

DELEGATE MOSER: I speak, Mr. Chairman, in favor of the amendment, but obviously not as a Committee chairman, because we have not considered this, specifically.

I also wanted to clarify one thing. I had thought I had answered in response to one of Delegate Case's questions yesterday that a civil unit would be permitted the power to tax only if it consisted of properly elected representatives for that purpose. That is the only instance when it would be permitted under this provision. I wanted to clarify that.

There is an additional limitation on the power to tax in the Constitution, and I think to be consistent, Delegate Case's amendment has to be adopted, because an intergovernmental authority might have properly elected representatives elected for that purpose. The important thing to remember is they are not being granted an unlimited power to tax. This would depend upon the law that created them.

Now, is the law says they are not going to have the power to tax, then they do not have the power to tax. It is simply, as I said earlier, a clarifying amendment. I do not think it changes anything substantially, and I do not quite see the problems that were mentioned by Delegate Clagett in this proposal.

THE CHAIRMAN: Does any further delegate desire to speak in opposition?

Delegate Marion.

DELEGATE MARION: Mr. Chairman, perhaps I do not see everything that this amendment proposes to do, but it appears to me that what this would do is to blur the only basic distinction, except in name, that I have seen so far between an intergovernmental authority and a regional government. It would seem to me that if both had the power to tax, if both were governed by popularly elected representatives of that particular unit of government, then the only difference that we will have created between them is that such an intergovernmental authority with power to tax is not subject to the referendum provisions, even the permissive referendum provisions which we have already written into section 7.10.

I see no purpose in this. Why do we need two things which are called by different names, but which could have the same functions? The General Assembly then could create an intergovernmental authority to submit that to the referendum of

the affected area, but the authority would have the power to tax and be governed by popularly elected representatives.

THE CHAIRMAN: The Chair recognizes Delegate Hardwicke to speak in favor of the amendment.

DELEGATE HARDWICKE: I have a question, Mr. Chairman.

THE CHAIRMAN: Does any other Delegate desire to speak in favor?

To whom is your question directed, Delegate Hardwicke?

DELEGATE HARDWICKE: To Delegate Moser, Mr. Chairman.

THE CHAIRMAN: Delegate Moser, will you respond to a question?

DELEGATE MOSER: Yes, sir.

THE CHAIRMAN: Delegate Hardwicke.

DELEGATE HARDWICKE: I realize this question may plow some of the same ground we plowed yesterday, but I think that the Committee of the Whole should perhaps give more consideration to these terms than we have given. With regard to that, I would like to ask Delegate Moser to explain further the concept of multi-county government, vis-a-vis popularly elected representative local government, vis-a-vis intergovernmental authorities.

The amendment which we adopted this morning makes it clear that there is something called "multi-county governmental units," which is apparently the broadest kind of category, but within that category is something called "intergovernmental authorities."

The amendment would grant to this one part of the whole category the power to tax, if that authority is popularly elected.

How does that term differ from the others? Why shouldn't you say that a multi-county governmental unit, if popularly elected, should not have the power to impose the tax?

In other words, why are we picking one of the subdivisions within the concept of multi-county governmental units and not the other?

THE CHAIRMAN: Delegate Moser.

DELEGATE MOSER: The only multi-county governmental units which I can think of are either authorities or regional governments, are those such as I men-