

vested in the Board of Public Review are such powers as the General Assembly shall provide by law.

What we are providing here in transitory legislation is that when the Board of Public Works shall go out of existence, that all of those powers, constitutional and statutory, shall transfer automatically to the Board of Review. You realize that this is an agency which heretofore has been an intermediate agency, and which has executive and legislative duties and responsibilities attached to it.

If all these powers are transferred to the Board of Review, then, we must realize that we are dealing with a different kind of animal here. If the General Assembly wants to change those powers, an act is going to be subject to a gubernatorial veto, which is going to require it to have to go by two-thirds vote to override the veto, which is a different thing than, I think, is provided in the constitution, and, therefore, I think it is a substantive change here.

DELEGATE HARDWICKE: The purpose of this section 14, as I understand it, is to provide during the transitional legislative period for the possibility that the legislature, or that the Board of Public Works, may pass out of existence, and that we are trying to encourage this to occur and to encourage the creation of the Board of Review, which would pick up these functions prior to the time that the Board of Public Works must pass out of existence in 1971.

THE CHAIRMAN: Delegate Gleason.

DELEGATE GLEASON: Mr. President, Delegate Hardwicke, I suggest to you that that is a substantive change, and was not decided by the Committee of the Whole. It is completely different from anything we discussed with respect to that provision when it was on the floor, and that is a legislative decision which we left to the General Assembly.

THE CHAIRMAN: Delegate Gleason, I am not sure that I followed an earlier part of your question, and maybe Delegate Hardwicke is having the same problem.

Under section 4.24, the powers of the Board of Review are to be prescribed by the General Assembly by law, which means by law subject to gubernatorial veto.

Under section 14 we are, in effect, providing by law temporarily that the powers conferred upon the Board of Review are

the same powers presently conferred by law upon the Board of Public Works.

Is your point that section 14 is not subject to gubernatorial veto?

DELEGATE GLEASON: Section 14 of the transitory legislation?

THE CHAIRMAN: Yes.

DELEGATE GLEASON: No, that is not my point. It is not subject, I presume. That is not my point.

THE CHAIRMAN: But it is subject to amendment by the General Assembly.

DELEGATE GLEASON: Yes. My point is this: you started out your statement by saying that under section 4.24 the Board of Public Review must be created and it must have such powers as the General Assembly shall prescribe, but there also is another effect of that provision, namely, that the Board of Public Works goes out of existence.

THE CHAIRMAN: Let me see. I think I understand your point now. Let me state it and see if I do. What you are saying is that under section 4.24, the contemplation is that before the Board of Review has any powers, they must be prescribed by law subject to gubernatorial veto and that what we are doing in section 14 is the converse. We are conferring upon them powers which can be taken away only by law, subject to gubernatorial veto.

Is that your point?

DELEGATE GLEASON: That is my point, Mr. President. I think that because of what we are doing, it would be very difficult for the General Assembly to take a whole fresh look at this Board of Review because, after all, now they do not have their own representative on it and it may be that they may really want to cut down the power of this new board. I do not think they can effectively do that unless they have the votes to overturn the gubernatorial veto. That is different from what the provision provides for.

THE CHAIRMAN: The only solution to the problem that you raise, I take it, would be to omit a provision such as this so that it would be imperative that the General Assembly act before the Board of Review came into existence. Otherwise, it would have no powers.

DELEGATE GLEASON: That is precisely my solution.