

the people? If you have such a mandatory review, which is totally foreign to our judicial system as it exists now, would not a decision by the court saying, for example, that it is constitutional have an effect, perhaps on the electorate?

DELEGATE BYRNES: Our answer to that is no; in response to the first portion of your question, we are not mandating judicial review and I did not understand your first question to inquire about that.

THE CHAIRMAN: Is there any further questioning? If not, thank you very much, Delegate Byrnes, for your presentation.

Delegate Koss.

DELEGATE KOSS: I would like to speak to it.

THE CHAIRMAN: First we want to get the amendment. Delegate Byrnes.

DELEGATE BYRNES: Mr. Chairman, I would like to call for amendment designated "D."

THE CHAIRMAN: It will be no. 11. The Clerk will read it. Is there any desire to have the Clerk read the entire amendment? Would someone like to make the motion that reading so much of the amendment be considered all of it?

*(The motion was made and duly seconded.)*

THE CHAIRMAN: All in favor, signify by saying Aye; contrary, No. The Ayes have it. It is so ordered.

Delegate Byrnes.

DELEGATE BYRNES: Mr. Chairman, I would like to yield at this point. Is this controlled time?

THE CHAIRMAN: Yes, this is controlled time.

DELEGATE BYRNES: I would like to yield three minutes to Delegate Dorothy Murray.

THE CHAIRMAN: Delegate Murray.

DELEGATE D. MURRAY: Thank you, Mr. Chairman. Delegate Byrnes, I will not need three minutes because the hour grows late again. I think what I said on referendum goes doubly so for initiative. You may cast your vote. Thank you.

THE CHAIRMAN: Very good. Delegate Koss.

DELEGATE KOSS: Mr. Chairman, fel-

low delegates, the whole question of initiative was debated long and I think, given full consideration in the Committee. As you know, we included no recommendation for its inclusion.

I think many of the arguments that were made before in terms of strengthening of the legislature certainly have to be made in terms of the indirect initiative. The initiative, whether direct or indirect, is an assumption of legislative responsibility. The indirect initiative, as outlined to you by its proponents, does grant to the legislature a minimum role in process of enacting laws upon petition by the voters. Again we are faced with a problem of balancing the prerogatives of the legislature and power which inherently lies with the people.

We spent some time last week discussing the legislative article, strengthening the legislature, vesting the legislative power of this state in the General Assembly. To what extent and for what purpose are we now placing restraints on the exercise of that legislative power? It seems that the high point of referendum, initiative and recall have long since passed. I think generally their popularity was a reflection of a deep distrust by the people of their elected representatives. To propose in 1967 that we strengthen our legislature only to erode a part of that authority is inconsistent and moreover is not merited by our legislative experience. To add initiative to our constitution this year is to assume that the General Assembly is not responsive to the voters who elect it.

I am sure that not 90,000, but the expression even on the part of 900 interested citizens on one issue would find not only a responsive ear but also a sympathetic ear in the General Assembly.

In addition to the theoretical arguments against this, I think the amendment leaves great room for all sorts of deviltry. Nowhere are the sponsors identified. Nowhere do the 90,000 voters who have to sign this have to approve what the legislature has done. It seems to me the sponsors can use this to whatever purpose they want without in any way informing the petitioners. As a matter of fact, the recommendation itself does not require that the initiated law or the proposed initiated law be on the petition only than an adequate summary be made. I think the whole thing should be rejected, not only on theoretical, but also on practical grounds.