

THE CHAIRMAN: Is the amendment seconded?

*(Whereupon, the amendment was duly seconded.)*

THE CHAIRMAN: The amendment is seconded.

The Chair recognizes Delegate Chabot to speak to the amendment.

DELEGATE CHABOT: Mr. Chairman, other delegates can express better than I why it is humorous or sad that this amendment comes up after the material that we have been through and I am quite sure that some of the delegates will make such comments, so I will just speak to the merits of this proposal.

The duty to sign or veto bills is one that is both extraordinary and commonplace.

It is extraordinary because it is a clear exercise of the legislative power by the Chief Executive, and we recognize that it is extraordinary when we hedge about the many details. In less than half the states, we permit the people to exercise a similar power by referendum, but there, too, in almost every case, it is hedged about with many restrictions, because it involves overruling the work of the elected representatives of the people.

I suggest, Mr. Chairman, that this is not a power to be lightly tossed about.

At the same time, it is commonplace because in 49 states the chief executive has this duty, and, since the adoption of our Federal Constitution, the United States Chief Executive has had this duty.

Yet, the Chairman of the Executive Branch stated yesterday that no other state, so far as he knew, permitted the delegation of this particular duty, and we know that the United States does not permit the delegation of this particular duty.

I suggest, Mr. Chairman, that the duty of making a bill into law or vetoing a bill is not the trivial sort of thing that should be lightly given to a private secretary or even a right-hand man, or right-hand woman.

I suggest that any emergency so serious that this duty cannot be performed by the governor himself, or herself, is already taken care of in other provisions of this article, with regard to the assumption of all the powers of the governor.

No urgent reason has been suggested why Maryland ought to pioneer on this par-

ticular matter, and indeed, if I understand correctly the comments of the Chairman of the Executive Branch Committee, the Executive Branch Committee itself did not really focus on this particular matter. Consequently, I respectfully urge not only the adoption of this amendment but even its support by my esteemed colleagues in the back row.

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Mr. Chairman, I would have to oppose this amendment.

The governor has a lot of other important powers that it seems to me are equally as important as a veto power. He has the power of life and death over the life of an individual. He has the power to give up an individual to another state where he may be tried for murder. All these powers could be delegated to the lieutenant governor. You could get around this prohibition easily by having the governor just write a little letter to the lieutenant governor saying, I will be temporarily unable to perform my duties as governor and all the powers are yours, and the lieutenant governor could then exercise the veto power. It, therefore, seems to me this amendment is really ineffective to accomplish what evidently it is intended to accomplish because it could be gotten around so easily and I see no reason for putting limits on the discretionary power of the governor to vest some of his powers in the lieutenant governor in his discretion.

Actually, I think as a matter of practice, the governor will in only very rare instances, if ever, vest the lieutenant governor with the veto power, but I certainly am not in favor of putting something special in one section of the constitution saying he cannot do it under this section, when he could get around it very easily and do it under another section.

THE CHAIRMAN: Is there any further discussion?

Does any delegate desire to speak in favor of the amendment?

Delegate Gleason.

DELEGATE GLEASON: Mr. Chairman and fellow delegates, I am not sure, I guess I have to go on the interpretation of the Chairman of the Committee with respect to this part that is capable of being delegated. I guess he said that in his explanation of this section yesterday, because when I read section 4.16, page 6, this does say, if the General Assembly is in session,