

THE PRESIDENT: Are you ready for the question?

Delegate Jett, will you withdraw your motion so we can save some time? We are ready for the question.

Delegate Macdonald.

DELEGATE MACDONALD: Mr. Chairman, fellow delegates, I have a lot of trouble with this amendment. I think it was designed, as was pointed out, to accommodate some of the situations which are outlined in section 3.23, and I suppose it would accommodate a law pertaining to public education or a law pertaining to natural environment and resources, but I submit to you that under section 3.23, a law on either on those subjects would cover one county, cover two counties, or it could cover ten counties, and it would not necessarily be confined to one county.

Also, in the amendment on lines 15, 16, and 17, it says no law empowering a county to exercise a power or perform a function, et cetera, shall be subject to referendum.

Now, unless this is ready in connection with section 3.23, and there is no compulsion in connection with the section itself that it must be read in connection with section 3.23, that part empowering the county to perform a function it seems to me could cover a whole variety of situations, and would simply be a trouble maker, a litigation maker.

It would raise the question whether the law was subject to referendum or not, and I am going to have to vote against this section. I think it is too vague and too ambiguous.

THE PRESIDENT: Delegate Case.

DELEGATE CASE: So that the record can be absolutely clear, and to allay, if possible, the fears of Delegate Macdonald, this amendment dovetails consistently and absolutely with section 3.23. The language in the excepting sentences that you referred to are the words of section 3.23, so that if any court has any question about the fact that these two sections should be ready to go, let them read this record and decide the case accordingly.

THE PRESIDENT: Delegate Morgan.

DELEGATE MORGAN: I move the previous question.

THE PRESIDENT: Is there a second?

DELEGATE CASE: Second.

*(Whereupon, the motion was duly seconded.)*

THE PRESIDENT: The question arises on the motion to order the previous question on adoption of Amendment No. 12 to Committee Recommendation S&E-1 and S&E-2 as amended by Report S&D-11.

All in favor, signify by saying Aye; contrary, No. The Ayes have it. It is so ordered.

The question arises on the adoption of Amendment No. 12. A vote Aye is a vote in favor of Amendment No. 12. A vote No is a vote against.

Cast your votes.

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

*(There was no response.)*

The Clerk will record the vote.

There being 82 votes in the affirmative and 11 votes in the negative, the motion carries. The amendment is adopted.

Will you please get before you the tanned copies distributed to you today? I can call to your attention some correcting pages.

While you are doing that, let me take the opportunity to clarify a matter as to which a number of delegates have inquired, either of the Chair or the Parliamentarian.

Yesterday and today we have on three different occasions I think suspended interfering rules in order to reconsider items adopted on second reading, and then have adopted amendments.

The question has been asked, why was it not necessary to read the committee recommendation again on second reading.

If you will recall when the Chair first started to put the question to you the first time it arose, I did so in a rather involved manner, by suggesting a suspension of rules to re-consider the vote by which the committee recommendation was adopted on second reading in order to reconder the vote by which an amendment was adopted or rejected.

Had that procedure been followed, it would have been necessary to go back twice and then forward twice and have a second reading again.

The Parliamentarian suggested instead the device which we have used, to suspend the interfering rules, to permit consideration, after second reading, of a section