

the State which perform a State and not a local function."

Would this not also provide sufficient leeway for any variation in statewide application of laws? The inclusion of education as an exception to the general application of laws is a very substantive and far-reaching change from previous actions of the Local Government Committee and the Committee of the Whole. It was not in the original proposal of the Local Government Committee.

The previous colloquies between Delegates Moser, Lord, and others dealt with the ability of the General Assembly to permit counties to vary the structures of their school board and local school administrations. It did not deal with local public laws of the old Maryland tradition. Delegate Moser was just quoted on December 28 in the *Evening Sun* as saying that since colonial times local governments in Maryland have operated on a tight rein exercising only those powers expressly granted by the State. The local government article reverses this. The counties would command their own local destinies. No longer would they have the local assemblymen handle a great volume of their business.

Delegate Moser said the percentage of local laws were somewhere around 52 percent. If we keep adding exceptions, we will be right back where we started and the General Assembly will be just as much involved with local legislation as it ever was. The exceptions recommended by the Local Government Committee dealt primarily with geographically limited items such as the creation of multi-county governments, alteration of county boundaries, and appropriations.

The entire thrust of the local government article has been to break the deep-seated custom of local legislation and free the General Assembly to concentrate on statewide matters. If education is truly a statewide function, as has been so well and ardently argued, let us treat it as such and not relegate it to the continued tradition of public local laws.

I urge you to support this amendment.

Thank you.

THE PRESIDENT: Delegate Moser.

DELEGATE MOSER: Mr. President and ladies and gentlemen, again I rise as an individual and not as a Committee Chairman or on behalf of the Committee itself.

What I said earlier about natural resources I think applies with somewhat greater force to the field of public education. As near as I can determine in each of 1966 and 1967 there were three local laws pertaining to education passed by the General Assembly. If you look in Article 77, the only local laws that are passed pertaining to education of the kind that this would permit, this exception would permit, the only kind that in fact the legislature really does pass are those relating to school boards and what they do. They will say Somerset County may have a five-man school board, some other county may have a seven-man school board and the terms of office and so on vary.

Now, Delegate Freedlander has aptly stated what the situation would be if this provision comes out, that is to say that the General Assembly would have to act uniformly with respect to local school boards and any other aspect of public education, but that they could pass a law which would empower a county to provide its own local variations. The problem with this is that it requires the county government to act, whereas this exception would allow the General Assembly to act and to make the variations.

My understanding of what the General Provisions Committee as a unit, both the majority and minority, intended with respect to the so-called compromise that they arrived at was that Article 77 could be continued just exactly as it is. I think that in order to do that, one must have this exception in section 3.23 as it is proposed.

THE PRESIDENT: Does any other delegate desire to speak in favor?

Delegate Mentzer.

DELEGATE MENTZER: I wish to support this amendment, Mr. President. The intent of the Style Committee was not to place its stamp of approval on the items relating to natural resources and education but rather to call it to the attention of the Convention because of the discussions that arose over the words "by law, general, or otherwise" when these were discussed earlier.

The General Assembly in the areas of natural resources and education will often be enacting minimum laws, and local government under the "shared powers" concept would be free to pass more restrictive or more liberal laws as long as they were not in conflict with the statewide laws.