

THE CHAIRMAN: To whom?

DELEGATE MASON: Chairman Morgan.

THE CHAIRMAN: Does anyone desire to speak?

DELEGATE MASON: Since I cannot ask a question, I would like to speak in favor of the Board of Public Works. I have to have the question resolved.

The Committee Report in section 4.20 states that "The head of each principal department of the executive branch, including the chief legal officer and the chief fiscal officer, shall be a single executive unless otherwise provided by law."

It says, "When a board or commission is at the head of a principal department, a chief administrative officer shall be provided for it by law."

THE CHAIRMAN: You have one-half minute.

DELEGATE MASON: In our discussions in the Committee it was agreed that all board and commissions as far as possible should not be policy making boards. I am wondering how we can establish a Board of Public Works under the draft article proposed by the Executive Branch Committee when all department heads must be single executives, and if there should be a board, a chief administrative officer should be provided.

THE CHAIRMAN: The Chair recognizes Delegate Gallagher for one minute.

DELEGATE GALLAGHER: Mr. Chairman and ladies and gentlemen of the Committee: I think it should be made quite clear that when the legislature elects a treasurer, although they are fine men, that is about the last the legislature sees the treasurer. As a matter of fact, there is a man sitting as delegate who tried to buck the individual who was selected by the administration to be treasurer, and he did not make it.

I think all this about representatives of the Board of Public Works is fine in theory, but in practice it can turn out to be a far different thing. The Board of Public Works has but one constitutional purpose, and that is the borrowing of money to meet temporary deficiencies.

Under the 1864 Constitution the General Assembly was given this power. The power has in effect gone from one place to another.

May I say in summation that the question of the existence of a Board of Public Works seems to me really not to fall strictly under the executive, but constitutes rather a fourth tripartite type of existence such as was described by Mr. Gleason. I think that all the reasons which have been advanced with respect to why it ought not to be included in the constitution have remained valid throughout this debate.

DELEGATE MORGAN: Mr. Chairman.

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: May I introduce one little note of levity in these proceedings?

Governor McKeldin was testifying before our Committee, and he was asked whether the State of Maryland had gotten along pretty well with the Board of Public Works, with its elected comptroller and elected attorney general.

He thought a minute, and said, "The only way I can answer the question is to recall an incident in Baltimore City, when an Irish policeman came upon a drunk leaning against the lamp post, and said, 'My man, if you want to stand here, you better move on.'"

*(Laughter.)*

THE CHAIRMAN: The question arises on the adoption of the amendment to the Committee Report. In view of the Chair's rather short answer to the parliamentary inquiry of Delegate Schneider, I think I should amplify somewhat what the Chair conceives to be the procedure. We now have under consideration Committee Report EB-1. The next matter on the agenda is Committee Recommendation EB-1. The Chair has heretofore followed the practice and has announced that a rising of the Committee of the Whole for purposes of meal recesses would not be deemed to be a rising of the Committee so as to prevent consideration of matters that otherwise would be proper to be considered before the same session of the Committee of the Whole.

If, however, the Committee of the Whole rises to report and does report on a matter, that matter is not, under the rules, thereafter subject to consideration of the Committee of the Whole. Accordingly, the procedure, as the Chair conceives it, is this:

The matter now before you is the adoption of the amendment. If the amendment is adopted, then paragraph 1 of the report as amended is before you, and will be submitted to your vote.