

DELEGATE SICKLES: My answer is yes, that would be an agency of the State and therefore would be covered by section 4.25 even before the amendment.

THE CHAIRMAN: Delegate Hardwicke, do you have a question?

DELEGATE HARDWICKE: Yes, sir.

THE CHAIRMAN: Proceed.

DELEGATE HARDWICKE: Do you contemplate taking care of a situation where a county executive for example, might be involved in a conflict of interest situation and that situation was on dead center and nothing was being done about it at the local level; would you expect that the governor might have the power to direct an inquiry to him under this provision?

THE CHAIRMAN: Delegate Sickles.

DELEGATE SICKLES: I would assume so to the extent that he would be asking for information which is available there. I think that he could ask for whatever information were within the knowledge of the county officials in order that he might then be able to make a judgment as to what action he might have to take.

THE CHAIRMAN: Delegate Hardwicke.

DELEGATE HARDWICKE: Or in addition to making a judgment as to what action he might have to take, would this not possibly be a helpful measure in bringing to the attention of the public certain problems which might exist at the lower levels of the government?

THE CHAIRMAN: Delegate Sickles.

DELEGATE SICKLES: I would think that it might, yes.

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

Delegate Dukes.

DELEGATE DUKES: Delegate Sickles, my question concerns not only this branch, but a number of areas where we have this situation, for example in the legislature.

What if the governor requests the county commissioner for information and the county commissioner simply does not do it?

THE CHAIRMAN: Delegate Sickles?

DELEGATE SICKLES: I would assume this provision would be enforced to the extent that any other provision can be en-

forced, and I am not sure we fully completed the document and concerned ourselves with all such provisions.

I would assume, this would be subject to correction, that there might be a mandamus action particularly if the kind of information which is secured is just ministerial in form which would just be a question of bundling it up and sending it to the governor.

That would be a different area. No penalty is provided here and that would have to be under a separate constitution or supporting law.

DELEGATE DUKES: Do you suspect we are going to end up with some sort of sanction provision in the Constitution?

THE CHAIRMAN: Delegate Sickles.

DELEGATE SICKLES: I have provided no sanction herein.

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

*(There was no response.)*

If not, the Chair would like to address two questions for purposes of clarification of the intended meaning of the word "officer" and the word—

DELEGATE DUKES: I just want to say my question was answered. Delegate Bothe advised me we will send the militia.

THE CHAIRMAN: —the use of the word "officer" and the use of the word "information" in section 4.25.

Would officer include, for example, a county solicitor in a charter form of government? In other words, would he be the kind of person to whom the governor could direct a request for information?

DELEGATE SICKLES: I must admit that I have a problem here. Unfortunately, early in my legal career, I researched this problem at great length with respect to another state, and I would hate to say anything that would becloud an area that is already settled.

Maybe some other attorneys have concerned themselves with it. I do not know from the current court interpretations in that state whether a county solicitor would be considered an officer. I am inclined to think he might be.

THE CHAIRMAN: Would you intend that the amendment reach to such a person?