

two states elect their chief fiscal officer. As to whether or not an elected independent comptroller has been good or not for the State, Governor Tawes in the Executive Branch Committee stated that he is in favor of electing the comptroller, and the governor also stated that Maryland is among the strongest states, that is, in Maryland the governor is stronger than in the great majority of the other states.

It seems a little strange that the majority on the Committee voted to elect the state's attorney who prosecutes criminals at a local level but voted to have the governor appoint the two high statewide officers of attorney general and comptroller. I am not going to belabor the point any further. We all know what the issue is. As Delegate Scanlan said the other day, we are changing a great many things, and I understood him to say, do not lay it on too thick. I do not think and the minority does not think, and I am sure a great many other delegates do not think that we should take away from the people the right that they have had so many years to elect the comptroller and attorney general and to put the governor in a position where he will amount in fact and actuality to a virtual dictator.

I therefore offer a motion to strike the word "not" out of Committee Recommendation No. 2.

THE CHAIRMAN: Hold your motion for a while until we finish the question period.

Are there any questions of the minority spokesman? Delegate Maurer.

DELEGATE MAURER: Judge Sybert, I wonder if you are aware of the editorial in *The New York Times* called "Constitution, Five Departments" in which it said:

"The new charter contains an unnecessary and potentially dangerous grant of extended authority to the comptroller. In addition to those powers necessary to fulfill his responsibility for auditing the state's accounts, he is to have such other powers as are vested in him by this constitution or by law."

That would permit the legislature to grant him powers far outside his own office. Were you aware of that, sir?

THE CHAIRMAN: Delegate Sybert.

DELEGATE SYBERT: I was not aware of that particular editorial, but I want to point out that we have never had the state comptroller an auditor of the state's accounts.

THE CHAIRMAN: Delegate Maurer.

DELEGATE MAURER: You referred to the elected comptroller in the New York State Constitution, but it is my understanding, and I wonder if it is yours, that the comptroller in the New York State is the name given to the auditor and not to the manager of the fiscal affairs of the State?

THE CHAIRMAN: Delegate Sybert.

DELEGATE SYBERT: I do not know what they call him in the proposed constitution, but they certainly have a chief fiscal officer in New York, and the editorial that I referred to referred to the comptroller as the chief fiscal officer. I am looking for the exact wording of it.

We, the minority, make a brief allusion to the point I am talking about on page 2 of the Minority Report to the following effect: "As *The New York Times* recently observed in reference to the election of the State Comptroller of New York, 'Keeping The Fiscal Watchdog Independent Makes Sense'."

THE CHAIRMAN: Delegate Maurer.

DELEGATE MAURER: Would it not be true that the function of the controlled audit would be a fiscal watchdog?

DELEGATE SYBERT: Possibly a month, six months or a year and a half after the fact, after the money is stolen if we have dishonesty, or after it is gone if we have inept officials appointed to the government.

THE CHAIRMAN: Delegate Maurer.

DELEGATE MAURER: If the Comptroller in New York is the auditor, and he is the post-auditor, and he is considered the fiscal auditor, would not the same degree of success in being a watchdog apply to the post-audit function here?

THE CHAIRMAN: Delegate Sybert.

DELEGATE SYBERT: The minority thinks we better watch the horse before it is stolen than wait maybe six months or a year longer.

THE CHAIRMAN: Delegate Henderson.

DELEGATE HENDERSON: Is it not true that under the federal setup the Bureau of Internal Revenue fulfills the tax collecting function which we have delegated to the comptroller in this State?

THE CHAIRMAN: Delegate Sybert.

DELEGATE SYBERT: As far as I know, that is correct.