

Mr. Philip Wagner, Executive Secretary  
Employees Retirement System (continued)

Cemetery Co., 160 Md. 653, 656, 154 A. 452.

"Generally, a statute or ordinance vesting discretion in administrative officials without fixing any standards for their guidance is an unconstitutional delegation of legislative power. But we also hold, as a qualification of the general rule, that where the discretion to be exercised relates to police regulations for the protection of public morals, health, safety, or general welfare, and it is impracticable to fix standards without destroying the flexibility necessary to enable the administrative officials to carry out the legislative will, legislation delegating such discretion without such restrictions may be valid. Thompson v. Smith, 155 Va. 367, 154 S.E. 579, 71 A.L.R. 604; American Baseball Club of Philadelphia v. City of Philadelphia, 312 Pa. 311, 167 A. 891, 92 A.L.R. 386, 410; Mats v. J. L. Curtis Cartage Co., 132 Ohio St. 271, 7 N.E. 2d 220. It is recognized that it would not always be possible for Legislature or City Council to deal directly with the multitude of details in the complex situations upon which it operates. Comptroller of Treasury v. M.E. Rockhill, Inc., 205 Md. 226, 232, 107 A. 2d 93. The modern tendency of the courts is toward greater liberality in permitting grants of discretion to administrative officials in order to facilitate the administration of the laws as the complexity of governmental and economic conditions increases." (pp. 554-555)

In the matter of Baltimore County vs. Missouri Realty Co., Inc., 219 Md. 155, it was contended that a grant of power to an administrative agency to reclassify property under a zoning law was illegal, because reclassification is a legislative function which cannot be delegated to an administrative agency. In this case the Court said:

"It has long been established in Maryland that the mere fact that the power is legislative does not prevent its delegation." (p.161)

In Pressman v. D'Alesandro, 193 Md. 676, it was alleged that the Board of Estimates had no power to award a stadium contract without a previous ordinance designating whether loan funds should be used for (1) the reconstruction of the existing stadium or (2) the construction of a new stadium, at (a) the same or (b) a different location, namely, adopting one of the alternatives permitted by the enabling act and ordinance, because the power to