

And why say anything about civil units? Certainly under home rule the power is vested in the counties. They have complete authority to create new civil units. This is an unnecessary provision.

Finally, in section 7.09, there is a provision that the General Assembly may provide for additional powers.

The amendment I have offered simply recognizes, and I might say it is modeled after the Alaska handling of this matter, that the General Assembly may provide by general law for the government of the municipal corporations, including the incorporation, merger, dissolution and alteration of boundaries thereof. Further, it permits 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 general law. Municipal corporations existing on the effective date of the Constitution shall retain the charter and other legal powers until changed pursuant to the provisions of this section.

The purpose of my submitting this is to make it simple to recognize that from a constitutional standpoint every municipality will have the right to adopt a charter, and offer amendments, and that the powers will be defined by general law. I think that is what the Committee tried to do, but they said practically the same thing in a very complicated way. I am submitting my amendment for the purpose of simplicity.

THE CHAIRMAN: The Chair recognizes Delegate Moser to speak in opposition to the amendment.

DELEGATE MOSER: Mr. Chairman, ladies and gentlemen, I just got a look at this simple amendment that Delegate James proposed. I rise in opposition to it because I think it does a lot of things that at least the Local Government Committee hopes the Convention will not want to adopt.

Let me state first that on immediate reinspection it looks as though the delegate proposal which was introduced earlier was rejected by the committee at some earlier occasion.

What this does basically is what the Maryland Municipal League originally was pressing for. That is to say, it sets up municipalities completely independent of the counties, and gives them independent power directly from the General Assembly. This is exactly what the Committee does not want.

I do not mean to imply that this amend-

ment was sparked by the recent internal problems that you have read about in the press and have heard about on the floor of the Assembly here within the Maryland Municipal League, but I do suggest that this is precisely what they want.

I have just looked at this briefly, but there are two major problems with it as I see it.

In the first place, there is no veto allowed a county over new incorporations. I think what you could have here is a proliferation of new municipalities, something not any of us want.

Secondly, there is absolutely no right in the counties to give additional powers to new municipalities or old municipalities, as we provide in section 7.09.

I do not know whether it has fewer words in it. It may possibly, but not only is it not an improvement, I think that if this amendment is adopted, there will probably be some additional amendments coming in. We probably can expect to be tied up in the same process that the Committee itself underwent for a period of about four days trying to arrive at a provision which was satisfactory to everybody.

I think this is what 7.07, 7.08 and 7.09 do, and I respectfully request that this amendment be rejected.

DELEGATE JAMES: Mr. Chairman.

THE CHAIRMAN: Delegate James.

DELEGATE JAMES: I would like to call the attention of the members to the present law which vests in the counties the veto over the creation of a municipality. Certainly, this law will be continued by the language of the proposed amendment, so that the General Assembly would have the power to define home rule.

First, there would be a constitutional guarantee for charter. From that point on it would be up to the General Assembly to provide home rule powers by general law. It seems to me this is a simple way to handle it, simple from the constitutional standpoint and eliminating this complicated relationship which these provisions attempt to set up.

THE CHAIRMAN: The Chair understands that there are three other amendments dealing with this same subject matter, one of them proposed to be offered by Delegates Macdonald and Fox as an amendment only to section 7.07; the other amend-