

voting to put into this constitution. It will afford the people of this State more protection over the years than almost anything we can do.

THE CHAIRMAN: Does any other delegate desire to speak in opposition?

Delegate Winslow?

DELEGATE WINSLOW: In response to a question raised by Delegate Raley he read: "The Executive power of the state shall be vested in the government", and he asked whether that would block the Board of Public Works. The 1867 Constitution, Article I says "The Executive power of a State shall be vested in a governor."

THE CHAIRMAN: Does any delegate desire to speak in favor of the amendment in opposition to Committee Recommendation EB-1?

Does any delegate desire to speak in opposition to the amendment?

Delegate Hanson.

DELEGATE HANSON: Mr. Chairman, I have listened with interest to this debate, and there are some questions which continue to exist in my mind which seem to me to tip the balance very heavily in favor of the Committee Recommendation and against including the Board of Public Works in the constitution.

First of all, if we are going to create such an organization within the constitution, I think it is incumbent upon us to say in the constitution what that organization is to do. Yet we learned that all of the functions now performed are performed by statute and properly should be performed by statute. Some of the functions now performed might properly be taken away and placed somewhere else, for instance, the power to approve leases, or some of the other activities which are carried on by the board which could be better vested in a new department of administration or some new executive agency.

Another problem which seems to me to be revealed in the statements of most of the delegates in favor of the retention of the Board of Public Works is a basic distrust in the chief executive of the State. They agree, however, that the Board of Public Works should not prevent the governor from acting, and therefore they argue that it would be all right with them if we added two new members to the Board of Public Works so that the governor would always have a majority on this particular Board.

There are two questions that arise as a result of this piece of revelation: First of all, in the Board of Public Works as it is presently constituted in the Constitution, while you could argue that if you had two fine, outstanding public spirited officials in addition to the governor and the governor were corrupt, they would certainly check him. But what is there in the constitution as provided that would protect us from two inept officials and a good, public spirited governor? There is nothing.

They could say this could be taken care of by the governor making two of his own appointments. You cannot have it work both ways. If the objective of public works is to give us public disclosure, it can be done by statute. It is not a constitutional provision that the activities of the Board be disclosed to the governor, but statutory.

It would also be most inadvisable to place in the constitution the right of two gubernatorial appointees to sit on the Board of Public Works. It would seem to me then unless these arguments can be answered—and I have not heard them answered thus far—that we should allow the legislature to create a Board of Public Works, but we should not ourselves create such a Board in the constitution.

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

Delegate Chabot.

DELEGATE CHABOT: I must regretfully depart from three of the delegates in Montgomery County.

Section 4.19 provides at lines 26 and 27 that the governor may increase, modify, decrease, diminish, and change their functions, powers and duties—that is, the functions, powers and duties of any of the agencies or officers of the executive branch, and presumably if the legislature established a Board of Public Works under the proposal of the Executive Branch Committee, it would be one of the things whose powers could be so affected by the governor. It is true that the legislature has an opportunity to override any attempt by the governor to make ineffective establishment of such a board, but the legislature has to do it by acting within fifty days after the governor has submitted his reorganization recommendation, and as we know from the current constitution and some opportunity to look at the other committee recommendations, that this is just the very time that the legislature, to the extent that it is involved in any great activity, is probably