

DELEGATE JAMES (presiding): Delegate Grant.

DELEGATE GRANT: I was going to suggest that since this indicates a number of exceptions for future constitutional use they may prefer to say exception number 7 in this article, in the authorization for a statute, rather than having to repeat the language itself.

DELEGATE PENNIMAN: We have no objections to rethinking the problem.

DELEGATE JAMES (presiding): Delegate Sollins.

DELEGATE SOLLINS: I have some questions on other sections, if now is the appropriate time.

DELEGATE JAMES (presiding): Since we have been working with the final section, let us see if we can complete questioning on that.

Delegate Gilchrist.

DELEGATE GILCHRIST: Delegate Penniman, referring to line 45 on page 8 in the sentence which says "No county shall be exempt from a public general law," does the Committee not mean "exempted," to indicate future, because we have a great body of laws existing in which there are exemptions?

DELEGATE PENNIMAN: We certainly mean it to apply to the future. I think that is the meaning of the Committee, but it came to us as "shall be exempt." Perhaps I should not even have spoken to this. We did not change the words that came to us from the Committee on Local Government.

DELEGATE JAMES (presiding): Delegate Clagett.

DELEGATE CLAGETT: I think transitory provisions and a schedule will take care of the problem which you see here because after the transitory provisions have served their time, it is expected that the shared powers approach will then permit the counties to exercise whatever power may then have only been available to them by reason of an exemption or having been exempted.

Or otherwise, in the alternative, the General Assembly may have withdrawn the power and by general law acted in that field.

DELEGATE JAMES (presiding): Delegate Gilchrist.

DELEGATE GILCHRIST: This is what frightens me.

DELEGATE JAMES (presiding): Does Delegate Gilchrist have another question, or he is just musing to himself?

DELEGATE GILCHRIST: I have another question, Mr. Chairman. I have another question, which begins on line 34.

This says "The General Assembly shall have the powers to enact laws," and going over to page 9, beginning on line 8, "or empowering a county or counties, subject to any standards that the General Assembly may provide by law, to exercise any power or perform any function denied to other counties . . .".

Would this be indicative that the standards had to be established prior to the law which they enact?

DELEGATE PENNIMAN: I refer that to Delegate Clagett.

DELEGATE JAMES (presiding): Delegate Clagett.

DELEGATE CLAGETT: The answer, Delegate Gilchrist, is yes. This is the option procedure, where the power can be shared concurrently by the General Assembly and a local subdivision. The General Assembly can withdraw powers from the counties generally or enact legislation to permit the local unit, that is the county by its own enabling act, to affirmatively deal with the particular function or power in that county.

DELEGATE JAMES (presiding): Delegate Gilchrist.

DELEGATE GILCHRIST: That would also be after the enactment of standards by the General Assembly?

DELEGATE JAMES (presiding): Delegate Clagett.

DELEGATE CLAGETT: Yes, because the county would still have to act within the limitations of whatever standards were set up by the General Assembly.

DELEGATE JAMES (presiding): Any further question on this section?

Delegate Needle.

DELEGATE NEEDLE: Delegate Penniman, as a member of the Local Government Committee I hesitate to ask this question, because you did not change our language. However, the first sentence in 3.23 is stated in the negative. I wonder what Style and Drafting considered when they failed to change it to "The General Assembly shall enact only public general laws," stating it in the affirmative rather than in the negative?