

1 THE PRESIDENT: Very well, are there any other  
2 questions as to 7.04? Delegate Clagett.

3 DELEGATE CLAGETT: There are two thoughts, one  
4 with respect to this power and following along the colloquy  
5 of the Chair.

6 The power to tax is not being denied by this  
7 Constitution to the counties; it is being restricted insofar  
8 as the counties are concerned to those taxing powers  
9 granted to them by the General Assembly, and there is a  
10 distinction, I believe, embedded there. Therefore it seems  
11 that the way in which the Committee has approached it here  
12 would be consistent with the exercise of a power given to  
13 them by and through the General Assembly.

14 A second comment -- back to the question raised  
15 by Delegate Maurer -- with respect to preemption. I think  
16 that you can think clearly with respect to this matter of  
17 preemption along the line of the counties having the power  
18 to act only where it is not inconsistent with an act taken  
19 by the General Assembly. There is, of course, a clear  
20 preemption of the field by the Constitution with respect  
21 to the judicial power. Where the General Assembly acts and