

I do hope that this Convention will vote down the substituted amendment, will then vote down the amendment itself, and will preserve provisions 7.07, 7.08 and 7.09 as they are set forth in the Committee Recommendation.

THE CHAIRMAN: Does any other delegate desire to speak in favor of Amendment No. 9?

*(There was no response.)*

THE CHAIRMAN: Does any delegate desire to speak in opposition?

Delegate Gullett.

DELEGATE GULLETT: Mr. Chairman, the proposal of Delegate Macdonald is 180 degrees different from the Committee's recommendations on two very major subjects, which Mr. Moser has just mentioned. One of them with regard to charter powers says, "as set forth in its charter." This would have a very drastic effect upon municipalities which do not have particular powers set forth in their charters that they might wish to use in the future. You could not enumerate these powers in the charter, moreover, you should not have to. We went to great length on the floor yesterday to make this eminently clear to the Convention, that not only were the existing powers of charter powers to be retained by the Committee's proposal, but also those powers that were available to municipalities at the time of the adoption of this Constitution.

Second, it provides a unilateral veto on the part of the county on annexation. In our viewpoint this is no more fair than the unilateral ability to annex on the part of the municipality.

We do not believe a municipality should go out willy-nilly and annex without regard to the people and without regard to the territory. Nor do we believe the county should have unilateral veto over this. There should be a sitting down together, and this is what the Committee's draft provides.

I think it is a very fair compromise and I would urge that this amendment be defeated.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

Delegate Clagett.

DELEGATE CLAGETT: Mr. Chairman, I do not rise in favor of the amendment, but in opposition to the amendment.

THE CHAIRMAN: You do not have the floor, then.

Does any delegate desire to speak in favor?

If not, you have the floor, Delegate Macdonald.

DELEGATE MACDONALD: Mr. Chairman, with regard to the statement of the Chairman of the Committee, concerning the final vote. It was 18 to 1, or 17 to 1, with Macdonald in the negative. I might also point out for the benefit of the Committee of the Whole that on this troublesome problem of municipal corporations, the Committee took 43 votes at various times during the deliberations. I have the action journal here.

At one time, on vote number 46, the committee voted 16 to 0 that existing and new municipalities should derive their structure and powers from the same source. The Committee's recommendation, which is before you here today, is not in accord with that vote. The Committee vacillated on this matter many times, and it was quite a struggle.

I submit that the amendment which I have offered is very close to the proposal in the Eney Commission draft. As a matter of fact, it differs only in that it gives municipal corporations a little more protection, and preserves the status quo more than the draft set forth in the Commission's proposal.

I would urge that you vote in favor of this amendment.

THE CHAIRMAN: The Chair now recognizes Delegate Clagett to speak in opposition.

DELEGATE CLAGETT: Mr. Chairman, I am picking up right where Delegate Macdonald left off.

As you know, and as probably the Committee knows, I drafted section 7.14 of the Commission's draft aided and abetted by Delegate Adkins and others. At a very late hour up there at the Brown Estate, after we had been in session for three continuous days, we were very proud of what we had been able to accomplish because we felt it was consistent with the broad grant of shared powers to the counties, and this was solving a knotty problem within the boundaries of those counties.

Therefore, it is with great reluctance that I rise in opposition to Delegate Macdonald's amendment, but I do so in support of the work of the Committee, where we battled back and forth with this very knotty problem on some 43 different ac-