

bodies are elected for that purpose. This means it would not include an agency such as the Washington Area Transit Authority which may contain on its governing board elected officials from Montgomery County and Prince George's County.

A regional government is anything that covers a "region," as such defined in section 7.01, "an area comprising all or parts of two or more counties." It would be any governmental unit which acts in that area. For instance, it could be a mass transit authority, if the board members were popularly elected.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: Could, for example, a multi-county governmental unit have as its governing head a popularly elected representative regional government?

DELEGATE MOSER: No.

If a multi-county governmental unit has a popularly elected representative board, then it becomes in effect a regional government as the term is used here. It becomes a popularly elected representative regional government.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: Then it would be possible for the governmental unit which I take it is for the area and framework of government, to have a popularly elected representative regional government?

DELEGATE MOSER: Then it becomes a popularly elected representative regional government. That is the distinction between the two.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: Would you define what is meant in the draft by "other units of local government" and distinguish those from the first three we have discussed?

DELEGATE MOSER: "Other units of local government" is intended as a catch-all. If something else can be thought of later, we did not want to exclude it in the authority granted the legislature. It is possible some animal might be created henceforth which would not fit any of these categories.

I am frank to say I cannot think of any that might be.

DELEGATE CASE. Thank you.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: Delegate Moser, I have questions about three particular areas. First of all, in section 7.03 on line

35, the word "law" is used. We have talked about the distinction the Committee has drawn between the word "law" and the three words "public general law".

Does the use of the word "law" in that sentence mean that the General Assembly could enact a law applicable to one county so that it writes in effect a separate charter for each county which does not provide its own charter by the cutoff date in that section?

Or is it your intention that the General Assembly should provide by public general law a charter applicable to all counties which do not act before that date?

DELEGATE MOSER: We thought the sentence was clear without inserting "public general law" there. It really is not a public general law in the true sense.

What the sentence says is "The General Assembly shall provide by law an instrument of government which shall become effective." That means just one instrument. We think that is clear.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: Then, one instrument of government would apply to any and all counties which do not act on their own before the cutoff date.

DELEGATE MOSER: Yes.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: Secondly, in section 7.05 under the shared powers concept, the third subsection in that section relating to the exercise of any power which has not been denied to the county by a public general law, does the Committee mean that there has to be a specific denial of the county's power to act in a particular area by public general law, or do you mean that the county may do anything which is not inconsistent with some public general law already enacted by the General Assembly. Or does it mean that a county may act only as to matters which are not in a general subject area in which the General Assembly has already acted and could be said to have preempted the field?

DELEGATE MOSER: For the record and at the risk of being a little confusing, we mean two of the things you mentioned, first, that the General Assembly can expressly prohibit the exercise of some power or function by counties. For instance, it could say that counties cannot pass liquor laws; it may prohibit counties from passing laws relating to slot machines. This would be a flat denial.