

that you think satisfies your conscience. It seems to me if we go that way, we start to legislate, because there are other duties and if you start to delineate these duties, there are others perhaps the governor should not be able to give to the lieutenant governor as a matter of principle. In theory, you either leave it entirely up to the governor or go through the whole exercise of determining what authority should be delegated. I am going to ask the Chairman of the Committee if he will yield for a question, too, because I hope maybe we might be able to work this out. I wonder if you would agree that a possible substitute for your amendment, and I have not drawn it, would be, in effect, to authorize the legislature to delineate those specific powers which cannot be delegated by the governor to the lieutenant governor, and that could be done by using the expression at the appropriate place, unless prohibited by law.

Would you have any objection to that approach, if the Chairman of the Committee did not object?

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: Well, I have some uncertainties about how it would fit into 4.03, and the reason is that we use the word, "duties", in line 4, and again in line 5.

Now, if the veto or the signing of bills constitutes a duty in line 5, I am not sure that it does not also constitute a duty in line 4, and I would not want the legislature to be able to give the lieutenant governor the opportunity to make a decision as to whether a bill were to be signed or vetoed.

This is why in my amendment I said that the authority to sign or veto a bill may not be prescribed or delegated under this section, because apparently, if something is accomplished in one word used in one place in the sentence, I assume it is accomplished with the same word used in the other part of the sentence, so I do not know how your proposal would fit into the rest of that one sentence. If there were some way to make sure that the legislature could make the lieutenant governor in effect a super governor, I would tend to agree with you.

THE CHAIRMAN: Delegate Sickles, before you reply to that, may the Chair make a comment, because the two previous answers of the Committee Chairman and your reference to the Committee memorandum seem to me to create serious doubts in the

record as to how far-reaching the section 4.03 is.

I am concerned that the discussion indicates that the legislature under 4.03, as drafted, and even under the amendment, with the minor exception there noted, would be able to pass a law delegating all powers of the governor to a lieutenant governor. The Committee memorandum does not indicate that this is the intent, but the Committee Chairman's answers do. Your questions have been directed to delegations by the governor, but the section says, "Shall perform such duties as may be prescribed by law."

I wonder if this is part of your problem, or perhaps not related to it.

DELEGATE SICKLES: Mr. Chairman, I am not sure that that is part of my problem. I was just concerned that the second part of that sentence, where it says, "and such other duties as may be delegated to him by the governor", would leave the governor the unrestricted authority to delegate any duty, even if the legislature had not already provided for it, and that they might as a negative action, by including just before the words, "such other duties", the expression "unless prohibited by law, such other duties as may be delegated to him by the Governor." That was the only point to which I was speaking.

THE CHAIRMAN: May I then direct the inquiry I made to the Chairman of the Committee, and ask him whether it is the intent of section 4.03 that the effect of the first sentence would be to authorize the legislature to take away from the governor and delegate to the lieutenant governor any powers or duties of the office of governor.

Delegate Morgan.

DELEGATE MORGAN: Mr. Chairman, that was not the intention of the Committee.

THE CHAIRMAN: It seems to the Chair that the language may be susceptible of that interpretation.

Delegate Chabot, do you wish to comment further with respect to Delegate Sickles' suggestion to you as to your amendment? He has pointed out where he would make the change.

DELEGATE CHABOT: I do not think that that would solve the other problem that I had suggested, that you expanded upon, and I also do not feel that the other matters are of the same constitutional sig-