

1 MR. CLAGETT: Actually it could send it back  
2 to the governor and send it back to the Legislature.

3 THE CHAIRMAN: Presumably the court could do  
4 as they have in the past, give them another whack at it.

5 MR. CLAGETT: So it would be implicit in this  
6 approach as you stated it, that the court could promul-  
7 gate its own plan?

8 THE CHAIRMAN: That is correct. Mr. Melvin?

9 MR. MELVIN: I am very much in favor of the  
10 principle. I have a question about it, though. As I  
11 understand the plan, the governor would submit his plan  
12 to the Legislature, and they could adopt it or amend it,  
13 adopt any part of it, and then the Legislature comes up  
14 with a plan. If that plan is held invalid by the courts,  
15 then it goes back to the governor's plan. In considering  
16 the validity of the plan of the Legislature, wouldn't  
17 the courts necessarily have to also consider the governor's  
18 plan at the same time?

19 THE CHAIRMAN: I don't know that they neces-  
20 sarily would. You mean consider the validity of the  
21 governor's plan?