

page 2 strike out all of lines 1 through 50; and on page 3 strike out all of lines 1 through 6; and insert in lieu thereof the following:

"1. Right of Referendum. If, within sixty days from the date on which a bill becomes law, a petition is filed with the office of the governor to refer the law to a vote of the people, the law shall be submitted to a vote at the next general election. If rejected by a majority of those voting on the question, the law shall stand repealed thirty days thereafter. If the petition is filed before the date on which the law is to take effect, then, unless the law is one designated as an emergency law and is passed by the affirmative vote of three-fifths of all the members of each house of the General Assembly, it shall not take effect until thirty days after its approval by a majority of those voting on the question in the election.

"2. Referendum Petition. A petition shall be sufficient to refer a law, or any part thereof, to a vote of the people if signed by a number of qualified voters equal to five per cent of the total number of votes cast for governor, in the most recent gubernatorial election, provided that not more than one-half of such required number shall be voters residing in any one county.

"3. Referendum Restrictions. No plan for legislative districting or apportionment or congressional districting, no law imposing a tax and no law making an appropriation for the state government or for any public institution shall be subject to referendum."

THE CHAIRMAN: The Chair understands that this is a controlled time situation with Delegate Gilchrist having ten minutes, and Delegate Koss having ten minutes. Delegate Koss, you sought attention of the Chair. Was there any point you had to make?

DELEGATE KOSS: The point I wanted to make was that we have all had this available to us since some time in June, since this is basically the Commission draft and I did not think it necessary to read it.

THE CHAIRMAN: Out of a super abundance of care, I think it was proper. Delegate Gilchrist, you may proceed with your explanation of Amendment N. 14.

DELEGATE GILCHRIST: Amendment No. 14 as it is offered now is very slightly

different from the amendment as it was offered and withdrawn this afternoon.

This amendment, as it now is proposed, takes care of the problem as to the enactment of laws and uses instead of that the phraseology "when an act becomes law", thus clearing up what might be a very fruitful source of litigation.

It has adopted the Hostetter Amendment which was adopted by the Convention this afternoon, inserting an emergency designation into a law which would prevent its being suspended. It retains the five per cent of the total votes cast for the governor in the most recent election which is basically that which was approved this afternoon. It adopts the language of the amendment made in response to a proposal by Delegate Case with respect to appropriation for the state government or any public institution rather than the language which referred to maintaining.

The sponsors believe that the amendment has for all practical purposes been substantially debated in the course of the day. We would like to say that if this is passed, we shall submit two further amendments, one a matter of housekeeping to eliminate "or any part thereof" which appears at the end of line 26 and beginning of line 27 in the proposal and as it is taken from the draft constitution because we believe that a part of the law really should not be referred. We shall also introduce an amendment to provide that if this is successful a new section be added to authorize the General Assembly to provide for the implementation of the right of referendum by laws not inconsistent with this article.

I move the adoption of Amendment No. 14.

THE CHAIRMAN: Delegate Koss.

DELEGATE KOSS: I rise to speak in opposition to Amendment No. 14. I take issue, first of all, with the characterization of this as a rewrite. If that were all it were, I would not feel so strongly because certainly neither I nor do I think the Committee takes any great pride in authorship. We were more interested in substantive aspects of the proposal.

The specifics of this, as I look at it, I can object to individually. First of all the Committee felt, and felt rather strongly, that as things were developing and as in fact this body voted the other day, with the possibility of a five-month legislative session, it was important that those who