

2. Amendment No. 2 is to amend the committee recommendation so as to strike the word "not," and thus amended, the committee recommendation would read that the Committee recommends that the office of comptroller be provided for in the constitution, or in the words of Delegate Case, a vote in favor of keeping the comptroller in the Constitution.

If the amendment passes, the recommendation as thus amended will be submitted to you, and if it is adopted, you would then have adopted a recommendation that the comptroller be provided for in the constitution. You would not have provided the method by which the comptroller would be selected, and that would arise on amendments to Committee Recommendation EB-1.

If the motion to amend fails, the Chair will then submit to you Recommendation No. 2 in the form submitted by the Committee, which would be that the office of comptroller not be provided for in the constitution. In other words, to take the comptroller out of the constitution.

If that recommendation is then approved, it would be binding, and it would make it impossible to consider an amendment later to provide for a comptroller, either as an elected or appointed officer in the constitution.

Let me point out to you again at the risk of repetition that if we reach the point of ultimately voting on Recommendation No. 2, either in its original form or as amended, there are three possible results:

That the recommendation is approved is one possible result. Disapproval is another result. Neither approval or disapproval is the third result, which would follow if there were a tie vote.

If the recommendation as submitted is not amended, that there be no comptroller provided for in the constitution, and that is adopted as indicated we would not be in a position to consider amendments to provide for the comptroller when we consider the committee recommendation. If it fails adoption and is disapproved, you have a negative result, it would be possible to consider amendments. If it fails on a tie vote, you have no result on the recommendation, and it would be possible to consider the matter on recommended amendments.

If the recommendation is amended and as amended is approved, the Committee would be saying that the office of comptroller would be provided for in the constitution. It would therefore be necessary

to make such a provision. However, you would not have approved the language, and that would arise on a consideration of the committee recommendation.

If you approve the recommendation that the comptroller be provided for, you will also not have provided the means by which he is selected, and that also would be open.

It is a very complicated matter. I am not sure that the Chair has cleared it up.

I will state it again when we come to the question of the vote, what the issue is on the vote.

Delegate Malkus, do you still have a question?

DELEGATE MALKUS: Mr. President, you have, indeed, covered the waterfront.

I believe, possibly, that you have answered my question, but to be sure, my question to you—and I guess I should direct it to you; you seem to have the subject matter well in hand—but if the Gleason motion prevails—

THE CHAIRMAN: The Gleason motion has already prevailed, Delegate Malkus. The matter now under consideration is Delegate Sybert's Amendment No. 2.

DELEGATE MALKUS: All right.

If we eliminate the office of comptroller in the constitution, in your opinion, can this same office then be created by law, as the committee recommendation is before us?

THE CHAIRMAN: I am at a loss to understand what you mean when you say "this same office." If you mean exactly the same office, selected in the same manner, and having the same status as under the present Constitution and law, and if you mean that the committee recommendation, which has not yet been considered, is approved, the Chair would answer your question in the negative.

DELEGATE MALKUS: I do not mean that, Mr. President. I mean can the General Assembly come next January provide that there shall be such an office that will carry out the same functions as the comptroller's office, call it whatever you want, and by legislative enactment provide the means whereby the office is selected?

THE CHAIRMAN: As the Chair indicated, if the committee recommendation in its form submitted, not yet acted upon, is approved, it would contain a section which provides that the governor will appoint the