

choice of procedures by which an instrument of government of a county may be proposed.

This means procedures and the General Assembly can put such limits as it wants on them. This is a choice which the counties themselves then pick up in selecting their charters.

There is an entirely different matter provided two sentences down. The General Assembly shall provide by law an instrument of government which shall become effective on July 1, 1972 for those counties which have not previously adopted an instrument of government as provided in this section.

That is something different, that means one instrument which automatically becomes effective for a county that has not completed the procedures.

THE CHAIRMAN: Delegate Sickles.

DELEGATE SICKLES: Would it be proper five or ten years from now for the General Assembly by general statewide law to establish a principle that every county must give 30 days' public notice before it adopts its budget, and then only have a public hearing?

DELEGATE MOSER: Yes.

Delegate Scanlan.

DELEGATE SCANLAN: I have a question with reference to section 7.07. In the last line of that section dealing with the way municipal charters may be withdrawn, you permit it to be done with the concept of governing body and municipal corporation affected, or except that the General Assembly may provide by public law. Two questions.

Do I understand correctly that, under present law, since municipal corporations are chartered by the General Assembly, an individual charter could be withdrawn by a special law of the General Assembly; secondly, under your provision this could only be done by a general public law? If that is true in this respect, your Committee recommends greater protection to municipalities having their charters withdrawn by an act of the General Assembly than they enjoy under the present Constitution.

DELEGATE MOSER: I was looking for the provision of the present Constitution. I think it is the same because it is pretty clear under Article XI(E). I would like to check it, however, if I may, to be completely correct, that the General As-

sembly may only act with respect to existing municipalities by public general law. It is defined differently, but basically it is the same under the existing Constitution as what we provide here.

I do not believe that the General Assembly could repeal a charter under the present provision.

THE CHAIRMAN: Delegate Raley.

DELEGATE RALEY: Mr. Chairman, Chairman Moser, going back to 7.03, there is some misunderstanding at least on my part, about the choice of procedures. It says that the General Assembly shall provide by public general law a choice of procedures. As I understand choice of procedures, it is not a type of government they are going to have, but how they are going to get that type of government. That means, are they going to do it by study committee, or are they going to set it up by the commissioners? Once the General Assembly has established choice of procedures, then the procedures it has established will be followed and an instrument of government will be created. Then, after it is created it will be submitted to the people for a referendum. If they approve it, it is the government in effect. If nothing is done, then and then only, will the General Assembly set up the government for the local subdivision.

Is that correct?

DELEGATE MOSER: Yes, virtually everything you have said. I am checking. I think you put too limited a construction on the word "procedures". I think procedures could be more broadly construed.

THE CHAIRMAN: Delegate Raley.

DELEGATE RALEY: Mr. Chairman, Chairman Moser, I followed the draft section on structure of county governments which said, "within one year following adoption of this Constitution, the General Assembly shall provide by law alternate procedures by which an instrument of government of a county may be proposed." Then the draft goes on to list procedures. I was following that when I referred to the procedures. I just did not want any misunderstanding.

DELEGATE MOSER: I have to answer that specifically with respect to the Committee's intention. I think the Committee's intention was precisely as you stated it. If I have indicated something to the contrary in answer to Delegate Sickles' question, I stand corrected.