

must, would the Committee's feeling then be that that guideline, if established, could prevail over the Maryland Constitution if it were more liberal than the Maryland Constitution in that report?

DELEGATE GALLAGHER: I cannot speak for that Committee. I personally think I would like to see Maryland and the national government using the same formula, because it would seem unfair to have a different congressional districting deviation allowable from the state legislature. At least that is a personal reaction.

THE CHAIRMAN: Delegate Adkins.

DELEGATE ADKINS: Would it be a fair statement that it is the Committee's position that if the Supreme Court at some future time should adopt a minimum rule with regard to maximum or minimum variations that the Constitutional language "substantially equal" would be interpreted to follow the ruling of the Supreme Court?

DELEGATE GALLAGHER: I do not think that is the Committee's feeling.

THE CHAIRMAN: Delegate Adkins.

DELEGATE ADKINS: Would you as Chairman of the Committee oppose an amendment which set forth the concept I just discussed with you?

DELEGATE GALLAGHER: I personally would not, but I do not think at this moment in time, taking the Supreme Court decisions as they are, that you could do it.

THE CHAIRMAN: Delegate Koss.

DELEGATE KOSS: I feel it incumbent to address certain questions with regard to congressional districting. That process is as painful to the General Assembly as is reapportionment.

While I am not aware of what is going on in Washington now, as I am in Annapolis, that long looked-for standard to be enunciated by the Congress now says that you shall have no at-large elections except in Alaska and Hawaii.

Did the Committee give any thought, granting that the Congress has the authority to establish the standards to delegate to this redistricting commission the responsibility for drawing up a plan in the same manner and submitting it in the same manner again without in any way touching on the standards?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: The Committee did give some thought to that. One

of the difficulties in using a commission approach is the possibility that the commission plan and not that of the legislature would become law. There is a serious problem with this because it can be argued under one of the provisions of the federal Constitution that only the legislature of the state may accomplish redistricting, and to the extent that any other body accomplishes redistricting it might be in contravention to the federal Constitution.

In other words, what I am saying is that it looks like the legislature of the state must always assume the final responsibility in redistricting for congressional purposes.

THE CHAIRMAN: Delegate Koss.

DELEGATE KOSS: Well, Chairman Gallagher, is it possible for us to get a definitive statement on whether or not this would be possible, because unless there is some very strong language in here to protect this whole process, I think it opens up a whole new field in terms of referendum and several other things.

DELEGATE GALLAGHER: I am aware of the fact that the League of Women Voters regretted some of the compromises made with the General Assembly in Maryland, and that it was the federal court, sitting in Baltimore, that drew the congressional districts which we have today, which, interestingly enough, only deviate 1.4 percent; but which at the same time must candidly be seen not as fair as they could have been.

DELEGATE KOSS: I have several other questions.

THE CHAIRMAN: Delegate Koss.

DELEGATE KOSS: Under 3.16, I assume that eliminates the now present procedure of three weeks?

DELEGATE GALLAGHER: That is correct.

DELEGATE KOSS: Was it the intention that first sentence almost say that the first house cannot alter, amend, pass or reject a bill.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: The first sentence is word-for-word from the 1867 Constitution, and the practice under that has been to alter and amend the bill within the originating house.

THE CHAIRMAN: Delegate Koss.

DELEGATE KOSS: In 3.17a is there a court definition of "special legislation" at this point?