

Would this not in effect nullify the right of the General Assembly to pass special laws? I think in the colloquy between you and the President it has been indicated, at least, that practically any special law could in its terms be made a general law. That being the case, would this not constitutionally prevent the passing of a special law by the legislature?

DELEGATE JAMES (presiding): Delegate Gallagher.

DELEGATE GALLAGHER: I would not go so far as to make that universal declaration, but I would certainly admit that it would severely limit the ability of the General Assembly to pass special laws in the future.

DELEGATE ADKINS: Is that the intent of the amendment, to limit it to the fullest extent of the actual meaning of the language?

DELEGATE GALLAGHER: I am not acquainted with the motive of the sponsor. I do know why the Committee used "is" rather than "can be made applicable". I think you can at least say that the word suggested by the amendment would severely cut down on the ability of the General Assembly to pass special laws. This really is a question of philosophy, it seems to me, and we felt in the Committee on the Legislative Branch that we did not want to impose so severe a limitation, and that is why we used the word "applicable".

DELEGATE JAMES (presiding): Delegate Beatrice Miller.

DELEGATE B. MILLER: Mr. President, could you give us an example of a special law?

DELEGATE JAMES (presiding): Are you speaking to Delegate Gallagher, or to me? I can do it very easily. A bill passed to award damages to someone who may have been imprisoned improperly. That would be a special law.

Delegate Miller.

DELEGATE B. MILLER: Is there a way that such a law could be general?

DELEGATE JAMES (presiding): You could pass a Maryland tort claim which would make it applicable for a person to get damages —

DELEGATE B. MILLER: May I ask a question?

Do you think it is possible, if the General Assembly wanted to pass a law to compen-

sate for such damages, that the court might hold that it would be necessary to pass a general claims law rather than award damages in the specific case, because of the language of the amendment?

DELEGATE JAMES (presiding): Delegate Gallagher.

DELEGATE GALLAGHER: If the amendment were adopted, I think you could make a strong argument that if there were any way the General Assembly could set up a commission or an approach to the problem of redressing those who had been unduly aggrieved by the State. In all probability it would be next to impossible to pass a law for the relief of John Smith, because he had been unjustly imprisoned, or where he has been done an injury by the State, perhaps by aiding a policeman and was crippled for life. If the State wanted to pass a law to grant him some relief for that, it may be that the Court of Appeals would say "Well, now, you can set up a Court of Claims or a court of equitable distribution of state funds under appropriate circumstances". You are quite right. As I said to Delegate Adkins, this would severely limit the power of the General Assembly to pass special laws.

DELEGATE JAMES (presiding): Is there any further discussion?

Delegate Macdonald.

DELEGATE MACDONALD: Mr. President and fellow delegates, I would like to rise to support this amendment. I think it has merit. I think we should limit this matter of special laws or private laws that would take care of special situations usually dealing with one individual or one entity, because if we do not limit it then it could be made a subject for favoritism. In addition we should keep in mind that there is a rule that all laws are presumed to be constitutional, and that there is a strong presumption in favor of constitutionality, so that even though it is limited the courts will go to great length to sustain the validity of the law. I think it is a good amendment.

DELEGATE JAMES (presiding): Delegate Gallagher.

DELEGATE GALLAGHER: Mr. President, I did not read the entire Article III, section 33, as it exists in the present Constitution: "The General Assembly shall not pass special or local laws in the following enumerated cases:" Then it lists the cases. The section continues: "And the General Assembly shall pass no special law, for any