

Yet I note, that just as there are in the present Constitution six rather detailed sections dealing with the referendum, so, too, are there in your proposal six sections dealing with the referendum; and I wondered whether your Committee gave any thought to the possibility of compressing the provisions on the referendum. For example, the first section reserving to the people the power of referendum would be unnecessary if the constitution provides for the referendum; secondly, Section 4 dealing with the petition provisions prescribing the type of paper, text, et cetera, that have to be used, would seem more appropriate to be left to the legislative detail by statute, and even at least, perhaps, Section 5(a) and (b) could be matters that could be dealt with through statutory law.

Did your Committee discuss the problem of whether or not the provisions in the Constitution dealing with the referendum could be made more succinct than apparently you have proposed them?

THE CHAIRMAN: Delegate Koss.

DELEGATE KOSS: Delegate Scanlan, I think our primary concern at this stage was that we not leave out anything that we meant to include. As far as making it more succinct, we would have no objection whatsoever to the Committee on Style, Drafting and Arrangement using their talented hand to make it so.

As far as the distinction between constitutionality, or constitutional and statutory provisions, we did consider this in regard to Section 4, which repeats language which is in the existing Constitution, but the Committee decided that the question of the responsibility of the person who carries the petition really is deserving of constitutional stature. We wanted to insure that the process of gathering signatures was not undertaken lightly, and that in this particular case, I suppose we should have worried about the legislature not protecting their own interests, but we were worried and that is why that was included.

THE CHAIRMAN: Delegate Anderson.

DELEGATE ANDERSON: Delegate Koss, isn't it true that any bill that was titled, "special legislation," if it were passed by a three-fifths vote, would not be suspendable under a referendum, no matter what it pertained to?

DELEGATE KOSS: That is correct. That is similar to the so-called emergency legislation in the present Constitution.

THE CHAIRMAN: Delegate Anderson.

DELEGATE ANDERSON: One other question. There is no provision made for the referendum of a local law; is that correct?

DELEGATE KOSS: This is correct, and again it is based on the assumption, and I think my reading of LG-1 bears this out, that there would be only public general law; and this is why. If at some point in the future it were necessary, there could be a provision in the constitution for public local laws; then the Committee would consider that aspect, but at this time we were talking about and considering only public general laws.

THE CHAIRMAN: Delegate Anderson.

DELEGATE ANDERSON: Public local laws have not been abolished as yet, have they?

DELEGATE KOSS: We were limiting ourselves at this point to public general laws. I think in the memorandum it states that we were considering only that. At such point when that issue is settled, we will bring back another proposal on referendum of public local laws.

THE CHAIRMAN: I think if the Chair could elaborate on that answer, Delegate Anderson, what Delegate Koss is saying is that the Committee concerned itself only with the referendum of acts passed by the General Assembly, and it has assumed that the Committee of the Whole, and eventually the Convention will adopt a provision prohibiting the General Assembly from enacting public local laws; and that if it does not do so, her Committee will then be prepared to consider and recommend to the Convention a provision for referendum of public local laws; is that correct, Delegate Koss?

DELEGATE KOSS: That is fully correct, Mr. Chairman.

THE CHAIRMAN: Are there any other questions? Delegate Macdonald.

DELEGATE MACDONALD: Madam Chairman, on page 1 of the Committee Recommendation, referring your attention to lines 17, 18 and 19, you make an exception in favor of any law making an appropriation for maintaining the state government or for aiding or maintaining any public institution.

Are there any appropriation measures which would be subject to referendum?