

1 statutory authority to exercise functions of local govern-
2 ment law making.

3 DR. BURDETTE: Or to change the structure of
4 the county government.

5 THE CHAIRMAN: That is right.

6 MR. MELVIN: Even the non-home rule counties
7 under 25 do have in a sense certain legislative power.
8 They don't call them actual legislation, but they are
9 ordinances of County Commissioners acting under the broad
10 powers granted by 25.

11 DEAN FORDHAM: Would that include county zoning?

12 MR. MELVIN: Yes.

13 DEAN FORDHAM: That is legislating.

14 Mr. Chairman, the reason I embraced this theory,
15 which some people call a residual powers theory, is this.
16 I studied home rule a long time and I observed in many
17 states that, for example, some of the early home rule
18 states like California, Missouri was the first, California
19 was the second, Missouri in 1875, California in 1879, in
20 some of those early provisions, true to some later ones,
21 the attempt was made to draw a line between what was a
state concern on the one hand and a municipal concern on