

Hostetter amendment, if that is in order. My reasons are these: As to the proposal, to make it baldly, anything which the legislature says is non-suspendable could not be suspended. The proposition we voted down was the substance of the amendment, the previous amendment to number 6. That was voted down by a much larger vote than the Hostetter amendment itself. So really, that means we have already considered that change. I suggest that we are devoting far too much time to what seems to me to be a rather inconsequential matter.

I greatly prefer leaving to the legislature the ability to declare the emergency at any time for the reasons that have been so ably pointed out by Judge Sherbow.

I also deplore the use of the words "special legislation." This phrase, "emergency law necessary for the preservation," and so forth, has been construed by the courts many times. They have a pretty definite meaning. I suggest that we cannot go wrong. It does leave some latitude to the courts to possibly review legislation along that ground, which I think is not a bad thing. But in the main, it seems to me that this Hostetter amendment puts us back on the right track.

THE CHAIRMAN: The question arises, in the absence of further discussion and further requests to be heard, upon the adoption of amendment no. 6 to Committee Recommendation S&E-1.

I point out to Delegate Hanson that he can follow the suggestion of Delegate Scanlan and offer his amendment at an appropriate time.

All in favor of the motion in amendment no. 6 say Aye; opposed, No. The Ayes seem to have it.

In the absence of request for a roll call—roll call is requested.

Has everyone registered his vote? The Clerk will record the roll.

This being a very flexible group, the amendment is adopted.

Would Delegate Powers approach the rostrum? I want to explore the possibilities of terminating the proceedings at this point.

*(Applause.)*

THE CHAIRMAN: We will attempt to take a recess at 6:00 P.M. The Chair will ask, is there any further amendment to section 2?

If there are no further amendments to section 2, we will go to section 3.

I am wrong. The Chair is confused for a moment.

Are there any further amendments to section 3? Are there any further amendments to section 3, the one we have been discussing?

If there are no amendments, we will proceed to the next section, number 4. Are there any amendments to section 4?

Delegate Scanlan.

DELEGATE SCANLAN: Amendment No. 1, introduced by Mrs. Bothe and myself the other day, was divided. The first part of it referred to section 1. That part of the amendment was voted upon and rejected by a vote of 54 to 56.

The second part of our amendment is found on pages 4 and 5 in which we recommend that on page 2 the Committee of the Whole strike all of lines 15 through 25. In short, we recommend that section 4 be stricken. I believe this part of the amendment was properly divided and therefore I think it would be in order now.

THE CHAIRMAN: Are there copies of this amendment? There is some question about the form of it. I am advised by the parliamentarian at the time it was presented there was not a division in the question adopted.

The language in section 4 on page 2, striking out all of lines 15 through 25 were stricken from the parliamentarian's copy, which indicates it was just submitted really on the single question.

Does everyone have a copy of this amendment?

Delegate Bamberger.

DELEGATE BAMBERGER: Mr. Chairman, I suppose to bring this to the house I appeal from the ruling of the Chair. It is certainly my recollection when the amendment was offered it was divided and we voted on that part of the amendment which is in lines 1 and 2 of Amendment No. 1.

I appeal from the ruling of the Chair that Amendment No. 1 was not divided and that the amendment proposed on lines 4 and 5 of Amendment No. 1 are not before the house.

THE CHAIRMAN: You want to go to a vote on the ruling of the Chair?