

Delegate Boyce?

DELEGATE BOYCE: Mr. Chairman, I think it should be pointed out, so that the problem will be solved later on, if we vote for this amendment, and I hope we do, we are then going to have to drop some words from 4.21 and 4.22, which reads, "acting as heads of principal departments", because they will have to be out of there. I think then we can get a clear-cut vote on this issue, which I thought was reasonably clear-cut yesterday but apparently quite a few people do not think so. So let's try it again, and I hope we will vote favorably on it.

THE CHAIRMAN: Delegate James.

DELEGATE JAMES: Just a word in opposition.

It seems to me that we are precluding some very progressive steps in Maryland if we adopt this proposition.

One of the greatest assets of the State of Maryland, of course, is the Chesapeake Bay and its tributaries, and I think it would be politically possible in all probability to consolidate our natural resources administration under a Board of Natural Resources, to give that board rule-making power, and have a unified administration of natural resources, including the Chesapeake Bay and its tributaries.

However, I cannot conceive of the legislature in the foreseeable future ever vesting this total power in one man, so that by adopting this proposal you would effectively preclude a type of administration of natural resources that would be politically feasible and politically possible.

Another example is the State Roads Commission. The State Roads Commission has the power presently of what is known as the quick take in condemnation cases, but before this quick take can be exercised, there must be a resolution of the State Roads Commission, acting as a board, to provide this power in a particular instance where necessary.

The vesting of such power in one man to exercise the power of quick take would be very questionable. It is this type of thing which would make it very questionable to eliminate the power of the legislature to create a board.

I would agree in principle that in most instances a single executive should head a department, but certainly, as Shakespeare says, you cannot look into the seeds of time

and say which grain will grow and which grain will not.

You do not know exactly when a situation will develop when a board will be the thing that public policy would dictate and we do not want to preclude further action in these instances which will surely occur.

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

Delegate Boileau?

DELEGATE BOILEAU: Mr. Chairman, fellow delegates, in 4.18 we have already taken care of the areas which Delegate James mentioned. The regulatory, quasi-judicial and temporary agencies are the kind of agencies that in most instances should have boards, and 4.18 allows them to have boards by allowing them to be set up outside of the twenty principal departments.

The governor is the one elected official who will be carrying out the administrative duties, executive duties in the executive department. He is the only one that the voters can actually get at.

In most cases if you allow for other than single executives, if you allow for boards or commissions for your principal departments, purely administrative departments for carrying out purely administrative functions, you will insulate them from the people.

These boards will be set aside. The governor does not have full control over them. He should have. He is going to be held responsible for the execution of the laws in this State.

THE CHAIRMAN: Delegate Raley.

DELEGATE RALEY: Mr. Chairman, members of the Committee of the Whole: I would like briefly to speak against this amendment.

I think it a very important question and I think what the Executive Branch Committee has set out is good, and it is a balanced thing, where it allows flexibility in the case of whether there is to be a single executive or a board.

I think that this flexibility is very good. In fact, I also think here, and when you go down to 4.21, that this amendment is actually cutting the executive power because under section 4.21 the governor has the power to appoint, without any advice and consent, the administrative head of any