

COMMITTEE OF THE WHOLE**DECEMBER 1, 1967—7:56 P.M.****PRESIDENT H. VERNON ENEY,
PRESIDING**

THE CHAIRMAN: The Committee of the Whole will please come to order. We resume debate under Debate Schedule 7 considering together sections 2.02, 2.03 and 2.03(A).

Further amendments to section 3.02?

Delegate Gallagher.

DELEGATE GALLAGHER: Mr. Chairman, there are two items in section 3.02 that we have been discussing during the dinner recess. One pertains to the question of protection of Smith Island and islands of like consequence and the other pertains to the question of the impact of the sentence on natural boundaries of political subdivisions which the Committee experts have been trying to work out. I will find if there has been any agreement.

THE CHAIRMAN: Delegate Adkins.

DELEGATE ADKINS: Substantial agreement. The staff has agreed to try to refine the language.

THE CHAIRMAN: Very well. We can pass it and come back to it.

Are there any further amendments to section 3.02?

The Chair hears none.

We will proceed to a consideration of section 3—I am sorry, Delegate Dulany.

DELEGATE DULANY: Mr. Chairman, I also have an amendment which is in the process of being prepared.

THE CHAIRMAN: What section?

DELEGATE DULANY: Section 3.02.

THE CHAIRMAN: It is not yet ready?

DELEGATE DULANY: No, sir. It is not.

THE CHAIRMAN: We will come back to it.

Section 3.03. Delegate M. H. Smith, do you desire to submit amendment K?

DELEGATE M. SMITH: Yes, sir.

THE CHAIRMAN: The pages will please distribute amendment K. This will be Amendment No. 4. The Clerk will read the amendment.

READING CLERK: Amendment No. 4 to Committee Recommendation LB-2 by Delegates M. H. Smith and Hickman: On page 2, section 3.03, Redistricting Commission, in lines 11 and 12 strike out the words "any year" and insert in lieu thereof the words "the year prior to the year".

THE CHAIRMAN: This will be Amendment No. 4.

If any delegates do not have a copy of the amendment please raise your hands. The amendment having been moved by Delegate Smith and seconded by Delegate Hickman, the Chair recognizes Delegate Smith to speak to the amendment.

DELEGATE M. SMITH: Mr. Chairman, I assume that the schedule that is here laid out is predicated upon the thought of a September primary. I like September primaries. The only date I would like better would be an October primary but I suggest to you, sir, it may well be that at some time in the future the General Assembly in its wisdom might see fit to go back to a May primary.

It occurs to me that with the schedule laid down, that there just might not be adequate time for litigation after the General Assembly had concluded its work if litigation were to actually ensue, litigation prior to the primary. It is for that reason that the amendment is submitted.

THE CHAIRMAN: Are there any questions to the sponsor of the amendment?

If not, the Chair recognizes Delegate Gallagher.

DELEGATE GALLAGHER: Mr. Chairman and ladies and gentlemen, without getting into the merits of proposed Amendment No. 4, I do not think it does what the sponsors would want it to do because all it does is to put the redistricting commission in operation a year earlier than it would be called for under section 3.03. I really think if they want the legislature to act upon it in the year prior to the election year, the amendment ought to come in section 3.03(A) because they will want the legislature to take action in the year prior to the election, I assume.

THE CHAIRMAN: Do you intend that as a question to Delegate M. H. Smith?

DELEGATE GALLAGHER: Yes, sir. I will ask the question, would it not be better to provide that the action shall take place in such a way as to make the legislature act?

THE CHAIRMAN: Delegate Smith.