

The reason I think that that should be done is that some of these sections provide that certain powers or functions of principal departments or maybe other departments be changed by the legislature and will be subject to reorganizational powers of the legislature and the governor.

It was never intended, I take it, that as to the purely constitutional powers of the attorney general and the comptroller, such constitutional powers should be subject to these provisions.

THE CHAIRMAN: Delegate Sybert, the Chair thinks that that was very clear on the record before, but to make certain, can you simply ask Delegate Morgan whether that was the clear intent of the Committee?

DELEGATE SYBERT: Delegate Morgan?

DELEGATE MORGAN: You are correct. It was not the intention of the Committee to make these sections apply to the functions, powers, and duties granted to the comptroller and attorney general by this constitution.

THE CHAIRMAN: Or to any other official granted powers by the constitution, I assume. Is that correct?

DELEGATE MORGAN: That is correct.

THE CHAIRMAN: Delegate Hanson.

DELEGATE HANSON: Mr. Chairman, this response troubles me. It would seem to me as the colloquy on the floor has just revealed it, that the General Assembly shall by law prescribe functions and duties for the executive department under the governor, but do I understand that the General Assembly would not have the power to reorganize the functions, reallocate functions under other elected officers?

THE CHAIRMAN: Delegate Morgan I do not think that that was the thrust of the question.

As the Chair understands it, Delegate Sybert was suggesting and Delegate Morgan was concurring in the statement that these sections, that is sections 4.18, and 4.19 particularly, in granting power to the legislature to prescribe functions were not granting power to the legislature to reallocate to different departments for officials, functions specifically granted by the constitution to the attorney general, to the comptroller or to the other officials.

Delegate Hanson.

DELEGATE HANSON: Then, as I understand it, if I am correct here, this would apply only to those constitutional functions granted those offices but not to statutory functions?

THE CHAIRMAN: That is what the Chair understands Delegate Sybert to be driving at, and he is nodding his head in the affirmative.

Delegate Hanson.

DELEGATE HANSON: That satisfies my inquiry.

THE CHAIRMAN: That is your understanding, Delegate Morgan?

DELEGATE MORGAN: That is my understanding, and I think that is what I replied to Delegate Sybert.

THE CHAIRMAN: Are there any further amendments to section 4.23? Are there any amendments to section 4.24?

The Chair hears none.

I am sorry, Delegate Chabot.

DELEGATE CHABOT: In this case, may I ask a question of the Executive Branch Committee?

THE CHAIRMAN: You may, but the Chair calls attention to the fact that the very protracted presentation of the report and question period is designed to avoid this kind of thing.

Delegate Morgan, will you reply to an inquiry?

DELEGATE MORGAN: I will.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: Delegate Morgan, the last sentence in section 4.24 which prescribes limitations after a nomination has been rejected by the Senate on line 38 prohibits the nomination of that same person under certain circumstances.

Is it the intention of the Committee that this will prohibit the appointment of the person as well as the nomination being sent to the Senate?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: It certainly is the intention of the Committee, but I think probably the language is deficient. I think you really ought to have in here "shall again be nominated for or appointed to" the same office.

THE CHAIRMAN: Delegate Chabot.