

gin, though the margin is undefined, by which the population within the legislative district may vary from each other, and inasmuch as their decisions leave much room for coming up with different systems of representation, they may adequately take care of all the sections in our State. The ability to use that margin to accommodate larger sections of our State should not be curtailed by restricting the size of the legislature in the constitution.

Thank you very much.

THE CHAIRMAN: Are there any questions of the minority spokesman for purposes of clarification of the Minority Report, LB-1D?

Delegate Chabot.

DELEGATE CHABOT: Delegate Gleason, would you indicate to us which are the states which presently do not set the size of their legislature or set some maximum size in their constitutions?

DELEGATE GLEASON: I have to say in response to that, because I asked myself that question, that the research material which we have does not show that fact. It shows how many are established by law. Unless the Chairman has it, I do not think it is in the material that I have.

It is a little difficult since the reapportionment to decide who in effect establishes size because, as in Maryland, we had it in the legislature. The Constitution did not do it. It could not do it. It was unconstitutional. The legislature did it. They put out two plans, and, of course, one of those was overturned by the courts and the other was accepted.

Other states are in similar circumstances, so that the material that I have does not meet the specific question of the delegate.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: Well, then, could you indicate to us which are the states that clearly permit the size to be established by the legislature, without a constitutional intermission?

DELEGATE GLEASON: No, because the answer to the last question covers this one as well. All I have is the numbers. I do not have the states themselves.

THE CHAIRMAN: Are there any other questions of the minority spokesman?

Delegate Miller.

DELEGATE B. MILLER: Delegate Gleason, you mentioned the fact that not

one delegate—am I correct that you said that not one delegate testified before us and said that the House was too large?

DELEGATE GLEASON: No, I did not say that. I said the testimony before the Committee was mixed. I read from the Eagleton Institute of Politics' Report, where they said that not one member of the legislature commented to them that the size was unwieldy, although the members were not asked that directly.

DELEGATE B. MILLER: Do you happen to know whether they asked the question?

DELEGATE GLEASON: I just said that that was not in their list of questions they asked, but as you know, interviews covered all ranges of effectiveness of something like that, so I am sure if it was a pressing problem it would have been discussed by the legislators.

THE CHAIRMAN: Delegate Miller.

DELEGATE B. MILLER: I have another question, Mr. Chairman.

Delegate Gleason, at some point the Committee discussed the proposal that you have just made. Do you happen to recall the vote in the Committee on that proposal?

DELEGATE GLEASON: No, I do not.

Do you?

Maybe the Chairman can answer that. Delegate Gallagher, did we ever vote on the question of leaving it up to the legislature?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Mr. Chairman, we did at one point vote on such a proposition, when combined with the ratio figure, and the vote was 13 against setting it by law and 7 for, so it failed in Committee by a vote of 13 to 7. The ratio which was hooked on to it was a three-to-one ratio.

THE CHAIRMAN: Delegate Scanlan.

DELEGATE SCANLAN: At the risk of repeating Delegate Chabot's question I am somewhat confused. He asked you if you could tell us which states do not put a Constitutional limit on the size of their legislature. Now, you did recite some statistics. I counted up about 32 states that had various forms of restrictions, either on one house or the other, or both, or the ranges. Surely in accumulating that re-