

lished by the executive. It exercises its own legislative capacity to issue rules and exercises its own judicial capacity by holding hearings and then revoking permits, and it literally defies you to try to stop them.

As far as the County Commissioner form of government, there is a case of where you have a legislative branch who enacts their own legislation. They are the executive branch. They execute and catch up, check up, on what they did themselves, and I think you all know what has happened to Maryland as a result of County Commissioner forms of government. It simply is not sufficient to cope with it. I point out the third thing that we came down here to strengthen each branch of government, and the only way that we are guaranteeing that one of the branches becoming strong will not try to consume the other branch is to retain as a right of the citizens in their Declaration of Rights that they shall have a separation of powers between the three branches.

THE CHAIRMAN: Are you ready for the question?

Delegate Beatrice Miller.

DELEGATE B. MILLER: I have a question, Mr. Chairman.

If we should defeat the amendment and adopt the proposal, would it be possible to combine it with GP-11 so there would not be two statements?

THE CHAIRMAN: I do not believe it would be possible for the Committee of the Whole. It would be possible for the Committee on Style, Drafting and Arrangement to combine any section that it thought should be combined or to separate into two sections any one section. I do not have GP-11 well enough in mind.

Delegate Wheatley.

DELEGATE WHEATLEY: A question on that.

As I understand it, before this vote is taken, there will be no determination based on LB-11 which, I feel, deals with a similar subject and is based on this vote whether it goes one way or another. It is under separate debate schedule and deals with essentially the same subject matter.

THE CHAIRMAN: The vote on this section, even if this amendment were adopted, would not preclude action on Committee Recommendation GP-11. This is action by the Committee of the Whole and not by the Convention.

Delegate Kiefer.

DELEGATE KIEFER: Mr. Chairman, just one point very quickly. I am a little bit disturbed about the statement of Delegate Grant, though I favor his position and will vote in opposition to this amendment.

I am speaking somewhat belatedly about this section, but I do believe there are several sections that are quite important. This is one of them. This is a basic concept of government.

However, the Committee, in its recommendations kept this section separate from what would go in Article 1, the Declaration of Rights, because it believes this belongs in the general provisions section as the establishment of a governmental principle and not as a part of the personal rights section.

THE CHAIRMAN: The Chair is a little disturbed about one thing that I do not recall well enough to have any opinion. I would like to address this inquiry jointly or successively to Chairman Gallagher of the Committee on the Legislative Branch and Chairman Morgan, Committee on the Executive Branch.

The Chair recalls that during deliberations of each of those Committees there was under consideration provisions which would have involved crossing over between the various branches of government. I do not recall whether in the Legislative Branch recommendations which we adopted, or in the Executive Branch recommendation which we adopted this was definitely contemplated.

For instance, in the Legislative Branch Committee there is a provision for redistributing commissions and appointments by the governor. Was it contemplated that the governor might appoint to that committee, which would be the legislative, a person serving in the executive branch?

Delegate Gallagher.

DELEGATE GALLAGHER: Mr. Chairman, it was, and as long as the person is not a popularly elected officer, there is no objection to the governor appointing such a person.

THE CHAIRMAN: But this provision might prevent it? By this provision I mean section 3.

DELEGATE GALLAGHER: It could be argued, Mr. Chairman, that it might prevent it, but I do not think with any success because of the routine lack of recognition of this doctrine in the past practices.