

as this two-year waiting period could be made either by the governor, by the executive order route or by the General Assembly.

THE CHAIRMAN: The Chair has perhaps misunderstood both your previous answers and Delegate Maurer's question.

I understood her question to be whether the phrase "by law" as used in section 4.18 meant the executive order and acquiescence in it by the General Assembly that is referred to in section 4.19.

Delegate Maurer, maybe the Chair misunderstood your question. Will you state your question again?

DELEGATE MAURER: I think you stated it quite accurately. My question is, whether the use of the phrase "by law" in section 4.18 includes the "by law" phrase we have used throughout, the regular legislative enactment, whether it includes in addition those orders which have the force of law as described under section 4.19.

THE CHAIRMAN: I think the misunderstanding, perhaps, comes from your use of the word "includes".

If you could phrase your question without using that word, maybe we can follow you.

DELEGATE MAURER: Does "by law" in this sentence have two meanings, the regular one provided by the usual legislative enactment, and law created by executive order and having the force of law?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Mr. Chairman, I misspoke myself. I answered that last question incorrectly.

This section really deals with two powers, one is to make it clear that the powers and duties of the various departments are to be prescribed by law and that is really the only way they can be prescribed because the programs that the State will undertake—

THE CHAIRMAN: You are talking now about section 4.18?

DELEGATE MORGAN: Yes. 4.18.

In 4.19, beginning line 29, the governor may make changes in the organization of the executive branch including the establishment or abolition of principal departments and in the assignment of functions among its units which he considers necessary for efficient administration. That is

the section which gives the governor the reorganization power really coextensive with the reorganization power of the General Assembly.

THE CHAIRMAN: Well—did you finish?

DELEGATE MORGAN: I have finished, yes.

THE CHAIRMAN: I take it, then, if I understand that answer, that the answer to Delegate Maurer's question is that the phrase "by law" as used in section 4.18 means a law enacted by the General Assembly and signed by the governor or enacted by the General Assembly over the veto of the governor and also means an executive order which has the force of law under section 4.19. Is that correct?

DELEGATE MORGAN: I understood your question was not by law limited to laws enacted by the General Assembly.

THE CHAIRMAN: In section 4.18.

DELEGATE MORGAN: In section 4.18 and approved by the governor or passed over the governor's veto.

THE CHAIRMAN: Then, what I just stated was incorrect and what I stated earlier was correct?

DELEGATE MORGAN: That is correct.

THE CHAIRMAN: Let me make sure there is no misunderstanding.

If I understand you now, you are saying that the phrase "by law" in section 4.18 means a statute enacted by the legislature and signed by the governor or passed over the governor's veto and does not include an executive order having the force of law under section 4.19. Is that correct?

DELEGATE MORGAN: That is correct.

THE CHAIRMAN: Delegate Maurer.

DELEGATE MAURER: Mr. Chairman, under those circumstances, I think merely taking out the temporary provision will not provide the coextensive powers of which we talked and therefore, I will have to offer still another amendment.

Would this be a correct legal interpretation, that we would have to take out the "by law" and leave section 4.19 to describe the method by which organization and reorganization take place?

THE CHAIRMAN: Delegate Maurer, if the Chair correctly understood the answers, I do not think the results you in-