

THE CHAIRMAN: Delegate Henderson.

DELEGATE HENDERSON: Is it not true that the comptroller generally exercises the auditing function performed by the comptroller?

THE CHAIRMAN: Delegate Sybert.

DELEGATE SYBERT: Not as far as I know, sir. The comptroller generally exercises a post-audit function.

THE CHAIRMAN: Delegate Henderson.

DELEGATE HENDERSON: That would come under the legislature as to what we approved a few days ago, would it not?

THE CHAIRMAN: Delegate Sybert.

DELEGATE SYBERT: Yes, that would be months or maybe years after the fact.

THE CHAIRMAN: Delegate Henderson.

DELEGATE HENDERSON: The Bureau of Internal Revenue has never been an elected official, has he, in the federal setup?

THE CHAIRMAN: Delegate Sybert.

DELEGATE SYBERT: Not as far as I know.

THE CHAIRMAN: Delegate Byrnes.

DELEGATE BYRNES: Dealing with the question of the separation of powers in the present Constitution, in the text that has been submitted to us by the Committee, we say that the executive powers should be vested in the governor and that he shall faithfully execute the laws. I might ask this, first of all, sir, do you think that the administration of fiscal affairs is part of the executive power or not?

THE CHAIRMAN: Delegate Sybert.

DELEGATE SYBERT: I did not catch the last two or three words that you said.

THE CHAIRMAN: Delegate Byrnes.

DELEGATE BYRNES: Would you say that the administration of the fiscal affairs of the State, are or are not within the executive power that we have vested or that it has been recommended that we vest in the governor?

THE CHAIRMAN: Delegate Sybert.

DELEGATE SYBERT: I think we have had virtually the same situation in the present Constitution, but the present Constitution has established a state comptroller

115 or 116 years ago, and the minority says that that arrangement has worked out very well; and because of it, perhaps, we have not had any fiscal scandals in the State. We think that system should be continued because it proved its worth.

THE CHAIRMAN: Delegate Byrnes.

DELEGATE BYRNES: I have this problem. Since the constitution is beginning afresh, we are beginning afresh in structuring this government in the State with a new constitution, do we not run into a possible problem in the future if we do not define specifically what the powers of this comptroller should be? We run into the problem that possibly the legislature could establish elective powers in someone not responsible to the governor. We would have some constitutional difficulty in the future. This could be challenged or contested.

THE CHAIRMAN: Delegate Sybert.

DELEGATE SYBERT: By whom or what?

THE CHAIRMAN: Delegate Byrnes.

DELEGATE BYRNES: By a citizen.

THE CHAIRMAN: Delegate Sybert.

DELEGATE SYBERT: If the new constitution provided for a governor with executive powers but were that modified by another amendment, I see no difficulty.

THE CHAIRMAN: Delegate Byrnes.

DELEGATE BYRNES: We would have to be very specific about what powers we are going to delegate to the official we would call the comptroller.

THE CHAIRMAN: Delegate Sybert.

DELEGATE SYBERT: You understand if the word "not" is stricken out of the Committee Report, the second paragraph of it, that at the proper time when the Committee Recommendations themselves on the blue paper come before the Committee of the Whole, proper amendments will be offered delineating the powers and duties of the comptroller?

THE CHAIRMAN: Delegate Byrnes.

DELEGATE BYRNES: I appreciate that remark, and I also wanted to clarify in my own remarks whether or not these matters were within the executive power that we are vesting in the governor. Another problem I had, Judge Sybert, is really trying to define in my own mind precisely what the functions of the comp-