

All in favor say Aye. Is there any discussion?

The Chair recognizes Delegate Gleason.

DELEGATE GLEASON: Mr. Chairman, I think it would be helpful if we had this amendment before us before we voted, please.

THE CHAIRMAN: The Chair had been advised that all members had received their amendments. The information apparently was not correct.

CHIEF PAGE: That is the one that is being printed.

THE CHAIRMAN: Does everyone have copies?

No. We are still short.

Delegate Gleason?

DELEGATE GLEASON: I would appreciate it very much for my own edification and that of others if the Madame Chairman of the Committee would express her views with respect to this amendment.

THE CHAIRMAN: The Chair recognizes Delegate Koss.

DELEGATE KOSS: The Committee would oppose this amendment.

In our discussions on the question of emergency legislation, there was never any intent either to limit the prerogatives of the legislature to identify those situations which might need nonsuspendable legislation, and our only concern was with two things: one that the term "emergency" is misleading, if not to the General Assembly certainly to the public, and the other thing, that in the present Constitution the only reference to emergency legislation is in terms of the referendum.

Secondly, the definition of "emergency laws" is further narrowed in terms of the immediate preservation of the public health and safety.

Now, I am very appreciative of Delegate Weidemeyer's remarks, except that I am not sure that an examination of all the emergency bills passed by the General Assembly would indicate that they all read these words the same way, and that any individual not a member of the General Assembly would.

Our own concern, as I said before, was not in any way to limit the prerogatives of the legislature in identifying laws which should not be suspended, but rather that

the use of the term "emergency law" and the further definition that it be necessary for the immediate preservation of the public health or safety was too limited. I think in our report we say that whether this type of legislation is emergency legislation or special legislation is immaterial; we hold no brief certainly for the term "special legislation", which was pointed out to us as being a special meaning in the legal profession. This was why we attempted by the amendment on nonsuspendable to get around that problem.

We felt that whatever type or however this legislation is known, it should certainly be indicated in the legislative process, because one of the things we were worried about, if you just say that any law passed by three-fifths is nonsuspendable, is it places a legislator in a difficult position. The person who would like to support a bill but does not want to render it nonsuspendable and immune from the referendum does not know how to vote.

We felt it important that this legislation be so identified in the legislative process. In conclusion, the Committee would oppose this amendment.

THE CHAIRMAN: A point of inquiry.

Would the Committee be able to attach a non-suspendability clause by way of an amendment during the course of passage through the General Assembly, or must this be marked in the initial introduction?

DELEGATE KOSS: Under this Amendment No. 6 as introduced, it could be added at any point. Might I point out, it has been said before that the courts have not inquired into the nature of the emergency but I think it was Vice-President James who pointed out on Friday that the courts had indeed investigated or gone into the question of emergency with reference to a local bill. It was the intent of the Committee to obviate any possibility that the courts might inquire in the future into what the nature of the emergency was.

THE CHAIRMAN: The Chair recognizes Delegate Bennett.

For what purpose does the delegate rise?

DELEGATE BENNETT: To ask a question, if I may, of the Chairman of the Committee.

THE CHAIRMAN: Will the delegate yield?

DELEGATE KOSS: I will yield.