

DELEGATE PENNIMAN: We tried. We know exactly the problem you are talking about. We would like to have referred to the organization, but it is hard. We could strike it in most instances. It is not at this point a particularly happy title, but it is the best we could do as of this moment.

THE PRESIDENT: Delegate Adkins?

DELEGATE ADKINS: Maybe it is the late hour, but I read section 4.17 as making a substantive change which I am confident was not intended by the Committee. I read this as saying, or at least a possible interpretation is, that the attorney general shall represent the State in the Court of Appeals, the Intermediate Appellate Court and the courts of the United States in criminal cases and in all civil cases or proceedings; this is not the intent of the Committee, and I think that this can be construed to mean that the attorney general would thereby not represent the State in civil cases in nisi prius courts.

It seems to me that the confusion arises by the interposition of the language "in all criminal cases" and specifying the courts prior to the final conclusion "in all civil cases or proceedings."

I am quite confident that was not the intent. It may be the late hour that makes me read it that way.

THE PRESIDENT: I am not sure that I follow you. The attorney general is to represent the State in all civil cases or proceedings in which the State is a party without regard to the courts. Is that your understanding?

DELEGATE ADKINS: It is clearly my understanding. But I think there is some question as to whether this language says that because of the fact that it first specifies the courts—

THE PRESIDENT: No, it specifies first in all criminal cases.

DELEGATE ADKINS: It says in all criminal cases and in all civil cases, but it does not indicate that the civil cases or proceedings are in courts other than those specified. It may be that I am reading something into it that is not here.

THE PRESIDENT: The Chair would reach exactly the opposite conclusion which you do. But may I suggest, Delegate Penniman, that in the cold light of dawn that you consider this language afresh, perhaps with the aid of your co-chairman, and

decide whether its style is as clear as it would appear to be tonight.

DELEGATE PENNIMAN: I will be glad to turn it over to Dr. Burdette.

THE PRESIDENT: Dr. Burdette, did you follow the question?

Are there any other questions?

Delegate Henderson.

DELEGATE HENDERSON: I believe you used the word, in regard to the attorney general, that in the case of a vacancy a governor shall appoint a "person," and again in connection with the comptroller, appoint a "person"; did you not mean a qualified person? In other words, there are qualifications for each of them set up in the preceding section.

THE PRESIDENT: Delegate Penniman.

DELEGATE PENNIMAN: I do not think we did violence to what had already been stated. This is the reason that I raised the question in connection at least with the appointment of the comptroller, that one might want to add in line 46 that he have these qualifications preceding his election or his appointment.

THE PRESIDENT: When this was presented by the Executive Branch Committee and discussed before the Committee of the Whole, this precise question was raised. My recollection is that the Chairman of the Committee deliberately was not requiring the governor in making the appointment to follow the same qualifications. He thought he would, but they were not requiring it.

Delegate Morgan, can you recall what the discussion was on that point?

DELEGATE MORGAN: Mr. President, we have a couple of amendments this evening so that the same qualifications will apply to an appointed comptroller and an appointed attorney general as to an elected attorney general and elected comptroller.

THE PRESIDENT: Delegate Fornos.

DELEGATE FORNOS: In section 4.05, line 29, you refer to the lieutenant governor's being listed on the ballot with the candidate for governor, and then on line 32 you use the words "chosen to run with the candidate."

There is no conflict there, or do you believe that a conclusion might be drawn that this would determine the method of selection of the lieutenant governor, or