

of Public Works, the people would rise up in their wrath. I do not know why they would not rise up in their wrath just as much if it were a legislative Board rather than a constitutional Board.

THE CHAIRMAN: Delegate Storm.

DELEGATE STORM: Thank you.

THE CHAIRMAN: Delegate Raley.

DELEGATE RALEY: I will be perfectly happy to go along with what you say about this not being in the constitution but I think the Board of Public Works does serve a purpose, and I just wish you would explain to me where they can do it.

You pointed out in reply to the question on section 4.20, the words, "Unless otherwise provided by law", but that applies only to the head of each principal department, isn't that correct, sir?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: That is correct. I thought the assumption was that the Board of Public Works would be a principal department. If it is, it can be included as a Board within one of the principal departments.

THE CHAIRMAN: Delegate Raley.

DELEGATE RALEY: Under section 4.18 where it says "All duties shall be under a principal department", I cannot conceive that it would be considered as part of a principal department. Further, it seems to me, and I want your thinking on this, that unless this Board were mentioned in the constitution it probably would be illegal anyhow under section 4.01.

If we do not put something in the constitution and let the General Assembly do it, it cannot be done.

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Just as the General Assembly enacts a law and says it cannot be carried out by the secretary of this or the head of that department, I suppose that it is, in a sense, interfering with the executive authority, but it has never been held to do so.

I submit that if you took the Board of Public Works out of the Constitution, the legislature could set up a Board of Public Works and put the governor on it, or designate somebody appointed by the governor and somebody designated by the legislature.

THE CHAIRMAN: Delegate Raley.

DELEGATE RALEY: Chairman Morgan, would you not agree though, that there is some doubt whether the legislature could do it?

DELEGATE MORGAN: There is no doubt in my mind.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

Delegate James Clark.

DELEGATE J. CLARK: Mr. Chairman and ladies and gentlemen of the Convention: What we are arguing about is that those people thought we needed a Board of Public Works. Judge Henderson asked a good while ago why it is better to have it in the constitution than allow the legislature to establish the Board of Public Works.

The answer to this question has determined how I shall vote on it. If who shall be on the Board, is in the constitution then it is not subject to change as it would be if the Board of Public Works were established by the legislature.

Those of us who have been around the legislature a while know that the membership of the boards that are set up by the legislature are very often subject to change by the legislature and we have seen some boards that are changed every four years, because a Republican is elected in one place in Maryland. This time you have a Democratic governor and then you have a Democrat elected back in that county and a Republican governor and so we have to go through and change the way the boards are appointed, the make-up of them sometimes.

If we are going to have a Board of Public Works, and we allow it to be set up by the legislature, we are just going to have a political football.

When you get a Republican governor, a Democratic legislature is going to want to change that membership to take the control away from the Republican governor. You may think it is far-fetched, but it could happen. It has happened before.

Therefore, I think it is a meaningful reason for putting the Board of Public Works in the Constitution, so that it will not be subject to such shenanigans.

If you think we have to have a Board of Public Works and I think we do, and most people think we do, then I think you should give it this protection. Certainly this is more important than a lot of things we are