

appropriations, taxation, etc., are not laws that are subject to referendum at any time.

THE PRESIDENT: Delegate Lord.

DELEGATE LORD: Mr. President, I have a further question of Chairman Koss.

THE PRESIDENT: Very well. State the question.

DELEGATE LORD: Chairman Koss, it is my understanding that this section was written so as to allow local referenda, particularly for the public local laws or their successors, which are the exceptions in section 3.23. Is that correct?

THE PRESIDENT: Delegate Koss.

DELEGATE KOSS: That is correct.

THE PRESIDENT: Delegate Lord.

DELEGATE LORD: Well, if that is the case, I am a little puzzled as to why the section is not tied back to those exceptions rather than saying a law applicable in only one county, because it seems to me that you can very well have such a public local law that may be applicable in an area and not just in one county. I would assume that you would intend such a law to be petitioned on referendum under this section and, yet, by strict reading of the words, I am not sure it would be.

THE PRESIDENT: Delegate Koss.

DELEGATE KOSS: Delegate Lord, I think you assumed our intention. Any law under the current Constitution which affects more than one county is referable only as a public general law. It was our intention to continue that.

THE PRESIDENT: Delegate Lord, the intent was exactly the converse of what you suggested. The intent here was to have referenda locally only of a law applicable only to one county.

If a law were applicable to anything more than one county, it would be referable only under section 2.10 on a statewide basis.

THE PRESIDENT: Delegate Lord.

DELEGATE LORD: Mr. President, maybe I had better address this question to you. Would this mean that if a law has some effect outside of one county that the only way that this law could be knocked out would be by statewide referendum?

THE PRESIDENT: That is correct.

Delegate Case.

DELEGATE CASE: No.

THE PRESIDENT: Delegate Pullen?

DELEGATE PULLEN: Mr. Chairman, I think it is perfectly obvious what Delegate Koss is trying to do. I think we discussed that last night, Clagett versus Case, and I approve of the idea.

The only question I have to ask is, why ten percent in this case when we put five percent, I think, in the statewide referendum. Is that not correct?

THE PRESIDENT: Delegate Koss.

DELEGATE KOSS: Delegate Pullen, that is correct. We are just continuing the requirements that are in the present Constitution.

THE PRESIDENT: Because you are dealing with a smaller area, smaller group of people, Delegate Pullen. One, you are dealing statewide, and in the other, you are dealing with the county.

Delegate Pullen.

DELEGATE PULLEN: I accept either answer, but not the logic, sir.

THE PRESIDENT: Very well.

Delegate Willoner.

DELEGATE WILLONER: Delegate Koss, why did you leave out the part of section 3.23 that says that no law empowering a county to exercise a power or perform a function is petitionable to referendum?

THE PRESIDENT: Delegate Koss.

DELEGATE KOSS: It was the assumption that unless that were implemented by the local governing body, it would be petitionable, according to the charter when it was implemented by local governing body.

THE PRESIDENT: Is there any further discussion?

Delegate Bamberger?

DELEGATE BAMBERGER: Mr. Chairman, I would appreciate it if some of the sponsors of the amendment would explain to us the rationale behind what I understand from the Chair and from Delegate Koss is the effect of this. If, for instance, there is a law which applies to some multi-county governmental unit, or which affects, let us say, only two counties, why should that be referred to a statewide referendum where the result might be that the people in those two counties which are affected, would be overwhelmingly in support of it, but it might lose by a vote in the statewide referendum?