

I suggest there are two clearly separate and divisible questions.

THE CHAIRMAN: The Chair agrees that the questions are divisible. I was hesitating because the Chair is perplexed as to exactly what the meaning of the section with both phrases in it would be if both were adopted.

Confusion arises in the mind of the Chair as to whether the phrase "unless otherwise provided by law" would then be applicable only to the exception or to the principal part of the question, and not the exception, or both.

We can come to that later, I think after we decide what to do. The Chair will divide the question.

For what purpose does Delegate Weidemeyer rise?

DELEGATE WEIDEMEYER: I want to make a point of inquiry of Delegate Maurer or the Chair.

If this amendment were to go through, striking out, "unless otherwise provided by law," in lines three and four, on page 8, and then we left in the last sentence, "when a board or commission is at the head of a principal department", would that not be a gross inconsistency between the first sentence and that latter sentence?

THE CHAIRMAN: If the second question were passed, without the first one being passed, that would be true. If both changes embodied in this amendment were adopted then the point you make would be a valid one. If they were both adopted your point would be well taken.

Delegate Maurer.

DELEGATE MAURER: I am not sure I understand the legal intricacies, but my point is that unless there is an exception for the State Department of Education and the institutions of higher learning in the event they are heads of principal departments, I do not wish to state that there shall be only single executives. I see them as inseparably tied.

THE CHAIRMAN: Your point is that even though they might be divisible, you do not want to have them divided, because you think that, or at least your desire is, that the first portion of the amendment be adopted only if the second portion is likewise adopted?

DELEGATE MAURER: I would want the second portion adopted only if the first portion is adopted.

THE CHAIRMAN: I understand.

DELEGATE MAURER: That was my request.

THE CHAIRMAN: Delegate Maurer, as in its present form I think the amendment is divisible and if the division is called for, since each could stand separately, the Chair would have to grant the division.

I think to accomplish your purpose you could offer an amendment to strike out line 50, on page 7, and lines 1, 2, and 3 on page 8, and the words "provided by law" on line 4, and in lieu thereof substitute a sentence reading "except for the state public school system and institutions of higher education, the head of each principal department of the executive branch, including the chief legal officer and the chief fiscal officer, shall be a single executive."

If that were your amendment, then Delegate Scanlan could move that you amend your amendment by the addition of the other phrase, and there could be a separate vote on it.

Delegate Maurer, do you desire to restate your amendment in the form suggested by the Chair?

DELEGATE MAURER: If I understand the Chair correctly, then it would protect my amendment by presenting it in one sentence?

THE CHAIRMAN: One sentence, but still give the opportunity to other delegates to offer an amendment to it.

DELEGATE MAURER: Yes, sir, I would be pleased to do that. May I point out that the executive committee has voted to drop the phrase "including the chief legal officer."

I do not know whether you want to, and "chief fiscal officer", and I would be willing to drop that at this time as well, if that were agreeable to the Chair, or whether it is simpler just to leave it in.

THE CHAIRMAN: Very well. The Chair would be disposed to treat your amendment as thus modified, with the understanding that the corrected modified amendment in printed form be placed on the desk of the delegates, in the absence of any objection.

Is there any objection to that procedure?

Delegate Winslow?

DELEGATE WINSLOW: I wanted to ask a question.