

question was divisible, and informed Delegate Maurer that if her amendment remained in its then form the Chair would divide it.

I suggested to her a means by which she could submit her amendment to accomplish her purpose, and I thought it would also accomplish the purpose of you or any other delegate.

Delegate Scanlan.

DELEGATE SCANLAN: I am fishing in troubled waters. If those who want to have a shot at the issue do not want to come forward with an amendment I am not going to give it for them.

THE CHAIRMAN: Delegate Key.

DELEGATE KEY: I would like to ask Delegate Maurer a question.

THE CHAIRMAN: Delegate Maurer.

DELEGATE MAURER: I yield.

THE CHAIRMAN: Delegate Key.

DELEGATE KEY: The question relates to heads of departments of the executive branch. It was my understanding from the testimony of Delegate Morgan yesterday that there is the possibility that one of the departments in this new system which is to be decided by the General Assembly at a later date might be health, education and welfare. It just seems to me that this amendment is assuming that education will be a principal department.

I just wanted you to clarify that.

THE CHAIRMAN: Delegate Maurer.

DELEGATE MAURER: Mrs. Key, it is my understanding or interpretation that this does not mandate the University of Maryland as a principal department, but in the event that the state public school system or the University of Maryland should be set up as a principal department, then the head of that department would really be, or could be a board, and would not have to come under the single executive to head it.

THE CHAIRMAN: Delegate Key.

DELEGATE KEY: I wondered though about the advisability of putting in something into the Constitution that might not be.

THE CHAIRMAN: Delegate Maurer.

DELEGATE MAURER: I think it is very essential, because the minority report, for which this amendment is a substitute,

tried to handle it by saying that the public schools could be a department, but the problem there is that if it became a principal department, it would have to be headed by a single executive.

That is just the eventuality which I would like to avoid, and it seems to me that it is essential to protect our universities, our colleges and the state public school system, and while it is difficult to do it in a few words, I too, would prefer to be able to spell it out, if this applies only to the eventuality that they are set up as departments.

It seems to me this takes care of the eventuality without mandating that they become principal departments. I see no other way of handling it.

Might I also say that I think this does allow the Convention a three-way choice, because the existing wording of the blue sheets, as we have worked with them, provides an exception for schools too because it says "unless otherwise provided by law", but then I point out there are other opportunities here for your choices.

THE CHAIRMAN: Delegate Key, do you have a further question?

DELEGATE KEY: Well, I just wondered, and I think she answered it, I wondered if the purpose for including "Unless otherwise provided by law" was the intention of the Committee there to protect education.

THE CHAIRMAN: Delegate Maurer.

DELEGATE MAURER: Yes, and other particular functions of government, but the problem there is that it leaves to the legislature the opportunity to create a board to head the finance department or to head any other department which is set up.

It does not spell out the areas which are protected.

THE CHAIRMAN: Delegate Bard.

DELEGATE BARD: Mr. Chairman, I should like to offer an amendment to the amendment.

THE CHAIRMAN: State the amendment.

DELEGATE BARD: Placing back "unless otherwise provided by law."

THE CHAIRMAN: At the end of the sentence, Delegate Bard?

DELEGATE BARD: That is correct, sir.