

I would not think this would be a fair interpretation of the words that you used.

THE CHAIRMAN: Delegate Cardin.

DELEGATE CARDIN: Would it be possible to change "may" in line 42 to "shall," to make certain that the people could petition to referendum?

THE CHAIRMAN: Delegate Moser.

DELEGATE MOSER: If you do change the "may" to "shall"; you intend to require a referendum for the creation of a popularly elected representative regional government. The answer is that the Committee is very strongly opposed to requiring the legislature to do so, because it might very well be a very simple matter, and therefore should be left to the legislature to decide whether or not to refer such a law.

This does not affect your problem.

THE CHAIRMAN: Delegate Moser, if the Chair might interject, it seems to me that perhaps you still missed the point of Delegate Cardin's question. The provision she is talking about is the provision that gives a citizen the right to initiate a referendum. I understood you to say that your Committee was recommending here, not a provision for citizen referendum, but a provision for referendum to be provided by the General Assembly.

DELEGATE MOSER: That is correct.

THE CHAIRMAN: Is not that the answer to the question she asks, then?

DELEGATE MOSER: I think it is. I thought at one point I had said that.

THE CHAIRMAN: Delegate Cardin.

DELEGATE CARDIN: We will get to that later. I have one other question that I would like to ask: In section 7.01 you have, "For the purpose of this Constitution, 'county' shall include Baltimore City."

Do I take it, for example, in reference again to our referendum section which was adopted, we need not mention Baltimore City separately? Would this cover every section of the constitution?

DELEGATE MOSER: It is intended to do so. This is a matter for Style and Drafting.

I would say that you do not have to worry about the use of the term "county", that it would be deemed to include Baltimore City wherever it is used in the constitution.

DELEGATE CARDIN: Thank you.

THE CHAIRMAN: Delegate Boileau.

DELEGATE BOILEAU: Chairman Moser, as I understand the 1954 adoption of Article XI E of the Constitution, the Dillon Rule was substantially reversed as far as the municipalities are concerned.

Through the use of the words "existing powers" that Delegate Adkins alluded to earlier, is this reversal maintained in the proposed draft of the Committee?

DELEGATE MOSER: The intention, subject always to change by the legislature, is to retain for municipalities exactly what they have before the new constitution is adopted. If that includes a reversal of the Dillon Rule—I do not know whether it does or not—but if it does, then this is retained.

THE CHAIRMAN: Delegate Boileau.

DELEGATE BOILEAU: If it does include a reversal of the Dillon Rule, you are effectively reversing the Dillon Rule across the board for all local governing units, Baltimore City, counties, and maintaining it for municipalities, if it includes municipalities.

DELEGATE MOSER: I cannot say specifically that that is the intention of the Committee. I can only say if such were the case, then such is the case now.

THE CHAIRMAN: Delegate Boileau.

DELEGATE BOILEAU: I am not asking intention, but in fact the effect.

DELEGATE MOSER: I cannot answer that with respect to municipalities. What we intend to do is to continue the powers of municipalities unchanged, but subject to change by the General Assembly.

THE CHAIRMAN: Delegate Moser, as I understand Delegate Boileau's second question, he was not asking about municipalities.

DELEGATE BOILEAU: The second question would include all of them. I understand there was a conditional answer given to the first question, and I realize there would have to be a conditional answer given to the second question.

THE CHAIRMAN: Is the Dillon Rule reversed as to counties or as to multi-county authorities?

DELEGATE MOSER: The answer with respect to counties is yes. With respect to