

licated would follow, and I would think that as thus interpreted the two sections, 4.18 and 4.19, without the temporary section, would enable the legislature to proceed by law under section 4.18.

At the same time, the governor could, if the legislature did not proceed by law, proceed by executive order under section 4.19 and that is what I understood Delegate Sickles was inquiring about.

Delegate Maurer.

DELEGATE MAURER: With that interpretation, I will proceed with Amendment No. 16.

THE CHAIRMAN: Let me make sure the Chair understands it.

Did the Chair correctly state that, Delegate Morgan?

DELEGATE MORGAN: The Chair did correctly state it.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: Mr. Chairman, I am confused because of the provision on line 34 of section 4.19, where it says where these changes require the force of law, does this mean we are going to say constitutionally that the change requires the force of law and then adopt a procedure and say that it is not law?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Well, I think we can make it quite clear by inserting after "by law" in line 39 on page 6 the words "enacted by the General Assembly".

THE CHAIRMAN: I do not think that goes to Delegate Case's question, Delegate Morgan.

Maybe the Chair can ask another question. I am not sure that this is what Delegate Case had in mind or what the Committee had in mind.

Do you contemplate that there could be situations where, by law, a department of the executive branch is so organized that the governor has some authority to make some changes in it without having a change of the law or without having an executive order?

DELEGATE MORGAN: Oh yes, for example, suppose a principal department has been established and the department head sets up administratively certain administrative units within the department. There is nothing that would prevent the governor

or the department head from changing those administrative units, consolidating them or reorganizing them without submitting any executive order to the General Assembly because these administrative units were set up purely administratively to suit the convenience of the head of the department and they were not set up by the General Assembly. However, if you had an organization of a principal department, if the General Assembly described how the principal department was to be set up and was to have a division of this and a division of that and a division of something else, when a change in that is thought desirable by the governor, why, he is, in effect, changing the law, and that would require an executive order submitted to the General Assembly because that change would have the force of law.

THE CHAIRMAN: Delegate Case, paraphrasing part of that, I think what Delegate Morgan has said is that a change which is either authorized by law or a change which is not in conflict with law would be made by the government without an executive order of the type referred to in section 4.19.

Does that answer your inquiry?

DELEGATE CASE: Well, it does in part, but let us go further and take a change that is more substantial than this and therefore, requires law in the generic sense.

Do I understand that this constitution as now interpreted says in effect that even though we are saying that a change of this nature must be done "by law" that nevertheless, the governor can by the executive order achieve this end result?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Mr. Chairman, I do not know exactly what the change is that Delegate Case is referring to.

Can you give me an example?

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: I am not sure myself. But let us start off at line 34 of section 4.19, where these changes acquire the force of law.

Let us suppose that you are going to reorganize the department of budget procurement into a budget department and a procurement department. The statutes provide for the budget procurement as a single department.