

local government article, the use of the phrase "by law," is meant to exclude any requirement that the law be a public general law as defined in section 7.06. You will note its use here with respect to multi-county governmental units particularly.

Section 7.02 and section 7.10, which I understand are scheduled for debate and action together require a referendum in each county affected before a change in county boundaries can be effected, or in the case of merger, dissolution, and that type of change. The sections permit the General Assembly to provide local referendum for approval of a law establishing or affecting the powers of a popularly elected representative regional government.

I will read 7.02: The General Assembly may provide by law for the establishment, merger, dissolution, and alteration of boundaries of counties, but no such law shall become effective until submitted to the voters of each county affected and approved by a majority of those voting on the question in each such county.

The entire thrust of the local government article is toward making counties stronger. With counties being strengthened to provide a greater measure of area-wide control over policy-making and services, it is not likely that existing county lines will be changed in the foreseeable future. Therefore, we recommend that section 7.02 provide for this mandatory referendum.

This differs from the Commission draft section 7.02 which requires a three-fifths vote of the General Assembly. It is more in accord with the present Constitution, Article XIII, Section 1, but differs from it in minor respects. That section requires a referendum in just the district or area affected, not a county-wide referendum.

Section 7.10 provides that the General Assembly may provide by law for the establishment powers, change, merger, dissolution, and alteration of boundaries of multi-county governmental units, intergovernmental authorities, popularly elected representative regional governments, and other units of local government, but excluding municipal corporations and civil units. The General Assembly may provide referenda for any law establishing a popularly elected representative regional government or affecting its power.

This, of course, provides permissive referenda. The reason for the exclusion of municipalities and civil units here is that they are taken care of in another section.

The most important feature of this provision is that it permits the General Assembly wide flexibility in structuring local government. Action by public general law is not required; therefore, the General Assembly may deal with situations separately as the specific circumstances may arise.

We cannot today predict the best structure for strong, viable state and local government in Maryland. Limitations on the legislative power to establish, change and dissolve all units freely could prove troublesome in ways which are now incapable of predicting. Therefore, the Committee feels strongly that flexibility must be preserved, even when it may be doubtful whether certain options should be exercised.

For instance, most knowledgeable persons agree that single-purpose, non-representative authorities should not be encouraged, and that a proliferation of such agencies in the same region is undesirable.

However, since these authorities frequently represent the only method of dealing with multi-county problems, is this permissive provision appears in the article.

The Committee deems it urgent that multi-county units, whether popularly elected or not, and whether called regional government or something else, be controlled by the General Assembly. Therefore, it does not believe a mandated referendum should precede the establishment of a so-called regional government. We believe that this would provide or create an imbalance in local governmental structures, that it would force the legislature to use single purpose authorities. A number of other reasons are outlined on page 13; I will not go into them further.

Recognizing that the General Assembly might wish to submit to a local referendum all or part of a law creating a popularly elected representative regional government performing many functions if the need for such government arose, the Committee has agreed that the General Assembly should be permitted, but not required, to do so, but that the type of referendum should be left to the General Assembly. This approach will permit the legislators to gauge the temper of the times and also to fit requirements for adoption of the law to the type unit being created and its proposed power.

The General Assembly as the elected representatives of the people must be relied upon to set the proper balance between local interests on the one hand, and the welfare of the State on the other.