Delegate Beatrice Miller.

DELEGATE B. MILLER: I would like to ask a question of Delegate Needle if I may.

THE CHAIRMAN: Will delegate Needle yield to a question?

DELEGATE NEEDLE: Surely.

THE CHAIRMAN: Delegate Miller, you may proceed.

DELEGATE B. MILLER: In the last few words, "the General Assembly has not rejected a resolution," do you mean if the General Assembly fails to act or if it positively approves?

DELEGATE NEEDLE: It means if the General Assembly fails to act, then the counties will have that tax power.

THE CHAIRMAN: Is there any other discussion?

(*There was no response.*)

Are you ready for the question?

(*Call for the question.*)

The question arises on the adoption of Amendment No. 6. A vote Aye is a vote in favor of the adoption of the amendment. A vote No is a vote against. Cast your vote.

Have all delegates voted? Does any delegate desire to change his vote?

The Clerk will record the vote.

There being 10 votes in the affirmative and 108 in the negative, the motion is lost. The amendment is rejected.

The Chair recognizes Delegate Needle to offer a further amendment to section 7.05.

DELEGATE NEEDLE: I would like to offer Amendment No. 8, which would become Amendment No. 7.

THE CHAIRMAN: It will be Amendment No. 7. The Clerk will read the amendment.

READING CLERK: Amendment No. 7 to Committee Recommendation LG-1, by Delegate Needle: On page 3, section 7.05, Powers of Counties, line 14 strike out the words "and power to tax"; and on page 3 line 25, after the period add the following: "A county may also exercise any taxing power requested by a resolution submitted by the governing body of the county and approved by the General Assembly in accordance with procedures established by law."

THE CHAIRMAN: Is there a second?

(*There was no response.*)

THE CHAIRMAN: Is there a second to Amendment No. 7?

DELEGATE CLAGETT: Second.

THE CHAIRMAN: The amendment is seconded. The Chair recognizes Delegate Needle to speak to the amendment.

DELEGATE NEEDLE: Mr. Chairman, there is only one substantive change in this amendment from Amendment No. 6 and that is that it requires affirmative action by the General Assembly in order for the counties to impose the requested new tax power.

As you see, I do not quit very easily. I think this is a very crucial question. I think it goes to the heart of the shared powers doctrine, so heartily recommended by your Committee on Local Government. However, with regard to the tax powers, as has already been pointed out by Delegate Moser, the Committee Recommendation on that particular issue was adopted by a vote of ten to seven, with two abstentions. We have a 19-member Committee and the barest majority of ten favored the absolute exclusion of the tax power from the shared powers of the counties.

I think that this second compromise amendment comes the closest to the Case-Raley Proposal No. 387. It still retains all of the virtues which I discussed formerly, but requires affirmative action by the General Assembly before the county may impose the new tax.

In other words, the county cannot impose that tax if the General Assembly fails by inaction to act.

I, therefore, say that it retains all of the virtues which Delegate Case and Raley desired for the General Assembly, namely, retaining the plenary power of the General Assembly over local taxing powers.

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

DELEGATE MOSER: Mr. Chairman, I think that proposal tends to be more restrictive upon local initiative than what is actually provided in section 7.05 of the Committee Recommendation.

I am not going to repeat all I said previously, but I respectfully suggest that this amendment should also be defeated.