

porations are permitted by these existing laws to amend their charters."

The difficulty is that although all law is continued in effect and therefore Article 23A would be continuing in effect as statutory law, it provides only the procedure and not the authority. The authority to the amendment of the charter is contained in Article XI-E, section 3 of the old Constitution.

Now, municipal corporations are essentially a creature of the General Assembly in that the General Assembly has plenary power to do with them whatever they want to do. Of course they have to do it by public general law, but they are within the complete purview of the General Assembly. Therefore, we do not want to put what was formerly 11E necessarily in the constitutional status. We have to continue to give it legislative status.

THE CHAIRMAN: You have one minute.

DELEGATE GRANT: If at some future time the General Assembly would desire to change this, they should have an option but up until that time we have to put a complete package in. We have to retain section 3 of Article 11E of the old Constitution to give the authority, and we have already retained Article 23A of the Code to implement that authority by the procedures. Therefore, it is necessary in the schedule of legislation to incorporate section 3 of Article XI-E of the old Constitution.

THE CHAIRMAN: Delegate Grant, in view of Amendment No. 11, would you modify your Amendment No. 12 to change 33A in line 4 to 33B?

DELEGATE GRANT: Yes, Mr. President.

THE CHAIRMAN: Is there any objection?

*(There was no response.)*

If not, the modification is made by unanimous consent. 33B instead of 33A, in line 4.

Is there any further discussion?

Delegate B. Miller.

DELEGATE B. MILLER: Would Delegate Grant yield to a question?

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: Yes.

THE CHAIRMAN: Delegate Miller.

DELEGATE B. MILLER: If we put all this language in the schedule, what could the municipalities not do that they could not do by putting the language in?

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: As it is right now, the municipalities are authorized to amend their charters. That is, they could amend them themselves. The General Assembly does not have to pass a law. The procedure whether to amend it would still continue in existence but the authority to do so would not be in existence if they did not have XI-E to do it with.

DELEGATE B. MILLER: Would this mean if they needed the authority to amend their charter, they would have to go to the General Assembly.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: If they had to. First of all, essentially they would no longer have authority to amend their charter. That is the problem. Now one of the existing powers they have is the power to amend this charter. In other words, we create an inconsistency in that we say they have the existing power but we then turn around and by leaving the procedure but not the authority, we do not give them that existing power.

THE CHAIRMAN: Delegate B. Miller.

DELEGATE B. MILLER: As I understand it, you are saying the procedure for changing or amending the charter in the municipality is now in here but the authority is not. My question to you is that if they then need the authority, why can they not go to the General Assembly and ask for that authority.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: There would be no reason why the municipalities could not go to the General Assembly and ask the authority. What I point out is that it is not necessary for them to do it. In other words, there is no point in providing for procedure if you do not have authority to implement the procedure.

THE CHAIRMAN: Delegate B. Miller.

DELEGATE B. MILLER: Where do we put the procedure? Maybe we had better strike the procedure and let the General Assembly act the whole thing.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: Delegate Miller, the procedure is in Article 23A of the Code.