

contained in the executive branch article of the new constitution.

Our recommendations are divided into two parts. The first is designated Committee Report EB-1. This is printed on white sheets of paper and contains our committee's recommendations as to what should not be included in the constitution.

The second part is designated as Committee Recommendation EB-1. This part is printed on blue sheets of paper that are before you on your desks, and contains the committee's recommendations as to what should be in the new constitution.

At the outset I should like to express for the records of this Convention my deep appreciation to the Executive Branch Committee members for their cooperation in all our deliberations. We had issues as to which there were sharp differences of opinion, and yet every member of the Committee conducted himself with a genuine respect for the opinions of other members who did not agree with him. It was and is, in my opinion, a great Committee, and I am very proud to have had the good fortune to be its Chairman.

We will dispose of recommendations on the white sheets of paper first. That is Committee Report No. EB-1. Then we will proceed to the recommendations on the blue sheets.

This past weekend the President of the Convention strongly urged a compromise upon both the majority and the minority of the Committee, with a view to resolving their differences with respect to Committee Report EB-1. I regret to say, however, that early this afternoon these efforts to compromise the issues came to naught.

In the Committee Report EB-1, the Committee recommends that one agency and a number of offices of the state government not have constitutional status. I want to emphasize that the Committee does not recommend the abolition of the one agency or any of these offices, only that they do not have constitutional status.

The agency covered by our recommendations is the Board of Public Works, and the offices are those of comptroller, treasurer, and the following sundry offices, at least three of which ceased to exist long ago: secretary of state, coroners, elisors, notaries public, surveyors, and the state librarian.

The issue of whether the new constitution should provide for a Board of Public Works, whether it should provide for an

elected comptroller, whether it should provide for an elected attorney general, whether it should provide for a treasurer appointed by the General Assembly, all of these issues were extremely controversial in our Committee, and the vote on each was 11 to 9.

There was no controversy as to the secretary of state, coroners, elisors, notaries public, surveyors, or the state librarian.

Now let me give you the reasons the Committee made the recommendations it did on the Board of Public Works, on the comptroller, on the treasurer, and on the attorney general.

From the beginning, the Maryland constitution has represented to the people of Maryland that the executive power of the State was vested in the governor. Moreover, the constitution has represented that the governor is the one who has the responsibility to see to it that the laws of the State are faithfully executed.

These representations in the constitution, however, just are not so. The Constitution of 1867 vests important executive functions in the Board of Public Works. While most of those constitutional functions have become archaic and non-existent as a result of the march of history, the 1867 Constitution also vests important executive functions in the comptroller and vests executive functions in the treasurer.

Under the existing Constitution the governor cannot, in the case of many laws, see to it that such laws are faithfully executed, except with the approval of another member of the Board of Public Works—and both of the other members of that Board have no responsibility to the governor.

This is clearly recognized by the fiscal management subcommittee of the Curlett Commission. The Honorable Joseph Sherbow, Chairman for that subcommittee, on page 78 of the Commission's report said:

"It is entirely possible for the two other members of the Board to override the policies and proposals of the governor and, in effect, to play a role which is, in theory, assumed to be that of the chief executive.

"While Maryland has been fortunate that the decision-making rules of the Board have not disrupted or seriously impaired state executive activity and development, the impact of this rule upon future executive leadership and responsibility should be carefully evaluated."