

As you point out, the sentence really specifies those procedures, as I recall, by this early action. The Committee did not regard this enumeration as absolutely essential.

THE CHAIRMAN: Delegate Moser, did I understand from your earlier answer that in addition to the procedures as outlined by Delegate Raley, "procedures" could include alternate forms of charter?

DELEGATE MOSER: This was my understanding when I first answered the question, but I think that what it means, and it is limited by Committee construction, is what the commission draft provides. Section 7.03 means just what Delegate Raley stated that it meant.

THE CHAIRMAN: Delegate Mentzer.

DELEGATE MENTZER: My question is on section 7.11. I wondered why you were giving to intergovernmental authorities the powers to collect these service and benefit charges. I wonder if you give powers to borrow money, how they may be controlled.

DELEGATE MOSER: Exactly as they are controlled now. Those basically are the power authorities and they are controlled by law, I suppose by the General Assembly.

THE CHAIRMAN: Delegate Mentzer.

DELEGATE MENTZER: In the case of the Washington Suburban Sanitary Commission which has benefit charges collected by the county, you are not setting up any separate collection agency. I see this as giving some sort of constitutional collection agency to these intergovernmental authorities. Their bonds also are approved by the county commissioners and by General Assembly, and I do not see where this arrangement continues under this wording.

DELEGATE MOSER: That is the way they operate, but the Maryland Port Authority operates in a different way. If this is your question, this provision is not intended, to change the procedure that is utilized by the Sanitary Commission. The same thing would occur there. The existing arrangement is permitted to conform. Thus is not intended as a change from existing law.

THE CHAIRMAN: Delegate Hostetter.

DELEGATE HOSTETTER: Chairman Moser, I refer to the second sentence in section 7.06, line 40 on page 3 of the Committee Recommendation. In granting the exercise of a power or performance of a function for one county that may be denied to another county or counties, would

the act of the legislature setting forth this grant be subject to referendum?

DELEGATE MOSER: It would be subject, as I understand it, to a statewide referendum. Under what has been before us in the Committee of the Whole up to now, it would not be subject to a local referendum as a law of the General Assembly locally referred, as provided in Article XIII of the present Constitution.

It is an enabling law. It is not an affirmative act. This local option arrangement is not effective in doing anything until the county acts. When the county acts, its charter would provide for local referendum at that point. All county charters do this today. They vary a little bit. Some ordinances just like state laws, cannot be referred, but I understand they do provide for referendum, which is the point; you provide for local referendum.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: I would like to continue on this same point as you indicated before. Most local charters do not permit tax measures to be referred. If you permitted an individual county to have a particular taxing power, then the exercise of that power by the county would probably not be the occasion to petition the county's action to referendum.

Therefore, the only time when such a bill could be petitioned would be the time when the General Assembly acted to grant the authority. Would you feel that that act by the General Assembly should be referred only as a statewide bill would be referred?

DELEGATE MOSER: What do you provide in the present referendum provision for the state laws? Do you provide that state tax laws are subject to be referred?

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: No, but that is an exercise of the taxing power, not a question of a grant to the authority.

DELEGATE MOSER: I fail to see why you would impose a referendum on the enactment of a local tax, if I understand your question correctly, whereas you prohibit a referendum in case of a state tax.

Put more directly, I think you are leading toward a suggestion that the enablement should be subject to local referendum. Possibly so. The point is that if people in a county want their tax laws to be referred, then they will provide for that. It is strictly a matter for them to take care of in their