

1 department he would be appointed by the Governor.  
2 He would not be a Constitutional officer.

3 THE CHAIRMAN: May I inquire, Professor Power,  
4 whether in that situation it would be possible for the  
5 Legislature to pass a law providing for the office of  
6 Comptroller and the election of the Comptroller?

7 MR. POWER: Here, of course, you would have  
8 a difficulty in determining what a principal department  
9 is. This is one of the drafting problems we have  
10 not yet completely faced up to, but it would seem that  
11 there would be a Constitutional mandate if the  
12 Comptroller's office was a principal department, that he  
13 be appointed by the Governor and the Legislature could  
14 not alter that by statute.

15 MR. MILLER: Would you not have the Constitution  
16 mention by name the principal department?

17 MR. POWER: We did not intend to, no.

18 JUDGE ADKINS: Actually that question, Ted,  
19 is hanging, not in limbo but is in process of debate  
20 at the moment as to the extent to which the constitution  
21