

The Clerk will read the amendment.

READING CLERK: Amendment No. 12 to Committee Recommendation GP-13 by Delegates Grant, Barrick, Boileau, Cardin, Carson, Case, James, Kirkland, Moser, Needle, Neumann, Rollins, Sybert, Willis, and Willoner: On page 29 following line 33 of section 33, County Surveyors, add the following new section:

“Section 33A. Charter Amendments of Municipal Corporations.

“Any municipal corporation existing on June 30, 1968, shall have the power and authority (a) to amend or repeal an existing charter or local laws relating to the incorporation, organization, government, or affairs of said municipal corporation heretofore enacted by the General Assembly of Maryland, and (b) to adopt a new charter and to amend or repeal any charter consistent with the provisions of this constitution and any laws of the General Assembly pertaining thereto.”

THE CHAIRMAN: The amendment is submitted by Delegate Grant, seconded by the co-sponsors.

The Chair recognizes Delegate Grant.

DELEGATE GRANT: Mr. President, would you add the name of Delegate Gullett to the sponsors?

THE CHAIRMAN: Delegate Gullett is added to the list of sponsors.

DELEGATE GRANT: This amendment will require a little bit of history. If anyone wants to follow me in detail, you can start with page 85 of the copy of the Constitution.

Roughly, in 1954 an amendment to the Constitution was adopted, Article XI-E, “Municipal Corporations.” Without having to read it, it essentially consists of six sections. Section 1 provided that from here on in the General Assembly would deal with municipal corporations only by a public general law. Now, the specific part of the amendment speaking to that says, “but the General Assembly shall act in relation to the incorporation or organization of government or affairs of any municipal corporation only by general law.”

Section 2 provided for classification of municipalities and this section was never implemented by the General Assembly, never used in Maryland.

Section 3 of this constitutional amendment is essentially the same as the sections that we have proposed to add. It said, “Any

such municipal corporation, now existing or hereafter created, shall have the power and authority (a) to amend or repeal an existing charter or local laws relating to the incorporation, organization, government or affairs of said municipal corporation heretofore enacted by the General Assembly of Maryland, and (b) to adopt a new charter, and to amend or repeal any charter adopted under the provisions of this article.”

Now, that was section 3 of the amendment. Section 4 of the amendment set up the procedures by which this was to be done.

Section 5 of the amendment dealt with taxation, and this particular part of the amendment has already been incorporated in parts of the Constitution dealing with state finance.

Section 6 of the amendment dealt with laws regarding the Sabbath day and alcoholic beverages which are not germane at this time.

Now, as a result of the passage of that amendment, the General Assembly then enacted Article 23A of the Code, and in sections 11 to 18 of Article 23A, they described how the charter amendments were to be made by the municipalities. Section 11 of Article 23A of the Code says: “Every municipal corporation in this State shall proceed as in this subheading provided in exercising and applying the powers for the amendment of municipal charters which are granted thereto by Article XI-E of the Constitution of Maryland.”

Now, the remaining sections, from 12 to 18, are details of procedures about the resolutions, posting, publication, referendum, et cetera.

When the local government article was reported out of the Committee, we said specifically that the municipal corporations shall continue to exercise all those powers which they now have. As a result, this language has not been changed in either the Committee of the Whole or the Committee on Style and Drafting and still remains the very same if you look at Article 7.05 in line 48 on page 3. It says, “or their existing powers as drawn,” et cetera.

What we are talking about is the existing powers. The memorandum which accompanied the Local Government Committee report on this said specifically, “Your Committee’s recommendation retains for existing municipalities, not only their existing charter powers, but also those powers authorized by law. Existing municipal cor-