

have power to do that, and I think even if we strike out these words, the General Assembly would have the power to do that. It seems to me that as a result of this discussion, I would be perfectly willing to agree to Delegate Chabot's amendment if we can also either strike out these words, "as may be prescribed by law and such other duties", or insert after, "as may be prescribed by law", the words, "approved by the governor", so that the General Assembly could not vest functions in the lieutenant governor over the governor's veto.

THE CHAIRMAN: Delegate Clagett.

DELEGATE CLAGETT: I do not believe I am suggesting that, Delegate Morgan, because I believe the courts would do just that. I believe that if there came a time when the General Assembly attempted to delegate to the lieutenant governor something which it did not have the constitutional authority to delegate that the courts would then intervene and declare such an act by the General Assembly unconstitutional. I would prefer to have the language remain as is, with the clear intent being made a matter of record, as we are doing now, and therefore, then move to my next question. In the light of our interpretation of the first part of this section, that by the delegation to the lieutenant governor of duties by the governor, we are there intending that within the exercise of the executive powers provided for in this article 4, the governor may give to the lieutenant governor those powers of his branch of the government that he may see fit and may be necessary under the circumstances.

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: That is correct, but it seems to me that since the governor can delegate the veto power under the section that authorizes the governor to deliver the lieutenant governor a notification, the governor will be temporarily unable to perform his duties. It seems to me it would be perfectly all right under this section to prevent the governor from just delegating this one power to the lieutenant governor, if everyone feels so strongly that that should not be done.

THE CHAIRMAN: Delegate Stern.

DELEGATE STERN: Mr. Chairman, I wish to bring to your attention and the attention of this Committee that yesterday we voted on Amendment No. 5, and the attention of Mr. Sickles, who voted against it, that after the word, "Governor," add the words, "but the General Assembly may

limit the powers and duties which the Governor may delegate to the Lieutenant Governor."

It failed 15 to 111. This was one of those small amendments brought up by my good friend, Senator Storm.

THE CHAIRMAN: Delegate Gilchrist.

DELEGATE GILCHRIST: Would the Chairman yield for a question?

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

DELEGATE MORGAN: I yield.

THE CHAIRMAN: Delegate Gilchrist.

DELEGATE GILCHRIST: At the risk of being involved in semantics with Delegate Marion's suggestion a little while ago, I sent back for Delegate Stern's WEBSTER'S DICTIONARY and I found that it says, with respect to duty, that this is the action required by one's position or occupation, and when you turn to power, you find it to be a totally different thing, and power is possession of control, authority or influence over others.

I suggest that the Committee's language in the recommendation is a very different thing from the Committee's language in its commentary; that if you intend to produce a result which is contained in a commentary, you not only need to have duties in the recommendation, you need to have powers, and I do not know of any place where powers are delegated to lieutenant governors. They are generally duties.

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Mr. President, I think this can probably all be ended by agreeing, as I said I would, to the Chabot amendment, since the governor can accomplish this under another section of the executive article. In any event, by giving the lieutenant governor notification in writing that he will be temporarily unable to perform the duties, whereupon the lieutenant governor becomes acting governor.

THE CHAIRMAN: Delegate Penniman.

DELEGATE PENNIMAN: It seems to me that more questions are raised than simply the ones which surround the immediate problem of the veto, because there are provisions in other articles which are subject to the same kind of problems as the ones that Delegate Chabot is now talking about. For example, in article 3, section 12, there is a provision that the