

Delegate Schneider.

DELEGATE SCHNEIDER: I see. I thought it would be in transitional legislation but being provisions would be different.

THE PRESIDENT: Delegate Adkins.

DELEGATE ADKINS: I would like to ask two questions in one really. First of all, is the change from twentieth to tenth in any way mandated by the Supreme Court? Secondly, if the Committee originally decided on twentieth, why do they now go back to tenth when in fact it is not mandated?

THE PRESIDENT: Delegate Gallagher.

DELEGATE GALLAGHER: In actuality if you read the language as it now exists, it calls for redistricting in 1970 and every twentieth year thereafter which would be 1970 and 1990 and 1982 and every twentieth year thereafter so that would be 1982 and 2002.

So over a twenty-year period you have an average of two redistrictings in the twenty-year period. It does not work out to once every ten years but to an average of once every ten years. We have merely tried to fix a year within the every ten-year cycle at which time redistricting should take place. In some years it will be the very year that the election is taking place. In the other ten-year span it would be two years prior to the time the election was taking place.

The answer to your first question is the Supreme Court has not mandated any specific period of time but we are using ten here following the congressional practice and also with the advantage of having the federal decennial census figures in every case.

THE PRESIDENT: Delegate Boyer.

DELEGATE BOYER: Mr. President, I would like to speak briefly on this. I would like to talk about the merits of the amendment but unfortunately, I cannot, because I do not think it has any merit.

I am in an awkward position here of having reluctantly the privilege of supporting this and will vote for it. The deletion of this will take it out of the constitution but I can assure you that the problems will come up again in the transitory provisions. I will reluctantly vote for this at this time knowing full well that we will be fighting a floor battle on transitory provisions.

THE PRESIDENT: Delegate Weidemeier.

DELEGATE WEIDEMEIER: Mr. President, I would like to ask Delegate Gallagher a question. As I read the way this thing would read with the amendment that boundaries of districts shall be drawn according to these standards prior to the general election in 1982 and every tenth year thereafter.

If we are waiting until 1982 when we know the Supreme Court is going to act upon the legislative reapportionment—

THE PRESIDENT: Delegate Weidemeier, I think you either were not present or missed the statement Delegate Gallagher made before. There is a provision in the transitional schedule which covers the redistricting after 1970. Delegate Weidemeier.

DELEGATE WEIDEMEIER: The question that I wanted to ask is why we have to encumber the constitution with stuff like this when constitutional provisions providing for reapportionment in 1974 would adequately cover the situation?

THE PRESIDENT: Delegate Gallagher.

DELEGATE GALLAGHER: The question of encumbering the constitution with this stuff is exactly the evil that the amendment addresses itself to. Since in the language which you have before you and which I would seek to amend here we talk about 1970 and every twentieth year thereafter, and 1982 and every twentieth year thereafter, what we have really done is condense it into 1982 and every tenth year thereafter, and eliminate 1970 and every year thereafter. The 1970 aspect of this matter will be debated when transitory provisions are before us. I think we helped to curtail the length of the constitution in that respect and set up a more uniform practice.

THE PRESIDENT: Delegate Weidemeier.

DELEGATE WEIDEMEIER: The question I raise is why you do not amend 1982 to 1972 and have the legislature's reapportionment effective in the 1974 election in accordance with the transitory provision rather than come up and confuse it in the constitution and have things apparently inconsistent with the transitory provisions.

THE PRESIDENT: Delegate Gallagher.

DELEGATE GALLAGHER: The transitory provision will have a requirement that redistricting shall take place in 1970. At that particular time Delegate Boyer and the other sponsors, perhaps yourself, will