

to do those functions and duties, but it was the intention of the Committee to treat this as the existing Board of Public Works and, of course, the legislature can give added power to the Board of Public Works if it wants to.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: Is it not true that most if not all of these powers today are statutory powers?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: That is correct.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: My question, or my concern is why there is need in this amendment to enumerate a series of powers which are presently statutory powers and which the General Assembly may or may not prescribe, but must in any event act by law to give, and whether or not there would be more constitutional neatness, if you would just end that sentence with the word, "prescribed".

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Well, I personally do not believe so. I think the Constitution ought to give some idea to what the Convention meant by creating a board of review, what sort of thing it had in mind, at least some benchmark. That is not going to prevent the General Assembly from giving anything else, but it at least indicates what the Convention had in mind in the purpose for which it created this board of review.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: Mr. Chairman, following along the same basic inquiry that has been suggested to you by Delegate Marion, I suggest to you in line 15 that there is an improper statement, at least it is to me, where the power is given to the Board of Public Works to create state debt. Only the General Assembly can incur debt, as I understand it. What I think you mean is the issuance and sale of certain categories representing state debt, and I call your attention to line 25, which deals with the expenditures from the general emergency fund of the State. There is no Constitutionally-designated fund known as the general emergency fund, and, as a matter of fact, expenditures from that fund would probably be taken care of by the provisions in section 5, or subsection 5, beginning at line 23, which are expenditures of lump sum appropriations.

It seems to me if this is going to be passed, certainly line 15 has to be corrected, I would think. I would hope the Committee would go along with that, and I would also think that lines 25 and 26 should be eliminated. This all goes to point up the suggestion which I think Delegate Marion has made, namely, that the enumeration of these powers, which are nowhere found in the Constitution today, at least not in this form, are really going to serve to confuse rather than help the situation. I am wondering whether or not it probably cannot be met by doing as Delegate Marion has suggested, namely, saying that the Board shall perform in such manner and have such powers as the General Assembly may prescribe, with a fairly full explanation on your part, or your vice-chairman, if he is the person that might be selected to do so, so that the record of this Convention will clearly show what you intended.

Could this not be gotten at in that way and in doing so, produce a much neater and better document?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Delegate Case, I will have no objection to that. I think the record is now clear as to what we have put forth or reviewed in the constitution. We are certainly not limiting the General Assembly in giving the Board any additional functions, but it is the intention of the Convention to have the board of review have such functions of the existing Board of Public Works as the General Assembly might prescribe, and such other functions as the General Assembly might prescribe. I think that with that explanation of intention in the record of this Convention we can strike out, beginning with the word, "including," in line 12, the rest of the amendment down through line 28, and striking out the comma after "prescribe" and inserting a period.

THE CHAIRMAN: Do you so modify your amendment, Delegate Morgan?

DELEGATE MORGAN: I do, Mr. Chairman.

THE CHAIRMAN: The amendment is modified by striking the word, "including", at the end of line 12, inserting a period after the word, "prescribe", striking all of lines 13 to 28 inclusive.

Delegate Case, do you have a further question?

DELEGATE CASE: No, sir.