

DELEGATE GRUMBACHER: Yes.

THE CHAIRMAN: Proceed.

DELEGATE GRUMBACHER: Senator James, I believe you stated that the governor has ironclad control over the fiscal affairs of the State.

DELEGATE JAMES: That is probably an overstatement; I made the overstatement for emphasis.

DELEGATE GRUMBACHER: Do you think that he has ironclad control over the Board of Education budget?

DELEGATE JAMES: The Board of Education budget: of course, I would have to say, no, on that. I would say he has to follow the provisions. However, in certain areas this would be true. For instance, let us take the area of the state colleges. The governor has control. Dr. Pullen will tell you about that. He has ironclad control over that. There are probably many areas. However, where the law provides he must place certain funds in his budget, this would not be true.

THE CHAIRMAN: Any other questions of the minority spokesman? If not, Delegate Johnson desires to ask a question of the Vice-Chairman of the Committee.

Proceed, Delegate Johnson.

DELEGATE JOHNSON: My question is directed in response to a question by the Chairman. What I am wondering is if we in fact adopt section 4.01, for all practical purposes vesting exclusive executive power in the governor, whether or not even if the legislature could appoint a treasurer under section 4.23, would I be correct in assuming that the treasurer could not have the same quasi-executive duties under that appointment as he has now?

DELEGATE ADKINS: Could a treasurer be created under the proposed new constitution to have exactly the same duties as he now has?

DELEGATE JOHNSON: Yes.

DELEGATE ADKINS: Your query is: Would those duties affect section 4.01 as far as executive powers of the State are concerned?

DELEGATE JOHNSON: Yes.

DELEGATE ADKINS: Let me talk to my brains here a minute and see what he thinks.

DELEGATE JAMES: I have an irresistible desire to answer.

DELEGATE ADKINS: I would be glad to yield to the distinguished minority spokesman.

DELEGATE JAMES: If he becomes a part of the executive branch, to that extent he is limited.

THE CHAIRMAN: Any further questions?

Do you have any further comment?

DELEGATE ADKINS: No, sir, except to say it is my opinion that section 4.01 would not raise a sufficient constitutional block to the legislature providing such safeguards for management of the state funds as it thought necessary to do so.

This is an off-the-cuff, off-the-top-of-the-head, unresearched opinion.

THE CHAIRMAN: Any further questions? If not, Delegate James may return to his seat.

Do you have an amendment to offer?

DELEGATE JAMES: The motion is that Recommendation No. 3 of the Committee Report EB-1 be amended by striking "not" on page 1, line 22.

THE CHAIRMAN: May I have the amendment?

The Chair neglected to number the earlier two amendments and I think that we probably should do so.

The first amendment offered earlier was with respect to Recommendation No. 1. That would be Amendment No. 1 and the next with respect to Recommendation No. 2 would be Amendment No. 2 and this would be Amendment No. 3.

The amendment is to strike the word "not" in line 22 on page 1 of the Committee Report.

Is the motion seconded?

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

THE CHAIRMAN: The motion having been seconded, we can proceed to a discussion of the motion under the debate schedule, ten minutes of debate controlled by Delegate James and ten minutes of uncontrolled limited debate.

The Chair recognizes Delegate James.

DELEGATE JAMES: Mr. Chairman, I would like to yield four minutes of the controlled time to Delegate Sherbow.

THE CHAIRMAN: Delegate Sherbow.