

To: MPNP ADMINISTRATION

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TC C

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Suggested alternative to Paragraphs 3.7 and 3.8 of the Third Report of Technical Committee on Constitutional Matters: Submitted by the Democratic Party.

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3.7 Each SPR and each local authority shall have the power to raise its own taxes.

3.8 3.8.1 The central government will be required by the constitution to allocate specified minimum proportions of its total income to SPR's, local authorities and a Finance Commission.

3.8.2 A Finance Commission will be established to investigate the reasonable cost to each SPR and local authority of administering its area of responsibility, and to ensure that central government funds are allocated in such a way as to ensure that all states are in a position to provide basic services of equal quality. The powers and obligations of the Finance Commission will be defined in the constitution.

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Ken ...

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11/1/93*

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Article 72 (Concurrent legislation of the Federation, definition)

(1) In matters within concurrent legislative powers the Laender shall have power to legislate as long as, and to the extent that, the Federation does not exercise its right to legislate.

(2) The Federation shall have the right to legislate in these matters to the extent that a need for regulation by federal legislation exists because:

1. a matter cannot be effectively regulated by the legislation of individual Laender, or
2. the regulation of a matter by a Land law might prejudice the interests of other Laender or of the people as a whole, or
3. the maintenance of legal or economic unity, especially the maintenance of uniformity of living conditions beyond the territory of any one Land, necessitates such regulation.

Article 75* (General provisions of the Federation, catalogue)

Subject to the conditions laid down in Article 72 the Federation shall have the right to enact skeleton provisions concerning:

1. ** the legal status of persons in the public service of the Laender, communes, or other corporate bodies under public law, in so far as Article 74a does not provide otherwise;
- 1a. *** the general principles governing higher education;
2. the general legal status of the press and the film industry;
3. hunting, protection of nature, and care of the countryside;
4. land distribution, regional planning, and water management;
5. matters relating to the registration of changes of residence or domicile (Meldewesen) and to identity cards.