

DELEGATE SCHLOEDER: I might ask, would you agree, sir, that the introduction of the Commission draft material at this time in this form would be a very dangerous precedent, and would you also agree, sir, that if this were to be the case, it might be better if we were to introduce Delegate Proposals 1 through 7, the Commission draft of those articles, those proposals that might pertain to a specific article, local government or judicial branch, and argue and discuss those first, because this in fact is what we are doing.

DELEGATE GILCHRIST: It is perfectly true that this is the Commission draft. As a matter of substance, there is not a great deal of difference between the effect of the Commission draft and that of the committee recommendation. As a matter of language, there is a considerable difference in them.

The Commission draft is written on what I might call a negative basis. This is in effect saying that if a petition shall be presented, the bill shall be subject to referendum. The committee recommendation takes a reverse approach to this and provides substantively that there is a right of referendum, and that the right of referendum shall apply under a given set of circumstances. The approach to it is simply a reversing of the order in which the matter takes place, but substantively there is very little difference.

DELEGATE SCHLOEDER: May I ask another question?

THE CHAIRMAN: Will the delegate yield for a question?

DELEGATE GILCHRIST: Certainly.

DELEGATE SCHLOEDER: If there is no difference in substance, would it not be better, sir, to amend the committee recommendation, through the normal process of amendment, or attempt to amend the committee recommendation, and also would it not be better if there is a language problem that neither goes to the substance or technical matters, but rather just to language, as you suggest, that that be referred to the Committee on Style and Drafting?

DELEGATE GILCHRIST: With respect to the referral to the Committee on Style and Drafting, it was my understanding that they were limited in their jurisdiction over the subject matter to what basically amounts to a question of language. Certainly they could not substitute some evident word of art for a special legislation,

which is a word of art, because it would be a change in substance and not in language or form.

When reference is made to every law being subject to referendum, they certainly could not insert a provision saying, except local laws.

THE CHAIRMAN: Delegate Gilchrist, the Chair feels that this amendment is really out of order. He feels that an amendment which attempts to substitute in a sense an entire section here, an article, almost, really should await the adoption of all sections, section by section, and then at that point if the delegate wishes to offer this amendment in lieu of all the sections being considered, it seems to me that this would be the proper time to oppose the amendment. The Chair would like to ask you to withdraw the amendment. I would really have to rule it out of order.

DELEGATE GILCHRIST: If there are any further amendments to this, I certainly am willing to withdraw the amendment and to reoffer it at the conclusion.

THE CHAIRMAN: After the section by section process has been considered, I think that a substitute and an improved draft, as you contend, might be in order.

DELEGATE GILCHRIST: Under those circumstances I will withdraw the offered amendment.

THE CHAIRMAN: The Chair recognizes Delegate Hostetter.

DELEGATE HOSTETTER: Mr. Chairman, at this time I would like to reintroduce my amendment, Amendment No. 3.

THE CHAIRMAN: All right.

Which amendment are you resubmitting? Is that the one that has just been submitted, or is it the one which says, "all laws of the General Assembly"?

DELEGATE HOSTETTER: That is the one.

In the one that has just come to the floor, there are several words I had eliminated from the original amendment.

THE CHAIRMAN: The Clerk will read the amendment offered by Delegate Hostetter. This will be Amendment No. 6.

READING CLERK: Amendment No. 6 to Committee Recommendation S&E-1, by Delegate Hostetter: On page 1, Section 2, Legislation Subject to Referendum, lines