

ment in the fiscal field. They are simply enormous.

DELEGATE PULLEN: Can we make a tentative decision until we know that? We are doing something in a vacuum.

DELEGATE JAMES: The governor of Maryland has an ironclad clasp on the fiscal affairs of the State. I am going to limit my remarks to that statement.

THE CHAIRMAN: Are there any further questions of the minority spokesman?

The Chair hears none.

The Chair would like to address two questions to both the minority spokesman and the Vice Chairman to see if there is any disagreement on the points to avoid confusion in the debate.

Is the Chair correct in assuming that both the minority and majority of the Committee agree that if there is no provision in the constitution with respect to a treasurer that the selection of the treasurer would be under section 4.23 of the Committee Recommendation?

DELEGATE JAMES: I am expressing my opinion and I have not heard anyone disagree with that.

THE CHAIRMAN: Could the Chair ask the Vice Chairman of the Committee if he agrees that that is the section that would be applicable in the absence of a provision in the constitution with respect to a treasurer.

DELEGATE ADKINS: Yes, sir, assuming only that he would not end up as the head of a fiscal department.

THE CHAIRMAN: A principal department.

DELEGATE ADKINS: Yes, otherwise, I think section 4.23 would control.

THE CHAIRMAN: The Chair would like to ask this further question both of the minority spokesman and the Vice Chairman. If that is so, and if there is no provision in the constitution with respect to the treasurer is there a dispute as to whether the legislature would have power to determine the selection of the treasurer under 4.23?

DELEGATE JAMES: I am not sure of the answer to that question. I feel the way it is phrased, you would have objection to the appointment. If we change the word to selected, this would mean not only in this instance, but in any instance, the legis-

lature could provide a method of selection, perhaps outside of the gubernatorial powers.

It might mean that the legislature could really name people in a bill the way it can now, but I do not think the Convention would want to do that.

Can the Vice-Chairman of the Committee say whether he agrees with that interpretation?

DELEGATE ADKINS: I should take it the word "appointed" in section 4.23 would mean appointment under such rules as the legislature adopted for its own designated individual, which to me would indicate that so long as the treasurer is not the head of a principal department, it could be designated that he would be elected by the legislature either in a joint session or by individual action in both houses.

I am not sure that that is responsive to the Chair's question.

DELEGATE JAMES: I am not sure that that is right, either. I do not think it is, as a matter of fact.

THE CHAIRMAN: I gather the minority and majority do not agree on that interpretation of section 4.23. Any further questions of the minority spokesman?

DELEGATE MALKUS: Mr. President, I do not know whether this question should be directed to the majority or the minority, but I would like to know since this question is confusing to me and apparently it is to the Vice-Chairman of the Committee and I have not heard from the Chairman.

It is suggested that we contact the attorney general's office. Have we an opinion as to what we are talking about from the attorney general's office? I direct it to Senator James, the Vice Chairman, or the Chairman, whoever wants to answer it.

THE CHAIRMAN: I am not sure the Chair understands your question. Opinion on what question?

DELEGATE JAMES: Section 4.23.

DELEGATE MALKUS: That is correct.

DELEGATE JAMES: We do not have an opinion from the attorney general. I doubt that he could help much.

THE CHAIRMAN: Delegate Johnson.

DELEGATE JOHNSON: I have a question. I think Delegate Adkins can answer it.

THE CHAIRMAN: Delegate Grumbacher, you have a question of the minority spokesman?