

eloquently expressed. If you look at the report of the Committee you will see on page two, it sets out there how the constitutional functions of the Board are stated in Article XII of the present Constitution and you will see there that they all relate to the management of the state's interest in the works of internal improvement in which in the middle part of the 19th century the State invested so heavily and so unwisely.

All of the modern powers exercised by the board, every one, as I understand it, were granted to them by the legislature, so that to call this a constitutional board, a board of constitutional establishment is really a misnomer; it is a board, which as already mentioned, was set up in the constitution for an entirely different purpose, and which has now been used as a catch-all in various categories by the legislature over the years. I suggest that one possible reason why the Board of Public Works has been utilized may have been political, because since the turn of the century we have had four Republican governors, but the legislature throughout all of those governorships has been Democratic and so has the comptroller, so that the check and balance which was properly set up to continue the Democratic establishment in running the State has been done all these years. It has resulted in factional strife by dividing the executive authority, and I suggest resulted in a political impact in the direction also of what you might call political rivalry between the different members.

All of these functions now exercised by the Board can be bestowed upon the same officials in the constitution we are now adopting. I see no reason whatever for continuing in the constitution a board which under the present Constitution has functions which are now completely archaic; to do so, it seems to me, would only cause a great deal of confusion.

THE CHAIRMAN: Delegate Dorsey, do you desire to offer your amendment at this time?

DELEGATE DORSEY: Yes, sir.

THE CHAIRMAN: Delegate Dorsey moves that Recommendation 1 of the Committee Report EB-1 be amended by striking the word "not" in line 14.

Is there a second to that motion?

*(The motion was duly seconded.)*

THE CHAIRMAN: The question now arises on the motion rather than on the Committee Report or the Recommendation No. 1 of the Committee Report. We can

proceed to the uncontrolled debate. Thirty minutes is allotted for this purpose.

Does any delegate desire to speak in favor of the amendment, that is in opposition to the Committee Report?

Delegate Storm.

DELEGATE STORM: If I am allowed to speak at this time, I would like to say a few things.

THE CHAIRMAN: You may proceed.

DELEGATE STORM: Judge Henderson has said that the powers of the Board of Public Works can be bestowed on the same officials. I believe that if you do not adopt this amendment that this would be impossible.

I also suggest to you that under sections yet to come before you, the legislature will not be able to provide for a Board of Public Works with the functions as now endowed to them.

Delegate Fornos a few minutes ago said that he was dissatisfied with the Board of Public Works because it was a super legislature, changing appropriations—

THE CHAIRMAN: Delegate Storm, pardon me, please. For what purpose does Delegate Morgan rise?

DELEGATE MORGAN: Will the gentleman yield?

THE CHAIRMAN: Delegate Storm, will you yield to a question?

DELEGATE STORM: As soon as I finish the sentence. This, ladies and gentlemen of the Convention emphasizes the point that the Board of Public Works does not exercise strictly executive power. It has legislative power, and that is why the legislature is represented on the Board of Public Works through the elected treasurer. Please do not eliminate this.

Now, Mr. Morgan, I will be glad to answer the question. I hope this is charged on your time.

THE CHAIRMAN: No, the question is on your time.

DELEGATE STORM: I will yield.

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: What is the language that prevents a Board of Public Works from being established by the legislature?

THE CHAIRMAN: Delegate Storm.