

19 through 22, strike out all of the last sentence and insert in lieu thereof the following:

"All laws of the General Assembly subject to referendum shall be suspendable unless they contain a section declaring them to be emergency laws and necessary for the immediate preservation of the public health or safety, and passed by a three-fifths vote of each House of the General Assembly."

THE CHAIRMAN: For what purpose does the delegate rise, Delegate Bamberger?

DELEGATE BAMBERGER: On a parliamentary inquiry.

THE CHAIRMAN: State your inquiry.

DELEGATE BAMBERGER: This was just read across the desk as Amendment No. 6. I think it is Amendment No. 3, and was read across the desk on Friday.

THE CHAIRMAN: It was withdrawn and reintroduced at a later time, which, according to the parliamentarian, gives it a new number, so that we have our mathematics straight.

The Chair recognizes Delegate Hostetter.

DELEGATE HOSTETTER: Thank you, Mr. Chairman.

My reason for introducing this amendment is to clarify two separate issues which I think are involved here: number one, the power to suspend laws should not arbitrarily or accidentally be denied to the people by the General Assembly. By permitting the Legislature to use the words "special legislation", which are in the committee recommendation, the General Assembly is permitted to be arbitrary in this instance.

Secondly, the term "special legislation" is confusing. Situations making a law non-suspendable should not happen accidentally merely by a three-fifths vote because this will generate many unintended situations where petitioners could not suspend the law. On this point I would like to suggest that of the 984 votes taken last year in the House of Delegates, only ten were less than the three-fifths majority.

Since Maryland has had in its referendum article since its adoption the term "emergency bill", I believe that it has come to be understood by the people, the legislature, and has been construed by the courts.

In addition, the term itself is descriptive. Even if it were not to be modified by the freeze used in the present Constitution, reading, "necessary for the immediate preservation of the public health or safety", requiring the General Assembly to use the term "emergency bill" for those laws which petitioners will not be able to suspend, will nevertheless cause the legislature to take notice of this, and will imply at least an emergency situation.

Special legislation does not permit this to occur, and the General Assembly could possibly use the term "special legislation" to deny arbitrarily the right of the suspension of the law to the people.

Persons in future years interested in taking laws to referendum and having those laws suspended would find themselves frustrated and in effect being denied the right to referendum.

For this reason, I have proposed this amendment and urge its adoption.

Thank you.

THE CHAIRMAN: Does anyone wish to speak against the amendment? Delegate Miller?

DELEGATE B. MILLER: I have a question for the Chair, a point of information, please.

It seems to me that on Friday afternoon the presiding officer said that the use of the term, the specific term "special", might have another meaning, and therefore, in view of the Chairman of Suffrage and Elections' explanation for the Committee's rejecting the term "emergency", it was designated that the Committee on Style and Drafting would consider another term and would present it on second reading. Is that true?

THE CHAIRMAN: That is correct, as I recall, but at the same time this amendment, or that announcement does not preclude this amendment.

The Chair recognizes Delegate Chabot. Are you speaking against the amendment?

DELEGATE CHABOT: I rise to call up an amendment to the amendment. This was prepared at a time when the amendment that is now designated Amendment No. 6 was designated Amendment No. 3, but otherwise it is printed and is before you and lettered "EE".

THE CHAIRMAN: The clerk will read the amendment to the amendment.