

First of all, the word "including" on page 7 is contrary to what Delegate Adkins proposes because in the law that is not a limiting word and consequently I think that would be interpreted contrary to the interpretation of Delegate Adkins.

The second comment I would like to make concerns another provision, I take it the Committee has in mind that the governor comes in with a full plan sitting on a change and section 4.19, as it is drafted, would not permit the legislature to make any amendments to the governor's plan. It takes it in toto or it rejects it in toto. It occurs to me that that may raise as a matter of practice a number of problems and I would suggest to the Committee that it might give some thought to the amendatory power in the legislature in order to make this more workable.

THE CHAIRMAN: Delegate Storm.

DELEGATE STORM: The Committee did consider Delegate Hardwicke's proposal and I think we debated that at least one day and we finally decided that they should have the right to amend and we finally decided we would leave it the way it is. Really, we do not need to go back to the Committee. I am perfectly willing to, I think Delegate Adkins really explained it, but maybe a country boy can give it a little bit clearer.

Let us go back and suppose that automobiles had just been invented. The legislature would say, "Well, we are going to register automobiles and license drivers and pass laws regarding their operation." The governor would not be able to do this. The legislature would do this and they would set up at that time, we will say, a department of motor vehicles to handle the registration of the cars and the registration and licensing of drivers. Then they would have created a function, prescribed a function and set up an agency to handle it.

The governor would then be able to take that department of motor vehicles and put it in one big licensing bureau that would license everything, lawyers, doctors, drivers, motor vehicles, and so on. He would not be able to change the requirement that licenses be required of drivers or that registration be required of cars.

Does this explain the difference? Section 4.18 is absolutely necessary because that gives the legislature the right to pass the laws and establish the programs and the big legislative policies.

Section 4.19 says and repeats that the legislature shall do this and then it says the governor may make changes in the organization of the executive branch. We had an argument over the next part "including the establishment or abolition of principal departments and the assignment of functions among its units which he considers necessary for efficient administration". But we finally agreed on giving him this vast power because we were strengthening his hand but we did not want to give him the right to prescribe the functions and do away with the legislature entirely. I do not believe we need to go back to the Committee. I think the way we worked it out was all right. The legislature will prescribe the functions and really say what the policy or what the law will do and the governor has the right to say who will do what.

THE CHAIRMAN: Delegate Scanlan.

DELEGATE SCANLAN: I do not want to contribute to semantics here today. Judge Adkins' lucid presentation clarifies what I thought was clear, that there is no necessary contradiction between the language "by law" in 4.18 and the language in 4.19. The only possibility of contradiction arises if Mrs. Maurer's amendment is successful and the temporary section is stricken. Then the contradiction only arises if one takes the position that an executive order having the force of law is nevertheless "by law" as used in 4.18. I think there is not a difference but others may think otherwise. I think the Committee's task of clarification would be somewhat reduced, if not eliminated, if we decided in the first instance we were going to vote Delegate Maurer's amendment up or down.

THE CHAIRMAN: Delegate White.

DELEGATE WHITE: Mr. Chairman, I rise at this time on the point of personal privilege.

THE CHAIRMAN: State your privilege.

DELEGATE WHITE: I would like to share with the Convention a note that was delivered to me just a few minutes ago:

*"Dear Delegate White,*

*"You are really making progress at the Convention. Yesterday, you told us that you read in the paper that someone had an apartment to rent to you. When I looked out the window this morning, they changed the color of the whole area to match your name.*

*Signed, Delegate Taylor"*