

DELEGATE MORGAN: Because the governor has two men of his own on the board, plus one individual appointed by himself.

THE CHAIRMAN: For what purpose does Delegate Chabot rise?

DELEGATE CHABOT: To ask a parliamentary inquiry.

THE CHAIRMAN: State your inquiry.

DELEGATE CHABOT: Am I correct in my understanding that if Amendment No. 4 is adopted, whether with or without Delegate Fornos' amendment, that we will nevertheless have to be presented with additional language on the consideration of Recommendation EB-1, and that it is open to the Convention to reject any additional language?

THE CHAIRMAN: That is, of course, correct. The report here, if approved, would have to be implemented by the drafting of a provision for the constitution, which would have to be included in the Committee Recommendation, or an amendment to it.

Such a recommendation could not be at variance with the action of the Committee of the Whole on this item.

Delegate Chabot.

DELEGATE CHABOT: Am I correct in my understanding that if Amendment No. 4 is defeated, that nothing that we have done thus far would prevent the Committee on the Executive Branch from offering for adoption at the appropriate point in Committee Recommendation EB-1 exactly the same language that it could offer if Amendment No. 4 were adopted?

THE CHAIRMAN: The way you phrase your question, the Chair hesitates. The Committee could offer the same language that it might offer. It would not be necessarily compelled to offer the same language.

Delegate Chabot.

DELEGATE CHABOT: Would it be in order for the Committee or anyone else to offer that same language?

THE CHAIRMAN: It would certainly be in order for the Committee to submit that as an amendment. It would be in order for anybody else at the proper time to submit such an amendment.

In other words, the question in the posture you suppose would have the Committee of the Whole taking no action whatsoever with respect to a board of this kind. This would leave the Committee of the Whole

free to consider or not to consider creation of such a board by the committee recommendation or amendment to the committee recommendation.

Delegate Chabot.

DELEGATE CHABOT: Am I correct in my understanding that if Amendment No. 4 is adopted, with or without the Fornos amendment, that the Committee of the Whole would then be precluded from deciding such matters as to permit the governor to appoint anyone, not merely the head of a principal department, as his appointee?

THE CHAIRMAN: I am not sure. Would you state that again?

DELEGATE CHABOT: If Amendment No. 4 is adopted, am I correct in assuming that when we get to Recommendation EB-1, the Committee of the Whole would be precluded from determining that the governor should have a free hand in appointing his appointee to that board?

THE CHAIRMAN: I am not sure what you mean by "free hand." If you mean that the Committee of the Whole would be precluded from changing the provision that the appointee would be head of the principal department, your statement is correct.

Delegate Chabot.

DELEGATE CHABOT: Mr. Chairman, I am not clear as to whether or not this is an appropriate point of order, but I suggest that it is nevertheless improper procedure then at this point for the Committee of the Whole to be making what are in essence decisions upon details, and for all practical purposes, decisions upon language, without having before us consideration of the language to be inserted into the constitution; and that it would be most appropriate if this matter be before us at a time when we are considering constitutional language.

THE CHAIRMAN: The point of order you raise depends upon the interpretation of the rule that language to be included in the constitution be submitted to the Convention, either by delegate proposal or by committee recommendation. The Chair had been proceeding on the assumption that this was not the precise language. You raised the question that even though it is not the precise language, it could control precise language, and the Chair would like a few minutes to consider it.

For what purpose does Delegate Dorsey rise?