be defeated for those two reasons.

THE CHAIRMAN: Delegate Koger.

DELEGATE KOGER: Mr. Chairman, ladies and gentlemen, I am very much opposed to this amendment. I sincerely believe that if we permit people to sue the state for damages, it will create a considerable amount of confusion. When you sue for damages it is difficult to determine what amount you are going to sue for.

Now, we find the same situation when we consider damages resulting from a suit. You can determine the amount of property damage. When you think in terms of a named damage, you can measure but you cannot measure the amount of suit when it applies to damages.

I would be very much in favor of this particular section, but I am not very much in favor of allowing the section to stand, without in some way postponing it. The State has to get itself together and it has to set up reserves and it has to have some way of measuring the amount of what it is going to pay.

THE CHAIRMAN: Are you ready for the question?

*(Call for the question.)*

The Clerk will ring the quorum bell.

The question arises on the adoption of Amendment No. 1 to Committee Recommendation GP-13.

A vote Aye is a vote in favor of Amendment No. 1. A vote No is a vote against.

Cast your vote.

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 26 votes in the affirmative and 83 in the negative, the motion is lost. The amendment is rejected.

Delegate Chabot, do you desire to offer your amendment M?

DELEGATE CHABOT: Yes, sir.

THE CHAIRMAN: The pages will please distribute amendment M. This will be Amendment No. 2.

The Clerk will read the amendment.

READING CLERK: Amendment No. 2 to Committee Recommendation No. GP-13 by Delegate Chabot:

On page 2, section 3, Delayed Effect of Certain Sections, strike out all of subsection (b), comprising all of lines 37 through 44, inclusive.

THE CHAIRMAN: The amendment is submitted by Delegate Chabot.

Is there a second?

DELEGATE B. MILLER: Second.

THE CHAIRMAN: Delegate Betty Miller seconds.

The Chair recognizes Delegate Chabot.

DELEGATE CHABOT: About thirty years ago, Mr. Justice Cardozo indicated that protection against double jeopardy is