

we have added the second sentence of section 7.06. The second and third sentences, which should be considered together, read as follows:

"The General Assembly may nevertheless enable any county or counties to exercise any power or perform any function denied to other counties, subject to such standards as the General Assembly may prescribe. No county shall be exempt from a public general law."

The second sentence, is intended to permit the General Assembly to enable the county governing bodies of one or more counties to enact ordinances permitting the exercise of a power or function which is denied other county governments. It is intended, as I mentioned before to provide some flexibility.

We all viewed the classification system in the draft constitution with some degree of horror, because it really was not flexible. We were fearful that it might create a different kind of public local legislation. This provision I just read, the local option provision, would not permit the General Assembly directly to pass local laws which the county government could pass. Rather, it would allow the county governing body itself to provide the law for some particular subject, and this is very important, until the county acted the general law would prevail. It is not an exemption. An exemption is immediately effective. A county might be completely exempted from the general law under the present situation. This could not be done under this section. The local option would not become effective until the local county governing body actually acted.

This would permit the General Assembly to recognize special problems and institutions existing in some counties and not in others.

For instance, it could be utilized to authorize Montgomery County to have an elected school board or it could be used to permit Baltimore City to elect its own school board. If Baltimore City wished to pass a rent escrow ordinance, we would intend that the General Assembly could permit this, notwithstanding the statewide landlord-tenant law. I emphasize this: the General Assembly should do this only if it determined that the State as a whole did not need a rent escrow law at that time or was not ready for one. This is an important example, because it illustrates what happens right now.

The Legislative Council, I think, is considering a rent escrow law and probably is not going to recommend that the General Assembly enact one. However, as one is desperately needed in Baltimore City, the General Assembly should have power to permit this in Baltimore City or in any other place it is needed.

This option is not the same as a local exemption, as is fairly well clarified on page 27 of our report.

The section as a whole is intended to prevent the General Assembly from enacting legislation with county by county differentiation unrelated to the purpose of the law, as exemplified by the liquor laws codified in Article 2-B of the Code. Permissible charges for liquor licenses vary minutely from county to county as do hours of operation of licensees. Hours of operation could be handled on the local option basis if the General Assembly so desired.

Let us turn to sections 7.07 through 7.09. These three sections are intended to provide a unified arrangement for municipalities and civil divisions. The Committee found that many municipal corporations have played and continue to play a vital and necessary role in Maryland government. In several counties, municipalities provide most of the local services available. In many other counties municipalities provide some government services, such as sewerage and water, which would not otherwise be available to the residents in those areas.

On the other hand, as I mentioned, we found that conflicts have developed and continue to develop between the counties and municipalities. The Committee also found that the extent of these conflicts is not so great as many persons believe them to be. Perhaps the problem creating the most conflict is the municipal annexation of land outside the boundaries. The provision in Article 23-A of the Maryland Code now permits the free annexation of lands without the consent of the county. The county has no voice in the matter.

Section 7.07 provides procedures with respect to existing municipal corporations in these four areas: dissolution, merger, withdrawal of existing powers and changes of boundaries, that is, increasing or decreasing the boundaries. Any of these matters can be resolved at the local level by agreement between the county and the municipality. However, the General Assembly may also provide other procedures by public general law.