

Clagett amendment. With the understanding that the Chair will make this statement, if not in further clarification, at least in further emphasis, of what has already been said.

It is recognized that the distinction between the proposition posed by Amendment No. 16 and that posed by Amendment No. 16A is a very fine one, about which even lawyers would disagree, but as to which laymen would have a great deal of difficulty in even appreciating the line of distinction. Nevertheless, it is felt by all concerned that the distinction is a real one although the opposing sides have different views as to how substantial the difference is.

The difference is illustrated by the colloquy between Delegate Clagett and the Chair yesterday and all have agreed that that colloquy accurately states the situation. So that the real difference between Amendment No. 16 and Amendment No. 16A, indeed, is one largely of form. That is the manner in which the legislature may or may not act under the proposed language is largely a matter of form.

However, it is felt by those favoring the Amendment No. 16A, the Clagett Amendment, that while it is largely a matter of form, the form is quite substantial and has a psychological or practical or pragmatic effect which would assist greatly in carrying out the policy intended by this Convention to limit the ability of the legislature to act in the field of local legislation.

Under the Clagett amendment, the General Assembly may enact laws that are not public general laws in the situations listed in section 3.23, but it may not in enacting such a public general law exempt from its operation named counties.

The distinction, therefore, becomes this: that in the eight situations enumerated in the section, the General Assembly is not bound to act by public general law. It may, therefore, enact laws on a county by county basis, and there is no restriction on this so that it could enact a law which by terms was applicable to one named county, two named counties or any number of named counties. It could not, however, enact a law which by its terms was apparently a public general law, but contained an express exception of a named county or counties. The difference in form, therefore, as indicated by the colloquy between Delegate Clagett and the Chair yesterday is that a law which in one of the eight areas indicated was made expressly applicable to twenty-

two counties by name, for instance, would be proper, but a law to accomplish the same purposes dealing with the same areas which said that it was statewide, but excepted the other two counties of the State would not be proper.

I think the statement that I have made is an accurate resumé of the discussions that took place after the session last night and this morning.

Is there any comment.

*(There was no response.)*

The question now arises on the adoption on second reading of sections 3.03, 3.04, 3.14, and 3.23 of Committee Recommendations LB-1, LB-2, LB-3, as amended. A vote Aye is a vote in favor of the adoption of these four sections as amended. A vote No is a vote against.

Cast your votes.

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 92 votes in the affirmative and 17 in the negative, sections 3.03, 3.04, and 3.23 of Committee Recommendations LB-1, LB-2, and LB-3, as amended, are adopted on second reading.

The next item on the agenda is a consideration of the Report S&D-12 of the Committee on Style, Drafting, and Arrangement. This is a report with respect to Committee Recommendation GP-6.

The Chair recognizes Delegate Penniman and requests that he come forward to the reading desk.

The Chair suggests that Delegate Boyer take the desk for committee chairmen. Delegate Penniman.

DELEGATE PENNIMAN: Mr. President, on the section on education, you will notice first of all that it is a separate article and that section 8.01 is public education.

The Committee on Style changed the word "State" in several instances to read "General Assembly" since it is obviously the General Assembly which does by law act and not the State.

In line 8 and in line 12, was an error on the part of the Committee in typing. This was another one of those items that was done at the last minute and a change which