

THE CHAIRMAN: First is there any objection to that procedure?

*(There was no response.)*

Delegate Morgan.

DELEGATE MORGAN: Mr. Chairman, am I correct in understanding that the amendment as amended will leave out the words "including the chief legal officer and the chief fiscal officer"?

THE CHAIRMAN: Yes. The Chair will restate it.

For what purpose does Delegate Pullen rise?

DELEGATE PULLEN: A point of inquiry, sir. Before deciding whether to raise an objection to that, if you would answer two questions: is it not necessary to avoid subjecting the public school system and the system of higher education to whatever the intent of this particular proposal intends to do to repeat in each case "except the state public school system and the institutions of higher education"?

In other words, in the first case there you would have the possibility of a single executive appointed by the governor, or whatever the legislature decides and in the second case, while you may have a board, you still leave it open to have the chief executive officer appointed by the governor, or selected by some other medium.

The intent, as I understand, of Mrs. Maurer's proposal here is to exempt the public school system and the system of higher education from such eventuality.

THE CHAIRMAN: Delegate Pullen, the Chair is not at all sure it understands that inquiry. If I understand it, the answer is this: what Delegate Maurer is trying to do by the amendment is to provide that, except with respect to the state public school system and institutions of higher education, there shall be a single executive, which under other sections, would provide the appointment of that executive by the governor.

In the case of public school systems and institutions of higher education, there would not necessarily be a single executive. There could be a board or commission at the head of it, in which event the chief administrative officer would be provided by law, which is to say the law would determine the manner in which the chief administrative officer were to be selected.

Is that correct, Delegate Maurer?

DELEGATE MAURER: Yes.

THE CHAIRMAN: Delegate Pullen.

DELEGATE PULLEN: Mr. Chairman, the law could provide that that chief executive, even though under board, be appointed by the governor.

THE CHAIRMAN: It could.

DELEGATE PULLEN: That is the point that I wished to make. In other words, to accomplish the purpose for which Mrs. Maurer has presented her amendment, you have to repeat the acceptance of both divisions.

THE CHAIRMAN: I do not think so. I think her amendment is to leave that to law. She is not attempting to fix that in the Constitution, as I understand it.

Is that correct, Delegate Maurer?

DELEGATE MAURER: Yes, sir. That would come under 4.21, when we debate 4.21, if we pass 4.20, is that not correct? Because the chief administrative officers are not dealt with in 4.20.

THE CHAIRMAN: That is correct.

Delegate Pullen.

DELEGATE PULLEN: May I make the point to my colleague that if that is left in there, without that protective device, the appointment could be made by some other agency, and by provision of the legislature.

THE CHAIRMAN: That is exactly what Delegate Maurer intends as the Chair understands it.

Delegate Pullen, you will have the opportunity to offer an amendment to that. That is the effect of the section at the present time, I might point out.

Delegate Pullen.

DELEGATE PULLEN: Go ahead with the first one. We will try to work something with the second one.

THE CHAIRMAN: Very well.

Delegate Maurer, Mr. Benson will prepare the amendment in the form you have indicated and we will substitute as soon as it gets back.

In the meantime, so that we will understand what we have before us, the amendment will be as follows: If you will take up your blue copy, on page 7, strike out all of line 50; on page 8, strike out all of lines 1, 2, and 3, and in line 4, strike out the words "provided by law", and in lieu thereof, insert the following sentence: "Except