

thereby would make it consistent with 4.19.

The question that I would have is whether 4.19 could be held to be wholly consistent with 4.18 unless those words are removed.

The second question that I would have deals with the use of the term executive orders in lines 40 and 41 of 4.19, which might also be considered by the Committee during its recess meeting. Is it not correct that an executive order is an action by a governor or president taken pursuant to either his inherent power as executive pursuant to a statutory power which is not subject to subsequent review, but what the Committee, it seems to me, is getting at, is a reorganization plan which I take it to be somewhat different from an executive order.

THE CHAIRMAN: I take it the Committee will consider those suggestions. Delegate Gleason.

DELEGATE GLEASON: Mr. Chairman, I frankly do not share this confusion.

I do think perhaps that there was a word left out or a word too many put in, but as I see section 4.18, I think what the Committee is referring to is the original organization of the executive branch within twenty principal departments or less. That can only be done one way by a regularly enacted law. When you get over to 4.19, although the language seems to be just the same, the Committee is referring to the concurrent powers of reorganization and that can be done in one of two ways.

Now I agree with Delegate Case that I think if in 4.18 they had the word "original" or something like that, it would clarify the situation. I think that is all that is required.

THE CHAIRMAN: Delegate Sickles.

DELEGATE SICKLES: I just want to concur in the recommendation of the President. I am not sure that we are really going very far ahead. But I think the point made by Delegate Gleason is as significant as any. If the interpretation were that the legislature had to in effect take the first bite out of the apple, then it would not be wise to take the protective language out. I think we ought to go back to Committee and look it over.

THE CHAIRMAN: Delegate Adkins.

DELEGATE ADKINS: I suppose any further comment is not in order if we are going to take it back to the Committee.

I do think perhaps a word maybe by way of clarification along the lines Delegate Gleason suggested might not be amiss. I think the situation in my own mind is kept more clear if we look at the titles of the two sections.

I realize that the titles are not an integral part of the law, but at least they indicate the way that the Committee was authorized. Section 4.18 relates to the organization of the executive department. My understanding was that the basic compromise that Delegate Morgan referred to was that the original organization of twenty principal departments would be by act of General Assembly, that is, by law, which thereby required, in the opinion of some of the members of the Committee the temporary provision which started all this discussion. I will not comment on that at this point.

Section 4.19, as its title indicates, is intended to relate to the reorganization of the executive branch after it has once been organized under 4.18 and again as Delegate Gleason suggests, there are two ways in which it can be reorganized, the powers would be concurrent either in the General Assembly by normal statutory procedures or in the executive subject to veto by General Assembly — in the general orders. If we keep that structure in mind, maybe some of the questions would not be so tense as they otherwise would be.

Referring to the question Delegate Case raises, the use of the term "by law", it seems to me is kept somewhat in perspective if we realize that there is a distinct difference in the language here, or at least there is intended to be a difference between the creation of new functions and the assignment or allocation of existing functions. The language clearly intends, whether it does or not is a matter of faith, but I think it is clear that the matter intends to give to the General Assembly the creation of new powers and duties reserving to the executive the power to reassign and reallocate powers and functions and duties but not to create such new functions.

The last point I will make and then I will quit is reference to this term "by law."

There are on the books certain statutes which now assign, not create, but assign the execution of certain imposed duties to certain specified organizations within the State, such as one directing the commissioner of motor vehicles to provide for licensing of vehicles. This is a matter of statutory law. It is the opinion of the