

THE CHAIRMAN: Delegate Koger.

DELEGATE KOGER: What would be the use of having the attorney general?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Is this a question of whether the land is to be used for public purposes or what is the legal question that is involved in this thing?

THE CHAIRMAN: Delegate Koger.

DELEGATE KOGER: It should be a public purpose, but whatever decision, I think the people should have the benefit—

THE CHAIRMAN: I think the trouble with the question is that you have not indicated the point as to which the attorney general expresses his opinion.

Are you saying the attorney general has advised that the governor does not have the power to acquire the property, is that your supposition?

DELEGATE KOGER: Suppose a legislator should ask the attorney general for an opinion and the governor gets his opinion from his own attorney.

THE CHAIRMAN: As to what?

DELEGATE KOGER: As to the use of some public land for a public purpose. Who would have the benefit of giving the correct decision?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Well, if you have conflicting decisions, the governor can take whichever one he wants, but of course he has to be responsible for the outcome of the thing, and it may eventuate in litigation.

THE CHAIRMAN: Delegate Harry Taylor.

DELEGATE H. TAYLOR: Delegate Morgan, can you think of any questions that have not been asked you that you think ought to be asked you concerning the powers and duties of the attorney general?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: The answer is no.

THE CHAIRMAN: The Chair assumes after that there will be no further questioning of Chairman Morgan.

We will now proceed to a consideration of Committee Recommendation EB-2.

I request that Delegate Morgan return to his seat.

Delegate Gallagher, do you desire to offer your amendment A or B, or both?

DELEGATE GALLAGHER: Mr. Chairman, Amendment A has been redrawn. It is now carried as amendment F. I should like to offer amendment F.

THE CHAIRMAN: Do you withdraw amendment A, or you do not intend to offer amendment A, I take it?

DELEGATE GALLAGHER: That is correct, I do not.

THE CHAIRMAN: Do you intend to offer B at some later point?

DELEGATE GALLAGHER: I do, sir.

THE CHAIRMAN: Very well, Pages will please distribute amendment F.

This will be Amendment No. 1. The Clerk will read the amendment.

READING CLERK: Amendment No. 1 to Committee Recommendation EB-2 by Delegate Gallagher:

On pages 1 and 2 section 4, Powers and Duties of the Attorney General in line 23 strike out everything after the period and strike out all of line 24 and all of lines 1 through 12, inclusive, on page 2 and insert in lieu thereof the following: "The Attorney General shall exercise such legal powers and legal duties as the General Assembly shall prescribe by public general law."

THE CHAIRMAN: The amendment is submitted by Delegate Gallagher. Is there a second?

The amendment is seconded by Delegate Bamberger.

The Chair recognizes Delegate Gallagher.

DELEGATE GALLAGHER: May I add co-sponsors, please? I should like to add Mr. Sollins, Mr. Bamberger, Mrs. Freeland, Mrs. Gill, Mr. Gleason, Mr. Fox, Mr. Grant, Mr. Groh, Mr. Burdett, Mr. Frederick, Mr. MacDonald, Mr. Grumbacher, Mr. Marion, Mr. Winslow and Mr. Singer.

THE CHAIRMAN: Very well, Delegate Gallagher, you may speak to the amendment.

DELEGATE GALLAGHER: Mr. Chairman, and ladies and gentlemen of the Committee: I think it is perfectly obvious this morning that we are attempting to freeze into the Constitution the duties of an office at a time when we are not quite sure, really, what the future of this office is going to be.