

THE PRESIDENT: Has every delegate voted? Does any delegate want to change his vote?

(There was no response.)

The Clerk will record the vote.

There being 62 votes in the affirmative and 49 votes in the negative, the motion is adopted.

The question arises on the adoption of Amendment No. 20. A vote Aye is a vote in favor of the adoption and a vote No is a vote against.

(Whereupon, a roll call vote was taken.)

THE PRESIDENT: Does any delegate desire to change his vote?

The Clerk will record the vote.

There being 46 votes in the affirmative and 65 in the negative, the motion is lost and the amendment is rejected.

Delegate Freedlander, do you desire to offer Amendment F?

DELEGATE FREEDLANDER: Yes, sir.

THE PRESIDENT: Pages will please distribute Amendment F. This will be Amendment No. 21. The Clerk will read the amendment.

READING CLERK: Amendment No. 21 to Committee Recommendation LB-1, LB-2, and LB-3 as amended by Report S&E-16, by Delegates Wagandt, Borom, Boyles, Bradshaw, Bryson, Fox, Freedlander, Gleason, Macdonald, Marion, Mitchell, Needle, J. H. Smith, Sollins and Ulrich: On page 9, section 3.23, General Application of Laws, in line 2 strike out the following words: 'pertaining to public education;'.
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THE PRESIDENT: The amendment having been submitted by Delegate Freedlander and seconded by the other cosponsors, the Chair recognizes Delegate Freedlander.

DELEGATE FREEDLANDER: Would you add Delegate Raley as a co-sponsor?

THE PRESIDENT: Delegate Raley is added as a co-sponsor.

DELEGATE FREEDLANDER: Throughout this Convention we have heard much about education as a statewide function. We provided "that the State shall provide by law for a statewide system of pre-public schools." This did not mean twenty-four different systems, one for each county, but a statewide system with op-

tional variations by the county according to the desire of the citizens of each county as provided in section 3.23.

Under the proposal as now stated in the section on general application of laws, the General Assembly could require Baltimore City to have an elective school board and Montgomery County to switch to an appointive board. This is contrary to the intent of the local government article which envisioned the General Assembly acting by public general law in the field of education, by law which in its terms and effects was applicable throughout the State. The local government article did provide that in special situations the General Assembly could empower specific counties to enact their own local laws.

Let me read a couple of sentences from page 27 of Committee Memorandum LG-1:

"This local option method would permit the General Assembly to recognize special problems and institutions existing in some counties but not in others. We intend, for example," I am continuing to quote from the memorandum, "that it permit the General Assembly to authorize Montgomery County to have an elective school board and Baltimore City to appoint its own school board even though providing that boards in other counties be appointed by the governor."

If I may carry this a little further, I do not believe that it was intended that the General Assembly be given the power to dictate to Montgomery County by local law, that it must have a local school board nor that it must have a local school board nor that the General Assembly must dictate to another county that it must have an elective school board. If education is retained as a general application of general law provisions, that is exactly what we are permitting. If education is removed from the section on general application of laws, the subject of education will have to be treated, as we have consistently held during this Convention, as a statewide function. Local variations can be permitted under the local options which allow the General Assembly to empower a county to exercise any power or perform any function which has been denied to other counties. Also, since education is one of the major departments of the State, the provision of this section will authorize the General Assembly to enact laws "providing for" or "regulating the powers of departments or agencies of instrumentalities of