

Assembly already has this power, second, we are providing for stronger county governments, third through enumeration it can be excluded and last because this section is more restrictive on the General Assembly, I would like to see the section deleted.

THE CHAIRMAN: Delegate Moser.

DELEGATE MOSER: I rise, Mr. Chairman, and ladies and gentlemen, in rather brief opposition. I think that we have all had ample discussion of section 7.10. I think we all realize what it does, and in fact, I have already pointed out, I think, that this permissive referendum might very well not be available to people unless it is provided for specifically. I, therefore, respectfully suggest that this amendment be voted down.

THE CHAIRMAN: Does any other delegate desire to speak in favor? Does any delegate desire to speak against?

Are you ready for the question? The question arises on the adoption of Amendment No. 5. A vote Aye is a vote in favor of the adoption of the amendment, a vote No a vote against. Cast your vote.

Has every delegate voted? Does any delegate desire to change his vote.

The clerk will record the vote.

There being 11 votes in the affirmative and 96 in the negative, the motion is lost. The amendment fails.

The Chair understands there are no further amendments to section 7.05. Are there any further amendments to section 7.06?

*(There was no response.)*

THE CHAIRMAN: The Chair hears none.

We will now proceed to a consideration of sections 7.07, 7.08, 7.09. Under the debate schedule they are to be considered together. The Chair understands Delegate James has an amendment.

Please number the amendment Amendment No. 8.

The clerk will read the amendment.

READING CLERK: Amendment No. 8 to Committee Recommendation LG-1, by Delegate James: Strike out sections 7.07, 7.08, and 7.09 and insert in lieu thereof the following:

"Section 7.07 Municipal Corporations

The General Assembly shall provide by general law for the government of municipal corporations, including the incorporation, merger, dissolution, and alteration of boundaries thereof; and it shall permit each municipal corporation to frame and adopt a charter, with amendment procedures, for its own self-government within the limits and by procedures defined by the general law. Municipal corporations existing on the effective date of this Constitution shall retain their charter and other legal powers until changed pursuant to the provisions of this section."

THE CHAIRMAN: Is the amendment seconded?

*(Whereupon, the amendment was duly seconded.)*

THE CHAIRMAN: The amendment is seconded. The Chair recognizes Delegate James to speak to the amendment.

DELEGATE JAMES: Mr. Chairman, members of the Committee of the Whole, first I would like to say that I appreciate the work of the Committee and the difficulties they had in ironing out the three sections involved for municipal corporations, and that I am willing to support those sections as a second choice. However, I think that the sections are unnecessarily complicated.

Section 7.07 simply provides that existing municipal corporations, or rather municipal corporations existing at the effective date of this article, shall not be dissolved, merged or have their existing powers withdrawn nor their boundaries changed without the consent of the governing bodies of the county and municipal corporations affected, or except as the General Assembly may provide by general public law.

This really boils down in the final analysis to saying that the General Assembly by general law is going to handle these matters, and there is simply no other interpretation.

Similarly, you have in section 7.07, although there is a lot of language there, such procedures and standards as the General Assembly may provide by general public law. Here again the General Assembly seems to be in complete control of the situation, although this section does acknowledge that the counties, may provide by law for the creation of new municipal corporations.

I see no necessity for vesting that power in the counties.