

of the present members would complete their unexpired terms, and would not be replaced. The other six members of the Commission would be appointed by the Governor for four year terms commencing May 1, 1955. This power of appointment is nominal only, requiring a rubber stamp approval by the Chief Executive, without allowance for exercise of any discretion in selecting from nominations equally submitted by the respective governing bodies of Prince George's and Montgomery Counties.

A review of the various prior Session Laws dealing with the Commission, in an effort to ascertain the exact effects of House Bill 505, has been difficult, because of the number of changes in the laws governing the Commission, and the often confusing references to sections of prior laws. From this review, however, it appears that the following serious problems could ensue, some of which would hamper, and even possibly prevent adequate functioning of the Commission:

1. The existing provisions for appointment of a six member Commission, consisting of two residents *and* taxpayers from each County from within the boundaries of the District, and one resident from any part of the respective counties, as provided by Chapter 1008 of the Acts of 1943, are repealed by this Bill. Section II-A of Chapter 761 of the Acts of 1953 which provides that appointees shall have possessed the qualifications for membership on the Commission for at least three years prior to their appointment, is also repealed. In lieu of these provisions, the instant Bill provides that three members shall be residents of that portion of the District within Montgomery County and three shall be residents of that portion of the District within Prince George's County. There is *no* minimum prescribed residence period and *no* requirement that members must be taxpayers.

As to the Montgomery County members, an inconsistency appears from the face of House Bill 505. After requiring that three members *shall be* residents from the portion of the District within Montgomery County, it is then provided that one of these members *shall be* a resident of the Upper County and may reside in any of the election districts of the County other than the 5th, 7th, 10th and 13th, from which the other two members must come. The act thus requires appointment from *within* the District of all three new members and at the same time requires appointment of one of said members from *outside* of the District, since the Upper County is not within its boundaries. A serious question is thus presented as to whether the third member from Montgomery County can be appointed, since it is impossible, without judicial construction, to determine the required situs of his residence, if such a determination can be made under these conflicting provisions.

2. Under existing law, provision is made for staggered membership terms on the Commission, so that there is always some continuity of experienced personnel among its members. Under the instant Bill, all terms would expire simultaneously. This would eliminate a sound provision generally followed in constituting administrative boards and agencies such as this, charged with important continuing responsibilities. Such elimination of staggered terms is not in the public interest for long range planning, which conceivably would be jeopardized at each election of the respective governing bodies of Montgomery and Prince George's Counties. In similar manner, a usual statutory check-mate provision for minority representation is repealed by this Bill.