

THE CHAIRMAN: Delegate Sybert.

DELEGATE SYBERT: I said it would be much safer and prevent possibly a good many judicial court determinations as to the extent of his powers.

THE CHAIRMAN: Delegate Hanson.

DELEGATE HANSON: Would it then be your contention that every official of this State exercising quasi-judicial power be an elected official and placed in the constitution?

THE CHAIRMAN: Delegate Sybert.

DELEGATE SYBERT: No, sir, I do not maintain that. There are some areas which are much more important than others. What the minority says is that the matter of state funds is much safer handled as it has been for one hundred sixteen years. The minority sees no reason for a change by embarking on unchartered waters.

THE CHAIRMAN: Are there any other questions of the minority spokesman? Delegate Byrnes.

DELEGATE BYRNES: Reverting to the same theme of diluting of the executive power and the potential constitutional problems it may present in the future, would you suggest if the comptroller is to be a constitutional or elective officer that the phrase dealing with the mandate to the governor that he shall faithfully execute the laws, should also be qualified so it will not refer to laws dealing with the Treasury Department?

THE CHAIRMAN: Delegate Sybert.

DELEGATE SYBERT: I do not think the phrase which is in the present constitution requires the governor to go out to arrest every malefactor, or collect taxes, or execute himself personally all executive powers. It is contemplated, and necessarily so, that other officials perform certain powers. We have a constitution which, as the present one does, says the governor shall faithfully execute the laws. It also sets up a comptroller. The statement as to the governor is certainly modified as to the constitutional provision for the comptroller.

THE CHAIRMAN: Delegate Byrnes.

DELEGATE BYRNES: I suggest there might be a conflict between the two personalities in the future, the governor acting in his position as one who is mandated to execute the laws faithfully and the comptroller having the same requirement put on him. They both could be pursuing oppo-

site goals and could very well clash in the future, both faithfully executing the same laws.

DELEGATE SYBERT: There is no conflict.

THE CHAIRMAN: What is your question?

DELEGATE BYRNES: I think it has been answered when he suggests there is no conflict. Thank you.

THE CHAIRMAN: Are there any further questions of the minority spokesman? The Chair hears none. You may present your motion, Delegate Sybert.

DELEGATE SYBERT: Mr. Chairman, I move that Recommendation No. 2 of the Committee Report Memorandum EB-1 be amended by striking the word "not" on page 1, line 18.

THE CHAIRMAN: Is there a second to the motion?

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

The Chair would have been disposed to have continued the debate if there had been some prospect of reaching a vote by 11:00 A.M. In view of the time allowed in the Debate Schedule, this does not seem possible, and the Chair thinks under the circumstances, it would be just as well not to start so late in the evening. The Chair recognizes Delegate Powers. Delegate Adkins?

DELEGATE ADKINS: At the risk of postponing adjournment one minute, may I simply modify two statements that I made in response to questions which I have since found to be not entirely accurate?

I was asked a question as to whether or not the governor was bound by the estimates of the Board of Revenue Estimates. I have since been advised by my distinguished colleague, Delegate Case, that in fact the governor is not so bound; he is, however, bound to transmit to the General Assembly with his own estimates the report of the Board of Revenue Estimates. I would simply suggest this does not change the thrust of my earlier statements. The second place where I was not precisely accurate was in response to questions as to whether the salary of the president of the University of Maryland was set by the governor. I was of the opinion it was set by the Board of Regents. I have been advised again by my distinguished colleague, Delegate Case, that it is recommended by