

the motion, but I would like to say that the reason that it was offered was because in questioning Delegate Gallagher he indicated there was nothing in the guidelines specified in 3.02 which would prevent dividing the county in many parts.

I believe if the testimony of the Committee was that the intent was not to divide counties in many parts that may solve our problem, but I will withdraw the amendment.

THE CHAIRMAN: The amendment is withdrawn. Do you have a decision on amendment U?

DELEGATE GALLAGHER: Yes. I would like to offer it, please.

THE CHAIRMAN: Pages will please distribute amendment U.

DELEGATE GALLAGHER: Mr. Chairman, may I address myself please, just briefly to Mr. Dulany's withdrawal of his amendment?

THE CHAIRMAN: Yes, indeed.

DELEGATE GALLAGHER: I think it would be the intention of our Committee that where you have a county which composes in population the majority of a senate or house district that hopefully the commission and the General Assembly will start composing that district with that county as its initiating subdivision, so that there will not be a predisposition to divide unnecessarily.

I think that that would be a reasonable interpretation of the Committee's will.

THE CHAIRMAN: Pages are distributing the amendment U. Please mark it No. 13. The Clerk will read the amendment.

READING CLERK: Amendment No. 13 to Committee Recommendation LB-2 by Delegate Gallagher:

On page 1, section 3.02, Legislative Districts, in line 18 strike out the word "Natural" and insert in lieu thereof the words "Due regard shall be given to natural"; and in line 19 place a period after the word "subdivisions" and strike out all of line 20.

THE CHAIRMAN: The amendment is offered by Delegate Gallagher. Is there a second?

*(The amendment was duly seconded.)*

THE CHAIRMAN: The Chair recognizes Delegate Gallagher to speak to the amendment.

DELEGATE GALLAGHER: Mr. Chairman, and ladies and gentlemen of the Committee: You will remember that the reason I advanced to you as to why the Committee on the Legislative Branch departed from the Constitutional Commission's recommendation that the districts should be as equal as practicable was that we were afraid that there could always be an argument made that regardless of what plan was put forward a more equal plan could be put forward and possibly advance what would be generally acceptable. It was called to my attention that if we use the sentence as it begins on line 18 of page 1, section 3.02 which reads "Natural boundaries and the boundaries of political subdivisions shall be followed insofar as practicable", that we were well running the risk that if anyone could come in with another plan which followed a little more closely natural boundaries and boundaries of political subdivisions that we did run the risk that this so-called nit-picking could take place and there would be every possibility of upsetting an otherwise acceptable plan.

To make the sentence less of a mandate, we have accepted a substitution of a sentence to have it read "due regard shall be given to natural boundaries and political subdivisions.", thereby removing the possibly serious use of the verb "practicable", and we are trying to get away from the use of the practicable; consequently saying "Due regard shall be given" has less of a mandate to it and we would hope that this particular amendment would be adopted.

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

*(There was no response.)*

Are you ready for the question?

*(Call for the question.)*

The Clerk will ring the quorum bell.

The question arises on the adoption of Amendment No. 13. A vote Aye is a vote in favor of the amendment; a vote No is a vote against.

Cast your vote.

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the votes.

DELEGATE GALLAGHER: Mr. Chairman, may I suggest that this is not the time to stop.