

DELEGATE MORGAN: Would you state that again, please?

DELEGATE J. CLARK (presiding): Delegate Della.

DELEGATE DELLA: Has there been any doubt in your mind—

DELEGATE MORGAN: There is no doubt in my mind.

DELEGATE J. CLARK (presiding): Delegate Della.

DELEGATE DELLA: Then, aren't we crowding the constitution of the State of Maryland when we put a lot of literature in?

Are we not filling a lot of papers of the constitution if there is no question in your mind that the General Assembly has the power to prescribe the functions and duties of the various departments? What is the purpose served by you and your Committee putting into the executive branch of government the powers that have been designated to the General Assembly by not only the constitution that we are now working on but under our present Constitution and the two or three constitutions that we had prior to that?

Are we filling the papers just to have a lengthy Constitution?

DELEGATE J. CLARK (presiding): Delegate Morgan.

DELEGATE MORGAN: No. I stated that this was put in to contrast the plenary powers of the General Assembly with the much more limited powers that we propose to give the governor, and that is the only purpose of it.

It was not put in to fill papers.

DELEGATE J. CLARK (presiding): The Chair recognizes Delegate Mason.

DELEGATE MASON: Mr. Chairman, with reference to the question asked you by Delegate Della, doesn't section 4.19 deal with the reorganization of the executive branch?

DELEGATE J. CLARK (presiding): Delegate Morgan.

DELEGATE MORGAN: It does.

DELEGATE J. CLARK (presiding): Delegate Mason.

DELEGATE MASON: Wasn't it the purpose of this language to make sure that before the executive can reorganize, the

departments must be set up by the legislature? Wasn't that the reason the language was put in that the General Assembly shall by law prescribe the functions, powers and duties of the departments?

DELEGATE J. CLARK (presiding): Delegate Morgan.

DELEGATE MORGAN: No. I think it was just a recognition that it is the General Assembly that prescribes the programs which the state shall be engaged in or shall undertake, and not the governor in the exercise of reorganization powers.

DELEGATE J. CLARK (presiding): Delegate Mason.

DELEGATE MASON: Wasn't it the thinking of the Committee at the time that in the concept of reorganization the General Assembly should first designate the functions and duties and powers of the various departments, and then after they had been set up, the executive could reorganize?

DELEGATE J. CLARK (presiding): Delegate Morgan.

DELEGATE MORGAN: We have language such as that in our transitional provisions, where the General Assembly is given two years after the adoption of the constitution to prescribe the functions and powers of the various principal departments that it sets up and to provide what the principal departments are, but after that two years, it was the intention that this language would give the governor the power to reorganize, even if the General Assembly had not prescribed the functions and powers and duties.

DELEGATE J. CLARK (presiding): Delegate Mason.

DELEGATE MASON: Then it is true under this concept that the General Assembly would have the first crack at reorganizing the executive departments?

DELEGATE J. CLARK (presiding): Chairman Morgan.

DELEGATE MORGAN: There is a specific clause in the transitional provisions between 4.18 and 4.19. It is specifically provided that the General Assembly has the exclusive power for two years to determine what the principal departments shall be and to organize all of the functions of the executive branch within those departments so established.

DELEGATE J. CLARK (presiding): Does anyone else desire to ask a question?