

DELEGATE MOSER: I think that you have to look at the make up of the General Assembly. The General Assembly is composed of representatives of the people, including those in the area. I think it is perfectly clear that if the temper of the times is questionable on that issue in any way at all, that the legislature most certainly would provide for a referendum. Therefore if you mean to ask if this might be harmful to the people, the answer is, absolutely not. You can go even further.

If, for instance, a very limited form of entity were being set up, such as a school board, or a mass transit authority, and if the General Assembly wanted to provide a popularly elected representative governing board, it should not be forced to submit this to a referendum. It would not advocate this approach, but it is conceivable.

In addition, this permits a broad choice. The General Assembly might provide referenda on a county-by-county-basis, if it did decide to submit the question to referendum, or the General Assembly might provide it on an area-wide basis.

THE CHAIRMAN: Delegate Schloeder.

DELEGATE SCHLOEDER: From your answer here and from what is written in the supporting Committee Memorandum, I gather that you would feel that the General Assembly in its combined wisdom would not act against the interests of the people involved in the area where a multi-county government might be established.

DELEGATE MOSER: I would not think they would do it if they wanted to be elected again.

THE CHAIRMAN: Before recognizing anyone else to speak, the Chair recognizes Delegate Fox for the purpose of making an announcement.

DELEGATE FOX: Mr. Chairman, you have it there. Maybe it would be quicker if you made it.

THE CHAIRMAN: All right. I understand that in the gallery over my head there are forty students from the Sixth Glen Avenue Elementary School in Salisbury with their principal, Mr. Sheldon Larmore, and their teacher, Miss Clare Meyer.

*(Applause.)*

Delegate Cardin.

DELEGATE CARDIN: The present Constitution, Article XV, Section 1, has a

mandatory referendum. However, Article XVI, Section 1, permitted people to bring to referendum any form of boundary or governmental change.

The new provision for referendum which was adopted by this Committee yesterday has eliminated section 16. In our restrictions to referendum, we have legislative districts or apportions.

Is it conceivable that under section 7.10 of your article, empowering the General Assembly to establish a new form of regional or multi-county government, there could be new district lines? If so, would this automatically restrict this procedure from being brought to referendum?

DELEGATE MOSER: I would say no, if I understand your question. You mentioned some existing provisions. I was just thumbing through the Constitution to find them.

THE CHAIRMAN: Delegate Cardin will restate her question.

DELEGATE CARDIN: The changes made when we adopted a new referendum procedure yesterday were such that we limited the power of the people to bring to referendum certain areas. One was legislative districting or changes. In establishing a new government, either multi-county government or new regional government with popularly elected representatives, is it conceivable we would then have new districts from which to elect people?

DELEGATE MOSER: The answer is section 7.10 would override that limitation which specifically permits a referendum upon creation of so-called popularly elected regional government. I take it your question was whether a law for which the General Assembly provided no referendum could be petitioned to referendum nevertheless.

DELEGATE MOSER: I would have to look at the Suffrage & Elections provision, which I do not have in front of me, to answer your question.

THE CHAIRMAN: Delegate Cardin refers to the provision adopted by the Committee of the Whole several days ago which provides that the law providing for redistricting or reapportionment shall not be subject to--

DELEGATE MOSER: To answer your question, flatly it was not our intention to prevent action under 7.10 from being referred statewide on petition of the people.