

sion is to forbid what New York State did within the last few years; that is, pass a series of redistricting plans, each of them a little bit less obnoxious than the next one, in the hopes that the court might take one out of the series. You have given the legislature one crack and only one?

DELEGATE GALLAGHER: That is right: The Maryland General Assembly passed two redistricting plans at one time, chapter 1 and chapter 8, and sent them both to the Court of Appeals simultaneously. You could not do that with this plan.

DELEGATE CHABOT: Thank you.

THE CHAIRMAN: Delegate Carson.

DELEGATE CARSON: I would like to ask you several questions in regard to 3.17a, "special legislation."

Will you define for us what your Committee thought "special legislation" was?

DELEGATE GALLAGHER: I think the best way to answer that is to take the 1867 Constitution.

Section 33 of the present Constitution says,

"The General Assembly shall not pass local or special laws in any of the following enumerated cases: for extending the time for collection of taxes, granting divorces, changing the name of any person; providing for the sale of real estate, belonging to minors, or other persons laboring under legal disabilities, by executors, administrators, guardians or trustees; giving effect to informal or invalid deed or wills, refunding money paid into the State treasury or releasing persons from their debts or obligations to the state, unless recommended by the Governor, or officers of the Treasury Department. And the General Assembly shall pass no special law for any case for which provision has been made by an existing general law. The General Assembly at its first session after the adoption of this constitution shall pass general laws providing for the cases enumerated in this section, which are not already adequately provided for, and for all other cases where a general law can be made applicable."

I think you have to provide the definition on the basis of what the 1867 Constitution applied. It seemed to apply, I think, that those laws which were passed for the relief of special cases and particular individuals were special laws.

THE CHAIRMAN: Delegate Carson.

DELEGATE CARSON: What you are saying in this section is that, for example, if you had a statewide divorce law that the General Assembly may not divorce "A" and "B", for example. Also, if you do pass in the future a state tort claim, you may not pass a law to reimburse "A" because "B" harmed him?

DELEGATE GALLAGHER: That is my understanding.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: Mr. Chairman and Mr. Gallagher, if I might direct your attention to section 3.02, in your answer a few moments ago to Delegate Schloeder about the sentence contained in lines 18-20 you indicated that that was a suggestion to the persons who would be doing the districting.

DELEGATE GALLAGHER: If I said "suggestion," it probably carries less than what I meant. It is not a mandate, but it is certainly a guideline, or a test.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: If there were a choice to be made as to whether to follow the language of that sentence or to follow the language of the sentence which follows it, which would take precedence?

DELEGATE GALLAGHER: Well, I think you must endeavor to get substantially equal population. Now, what constitutes substantially equal: we have suggested fifteen percent, but we have also said that there may be isolated cases where one would depart from this maximum deviation.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: Does the command about the following of natural boundaries, the boundaries of political subdivisions, open up to challenge for a variety of reasons any districting plan which may be divided, and perhaps unnecessarily so?

DELEGATE GALLAGHER: Well, certainly it does provide the grounds for challenging, otherwise it would not make much sense to include it, and to that extent it may be said to be a litigation breeder.

DELEGATE MARION: In the report on suffrage and elections they recommended that there be a general election for county officials beginning in 1971, and every fourth year thereafter. Does the language in your section 3.07 referring to the next statewide