

come", and I would ask Delegate Case if he would adopt that additional language.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: Yes, certainly, Delegate Gallagher.

THE CHAIRMAN: As the Chair understands it then the amendment would be modified to add the following language, beginning on line 5, and in line 35, after the word, "becomes", add the words, "or would become".

Is that correct?

DELEGATE GALLAGHER: Yes.

THE CHAIRMAN: Is the amendment so modified, Delegate Case?

DELEGATE CASE: Yes, sir.

THE CHAIRMAN: Delegates Hanson and James accept?

DELEGATE CASE: Yes, sir.

THE CHAIRMAN: Is there any further discussion?

Delegate Beatrice Miller.

DELEGATE B. MILLER: Mr. Chairman, I have some qualms about this now because it makes it almost automatic that any plan will be petitioned and will immediately go to the court, that the court will then sit with two plans in front of it and make the final decision.

I would hope that more than the amendment which we have written in, if in the interest of saving time we assume that both plans are going to the court, that it would be understood that we would make it even more clear, perhaps by further language in Style and Drafting or a subsequent amendment, which I am unable to draw up now, that the court shall consider first the plan of the General Assembly, and only if it turns down the plan of the General Assembly shall it consider the other plan, the commission plan.

THE CHAIRMAN: Delegate Miller, the Chair thinks that is undoubtedly the intent of the mover of the amendment and of the Chairman of the Committee and thinks it is a matter which the Committee on Style, Drafting and Arrangement would consider further.

Delegate Henderson.

DELEGATE HENDERSON: I do not want to prolong debate on this point but it occurs to me that since the Court of Appeals is only passing on the thing which

has become law, that would be the legislative plan, and would not render an advisory opinion as to the other plan unless by declaring the first to be illegal under the terms of the section the second plan becomes law. I do not see that there is any possibility of its passing on the second plan until the first were disposed of.

THE CHAIRMAN: Would that not be the effect of the sentence beginning in line 36, Delegate Henderson?

DELEGATE HENDERSON: I think so, yes.

THE CHAIRMAN: Is there any further discussion?

*(There was no response.)*

Are you ready for the question?

*(Call for the question.)*

The question arises on the adoption of Amendment No. 4 to Committee Recommendation LB-2, as modified. A vote Aye is a vote in favor of Amendment No. 4. A vote No is a vote against.

Cast your vote.

Have all delegates voted?

Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 100 votes in the affirmative and three in the negative, the motion is carried. The amendment as modified is adopted.

Are there any further amendments to sections 3.02, 3.03 or 3.03a?

Delegate Bamberger.

DELEGATE BAMBERGER: Mr. Chairman, I do not think it is necessary to offer the amendment but I would like to address two questions to the Chairman of the Committee to clear up what may be some ambiguity.

THE CHAIRMAN: With respect to these three sections?

DELEGATE BAMBERGER: Yes, sir, section 3.03a.

THE CHAIRMAN: Very well, state the question.

DELEGATE BAMBERGER: Mr. Chairman, is it the intent of the Committee that the plan which is drawn by the commission