

THE CHAIRMAN: The amendment is seconded by Delegate James. The Chair recognizes Delegate Morgan.

DELEGATE MORGAN: Mr. Chairman, after the colloquy yesterday, the Committee met; I must say we did not have a quorum at the time, but those who were present agreed that it was undesirable for the General Assembly to be prescribing duties for the lieutenant governor, that the lieutenant governor should be entirely at the disposal of the governor.

So the first thing this amendment does is to say that the lieutenant governor shall have only such duties as may be delegated to him by the governor; but it goes on to prohibit certain powers from being delegated to the lieutenant governor, and those powers are those that are specifically granted to the governor under the proposed executive article, namely, messages to the General Assembly, convening the General Assembly, veto, reorganization of the executive branch, appointment or removal of department heads and other personnel, and executive clemency.

Those are the powers that are specifically granted to the governor under the executive article.

Now, these functions can of course be performed by the lieutenant governor when he becomes acting governor under section 4.07.

In other words, when the governor notifies the lieutenant governor in writing that he will be temporarily unable to carry out the duties of his office, then the lieutenant governor becomes acting governor, and takes on all of the powers and duties of the governor, until the governor comes back and notifies him that he can again carry out his duties.

But these powers that are specifically delegated to the governor under the executive article cannot be delegated piecemeal to the lieutenant governor. Either the lieutenant governor has to have all of the governor's powers, by reason of action under section 4.07, or the only powers he can have are the duties that may be delegated to him by the governor, excepting the specific powers delegated to the governor by the constitution.

THE CHAIRMAN: Are there any questions of the sponsor of the amendment?

If so, please ask them now.

If not, does any delegate desire to speak in opposition to the amendment?

Delegate Rybczynski?

DELEGATE RYBCZYNSKI: Mr. Chairman, I would like to ask one question of Chairman Morgan.

THE CHAIRMAN: Delegate Morgan, do you yield to a question?

DELEGATE MORGAN: Yes, sir.

THE CHAIRMAN: Delegate Rybczynski.

DELEGATE RYBCZYNSKI: Yes, sir, I gave you the example of the police commissioner of Baltimore City which was a bad example. I was not thinking fast enough.

However, let us take the example of the workmen's compensation commission, which is totally a creature of statute, has no other foundation in the law except that particular statute.

Now, what is bothering me, sir, is, would it be possible that in that statute the legislature, through dissatisfaction with the present governor or through anger, would decide to take away the appointive power from the governor and give it to the lieutenant governor?

Would it be possible under the section as you are now proposing that it be amended?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: It would not be possible, because the lieutenant governor can have only such duties as are delegated to him by the governor.

The General Assembly is given no authority to confer any powers or duties on the lieutenant governor under this amendment.

THE CHAIRMAN: Delegate Rybczynski.

DELEGATE RYBCZYNSKI: Thank you very much.

THE CHAIRMAN: Are there any further questions of the sponsor of the amendment?

*(There was no response.)*

The Chair hears none.

Are there any delegates desiring to speak in opposition to the amendment?

*(There was no response.)*

Are there any other delegates desiring to speak in favor?