

heads of principal departments. Under the present constitutional laws the governor is the head of a principal department.

If by your question you mean a comptroller retaining that status, the answer is it would not be possible for the legislature to provide for the selection of that person in any way different from that set out in the committee recommendation.

THE CHAIRMAN: Delegate Malkus.

DELEGATE MALKUS: As I understand you, then, all the employees now under the office of the comptroller would be under the control of the appointee of the governor?

THE CHAIRMAN: The Chair did not say that. The Chair would not agree with that statement.

The constitutional provision in the committee recommendation, as the Chair understands it, refers only to the head of the department. I believe, although I am not certain, that almost all, and maybe all of the employees of the comptroller's office today are under the merit system. There certainly is no reason why the legislature could not continue them under the merit system. As the Chair understands the committee recommendation—I am not sure whether it is 23 or 24, Delegate Morgan—the legislature would still have the power to provide for the selection or appointment of employees, other than heads of departments.

Is that correct, Delegate Morgan?

DELEGATE MORGAN: That is correct, Mr. Chairman. It is in section 4.23.

THE CHAIRMAN: Delegate Wheatley.

DELEGATE WHEATLEY: Mr. Chairman, a further question.

THE CHAIRMAN: State the question.

DELEGATE WHEATLEY: A question that would ultimately develop I would think is if Committee Report EB-1 is adopted, when the recommendation comes before us, would the motion to reconsider still be in order, in that it would be part of the same report, or would this be considered a different report?

THE CHAIRMAN: It would be a different report, and if, as I assume would be the case, the Committee of the Whole had risen to report with respect to Committee Report EB-1, it would then not be possible to have another motion to recon-

sider what the Committee of the Whole did with respect to Committee Report EB-1.

Delegate Wheatley.

DELEGATE WHEATLEY: A further question, Mr. Chairman: After the Committee of the Whole reports back would there still be the usual opportunities for amendment on second and third reading, as it now exists?

THE CHAIRMAN: Oh, yes.

DELEGATE WHEATLEY: That would not be changed?

THE CHAIRMAN: All the Chair meant in indicating that there would be no opportunity for reconsideration was no opportunity for reconsideration by the Committee of the Whole. The whole matter is, of course, before the Convention on second reading.

Delegate Wheatley.

DELEGATE WHEATLEY: And there would also be the opportunity in any instance for suspension of the rules, is that correct?

THE CHAIRMAN: I am not sure I follow you. The rules may be suspended at any time on proper vote.

Delegate Wheatley.

DELEGATE WHEATLEY: Which would then allow the matter to be brought before the body at any stage?

THE CHAIRMAN: What body do you mean when you say "the body"?

DELEGATE WHEATLEY: Whether we are sitting as the Committee of the Whole or the Convention?

THE CHAIRMAN: Yes.

The rules could be suspended.

Let the Chair make it perfectly clear that everything I have been saying as to the affect of this vote and its binding character refers only to the Committee of the Whole. The action of the Committee of the Whole is in no way binding on the Convention.

Are you ready for the question?

Delegate Kirkland.

DELEGATE KIRKLAND: One further question: If it is not binding on the Convention, is there a possibility of amendment when we get back into Convention?