

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: If what you are going to do is something that will not require action, I will agree without your reading it.

THE CHAIRMAN: Delegate Needle.

DELEGATE NEEDLE: If you agree, that's fine.

THE CHAIRMAN: Delegate Sollins.

DELEGATE SOLLINS: Delegate Case, with regard to section 8.01a, it is not the intention of the Committee I would assume, that an elected school board have any legislative power and therefore would not have the power to tax.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: Well, I could conceive of an elected school board assuming that under other provisions of the constitution it could be delegated legislative powers, and I am not passing on that subject. In making that assumption then, it would be an elected body exercising legislative power.

THE CHAIRMAN: Delegate Sollins.

DELEGATE SOLLINS: Then it is possible within the meaning of this section for an elected school board to impose a tax if it should be so authorized by the General Assembly, is that what I understand you to say?

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: Well, I have to consider whether or not under the present Constitution as it comes out it would be possible to delegate legislative powers to an elected school board.

This has not been settled yet, as far as I know. If it has been as far as you know, I would be glad, as I did with your brother Needle, to accept your suggestion, but all I am saying is that if the General Assembly can create a type of board which is elected and if it can delegate legislative powers to that board, well, then it could as a third corollary delegate to them the power to tax.

I cannot conceive that this would happen, but it might be possible.

THE CHAIRMAN: Delegate Raley.

DELEGATE RALEY: Delegate Case, in pursuing the question that Delegate Sollins had just a little bit further, it was my understanding that in Committee when we

discussed this it meant what it said, that taxes could only be imposed for public purposes by the elected representatives of the people exercising legislative power. In the example he gave, the legislative body could impose a tax, collect the tax, give the money, but they could not give that power, this was the very reason we had, that there be no taxation without representation, as I recall it.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: You did not follow the assumption I made with Delegate Sollins. The assumption I made was that it would be possible to set up a new kind of entity, we know not the likes of which right now, to which there could be delegated legislative-type powers. I do not know of any such thing, but I am not ruling out in the effort here of being completely accurate and candid, the possibility that it could be done, either under the constitution we are producing here or some amendment to it which might be later devised.

If the amendment were devised which would create a board which would handle schools to which all power would be delegated to it to make the laws for those schools and so on, then this would be an elected body exercising legislative power. In that case this provision is flexible enough to permit it to do the job it would have to do.

THE CHAIRMAN: Delegate Maurer.

DELEGATE MAURER: Delegate Case, I have another question for you on 8.01a that also deals with the elected representative of the people exercising legislative powers. I wonder, for example, whether the new board of review could be granted power to set the state property tax rate?

As I understand the existing wording in the present Constitution, all that is required was the consent of the legislature. Does this changed wording which requires that taxes shall be imposed only by the elected representatives of the people exercising legislative powers, affect the way the board of review could operate?

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: The board of review, as I understand it, is not going to be composed of elected officials entirely, so that it would not have the power to impose a tax.

There is a difference between imposing a tax and setting a rate. I am sure what