

with this Constitutional Convention, but it started in 1954 when home rule was given to municipalities. From that time on there has not been any legislation passed in the General Assembly relating to municipalities. However, 152 municipalities have continued to enact ordinances, and orders and regulations having the force of law. Also by the growth of administrative law we have almost some 240 or 243, depending what counts you take, authorized administrative bodies to issue regulations and rules having the force of law. By this constitution we are going to set up the following: we will have 152 municipalities acting in a legislative capacity; we will have 24 county governments operating in a legislative capacity, and we have directed that there be 20 principal departments of government, which will act in a legislative capacity. We will still have one General Assembly. It is a total of 197 law-making bodies. Now, this is not necessarily evil, but it presents a very definite problem. At a joint meeting which was held by the Legislative Branch and the Local Government Committees, this very concept of residual power was strenuously opposed by Dr. Everstine, the Director of Legislative Reference, on the ground that it would be impossible to ascertain what the law was governing a particular subject, if all this power was turned over to the various bodies.

However, this is a case in which the advantages of doing this have been considered by this body to outweigh the disadvantages. Now, the question that comes up if you look at it closely is: what is the present situation? We have scattered among certain articles of the Code a requirement for the publication and compilation of certain of the laws which have been passed by the various bodies now authorized to pass laws.

For example, Article 76 requires that counties publish their regulations and laws. However, some counties are excepted. Article 41, section 82 requires the governor to publish laws of the General Assembly.

Article 41, section 2.47 requires the agencies to deposit annually with the Secretary of State, such laws and regulations that they may pass and for the Secretary of State to make these available for sale to the general public.

However, I defy any person in this room to locate all the regulations and rules and statutes which govern any particular legal activity in this case. It simply cannot be done.

I am not advocating that this constitution attempt to lay down a system of compilation. I am bringing to the attention of this body, that it has to be mandated to be done and it has to be mandated with teeth in it. We will have 197 bodies cranking out laws, and this is what the proposal said, that all of these activities, and there are cited statutes, resolutions, rules, regulations, ordinances, proclamations and other actions having the force of law. These are being compiled in a compilation that can be understood.

The federal government went through this in 1938 and came out with what is known as the *Federal Register*, or the CFR (CODE OF FEDERAL REGULATIONS). By consulting the CFR it is possible to ascertain what the federal government by its many law-making bodies has directed. It may be a job, but it can be done. However, it is totally impossible to find this in any one place in Maryland. Now, you can argue yes, we have three statutes which direct this to be done. I only point out to you that it has not been done, and it is necessary to force it to be done. The second sentence of this says "Unless otherwise provided by law, no action having a force of law shall be effective until it is made a part of this compilation and published." Only in the constitution can you cut broadly across the law-making power of these 197 bodies to require them to do this, otherwise there would be no way that you could force that the laws made by these law-making bodies not to be effective until this is complied with. There is an escape clause "unless otherwise provided by law." This would most certainly exempt emergency legislation; it would exempt small things such as letting people off on a snowy day. However, I want to point out to you that this would provide not only teeth which would be an advantage in getting this done, it would also be something that would settle a legal problem.

Knowledge is something that is required to be known before a person can be found to be guilty of violating a statute or regulation. This is a sword that can cut both ways. With our compilation and present system of filing things, it is impossible to establish knowledge in regard to an obscure department regulation. However with constitutional sanction and a system directed by the General Assembly with constitutional teeth in it, there would be no defense that the law or statute was not known. It might be difficult to locate it by going to the compilation, but the defense of ignorance would not hold. I urge you in the