

1 then a county could waive the doctrine. Under this section
2 the county could still waive the doctrine if it wanted to
3 in its wisdom. The proposal that has been made by the
4 Wagandt amendment in effect withdraws that power and would
5 require that any waiver of the doctrine shall be done at
6 a state level by public general law.

7 DELEGATE CLARK: Delegate Clagett.

8 DELEGATE CLAGETT: Yes.

9 DELEGATE CLARK: Delegate Case, you may proceed.

10 DELEGATE CASE: So that, Delegate Clagett, what
11 you have said up to this point is that your amendment or
12 the Wagandt amendment which you really thought of first,
13 I think would carve out another exception to the shared
14 power concept that we all fought so hard for and would,
15 in effect, say that in this area, the exemption could only
16 be provided by public general law.

17 Now, you are the greatest advocate in this
18 chamber for the shared power concept and I want to know
19 why you think there ought to be an exception to it in this
20 particular case. It seems to me, if I may say so, that this
21 is a kind of governmental power that we can safely leave to