

tion of any of the separate sentences of section 3.17?

DELEGATE GALLAGHER: Yes, sir.

THE CHAIRMAN: Are there any further questions?

Delegate Clagett.

DELEGATE CLAGETT: Delegate Gallagher, again with reference to section 3.17 (a) I understand your answer to Delegate Carson with respect to certain special laws that the General Assembly could not pass, but I am concerned about the definition that you gave, and the leeway that you gave to the General Assembly with respect to the passage of special laws.

With the exclusion of the tax power from section 7.05 of the local government article to what extent can the General Assembly pass local legislation which would override the broad grant of power to the counties under section 7.05?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: To what extent could the General Assembly pass—

DELEGATE CLAGETT: A special law overriding the powers which have been granted to the local subdivisions under the broad grant in 7.05.

Specifically, you gave an illustration that you wanted to provide that the General Assembly could give special concessions to some individual corporation, which it sought to induce to come into the State, and presumably it would have to locate in one of the 24 counties in the State.

To what extent can the General Assembly under this provision override what would otherwise be laws that would be passed only by the local subdivisions, subject to withdrawal by general law by the General Assembly?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: I would say that if the plenary power has been granted to the local subdivision in a specific area, that in the absence of the withdrawal of that power that the General Assembly could not pass a special act eroding in effect the power which the local subdivision had been given.

THE CHAIRMAN: Delegate Clagett.

DELEGATE CLAGETT: Therefore it is contemplated here specifically by the Committee that prior to the passage of a special law giving special concessions to a

corporation, there would have to be a general withdrawal by the General Assembly exercising its plenary powers?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: The Committee actually did not get into that intricate consideration. In reality, we spoke in terms of the relief of individuals, someone who had been jailed incorrectly, or in some way harmed by the State, and the State would want to make redress to them in some manner.

There you would not have any problem with your local government, but in the area of tax exemptions and real estate, you would be getting into the local government's domain so to speak. I would think that to do that you would have to do it in an orderly fashion and withdraw before you could operate successfully within that sphere.

THE CHAIRMAN: The Chair suggests that this is an inappropriate time to be discussing the effect of the local government article and I am afraid that the comments made now will serve only to muddy the waters rather than clarify them.

Delegate Moser.

DELEGATE MOSER: Mr. Chairman, I was going to say something like that. While I had thought on several occasions about this problem of Delegate Gallagher's, I do not think we got into it this deeply and it would be better it seems to me if the two committees, at least he and I got together.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Our Committee is not urging this as kind of a favorite special law. I simply mentioned it as a kind of special law that the legislature could pass. I suspect the Court of Appeals would end up with the problem.

THE CHAIRMAN: Delegate Hardwicke.

DELEGATE HARDWICKE: Chairman Gallagher, I have two questions to ask which I hope will clarify the problems which may arise under section 3.02.

Is it your conception that the same standards are applicable to congressional redistricting as are applicable to reapportionment?

DELEGATE GALLAGHER: No.

THE CHAIRMAN: Delegate Hardwicke.

DELEGATE HARDWICKE: In other words, you are familiar with those state-