

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: If it would please Delegate Storm, I would be glad to prepare it.

THE CHAIRMAN: If there are no other questions, the Chair has a question of Delegate Gallagher for purposes of clarification.

This amendment does not indicate precisely to whom the person designated as counsel shall be counsel. It does not say counsel to the governor or counsel to anyone else.

Is it the intent here that the amendment refer to counsel to the governor, and only to the governor?

DELEGATE GALLAGHER: That is correct, Mr. Chairman. The heading of the section is "Counsel to the Governor".

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Mr. Chairman, this amendment, maybe in not the same words but with exactly the same policy, came up before the Committee and the Committee turned it down.

I think the amendment is unnecessary, because I am sure that the governor could appoint his own counsel just as the General Assembly would appoint its own counsel under their existing authority, and I do not see any particular need for giving the Governor this authority in the Constitution.

I would urge that the Committee Recommendation be adopted and this amendment be defeated.

THE CHAIRMAN: Is there any other discussion?

Delegate Bamberger?

DELEGATE BAMBERGER: Will Delegate Morgan yield to a question?

THE CHAIRMAN: Delegate Morgan, do you yield for a question?

DELEGATE MORGAN: I do.

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: May I presume that your opposition to the amendment is not in any way or to any degree a qualification of the last sentence of the Committee Recommendation EB-2 which states the intention of the Committee that the adoption of the Committee Recommendation EB-2 is not intended to be any prohibition against the power of the governor or the General Assembly to appoint legal counsel to aid and assist them?

THE CHAIRMAN: Delegate Morgan?

DELEGATE MORGAN: It certainly is not.

THE CHAIRMAN: Is there any further discussion?

Are you ready for the question?

(Call for the question.)

The Clerk will ring the quorum bell.

Delegate Bamberger?

DELEGATE BAMBERGER: I feel the same impatience, but I think there is something which must be said for this amendment which has not been said.

Amendment No. 1 offered by Delegate Gallagher had one important provision which may have become lost, and that was the avoiding, or the possibility of avoiding, conflicts between the legislative branch and the executive branch.

I think those in this Assembly who have had experience in the attorney general's office have been cognizant of the fact that there are times when the governor may ask for advice with respect to legislation that has been passed by the General Assembly.

The governor may have a serious question of whether or not a particular act is constitutional.

The attorney general often has a conflict, sometimes because at the request of a department of the State he drafts legislation, and in that instance he is later called upon to pass on the validity of the work which he did.

I would suggest that the amendment offered by Delegate Gallagher avoids that conflict.

Secondly, I think it allows the governor, who is a member of a political party which is different than the political party of the attorney general, and who may sometimes be awakened at night with concern that the attorney general is going to be his opponent in the next general election, has the right to bring to public view what we all know he often has now—that is, an attorney who does not appear in any *Maryland Manual* as an officer or an agent of the State, who is not compensated by any salary or remuneration which can be found in any budget or legislative enactment.

It has certainly been my experience that this has often been the case. The governor