

1 clearly the act of the General Assembly states that this  
2 field is being preempted and only acts by the General  
3 Assembly shall prevail is one method of preemption about  
4 which there would be no confusion whatsoever.

5           Where the General Assembly does not so clearly  
6 state its intent, but by its act itself there is an  
7 implication that the county may not act in that field,  
8 there would be a second preemption.

9           Then the third would be where the General  
10 Assembly acts but leaves an area of leeway. It is in  
11 that area where the county can act where the act would not  
12 be inconsistent with the General Assembly action.

13           THE PRESIDENT: Delegate Clagett, are you  
14 referring in these last statements to the power to act?

15           DELEGATE CLAGETT: No, sir, I was thinking then  
16 in terms of the education power as to pre-grade 1, or  
17 after grade 12, or in some other area.

18           THE PRESIDENT: What you were saying you did not  
19 mean to be applicable to the power to tax.

20           DELEGATE CLAGETT: No, I left that one behind.

21           THE PRESIDENT: Delegate Case.