

have the question of the veto. Now, of course, this would be precluded under your new amendment, I understand that, but perhaps in order to get some light on this, we ought to discuss what powers the governor would have that would be delegable, if you will, to the lieutenant governor. I think that we might be able to clear it up because as of right now I am —

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: I believe Governor Agnew testified before our Committee that if we provided a lieutenant governor for him he would use a lieutenant governor to sit in for the governor and act for the governor on various boards and commissions of which the governor was a member but did not have time enough to participate in. That is one function that Governor Agnew said he expected to use the lieutenant governor for.

THE CHAIRMAN: Delegate Gleason.

DELEGATE GLEASON: This is precisely my point. That I construe as a duty and not a power as such. We have heard on the national scene at every election that comes around the presidential candidate say, "I am not just going to have a vice president that just presides over the United States. I am going to make an active tool of him." To an increasing extent that is true. The vice president sits on boards and the security council but the power he has still resides with the president. He sits in ceremonial things, but the things he does are duties, not powers.

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: I think there are probably a number of laws which give the governor powers to do various things with respect to a number of these boards. However, duties are not imposed on the governor. I cannot see what is wrong with giving the governor the power to ask the lieutenant governor to sit in for him and act for him on those functions.

THE CHAIRMAN: Delegate Gleason.

DELEGATE GLEASON: Let me say that I think we are precisely at the crossroads because I have to say that at least in my judgment those are duties and those are not powers. We were talking about the executive power and that power is the power spelled out in the constitution. When the General Assembly passes a law which the governor approves and says the governor shall sit over such and such a board and do such and such a thing, that

is carrying out of a duty. It is an assignment of a duty, it is not touching the executive power. By including the word power here we raise all kinds of possibilities, it seems to me, that are subject to some legal interpretation later on and could cause some problems. That is why I think if your committee agrees it would be better if you related it strictly to duties.

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Delegate Gleason, I think that you rely too heavily on what the meaning of duty is. It seems to me that if you say that the governor can delegate powers or duties to the lieutenant governor except powers or duties specifically given to the governor by this constitution, you have excluded all of the functions of the governor, specifically given to him by the constitution. He serves on the Board of Public Works, he vetoes bills, calls the General Assembly into session — all of these various functions that I described earlier.

THE CHAIRMAN: Delegate Gleason.

DELEGATE GLEASON: Well, I just have to say that I stand on what my own interpretation and analysis of this is and if we take the board of review, it does seem to me that that is a duty rather than a power even though it is spelled out in the constitution. I had no problem with it. It certainly will have the power in the broad general sense to do the things that the General Assembly will allocate it to do. That is power in the broadest sense, but I think that what we are getting to here is that there is a concern in the minds of some that when we are talking about power, power is something that is allocated to a branch of the government and in this case, the executive branch, and is always delegated to one man and that is the governor.

The question comes up if you have a lieutenant governor, as to what are you going to have him do. There are many things for him to do that can be assigned to him by the governor or assigned to him by law which the governor approves. However these do not touch the fundamental character of the allocation of the executive power to the governor himself. Perhaps you are right that I may have too narrow a construction of the word "duty" but I do not think so.

THE CHAIRMAN: Delegate Adkins.

DELEGATE ADKINS: I want to be sure that the legislative record is right on