

create or abolish, principal departments or administrative units of the executive branch. Hence it is recognized that the General Assembly and governor are given co-extensive power to determine how the executive branch will be organizationally structured to implement these programs.

This section provides that if the governor's plan for reorganizing the executive branch affects existing law as the Committee feels it almost invariably will, that it should be set forth in an executive order and submitted to the General Assembly within the first ten days of a regular session. It then takes effect as law unless specifically disapproved by a majority of all members of either house of the General Assembly within fifty days.

Similar provisions for reorganization are incorporated in the Alaska Constitution and have been authorized by statute in the national government, and in the States of Michigan, Pennsylvania and South Carolina.

Section 4.20 describes in general terms how the principal departments of the executive branch, established in Section 4.18, are to be managed. The first sentence requires the heads of principal departments be single executives unless otherwise provided by law. The Committee accepts the principle of public administration that it is undesirable to have a board administering an executive department.

At the same time, the Committee recognizes that there are few administrative "absolutes" and that sometimes a plural decision-making body may be desirable when there is a need for continuity in policy or to represent diverse viewpoints. This section therefore permits the General Assembly to create boards or commissions as heads of principal departments.

The second sentence assures that each board or commission which does serve as the head of a principal department will have an officer to handle the administrative work of the department.

Section 4.21: the Constitution guarantees to the governor certain appointive powers. It provides that he shall with the advice and consent of the Senate appoint the single executives and fill vacancies on boards and commissions serving as heads of principal departments and also, with the members of regulatory and quasi-judicial agencies. The Committee feels that if the governor is to be chief executive of the state he must be able to appoint those

officials who are responsible for executing the administration's programs and policies.

At the same time, the Committee feels that senatorial confirmation should be required as a traditional legislative check on the executive's power.

This section also provides that the governor acting alone can appoint those serving as chief administrative officers under boards or commissions which head principal departments. It is felt that senatorial confirmation is not necessary in this case because these administrators do not make policy.

An exception is made, however, in the case of the head or chief administrative officer of an institution of higher learning or of the state public school system.

The Committee recognizes that public education occupies a unique position among the services rendered by the State. Therefore, to insulate public education from the risk of political influence, the method of appointing and removing these administrative officers is left to the law-making process.

The last sentence of this section permits the General Assembly to establish occupational qualifications that these appointees must meet. For example, the General Assembly might require that the head of the state's legal department be a lawyer admitted to the bar for at least five years or that the head of the state's fiscal department be a certified public accountant.

Section 4.22 is a companion piece to Section 4.21. It guarantees to the governor the power to remove single executives serving as heads of principal departments and chief administrative officers. The Committee feels that this removal power is essential if these officials are in fact going to be responsive to the governor. In other words, these appointees serve at the pleasure of the governor.

While recognizing that there is some danger that the governor may abuse this power, the Committee feels that there are sufficient safeguards.

First, there is the Maryland tradition against the wholesale removal of department heads. Second, there are the requirements of section 4.21 which require that any replacement that the governor proposes must be confirmed by the Senate and have those occupational qualifications required by law.

The Committee recognizes that the need for continuity is one justification for policy