

THE CHAIRMAN: Delegate Winslow.

DELEGATE WINSLOW: Mr. Chairman and Chairman Morgan. The inquiry I want to put is rather in the opposite direction. With this change in the amendment, do we have a situation in which the General Assembly cannot take away from the governor any power or function and give it to the lieutenant governor? That is, is it still possible as I believe it was under the original wording, that the General Assembly might be inclined to strip the governor of certain powers and put them in the hands of the lieutenant governor?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: In my opinion, Delegate Winslow, that would be absolutely impossible.

THE CHAIRMAN: Delegate Sollins.

DELEGATE SOLLINS: Delegate Morgan, am I correct in understanding that under this amendment the governor could not designate the lieutenant governor to sit in his place on the board of review which we established last night?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: I think that is probably correct.

THE CHAIRMAN: Delegate Hodge Smith.

DELEGATE J. H. SMITH: Delegate Morgan, would the Committee accept this amendment which might clear up the problem. On line 7 of your amendment after the word "be" at the end there add the words "prescribed by law or".

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Delegate Smith, I really think the language is perfectly adequate at the present time. That is the way it is now. It does not say that the General Assembly cannot give functions to the lieutenant governor, but here it seems to me you give the General Assembly authority to prescribe the lieutenant governor's functions which the governor could but does not want to delegate to him. That is what we want to avoid.

THE CHAIRMAN: Delegate Hodge Smith.

DELEGATE J. H. SMITH: Do you not think that that would clear up the questions that are in the minds of delegates who are questioning this section?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: I think it is entirely too broad.

THE CHAIRMAN: Delegate Gleason.

DELEGATE GLEASON: If I might make a suggestion to the Chairman, I think that there are two problems that seem to concern the delegates; they certainly concern me. One is the problem just raised by Delegate Smith. I think this would be a good change because obviously if the General Assembly decided to give a duty to the lieutenant governor, if the governor did not approve of that duty, he would veto the bill and the General Assembly would be forced to overturn that vote by a three-fifths or two-thirds vote, and, therefore, I think is something that you do not have to worry about. So what I am saying is that I think Delegate Smith has made a good suggestion. The other aspect, however, relates to the word "powers" and I think this is where we get into our confusion. A power of a governor, a power to a lieutenant governor, it seems to me, ought to be spelled out in the constitution if it is indicated that he should have a certain power which is the governor's on certain occasions and should not be the subject of delegation to his lieutenant governor. He does have the power under the section to act as lieutenant governor when the governor is sick and so forth, and that is fine. That sets it out rather clearly, but I think by including the word "power" here with duties we make a little bit of a smorgasbord. My recommendation would be that you eliminate the word "powers" and you keep the word "duties" and you also give the General Assembly the power to allocate duties through a bill which would have to be approved by the governor. This would be my earnest suggestion.

THE CHAIRMAN: Delegate Gleason.

DELEGATE MORGAN: Delegate Gleason, I think you have a different idea of what the function of a lieutenant governor should be and what both the Committee thinks the functions should be, and what Governor Agnew testified before our Committee he expected. I do not know what duties the governor has except the duty to see that the laws are perfectly executed.

THE CHAIRMAN: Delegate Gleason.

DELEGATE GLEASON: Perhaps we ought to discuss in this context what powers the governor has that he has in mind delegating to the lieutenant governor. One question has already been raised with respect to the board of review and we