

Now, you can split them apart and this would require, I would take it, statutes to do. So that would be the kind of case we are talking about. Then you go on to say they shall be set forth in an executive order, and so on. That executive order, you say, which reorganizes the department of budget procurement, would not be "law" and yet, it is the kind of thing that the constitution implies to me requires law. I think it is inconsistent.

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Mr. Chairman, that is the very kind of thing that the language Delegate Case was referring to was intended to color.

Here it sets up the department of budget and procurement and the government wants to reorganize and split it into two departments. Now, that reorganization will change a law and in that sense will have the force and effect of law and this simply says to do that the governor has to submit an executive order accomplishing it to the General Assembly in the first ten days and it will have to lie before the General Assembly for fifty days and not be disapproved by either house of the General Assembly by the end of that fifty days and if those things occur, then this executive order has the force and effect of law and I assume it will be printed in the session laws and the annotated code of Maryland.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: Then this procedure introduces a new way of introducing laws. It is a procedure which has the force and effect of law, yet it is not law, is this correct?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: It certainly is law because it has every effect of a law but in one sense it is not actually a law in the technical sense, but it has every attribute of a law and it is just enacted by the reverse process instead of by the regular process and that is the whole purpose of this provision.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: That brings me full circle to Delegate Sickles.

If this procedure which has the effect of law is not law, and if it does, though, allocate or split apart the department of budget procurement, then how do you square the words in section 4.18 which say that the powers, functions, and duties of

the state government shall be prescribed and allocated by law.

THE CHAIRMAN: Delegate Morgan.

DELEGATE JAMES: Mr. Chairman.

THE CHAIRMAN: Just a minute. Delegate Morgan.

DELEGATE MORGAN: The reorganization powers of the government are all contained in section 4.19 which provides that the governor may change the organization—"may make changes in the organization of the executive branch, including—" and so forth.

Now that includes all sorts of changes in the executive branch. If he does that and this organization had been established by the General Assembly, he will have to submit an executive order to the General Assembly and the General Assembly will not disapprove it within the 50-day period.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: Delegate Morgan, I am not disagreeing with the idea, I think it is a good one. I think the sections must be read together and when they are, they present somewhat a confused picture.

I am wondering whether in line 36 of section 4.18 your work product would be hurt by striking out the words, "by law" so that it would read "all functions, powers, etc., of the state government shall be prescribed and allocated among and within not more than 20 principal departments."

Are you not really saying that there shall be twenty principal departments and not speaking to the procedure by which the departments come into being. The words "by law," however, are sufficiently confusing to raise this point. If you struck the words "by law" out of section 4.18, I think the dilemma might be resolved.

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Mr. President, I think really the only way you could strike "by law" out of section 4.18 would also be to strike out the word "shall be prescribed" and certainly there is no intention to have the governor prescribe the programs that the State would be authorized or directed to undertake.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: I do not wish to prolong this, but it seems to me that if I were drafting this, 4.18 would be directly a part of the provision which merely says