

can only collect service charges or benefits, does not section 7.08 further provide that if there is anything detrimental about giving the civil unit the taxing power, that it can intervene and establish standards or procedures to correct abuse?

DELEGATE MOSER: That is not the answer, if I may say so.

The answer to Delegate Case's problem, which I missed until the end of the question he asked, is that there is a constitutional prohibition in here against the civil unit's enacting a tax law because it is not a popularly elected representative government. It is perfectly clear not only from this section but from section 8.01 of the proposal of the Committee on State Finance and Taxation, that only a popularly elected government can enact a tax. You do not get into the problem Delegate Case raised; you just do not start it.

THE CHAIRMAN: Delegate White.

DELEGATE WHITE: Mr. President, I rise on a point of personal privilege.

DELEGATE WHITE: Advise the Convention we have with us in the gallery to the rear of the podium two distinguished Maryland citizens, Milton Holmes, first vice president of the Baltimore branch of the National Alliance of Postal and Federal Employees, who is also Director of our Target City Youth Program in Baltimore, and one of his assistants, Mr. Pullen.

THE CHAIRMAN: Delighted to have them with us.

*(Applause.)*

THE CHAIRMAN: Delegate Kirkland.

DELEGATE KIRKLAND: Delegate Moser, this question pertains to charter amendments. The power of charter amendment is considered a basic power of any home rule government. According to the Committee's commentary, this power is considered implied as being an existing power of municipalities. Most municipal charters, however, do not cover the power of charter amendments. This right is guaranteed in the present Constitution under a 1954 home rule amendment.

My question, Delegate Moser is, if you consider this power implied, then why not spell it out in this article like much of the rest is spelled out?

DELEGATE MOSER: The answer, Delegate Kirkland, is it is not implied. This is explicit. It is provided in section 7.07, relating to existing powers.

I said three times now I think in answer to a series of questions, I do not really know how we can make it any clearer, that what is intended here is to continue all existing powers for municipal corporations, including the power to amend the charter, but, and this is the only but, if the General Assembly wants to change the law it can change the law. That is all.

Within that framework this is what it means. Existing municipalities retain subject to control of the General Assembly, the power to amend their charters whether or not their charters now give them the right to do that. I specify Section 3 of Article XI(E) of the present Constitution which it is intended will be continued. That specifically gives the power to municipalities to amend charters.

THE CHAIRMAN: Delegate Sickles.

DELEGATE SICKLES: Delegate Moser, with respect to section 7.03, which concerns itself with structure of government, do I understand that as a matter of establishing procedures for the operation of the county government, the State can only do it one time through the authority of the General Assembly to provide an instrument of government effective July 1, 1972?

That would, of course, also apply to those counties that have not adopted an instrument of government by that time and even that instrument could be amended thereafter under procedures established in 7.04.

My conclusion as I read this, and I would hope you would show me otherwise if I am wrong, that as a matter of fact then the State would be forever precluded from establishing standards that have to do with the structure and administration of the county government rather than the powers it might have.

DELEGATE MOSER: Let me answer the last question first. The answer to the last suggestion is no, that the State can always act by general law to affect all counties if it wants to. This would include anything that you can imagine the General Assembly would want to do so long as it acted by general law. That is point one.

The answer is no to the last question.

Regarding the first question, I think, Delegate Sickles, that I am not making myself clear; there are several things that the General Assembly is to do. As I said in answer on someone's question earlier, within one year following the adoption of this Constitution, the General Assembly shall provide by public general law a