

Chapter 1 - Principles

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ANSWER KEY

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1. C
Statement 1 is a description of "sovereign power".
Statement 2 – The power to tax is inherent. It is a power independent of the constitution. It can be exercised even in the absence of a constitutional grant.

2. B

3. A
THE POWER TO TAX

- ☒ Can be exercised by the government only. The only inherent power of the State which may be exercised by public utility companies is eminent domain.
☒ There is no limit on the amount that may be imposed because it is based on the needs of the government.

4. D
o They exist "independent of the constitution" means, the powers can be exercised without being granted by the constitution.

5. B
o The power to tax is one of the inherent powers of the State. They exist "independent of the constitution".

6. C
The constitution is not the source of the inherent powers of the State, therefore, it cannot take away such powers.

7. A

8. B
The rights regulated in the exercise of the inherent powers of the State are as follows:
o Power to tax and eminent domain = Property rights
o Police Power = Property rights and Liberty

9. C

10. C

11. A

12. A

13. B

14. D

15. D

16. B

17. D

The power to tax, though broad in nature, is not an absolute power. It is subject to inherent as well as constitutional limitations. The phrase "without any limit and "even if the constitution provides otherwise" make both statements incorrect.

18. D

19. C

20. A

21. D

- o The money raised by the government in its exercise of its Power to Tax is based on its needs, while in the exercise of its police power, the basis is the "cost to regulate". Usefulness of the activity may also be used as a basis in determining the amount raised under police power; the more useful the activity, the lower is the amount of imposition.

- o There is no money raised by the government in the exercise of its power of eminent domain. Instead, the government has to pay the property owner an amount equivalent to the fair value (known as "just compensation") of the property taken.

22. D

"A" is incorrect. Eminent domain may be exercised by public utility companies.
"B" is incorrect. The property taken in the exercise of police power is destroyed rather than preserved for public use.
"C" is incorrect. Eminent domain is an inherent power, consequently, constitutional grant is not required.

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Linda M. Smith



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