

1 can state in recent instances, the Rules Committee,  
2 rather than act, has asked the Legislature to act, haven't  
3 you?

4 MR. SYKES: Yes.

5 MR. SAYRE: By doing that, weren't you giving  
6 the power to the judiciary to let the Legislature determine  
7 it?

8 THE CHAIRMAN: Yes, but on the substantive  
9 law, it divides whether that is what the Legislature  
10 intended.

11 MRS. BOTHE: I'm on the Committee and perhaps  
12 I should have brought this up in one of our meetings,  
13 but I notice on reading the proposed alternate draft,  
14 the language that is now used in Article III, Section  
15 18(a), on the rule-making power, has been deleted and that  
16 is the language that says that the rule shall have the  
17 force of law until rescinded, changed or modified, et cetera.

18 There is nothing in this proposal that gives  
19 the rules the force of law and I don't recall discussing  
20 this in the Committee, as to whether it was necessary to  
21 perpetuate that principle in the Constitution; but it is