

1 shall have that power, and, in other words, exclusive
2 power not subject to rule-making power, and, therefore,
3 not concurrent?

4 THE PRESIDENT: Delegate Marion?

5 DELEGATE MARION: I don't believe so. This
6 section, as it is written, gives the Court of Appeals the
7 power to prescribe rules in the first sentence in three
8 specific areas.

9 The next sentence which this amendment is
10 designed to clarify simply gives the General Assembly the
11 authority to act by law, a concurrent power to act by
12 law in those three areas, except when any of those
13 things that might be taken to be encompassed within the
14 three categories of the first sentence are spelled
15 out elsewhere in that article and are specifically
16 required to be prescribed by rule, and in those instances
17 it says, the Court of Appeals, by rule.

18 I see no way that it could entitle the Court
19 of Appeals to have a jurisdiction to do by rule what
20 we say the General Assembly is to do by law elsewhere.

21 THE PRESIDENT: Delegate Johnson.