

of functions, powers, and duties among the offices, agencies, instrumentalities and principal departments of the executive branch."

THE PRESIDENT: The amendment is submitted by Delegate Morgan. Is there a second?

*(Whereupon, the amendment was duly seconded.)*

THE PRESIDENT: The amendment having been seconded, the Chair recognizes Delegate Morgan.

DELEGATE MORGAN: This is a committee amendment of a clarifying nature, and it is to make sure that the language used in the reorganization powers of the governor is the same language used in the reorganization power of the General Assembly, so that the powers will be co-extensive with one another. It was so stated in the Committee Memorandum EB-2, but there was some question as to whether the actual wording accomplished that result. This is for the purpose of making the two powers co-extensive.

THE PRESIDENT: Are there any questions of the Committee Chairman? Is there any discussion? Are you ready for the question?

The question arises on the adoption of Amendment 14 to Committee Recommendation EB-1 and EB-2 as amended by Report S&D 13. A vote Aye is a vote in favor of Amendment No. 14. A vote No is a vote against.

Cast your vote.

Has every delegate voted? Does any delegate desire to change his vote?

The clerk will record the vote.

There being 100 votes in the affirmative and 1 in the negative, the motion is carried, and the amendment is adopted.

Are there any other amendments to section 4.26?

The Chair hears none.

Any amendments to section 4.27?

The Chair hears none.

Are there any amendments to section 4.28?

Delegate Marion, do you desire to submit your amendment?

DELEGATE MARION: Yes.

THE PRESIDENT: The pages will distribute Amendment C. This will be Amendment No. 15.

The clerk will read the amendment.

READING CLERK: Amendment No. 15, to Committee Recommendation EB-1 and EB-2 as amended by Report S&D-13 by Delegate Marion:

On page 11, section 4.28, Appointments by Governor, in line 28 strike out the words "head or".

THE PRESIDENT: The amendment is submitted by Delegate Marion. Is there a second?

*(Whereupon, the amendment was duly seconded.)*

THE PRESIDENT: The amendment having been seconded, the Chair recognizes Delegate Marion.

DELEGATE MARION: Mr. President, this amendment is also intended to be a stylistic amendment. It is done in an effort to clarify what seems to me, and what I have been assured is the meaning of this particular sentence. And it is done because, if the meaning is as it has been represented to us, the head in this sentence means the same thing as the chief administrative officer. Yet it would be used in a context different from the way the word "head" is used when it is spoken of in section 4.27 and in the first sentence of section 4.28; and, perhaps, also in a different context from the way it is used in the first sentence of 4.29.

The sentence as it now reads speaks of the governor's power to appoint without the advice and consent of the Senate each chief administrative officer serving under a board or commission which is at the head of a principal department. It then goes on to create an exception, but it says, "except the head or chief administrative officer of an institution of higher education or of the state public school system." As I understand it, when a board or commission is at the head of an institution of higher education or of the state public school system, the chief administrative officer cannot also be the head. The president of the University of Maryland, under this constitutional framework, it seems to me, is the chief administrative officer, acting under a board which is at the head of the principal department.

I see Delegate Case grabbing his microphone. If I am wrong, I am sure he will set me straight.

But perhaps he will tell me why also there has to be an exception in this sentence, since the sentence deals with chief