

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: No, and let me say this: I think it is important to look at the Maryland Constitution to determine what "special legislation" is. It is neither a public general law or a public local law. Special legislation has to do with acts which are passed, usually for the relief of some individual. Also, under the examples given in the 1867 Constitution of what constitutes a special law in Maryland, you would have the granting of divorces, the changing of names, the creating of corps, and kindred rather individualized acts on the part of the State.

Now, our Committee decided that we did not want to prohibit special laws in their entirety because there may be occasions when for the good of the State a special law would be in order; but what we did do was to say that you could not pass a special law when there was a general law applicable to that area or subject matter.

The General Assembly therefore is allowed under 3.17a as we have submitted it here to pass a special law.

For example, suppose some industry wanted to come into the State of Maryland and the General Assembly wanted to grant some special tax concessions as an inducement to come in. We do not want to prohibit the General Assembly from doing something which might obviously be to the best interest of the State and its economy.

DELEGATE KOSS: Under 3.17b is it not possible under this language for laws passed prior to the first day of July to take effect prior to that time?

THE CHAIRMAN: Delegate Gallagher. Yes, of course, and that is also possible under the present Constitution, if it is declared to be an emergency law.

THE CHAIRMAN: Delegate Koss.

DELEGATE KOSS: This does not require it to be an emergency law.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: That is correct.

It can be done without classifying it separately as in the past.

THE CHAIRMAN: Delegate Koss.

DELEGATE KOSS: One last point.

I would assume that even with this language that the provisions we agreed upon for referendum would still permit that a

law that took effect could still be suspended if the 30 day requirement were met?

DELEGATE GALLAGHER: I presume it would.

THE CHAIRMAN: Delegate Moser.

DELEGATE MOSER: You partially answered the questions I intended to direct to you about 3.17(a) in answer to questions by Delegate Koss, but let me be more specific, if I may, and relate 3.17a to 7.06 in the local government article.

Would the first clause of section 3.17a the way it now reads not include with it the proscription of 7.06 where it says the General Assembly shall enact no public laws and shall act only public general laws?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: I think if you look at the facts it is clear that all you are dealing with is the local law situation, and if you look at the history and the uniqueness of the Maryland practice when it comes to public local laws, one cannot say one way or the other with any definitiveness that special laws are allowed or disallowed under the language of 7.06.

I think the question would be an open one, and we in the Legislative Branch Committee did not want it to remain open. We wanted to take a stand on it.

THE CHAIRMAN: Delegate Moser.

DELEGATE MOSER: You indicated, however, that you did want the legislature to have the power in some cases to enact a special law. May I point out to you that it is not clear in my mind that this language which you have, which is expressed in the negative sense, would permit that, if what you have just said were a correct interpretation of what the law is and the reason for your having this position. Am I making myself clear? Do you not have to state it positively?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Our Committee discussed that point. I think we have to go back again to traditional Maryland practice. It has been expressed in the negative in prior Maryland Constitutions. It follows the model constitution language as well.

The only place we differ from the model constitution is that there it states that the General Assembly shall pass no law when a general law can be made applicable. We