

it does anything, it seems to me to add to the powers of municipal corporations.

The Local Government Committee gave this more than adequate consideration, and we adopted three sections on municipal corporations, to give them powers, to place them under the General Assembly, and to say what powers they should have and what functions they could perform.

I read this section to grant them additional powers, if it does anything, and I do not think it is in keeping with the report of the Local Government Committee, which was adopted by this Convention. I oppose it.

THE CHAIRMAN: Delegate Hardwicke.

DELEGATE HARDWICKE: Mr. Chairman, ladies and gentlemen, I have to oppose this amendment as a transitional provision. First of all, if it is only an attempt to continue the powers of municipalities as contained in Article 23A, sections 12 and following of the present Annotated Code, it is unnecessary, because we are preserving all of the existing laws of the State of Maryland which are not in conflict with the new constitution, and consequently we preserved all of the provisions of Article 23A with regard to the rights of municipal corporations to amend their charter and to repeal charters.

Section B of this amendment seems to give the municipalities the right to adopt a new charter. Under our new concept this kind of adoption is a matter for the counties to determine. New municipal corporations will come into existence, and consequently it is contrary to the philosophy of the new constitution. I must oppose this amendment as being either unnecessary or pernicious.

THE CHAIRMAN: Delegate Gullett.

DELEGATE GULLETT: Mr. Chairman, I rise to answer both Delegate Macdonald and Delegate Hardwicke who have spoken together in opposition to this amendment. I find in no way additional powers for the municipal corporations. I would be extremely disturbed for instance in the City of College Park to find we could not raise our tax rate because the tax rate is fixed in the municipal charter. This would certainly be a sorry state of affairs.

As to Delegate Hardwicke's mention of new charters, it has for years been the desire of the General Assembly to get municipalities to update their charters, adopt new charters. They even went to the extent of publishing new charters in Ar-

ticle 23B of the Annotated Code. A great many municipalities have these charters dating back to the 1880's, so I think the General Assembly would still hold they should adopt these new charters. Certainly this amendment would be a perfecting amendment. I am for it.

THE CHAIRMAN: Delegate Carson.

DELEGATE CARSON: Mr. Chairman, ladies and gentlemen, the history of this particular section, which now lies in section 3 of Article XI-E of your Constitution, is interesting. Back in the days before 1954 most of the local legislation, or at least a great part of it in this State, was with regard to municipalities, and it was a great evil. As a result, in 1948, the legislature took steps trying by the express powers act with regard to municipalities to end this, but the Sobeloff Commission in its third report recommended that a constitutional amendment go even further and grant home rule to municipalities, and that constitutional amendment was then passed in 1954. This section is at the heart of the Sobeloff Commission recommendations and at the heart of home rule in municipalities. What it did at that time is require the General Assembly to act only by general law with regard to municipalities. At the same time it permitted municipalities to obtain powers by changing their charter as long as the General Assembly's general law did not preclude that, and municipalities have used that since that time, and since that time there has been no local legislation with regard to municipalities.

This is an important section, but we are putting it in the statutory provisions and not in the transitory provisions so that the legislature can change it at any time. We think it is important. We think that all of the technicalities regarding how you change the charter, which are in statute, both from this and that, this gives right from those. They are intertwined. I think it is very important.

In addition, one other factor, a psychological one only, and that is that the municipalities and Municipal League desire to see this in the legislation and I think it desirable to put it there.

I went to Baltimore with Mr. Marbury about four weeks ago and spoke to the Municipal League. As a result you may have seen in the papers that they now support the constitution and intend to come out for it wholeheartedly. They did it partially upon the basis that they expect to see this at least in the legislative schedule.