

acting governor, he continues to be president of the Senate, and hence does not lose his place in the line of succession.

Section 4.11: Court of Appeals Jurisdiction to Determine Disputes:

This section gives the Court of Appeals exclusive jurisdiction concerning all legal questions involving sections 4.06 through 4.10 of the constitution. It is thought desirable that all of these questions should be resolved by the Court of Appeals in the first instance to avoid delay.

It should be noted that the role of the Court of Appeals under this section is markedly different from the role it plays under section 4.08. Under section 4.08 the Court serves as a finder of fact, determining whether in its judgment the governor is disabled and therefore, unable to carry out the duties of the office. Under this section, the Court serves its more typical role deciding what sections 4.06 through 4.10 mean and how they affect the rights of the parties before the court.

Section 4.12: Message to General Assembly:

This section recognizes the governor's responsibility to report to the people of the State through their elected representatives. It also recognizes the desirability of the governor's direct involvement in the legislative process. The language of the section is similar to the language of Article II, section 19 of the present Constitution.

Section 4.13: Convening the General Assembly:

This section gives the governor power to convene the General Assembly or the Senate alone. It is similar to Article II, section 16 of the present Constitution. Although this draft section requires that the governor issue a proclamation stating the purpose for which he has convened the General Assembly into special session, the General Assembly is not restricted to the consideration of those matters contained in the proclamation. The Committee feels that on occasion a special session may be efficiently used to debate and act upon other matters of urgency before the State.

The governor is given power to convene the Senate alone so that the Senate can meet to confirm or reject gubernatorial appointments made while the General Assembly is not in session. Even though a technique is provided under section 4.24 through which the governor can make re-

cess appointments in such cases, it is felt that some appointees may understandably want to get the question of confirmation cleared up before assuming the office. Therefore, a method is provided through which this may be accomplished.

Sections 4.14 through 4.17 deal with the governor's veto power. Section 4.14 states the scope of the governor's veto. Budget bills are excepted because they originate with the governor and the General Assembly is restricted in its power to modify them.

If the Convention were to decide that the General Assembly should have additional power to increase items in the governor's budget, the Committee feels that this exception would have to be reconsidered.

Bills proposing amendments to the constitution are excepted from the governor's veto because under the present Constitution they can only be passed by the affirmative vote of three-fifths of all members of each house of the General Assembly. This is the same extraordinary vote prescribed for legislative override by section 4.17. Under the present Constitution the Court of Appeals has decided that proposed amendments to the constitution are not subject to gubernatorial veto.

Section 4.15: Item Veto:

This section empowers the governor to strike out or reduce any item in a supplementary appropriation bill. "Supplementary appropriation bill" is used as a term of art intended to have the same meaning as the term has under Article III, section 52(8) of the present Constitution. This section clarifies the language of Article II, section 17 of the present Constitution which does not make clear that the governor can reduce items in supplementary appropriation bills.

Section 4.16: Presentation of Bills to Governor:

This section assures that a governor will have to take affirmative action if he wishes to veto a bill; if he does not act within the stated time period, a bill will take effect as law without his signature.

The time periods established in this section only begin to run when a bill is presented to the governor. The term "presentation" is found in the veto section of the present Constitution. The Committee makes no change in what under existing practice is treated as the time of "presentation."