

In other words, there is a whole section in the Code. The problem is the whole section of the Code. The authority for it is Article XI-E of the Constitution. Because of the fact that the Constitution goes out of existence, this would mean that there would be no authority to implement that section of the Code, although all the procedures set out in the Code continue in effect. The authority to do so does not.

THE CHAIRMAN: Delegate Miller.

DELEGATE B. MILLER: I hate to belabor this point, but I thought when we wrote it in the local government article we said the General Assembly shall have the power over the municipalities and it seems to me that we ought to leave it that way and let the General Assembly act. I do not see any reason for this, or I would like to understand it.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: First of all, the General Assembly does have the power over the municipalities. The constitution says that the municipalities shall retain all their existing powers. One of the existing powers, the power to amend their charter, is contained in Article 23A of the Code as a procedure, XI-E of the Constitution is the authority. It is simply a transitional provision. It is a piece of legislation. If the legislature does not like it, they can repeal it.

THE CHAIRMAN: Are there any further questions? Delegate Miller?

DELEGATE B. MILLER: No, I think I would like to comment at some point.

THE CHAIRMAN: Very well. You may do so now.

DELEGATE B. MILLER: I have some hesitation about a schedule of legislation that will get so long and so cumbersome that the General Assembly will feel that this is not truly a constitution or a convention session but an extra session of the General Assembly. I think that when we have clearly delineated in this constitution what it is we expect from the General Assembly, we ought to leave something for them to do. I would oppose this amendment.

THE CHAIRMAN: Delegate Moser.

DELEGATE MOSER: Mr. Chairman, I rise in favor of this amendment, and I hope possibly to answer some of Delegate Miller's doubts about it, and I hope I can persuade her and anybody else who has any doubts to vote for it. It is merely a perfecting

provision, and Delegate Grant described it I think fairly well. I point out, however, that every one of these items that we are approving in the schedule of legislation, the General Assembly could pass if they wanted to, but this is an item which I think falls into the first category that Delegate Hardwicke explained as being an item appropriate for the schedule. That is to say, an item which is in a section of the prior Constitution, which section of the prior Constitution is not itself being carried forward, but which section of the prior Constitution is necessary to carry forward as a schedule of legislation.

Now, the General Assembly can always amend this, but it is necessary to carry it forward in order to authorize the municipalities to amend their charters. If the General Assembly did not within a sufficient period of time after the effective date of the new constitution pass such a law, just as is the case with all the other provisions of the schedule, then there would be a problem.

I further point out that when the local government article was presented on the floor at first reading, I was asked questions by Delegate Adkins, Delegate Koger, and Delegate Kirkland, specifically as to whether the provision was intended to permit the existing municipalities to amend their charters, and I said yes to all three questions, and I further said that there would be a provision recommended by the Local Government Committee in the schedule of legislation to accomplish that, and this is that provision.

THE CHAIRMAN: Delegate Boileau.

DELEGATE BOILEAU: Mr. President, if I might just expand for a moment on some of the items that the Chairman of the Local Government Committee mentioned, we are talking here not about expanding powers of municipalities in any way, shape, or form. We are talking about charter changes that would have simply, for example, changed a commission form to mayor and council form. They are merely house-keeping changes within the municipalities themselves. They cannot in any way add to the power that is given to them by the General Assembly or by this Constitution.

THE CHAIRMAN: Is there any further discussion? Delegate Macdonald.

DELEGATE MACDONALD: Mr. President, fellow delegates, I rise in opposition to this amendment. I really do not understand it in the first place, and, secondly, if