

of Baltimore City. If the legislature got on bad terms with the governor, would it be possible for the legislature to say that the lieutenant governor, who might be more friendly, will appoint the commissioner of police of Baltimore? Is it possible under what you are saying?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: No, it is not possible because that is a constitutional function of the government.

THE CHAIRMAN: Delegate Rybczynski.

DELEGATE RYBCZYNSKI: I am not sure that I have read that. I realize that one says that the executive powers shall be vested. Is that what you are involved with?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: I do not know about the commissioner of police in Baltimore City. I assume he is not in the executive branch of the state government.

THE CHAIRMAN: Delegate Rybczynski.

DELEGATE RYBCZYNSKI: I am going to ask a broad question and then I will sit down. I was really under the impression that the article as written and as loosely interpreted by me indicated a strong executive as you had been saying. Is it not possible that by giving the lieutenant governor certain power and obligations and possibly broadening his office as time goes on that you are actually weakening the governor by this article?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: No, I do not believe we are because all of the executive power of the State is vested in the governor and he has complete control of it. The General Assembly cannot take it away from him.

THE CHAIRMAN: Delegate Weidemeier.

DELEGATE WEIDEMEYER: Mr. President and Mr. Chairman, following up the question proposed by Delegate Grant what worries me are these things: if by the inclusion of certain powers and duties to be assigned by the governor, have we not thereby eliminated any duties or powers that can be prescribed by law by the legislature?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: I do not believe so. This does not say that. It seems to me

if you want to limit the power of the General Assembly, you have to say so pretty plainly.

THE CHAIRMAN: Delegate Weidemeier.

DELEGATE WEIDEMEYER: Where we have described what his duties are or where his powers come from by stating them specifically, I think some courts might interpret that as excluding any legislative right to assign other powers and duties to him. We could well have a lieutenant governor where the governor might want to assign him to duties away from him in Florida and have him go down on a vacation to get away from him. On the other hand, the legislature might be able to conceive of that man being able to perform other functions.

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: It seems to me the lieutenant governor is exactly in the same situation. There is nothing which prevents the General Assembly from exercising its plenary legislative powers unless there is something in the constitution which plainly says they can or cannot do it in this or in that case.

THE CHAIRMAN: Delegate Weidemeier.

DELEGATE WEIDEMEYER: In that case where the legislature prescribes other duties or functions for the governor, we have these express provisions in the constitution which vest the governor with executive power and by implication, authorize the legislature to come in and give him others. Here, however, we do not vest the lieutenant governor with any executive powers except what might be prescribed by the governor.

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: I do not think that was the intention of the Committee that the lieutenant governor could not be vested with any power by the General Assembly.

THE CHAIRMAN: Delegate Weidemeier.

DELEGATE WEIDEMEYER: I am sure that was not the intention of the Committee, but I am wondering if the wording as proposed might give you the opposite result.

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Mr. Chairman, I do not believe so.