

particular provision which really worries me.

I recognize in this attempt to make the legislature do the job within two years that it was thought that a very strong penalty or a very strong device had to be used in order to assure that this was done, but I think perhaps we go too far when under some circumstances which could possibly occur we permit the governor to organize a State without any restraint whatsoever.

I think the power of reorganization in the hands of the legislature is a very important thing, but I think it is a very strong power. I think, unchecked, we are really violating some very basic principles and I would rather not take that chance and, therefore, I think to have both the governor and legislature start out immediately to develop their programs and each able to check on the other is very important and, therefore, I support it.

THE CHAIRMAN: Delegate Boyce.

DELEGATE BOYCE: As I understand what we are trying to do it is to let the governor submit to the legislature and get their approval, or if they do not react on his reorganization plans or only those with regard to the executive department in 50 days they would have a legislative check.

THE CHAIRMAN: Delegate Sickles.

DELEGATE SICKLES: It is my understanding, and I want to be correct, if this amendment is adopted, the governor would have the legislature check on him and the legislature as a result of the governor's veto would have its traditional check, but my concern is that the language as proposed does have under some circumstances that he might during the third year be able to reorganize the entire executive branch without the power of veto by the legislature.

THE CHAIRMAN: Delegate Morgan said there would be no question about this. I wonder if you could clarify it and tell us what the effect of section 4.18 would be without the temporary unnumbered section with respect to the power of the governor and the power of the legislature as to reorganization beginning immediately.

DELEGATE MORGAN: Without the temporary provision in section 4.18 and 4.19, the power of the governor and the power of the legislature would be coextensive. The General Assembly could reorganize by statute and the governor could reorganize by executive order, which would

have to be submitted to the General Assembly within the first ten days of the session, left before the General Assembly for 50 days and not be disapproved by the majority of the membership of either house.

THE CHAIRMAN: So that it will be abundantly clear, if this were adopted without the temporary provision, the legislature without awaiting the governor's action at all could enact a statute reorganizing the executive branch.

Delegate Morgan.

DELEGATE MORGAN: That is correct.

THE CHAIRMAN: And at the same time, without waiting for action by the legislature, the governor could by proclamation reorganize the executive branch, but that would be subject to veto by the legislature within 50 days if submitted at the time prescribed in section 4.19.

DELEGATE MORGAN: Yes, Mr. Chairman, by statute order.

THE CHAIRMAN: Delegate Maurer.

DELEGATE MAURER: May I raise the question for further clarification because we have used the words proclamation and executive order; in line 36 of section 4.18 the second and third words are "by law" describing how the functions, powers and duties of the executive administrative offices are allocated. Am I correct in understanding that the phrase "by law" there includes both the usual legislative process and this reverse legislative process by which the governor through executive order makes changes which have the force of law?

THE CHAIRMAN: I would take it that that is not correct; that "by law" would mean an act of the General Assembly either signed by the governor or passed over the governor's veto.

Is that the Committee's understanding, Delegate Morgan?

DELEGATE MORGAN: No, it is not, Mr. Chairman.

THE CHAIRMAN: State the understanding.

DELEGATE MORGAN: On line 39 on page 7, speaking about executive orders, "they shall become effective and have the force of law on the date designated in the executive order."

It certainly was intended by the Committee that this initial organization, such