

I submit that its presence there today is an historical anachronism which had justification in 1867, but certainly not in 1967.

Taking a look at the debates of July 12, 1867, on page 390 of the proceedings, you will be interested to notice that the data considering the establishment of the Board of Public Works then gets into the question of how the state's interest in the Chesapeake and Ohio Canal Company under the deed of trust to Phineas Howard Janney and others is handled, how the state's interest in the Chesapeake and Delaware Canal shall be handled, and how the state's interest in the Susquehanna and Tidewater Canal Companies shall be handled.

I submit to you that the reading of the record will show that the sole purpose of the Board of Public Works as it originated was simply to determine how the State should protect itself in those semi-public interests in which it had invested so unwisely on those many occasions.

It was the function of the Board of Public Works to see to it that the Board did not go into too heavy a public debt and it is said in one of the committee records in the 1867 Constitution that the effect of public debt upon communities is the same as debt upon individuals. It shuts the door of hope. It dispirits and paralyzes their energy.

The public debt is a public calamity, and on and on the record rolls to talk about the state unwisely investing in these internal improvements in which there was a great deal of private money and unhappily a great deal of public money as well.

I simply say to you that the presence of the Board of Public Works in the Constitution of 1867 was predicated upon the state interest in these subject matters. Over the years when the legislature has looked for some place to place various duties, it has decided it would add to the duties of the Board of Public Works. Consequently if you look at Article 78(A) today and all seventy-five sections you would see the Maryland Housing Commission, the acquisition of Carvel Hall, and a host of other things that have little to do with the original operation of the Department of Public Works and which could well be taken care of by the executive branch of government and by the appropriate department are there as responsibilities of the Board of Public Works.

I must disagree with Delegate Sherbow when he talked about what Governor Agnew said. He did not request that the Board

of Public Works stay in the Constitution. In testimony before the Committee on the Executive Branch he said, "In my opinion, the Board of Public Works should be continued, but reconstituted; its authority should stem from statutory rather than constitutional stipulation."

Delegate Adkins asked him this question: "Do you think this reconstituted Board of Public Works should be a constitutional dimension? Agnew said, "No, Mr. Adkins, it should not be. I think it should be handled by statute."

So I am afraid Governor Agnew is not the ally to keep the Board of Public Works in the Constitution as has been suggested.

I would go to the very language that Judge Sherbow said he wrote in the Curlett Report, and read his only language.

THE CHAIRMAN: You have a little less than one minute.

DELEGATE GALLAGHER: "The major question involving the Board of Public Works is that of the future role. If proposed constitutional revisions are adopted, duties and responsibilities now delegated to the Board by law would become those of the governors or the executive officers responsible to him."

I submit that a reading of that language is not what I believe it was represented to us to be.

I submit to you finally ladies and gentlemen of this Committee, that the duties of the Board of Public Works can be provided for by statutes. There is no necessity for recognition of the Board in the constitution if we are to have a modern flexible executive; we must eliminate it. I submit to you that all this business about checks and balances within the departments and within the branches of the state government goes against a modern efficient flexible government, and I will submit to you that in the interest of a twentieth century chief executive we eliminate the Board of Public Works as a constitutional drag, because that is what it is.

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Mr. Chairman, I yield the balance of my time to Delegate Henderson.

THE CHAIRMAN: Delegate Henderson, you have five minutes.

DELEGATE HENDERSON: Mr. Chairman and fellow delegates, I have very little to add to what Delegate Gallagher has so