

further question. You used the term "special legislation," which I understand would be the same thing as what was termed emergency legislation at one time.

Now, do you know if there is any other precedent in any other state where the legislature would be given the right to make a law non-suspendable without a constitutional justification? The present Constitution spells out the meaning of an emergency bill as being one necessary for the immediate preservation of the public health, public peace, health, or safety.

THE CHAIRMAN: Delegate Koss?

DELEGATE KOSS: I am informed that in many other states this is called emergency legislation, which can become effective immediately, apparently similarly as we have had it in Maryland.

THE CHAIRMAN: Proceed, Delegate Hostetter.

DELEGATE HOSTETTER: Would it not be spelled out in the constitution as providing an emergency measure?

DELEGATE KOSS: As it is—

THE CHAIRMAN: If I may rephrase the question, Delegate Koss, I think what Delegate Hostetter wants to know is whether there is any other state, the constitution of which permits the legislature to make a law non-suspendable without requiring that it also find that it is an emergency, or similar circumstance.

DELEGATE KOSS: To the best of my knowledge and information, the answer is no. In order to be non-suspendable it has to be emergency.

THE CHAIRMAN: Delegate Henderson?

DELEGATE HENDERSON: Is there not some danger in departing from the accepted term, emergency, which has been defined over and over by the Court of Appeals, and has become more or less of a ritual?

In other words, I think the Court has held that they would not go behind the legislative declaration to examine into the necessity for it, but they did require the legislature to say it.

Now, when you use the term "special legislation," as a substitute for it, are you not getting into another field, where that term has also been defined, so it seems to me that in departing from the accepted

terminology, are you not creating confusion instead of clearing it up?

Did the Committee consider that aspect of it?

DELEGATE KOSS: We did to a certain extent, and I think in the memo, we indicated that we were not strongly advocating any particular term; whether you call it emergency or special, it is terminology. Perhaps the Committee would have been happier had we expanded upon the definition of what might be considered emergency legislation, and while it is true that the courts have not sought to investigate what is and what is not emergency, we did not want to place the General Assembly in the position of being susceptible to that kind of a question, on the enactment of legislation which could not be considered necessary for the immediate preservation of the health or welfare of the state, but was still absolutely essential and should take effect immediately and should not be suspendable.

THE CHAIRMAN: Delegate Henderson?

DELEGATE HENDERSON: By using the term "special legislation," you are using a term which the courts have also defined and which they have said in effect means only legislation which deals with a special situation, and is not of a general character, so aren't you by using this term introducing additional obscurity into your meaning?

THE CHAIRMAN: Delegate Henderson, if the Chair may be permitted to make an observation concerning that comment, the point you just made has been called to the attention of the Committee on Suffrage and Elections. They have called attention to the problem in the Committee memorandum, and it will be referred to the Committee on Style to develop a term other than "special legislation," because as all lawyers know, a special law has a peculiar significance.

I think the Committee is aware of this and has noted it in the memorandum.

Is that correct, Delegate Koss?

DELEGATE KOSS: That is absolutely correct. Certainly in this area I would be glad to yield to Delegate Henderson's knowledge on this subject.

THE CHAIRMAN: Delegate James.

DELEGATE JAMES: Mr. Chairman, and members of the Convention, I would