

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: The legislature gives executive power to the head of the department and he performs executive power and the governor can vest executive power in the lieutenant governor if the constitution says so.

THE CHAIRMAN: Delegate Gilchrist.

DELEGATE GILCHRIST: That is a delegation which the executive approved.

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Are you talking about the delegation of which the executive approved?

THE CHAIRMAN: Delegate Gilchrist.

DELEGATE GILCHRIST: By signing the bill the governor approves the delegation which is made by the legislature. By your first section you have constitutionally vested the executive power in the governor.

THE CHAIRMAN: The Chair moves to inquire, is it not a fact that most of these executive powers vested in the governor are executed by his subordinates.

Delegate Gilchrist.

DELEGATE GILCHRIST: That is correct, by his subordinates by reason of specific authority given them. However, where you are attempting to delegate the governor's functions, as I understand is suggested by the section under question, you are running into a different sort of problem because you are setting up as has been said a number of times a two-headed institution where you are giving to a single individual rather than through an agency an executive power.

THE CHAIRMAN: I should not have interfered in the debate, but since I have I will give you one further illustration. It seems to me that you are drawing a distinction without any real difference. If the governor has the power to executive the law to include the police law he executes a great many of those through the superintendent of police. He does not personally supervise the execution of all those powers.

Delegate Gilchrist.

DELEGATE GILCHRIST: May I suggest that the governor does not have the power to carry out a law, he has the duty and that, I believe, is the difference. He has a duty imposed upon him to carry out a law by subordinates. This I think none of us have any objection to.

THE CHAIRMAN: Very well.

Does Delegate Beatrice Miller still have a question?

Delegate Armor.

DELEGATE ARMOR: May I rise to a point of personal privilege?

THE CHAIRMAN: May we finish these questions first and then I will recognize you.

Delegate White.

DELEGATE WHITE: It was in the same area.

THE CHAIRMAN: We will allow you to have your personal privilege in a moment. Are there any further questions, because, if not —

Delegate Willoner.

DELEGATE WILLONER: Mr. Chairman, I think I understand what you are trying to do here on this section. Are we continuing to discuss this same section?

THE CHAIRMAN: Yes, we are not going to act on it this evening. The Committee is going to consider it further with all the various suggestions. If you have a suggestion, it would be well to make it now.

DELEGATE WILLONER: No, I will wait to see what they come up with.

THE CHAIRMAN: Delegate Sybert.

DELEGATE SYBERT: Mr. Chairman, in view of the fact that the Chairman and his advisors and possibly the Committee are going to study this question over the recess, I should like to direct a question to the Chair as an outstanding legal expert. In view of the language of Amendment No. 20 that the lieutenant governor shall have such power and perform such duties as may be delegated to him by the governor, would the inclusion of that wording legally exclude the possibility of any further powers being delegated to the lieutenant governor by the legislature on the theory that the inclusion of one thing amounts to the exclusion of anything else?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Mr. President, I think you need much stronger language than that to prevent the General Assembly from exercising its rights.

THE CHAIRMAN: Delegate Sybert.

DELEGATE SYBERT: Mr. Chairman, I know, but will the legislature not be cir-