

This provision is intended to make clear that county governments, municipalities, state government or any government in Maryland can agree among themselves, or with governments outside the State with respect to any functions or powers that they have, for the joint performance of their activities.

I emphasize, however, that this is subject to the provision on line 6 in the Committee recommendation, page 34, of the Committee Recommendation, "except as limited by law." This means that the General Assembly may limit it, county government may limit it, as may any governmental body. It clearly keeps the right to agree within control.

The words which we use here "may cooperate or agree" allow for voluntary as well as contractual intergovernmental activities that are jointly agreed upon, and as I mentioned before, are within the powers of the particular unit of government.

The State may pass by law limitations on intergovernmental cooperation and agreements that would be applicable to all governmental units within the State.

You undoubtedly know the trend in Maryland toward intergovernmental cooperative agreements because of our proximity to Pennsylvania, West Virginia, Virginia, and so on. For example, some airports in West Virginia are used by some of the Western Maryland units. There are combined arrangements for water and sewer services in Western Maryland. In a very healthy fashion these arrangements transcend state lines; they are purely cooperative established by agreement of the governmental units involved.

This is important, of course, in the Washington area. For instance, Montgomery County, Prince George's County, the District of Columbia and Virginia, have pledged substantial funds for establishing joint mass transit facilities. The area has a council of governments. If this council of governments wanted to undertake some particular endeavor on a joint basis, the provision is designed to make clear that it could be done.

I want to thank all of you for your patience as I have gone through this article. I will try to answer any questions.

THE CHAIRMAN: Are there any questions of the Committee Chairman for purposes of clarification? Delegate J. Hodge Smith.

DELEGATE J. H. SMITH: Montgomery County has a dispensary system which I believe is unique in the State. Would you please explain to me what legislative procedures both at the state level or county level will be necessary to continue such a system?

DELEGATE MOSER: I believe that may be provided for in Article 2-B of the Code as it now stands. It would be preserved undoubtedly under the interim provisions we adopt. That is a short answer to it.

It could continue under this arrangement in 7.06, the second sentence, which provides for local option.

Are there any other questions?

DELEGATE ADKINS: Questions on the entire article are in order?

THE CHAIRMAN: Yes.

DELEGATE ADKINS: I direct a question to the Chairman in connection with section 7.07. When you use the terms "have their existing powers withdrawn", first, does that include the existing power to amend, and secondly, would it include existing powers to amend in order to include a power which they might presently be permitted to have under Article XI (E), or are they limited only to those powers which are expressed in their current charters?

DELEGATE MOSER: The answer to both questions is unequivocally, yes. It is intended by this provision that municipal corporations will continue with full home rule powers. This means specifically in answer to Delegate Adkins' question that they will have the power to amend their charters which is now contained in, I believe, Article XI (E) section 4, of the Constitution. It also means they can increase powers within whatever legislation the legislature from time to time puts in effect with respect to this. It is section 3 of Article II (A) which reads "any such municipal corporation now existing or hereafter created shall have the power and authority, (a) to amend or repeal an existing charter or local laws relating to the incorporation, organization, government, or affairs of said municipal corporation heretofore enacted by the General Assembly of Maryland and, (b) to adopt a new charter and to amend or repeal any charter adopted under the provisions of this Article."

It is the intention of the Committee to continue that provision, as well as most of the other provisions of Maryland Code