

they were concerned, they were treated not as a tax but as a means of building either a swimming pool or some golf course or something of that sort. They did not have to worry about it as a tax. I was dealing solely with a political subdivision.

DELEGATE J. CLARK (presiding): Delegate Dukes.

DELEGATE DUKES: I suppose the point the Judge is making is that the State might treat it either way. If it were treated as a tax, if a referendum was attempted and the Court of Appeals said it was a tax then I suppose under the provisions that are being offered later, it would not be subject to referendum. It would not be necessary to treat it that way.

DELEGATE J. CLARK (presiding): Delegate Koss.

DELEGATE KOSS: I suggest that the language of the exception in the referendum article is slightly broader than tax. I think it says appropriation, which it would seem to me might logically include the purposes for which a lottery were enacted.

DELEGATE J. CLARK (presiding): Delegate Dukes.

DELEGATE DUKES: I would think the word "tax" would come much closer than appropriation if it comes close at all.

DELEGATE J. CLARK (presiding): The Chair recognizes Delegate Price.

DELEGATE DUKES: That is just the man I was waiting to hear from.

DELEGATE PRICE: Thank you very much, my friend, Delegate Dukes. You mentioned among other things that the legislature if this is included in the Constitution would not be free to deal with the problems as they arise and I want to submit that this may be true in other areas, too, that the legislature will not be free to deal with problems as they arise and I just want to make a few observations of my own.

DELEGATE J. CLARK (presiding): Delegate Price, this is a time for questions.

DELEGATE PRICE: Well, sir, I was wondering about that, too.

DELEGATE J. CLARK (presiding): I should like to remind the group that we have 30 minutes of controlled time for both sides, so please confine this to questions.

DELEGATE PRICE: I will withhold my questions and observations until such time

although I noticed that the good Delegate Sherbow has objected to some questions, not only questions but some debates and there have cropped up here more than just questions so if we can move —

DELEGATE J. CLARK (presiding): If you have a legitimate question, now is the time to ask it.

DELEGATE PRICE: Well, sir, I do have a legitimate question but it is wrapped up with some other things so I will just wait.

DELEGATE J. CLARK (presiding): Are there any other questions at this time?

The Chair recognizes Delegate Cardin.

DELEGATE CARDIN: One question, if I may. Is it not conceivable that the state legislature if this were to be removed from the Constitution could pass a statute which could prevent individual lotteries but simply permit the State to have a lottery for its own benefit.

DELEGATE J. CLARK (presiding): Delegate Dukes.

DELEGATE DUKES: I would think if it were not contained in the Constitution that the legislature could do whatever it wished.

DELEGATE J. CLARK (presiding): Delegate Armor, do you still have a question?

DELEGATE ARMOR: Delegate Dukes offered to read one of these very small clippings. If one of the pages will take it to him I will appreciate it if he will read it.

DELEGATE J. CLARK (presiding): Delegate Dukes.

DELEGATE DUKES: If I understand your question, Delegate Armor, it is whether or not I can read.

(Laughter.)

This says, *The Washington Post*, Wednesday the 10th of August, I believe, 1967.

It says, "Albany, New York. Sales of lottery tickets fell to \$4,125,698 in July, a decrease of more than \$2.3 million from June's sales and far below a hoped for \$30 million monthly total.

"Sales of the \$1 tickets totaled \$6,447,605 in June, the first month of the State's new ventures, aimed at aid for education."

Is that a satisfactory answer to your question?