

DELEGATE SHERBOW: Mr. Chairman and members of the Committee of the Whole: I urge you to vote for this amendment so that the state treasurer remains a constitutional officer. I know that my good friend, Delegate Adkins, indicated that 116 years for the office of comptroller may seem rather aged, but the office we are talking about today is even older than the Maryland Constitution. It is 190 years old. It began in 1776 in the first Maryland Constitution and it was carried over into 1851, 1854 and 1867. There is a very strong burden on anybody suggesting that it now be taken out of the constitution.

You have before you what I believe to be an approach of a practical nature to give the people the right to see and to know. I do not care whether you call it a Board of Public Works or whether you call it a board by some other name. It follows exactly what Governor Agnew had suggested except that he included the state treasurer. But now if you seek to include the state treasurer but if you write him out of the constitution, I do not think you have to be one of these constitutional lawyers nor do you have to be just a plain housewife to read section 4.23 without realizing that what it means is that if you do not make him a constitutional officer, he is under the control of the governor of Maryland, under the proposal of the Executive Branch Committee, and he may be removed by the governor. It is inconceivable that under such circumstances the one office that is time-honored for 190 years without a blemish, under men of outstanding competence, would not be able to hold membership on the Board of Public Works.

Now, you say what are his duties? I do not believe in being so prolix that you get tired, so take a look yourself when you are getting a little bored with what is going on, and read the Commission draft and you will see in pages 370, 371 and 372 without even considering the Board of Public Works they have spelled out in the earlier constitutions what his duties are.

They spell them out because they think there ought to be some of these safeguards. You will have before you in a very few moments what I hope will take the heat and fire out of much of what has happened and bring in a great deal of light, and that is a proposed amendment, which I understand has been adopted by the Executive Committee by a vote of 15 to 5.

In that Committee Report they are going to say that we should adopt a proposal for an interdepartmental board of review, call

it that instead of board of public works and it shall consist of the governor, a principal department head named by him and an individual appointed by the General Assembly.

I say to you unless you name the state treasurer in the constitution, beware of what happens when you come to section 4.23 lest the governor have all three appointments which obviously he does not want, and which was never contemplated by those who draft these proposals which come before you.

It is important that we continue having men of outstanding public ability for men in public office. I want to tell you that one of the greatest recollections any man or woman in Baltimore City can have is the knowledge and the acquaintanceship of great men like John M. Dennis, when he sat as state treasurer and Hooper Miles. Do not ask how much time he gave to the State Treasury, think in terms of how much time he gave to the State of Maryland.

THE CHAIRMAN: Your time has expired, Delegate Sherbow.

DELEGATE SHERBOW: Thank you. And the same thing is true of the present incumbent and I urge you to vote for the amendment.

DELEGATE BOYCE: Does Delegate Sherbow yield?

THE CHAIRMAN: Delegate Boyce.

DELEGATE BOYCE: The Interdepartmental Board of Review specifically says that an individual is appointed to the Board by the General Assembly. How could that possibly give the governor three choices?

DELEGATE SHERBOW: Very simply. The governor, or whoever names the person who will have the job of being the state treasurer, give it another title, if you will, will have the position with all of the work and responsibilities of the state treasurer. He will be under the executive department. Under section 4.23 he will be removable by the governor and he will be the governor's choice. You make it certain that you cannot name the state treasurer by the man who has the state treasurer's duties as the Board of Public Works.

DELEGATE BOYCE: You keep avoiding my question. I am not talking about section 4.23. I am talking about the new interdepartmental board of review. It says that one of the three members shall be an