

time, so that the court would have at that time both the plan that had been adopted by the General Assembly and the plan which had been presented by the commission.

In presenting the amendment I am fully aware, of course, that under the hypothesis that I suggested, the second plan could eventually find its way to the Court of Appeals, but this would require a second appeal and a delay of time and I would imagine that time would be critical in a situation of this sort. This amendment merely permits both plans to be before the court at the same time so that the matter could be disposed of at one time expeditiously and with dispatch.

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

Delegate Case, do you yield to a question from Delegate Gleason?

DELEGATE CASE: Yes, sir.

THE CHAIRMAN: Delegate Gleason.

DELEGATE GLEASON: I guess the point of confusion in my mind is when the two plans are presented to the Court of Appeals, is the court ruling on the Constitutionality of both plans in the same proceeding?

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: Delegate Gleason, it would be my thought that as section 3.03a is now written it would be ruling on the plan of the General Assembly first.

THE CHAIRMAN: Delegate Gleason.

DELEGATE GLEASON: If that were the interpretation, I certainly would have no objection and would urge the Chairman to accept the amendment. However, I think it has to be very clear that the primary jurisdiction, or the first look should be at the plan presented to it by the General Assembly.

DELEGATE CASE: Yes.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: Yes. That is my interpretation of it, Delegate Gleason.

THE CHAIRMAN: Delegate Case, would it be desirable to make that clear, if it would make it clear, in line 35, after the word "becomes", to add some phrase such as, "or would become", so it would read, "plan for redistricting which becomes, or would become law"?

DELEGATE CASE: If the Chairman feels that that would make the proposition clearer, quite obviously I would have no objection and I assume that Delegates Hanson and James would have none either.

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

Delegate Weidemeyer.

DELEGATE WEIDEMEYER: I had in mind asking Delegate Case whether if this amendment is accepted, it would not be appropriate to amend in lines 39 and 40 the provision with respect to the effect, if the Court of Appeals finds both the commission plan and the Assembly plan to be unlawful. However, that probably may not be necessary.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: I do not think it is, Delegate Weidemeyer.

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

Delegate Gallagher.

DELEGATE GALLAGHER: Mr. Chairman, I believe that Delegate Case's amendment has the virtue of saving time and that is a factor which is important. I think Delegate Marvin Smith was addressing himself to that problem in his earlier amendment, so to the extent that it does save time and because of that reason, I would favor this amendment. I am trying to decide whether or not the suggestion that the Chair made, that on line 35, after the word, "becomes", we add, "or would become".

THE CHAIRMAN: Could you take a few moments to consider it with a staff advisor and we will know what we can do.

DELEGATE GALLAGHER: Yes. I would certainly concur in Delegate Case's recommendation, and I understand the Committee concurs as well, so long as it is understood, as Delegate Gleason has emphasized, that the first view and first observation by the Court of Appeals would be on the legislature's plan. If it should decide that that plan were unconstitutional, then and only then would it move to a consideration of the commission plan.

Mr. Chairman, I am advised by the staff, and I believe that it would be appropriate to include in line 35 at the end thereof, after "becomes", the words, "or would be-