

1 THE CHAIRMAN: It specifically says, But such
2 powers may be repealed by the State Legislature, which
3 would certainly mean take them away, would it not?

4 DR. LOEVY: I am referring there to the powers
5 granted through the grant of express powers.

6 DEAN FORDHAM: It says they include these --
7 shall include those powers. I think a court would say as
8 a matter of interpretation these could be taken back.

9 DR. LOEVY: I would change that first paragraph.

10 DEAN FORDHAM: I want to say about this that I
11 have a great hesitancy in putting any substantive local
12 power beyond legislative control. Things change too much.

13 MR. MELVIN: That is my point. Saying they
14 don't have any powers unless, talking about the Legislature,
15 the Legislature would have no power over local governments
16 unless they felt there was a matter of strictly something
17 that transcended local affairs. In other words, you start
18 out with the local governments having every power that you
19 can conceive of that any legislative body could have.

20 DEAN FORDHAM: That is my theory, but without
21 whether it is local or whatever you may describe it, I don't