

wrong. It seems we are not here to protect the people. Instead we are here to provide a government for the people and by the people. You might say this is a little cliché or platitude brought out of the air, but I think it is very important that we look at it this way. And so if the people act and make a mistake, it is their mistake, not ours. It seems to me we should enact a proposal such as I have here.

THE CHAIRMAN: The Chair recognizes Delegate Koss.

DELEGATE KOSS: I would like to speak in opposition to this amendment. The Committee has reported a number of proposals on moratorium, varying in length of time in which the General Assembly would be prevented from acting.

After a good deal of discussion, we decided this would have no place in the Constitution. We felt first of all that those very points Mr. Hutchinson raised were really controlling in terms of the powers and prerogatives of the legislature. It would be very difficult, in addition, to figure out why people rejected a law, what part of it they were objecting to, whether implementation, or coverage. We could see where this might very seriously hamper the legislature in trying to meet a real problem, perhaps looking for an alternative, which under this kind of restriction, they would be prevented from doing.

We spent a good deal of time on the merits and demerits, and it was the conclusion of the Committee, after a good deal of study not to recommend moratorium and, as a matter of fact, to oppose any provision for it in the Constitution.

THE CHAIRMAN: Does anyone wish to speak for the proposal? Does anyone wish to speak against the proposal? The question now is submitted upon adoption of Amendment No. 12. Roll call.

*(Whereupon, a roll call was taken.)*

Has everyone registered his vote?

*(There was no response.)*

The Clerk will take the roll call. There being 16 votes in the affirmative, and 97 in the negative, the amendment is rejected.

DELEGATE HUTCHINSON: I would like to present amendment lettered E.

THE CHAIRMAN: Amendment No. 13. The Clerk will read the amendment.

READING CLERK: Amendment No. 13 to Committee Recommendation S&E-1, by

Delegate Hutchinson: On page 3 line 8 of Committee Recommendation S&E-1 add the following: "7. Re-enactment of Repealed Legislation. Once a law has been repealed by the people of the State, no subsequent law designed to accomplish that which was voted down by the people may be re-introduced in the General Assembly except

"a. By a three-fifths vote of each house of the General Assembly, or

"b. Until a period of two years has elapsed since the effective date of the repeal."

THE CHAIRMAN: Delegate Hutchinson.

DELEGATE HUTCHINSON: Mr. Chairman, as we all know at present the legislature can usually, by a simple majority, override the vote of the people who have voted on referendum. We all know the majority of legislation passed through the legislature is by more than a three-fifths vote. However, it seems to me that if we allow for the referendum at all and if the people have voted against a piece of legislation, the legislature would be more reluctant to re-enact that legislation, thus the reason behind the three-fifths vote of each house of the General Assembly.

But this would also leave the legislature an opening, it would allow them to re-introduce a piece of legislation and re-enact it. This would give them the opportunity to say that they were a little better informed on the legislation and would, therefore, re-enact it. This three-fifths vote of each house allows for pliability of the legislature. I think if we put any bite at all to the referendum proposal, we should include something of this sort.

THE CHAIRMAN: Delegate Koss.

DELEGATE KOSS: It seems to me the same arguments made on the previous amendment hold true. It still prevents the General Assembly from reacting to a majority of the people.

THE CHAIRMAN: Does any other member wish to speak on the subject? The Chair recognizes Delegate Siewierski.

DELEGATE SIEWIERSKI: I would like to speak on behalf of the amendment. I do not believe Delegate Hutchinson mentioned that during the past twenty-six years the legislature has on four occasions re-enacted legislation that had been defeated by a referendum to the people. Since