

DELEGATE MOSER: I am frank to say I do not know whether you are asking me four separate questions or what your question is. If it is whether the eighth exception is to be exercised by an exemption, the answer is no. It is not an exemption in the true sense. If your question is, is that to be exercised through public local laws, the answer is in the present sense, yes. It is a local enabling law which is treated as a public local law today, but it is not a positive public local law which says that county "X" shall do this or that. It only permits them to act, notwithstanding the provisions of some public general law.

Does this serve to explain or confuse? I should observe before getting back that I have an amendment which will take off that last exception. It really is not an exception. It is a different arrangement entirely and will read that the General Assembly may empower a county and so forth. It will not be listed as an exemption from general law or whatever we end up with after these amendments.

THE PRESIDENT: Your time has expired, Delegate Moser.

Delegate Key, to whom do you wish to address your question?

DELEGATE KEY: Delegate Carson.

THE PRESIDENT: Delegate Carson, would you take the floor to yield to a question?

DELEGATE CARSON: Yes, sir.

THE PRESIDENT: Delegate Key.

DELEGATE KEY: Delegate Carson, we have heard a great deal in this session about intent. I am wondering if the General Assembly did go so far as to adopt a law naming twenty-two counties and exempting two, if the intent could not be thought to be to exempt two counties?

THE PRESIDENT: Delegate Carson.

DELEGATE CARSON: Delegate Key, obviously that would be the effect of it, but Delegate Clagett has admitted on question and answer that would be all right as long as they did it by enumerating the twenty-two counties and putting it in that formalistic manner.

THE PRESIDENT: Delegate Key.

DELEGATE KEY: My question is not the debate of Delegate Clagett, but how a court would find this if this were presented in that way since they would use the law and not Delegate Clagett's debate. Would

not the intent be exemption rather than local law?

THE PRESIDENT: Delegate Carson.

DELEGATE CARSON: Frankly, that is one of the reasons why I strenuously opposed Delegate Clagett's amendment because I think that irrespective of what we say here tonight, I think the court might eventually so hold, and I think that would be quite dangerous. Any time that you passed a law which would include more than a majority of the counties, the court could concepcionally say, by not including the rest, it had exempted them and, therefore, it was invalid. I am afraid that might be the legal effect of what we are doing. Delegate Clagett says he does not want that effect. Nevertheless, I am not sure that the court will follow what we said here tonight and listen to the debate and follow Delegate Clagett's hope.

THE PRESIDENT: Delegate Raley, to whom do you desire to address your question?

DELEGATE RALEY: I do not know who to ask the question to, but if I understand what I think I understand, I want to speak against the Carson motion.

THE PRESIDENT: You may speak.

DELEGATE RALEY: Mr. President and members of this Convention, it is my understanding that under the eighth exemption in which local laws could be passed, they would be passed by the General Assembly with a specific intent to apply to that specific county.

Now, without the Clagett amendment, it would mean that this could be seriously eroded away and statewide bills of statewide importance could then be exempted. The very worst practices that do creep into, for example, the field of pollution, where there is a need for state-wide comprehensive bills, because of some local interest, then, in those areas, a specific county could exempt itself because of some certain petty interests or special interests or whatever that it might be, and I think that it would be very, very bad, and I think that the Clagett Amendment should stand.

THE PRESIDENT: Delegate Barrick.

DELEGATE BARRICK: Mr. President and ladies and gentlemen of the convention, quite frankly I do not know what we are arguing about here. It seems to me that you can reach the same results by adopting the Clagett Amendment that he is trying to prevent.