CONSTITUTIONAL CONVENTION OF MARYLAND [Nov. 30]

was a motion that a rule should not super-
sede a law until two years had elapsed and
that motion was voted down and it seems
to me that if we are willing to grant con-
current powers to the Court and to the
legislature we ought to be willing to grant
coextensive powers in this one area, powers
which mean that the governor would be
subject to the legislative veto. I urge you
to adopt this amendment and strike the
temporary provisions starting on page 6.

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Mr. Chairman,
I am going to have to speak in opposition
to this amendment because of what hap-
pened in the Committee. The Committee
spent at least four days on these sections
of the executive order. We went up the
hill and down the hill and finally we all
came to an agreement that the legislature
would have two years in which to make
the initial organization of the executive
branch of the government and designate
the principal departments and that if it
did not accomplish that within the two
years, the governor could do it by execu-
tive order.

I do not think it was ever thought that
the executive order power would ever really
come into being. This was put in as a
prod to the legislature to make the initial
organization, but as I say, the Committee
finally agreed to this device to give the
legislature two years to make the initial
organization and after that the General
Assembly and the governor would have co-
extensive powers to reorganization, that is,
the governor by reorganization plan and
the General Assembly by bills. I really
think we ought to stick to what the Com-
mittee finally agreed upon after having
wrestled with the problem for four days
and I hope this amendment is not agreed to.

THE CHAIRMAN: Delegate James.

DELEGATE JAMES: Mr. Chairman
and members of the Committee of the
Whole: I should also like to call to your
attention that if the governor wishes to act
during this two-year period, it would be a
very simple matter for him to present his
reorganization plan to the General Assem-
bly in the form of a statute which could
be considered in the reorganization process.
The thinking of the Committee is that the
first big reorganization should be in the
form of law and once the organization was
established in the form of law, from that
point on, the reorganization powers would
be concurrent.

THE CHAIRMAN: Some of the dele-
gates received their amendments too late
to get the numbers. I will pause a moment
now to indicate the numbers.

Amendment Z is 16; AB, 17; AC, 18;
AD, 19; and E, 20.

Delegate Marion.

DELEGATE MARION: Mr. Chairman,
I had a question for Delegate Maurer, if
she would yield.

THE CHAIRMAN: Delegate Maurer,
do you yield to a question?

DELEGATE MAURER: Yes.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: Do I understand
the effect of this amendment would be to
allow concurrent power between the legis-
lature and the governor beginning with the
adoption of the constitution, instead of
putting exclusive power in the General As-
sembly for the first two years. Am I cor-
rect so far?

THE CHAIRMAN: Delegate Maurer.

DELEGATE MAURER: That is my
text.

It does not change the technique which
has been adopted by the Committee in how
the governor would handle reorganization
plans. It merely eliminates the two-year
hiatus in which only the General Assembly
could initiate reorganization plans.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: Delegate
Maurer, is it further correct, then, that
the General Assembly even under your
amendment during the first two years would
have the authority to move ahead as it saw
fit and enact appropriate legislation in
this regard, and during this time the legis-
lature could check any proposal submitted
to it by the majority vote of either house
if it did not like any proposal advanced by
the governor during that two-year time?

THE CHAIRMAN: Delegate Maurer.

DELEGATE MAURER: This is entirely
correct.

THE CHAIRMAN: Delegate Sickles.

DELEGATE SICKLES: I would like to
speak very briefly in favor of the motion.

I was one of those on the Minority Re-
port described by Delegate Boyce and the
reason I was basically was because of this