

I am convinced a great many people here are already convinced of the validity of five per cent. I was going to submit an amendment for ten per cent, and I was going to do that on the basis of three points: one was the fact that a number of the legislators and other people who testified before our Committee suggested ten per cent. Among these was Senator Brewster, and among these were those who made the point that it would be more difficult to have a referendum by virtue of requiring the signature from three or more counties. The other reason that I feel this was is the fact that since we have approved the Legislative Article with its accompanying recommendations, I would suggest the time we spend in either collecting signatures or educating to gain citizens to support would be much better spent in electing qualified persons to both houses in the legislature. My third point is based on the amount of study that we have done in the Committee on the legislative reforms or the constitutional reforms of those states which have recently written constitutions; and I would point out that the States of Connecticut, Rhode Island, New York, New Jersey and Hawaii and Georgia, all of whom have written constitutions since 1945, have not included referendum in their constitutions. The referendum, I would suggest is fairly out of date, and I would not allow it to be used or would hope it would not be used here as a method of frivolously overturning the deliberate process that we have set up the legislative branch.

THE CHAIRMAN: Is anyone in favor of the amendment? We still have a little controlled time left. I am not urging anyone to use it. The question arises upon the adoption of the amendment. All in favor, say Aye; opposed, No. The Noes seem to have it. Unless there is demand for roll call, the Chair rules that the Noes have it.

Any further amendments to section 3? Delegate Kahl.

DELEGATE KAHL: I would like to make a motion to reconsider the amendment by Delegate Hostetter.

THE CHAIRMAN: The Chair rules it is in order. The question arises upon the motion to reconsider the vote by which Amendment No. 6 failed of adoption.

DELEGATE KAHL: My reasons are based on the fact that I feel this amendment is less one of substance than one of clarification. The term "emergency law" as used in this amendment has been used in Maryland in the past. I feel it should

be continued. The amendment also defines what is meant by emergency laws whereas the Majority Report introduced a new phrase, special legislation, but did not clarify the term. Since it appears the Majority and Minority Reports have the same objective, it would appear to me we would be safer by using the terminology as we used before.

THE CHAIRMAN: Does anyone wish to be heard on the motion to reconsider? Delegate Scanlan.

DELEGATE SCANLAN: If it is in order, I would like to rise to support Miss Kahl. I do not know if I would be out of order. I thought maybe somebody opposing the motion would be in order.

THE CHAIRMAN: You may be.

DELEGATE SCANLAN: If the General Assembly faced the storm halfway through the passage under the language suggested by Mr. Hostetter, they could remedy it by inserting an emergency clause. Under the language of the Committee if the bill had not originally been introduced as special legislation, they could not do that. True, they could introduce a new bill but as you pointed out yourself from the Chair, they might run into the statutory deadline. I think on balance, Mr. Hostetter's amendment does give the legislature the flexibility it should have in dealing with that situation, should it arise. I rest my case with the remarks Mr. Case made in his previous address to the Convention.

THE CHAIRMAN: This is on the motion to reconsider. Delegate Koss, do you wish to be heard?

DELEGATE KOSS: Since the previous speakers spoke to the substance of the amendment, I think it should be in order I should do so also.

It does not seem to me the Committee recommendation would prevent the General Assembly from acting in either the situation declared by Mr. Case nor can I see what Delegate Kahl's objection to this is.

What this does, it seems to me, is enhance the opportunity of the General Assembly to react to changing situations without being bound either by the definition of an emergency which as we pointed out before the courts might at some later date decide to investigate behind the definition of maintenance of the public health and safety. I would oppose the reconsideration.