

THE CHAIRMAN: I think, Delegate Hardwicke, Delegate Gleason's point is well taken and perhaps should be considered further.

DELEGATE HARDWICKE: Mr. President, let me point out a couple of things. First of all, the Board of Review provision is a delay provision, I believe until January of 1971. As I recall it, our purpose in section 14 was to encourage the General Assembly, by voluntary act, to create a Board of Review at an earlier date or to recognize that they might do so, and it was also to provide that in case they did so, the functions of the Board of Public Works would be transferred to the Board of Review.

There is also a second function here, and that is the material on page 20, beginning at line 3, which provides that, contractually speaking, where you have the Board of Public Works referred to in legislation, contracts, etc., the reference would also be determined to mean the Board of Review insofar as it would go. It seems to me that you could conceivably argue that this section does not serve any useful purpose, but I cannot say it does any harm.

THE CHAIRMAN: Might I suggest since the question has made the point clear at this point, that I think this is a matter that the Committee on the Executive Branch should give some thought to before we come to the point of debating the section. I do not think now is the time to do it.

Are there any further questions as to that section, Delegate Gleason?

Delegate Sherbow.

DELEGATE SHERBOW: I simply want to point out that there are continuing obligations by the Board of Public Works as they relate to outstanding bond issues and bond issues which have been authorized between now and the time when the Board of Public Works goes out of existence in January of 1971. It seems to me that perhaps this is part of the reason why section 14 is written as it is, and other provisions as well, so when we take a look at it, we see they bore this in mind.

THE CHAIRMAN: The point that Delegate Gleason was making to the extent the Chair understands it does not refer to the powers conferred upon or retained in the Board of Public Works. His point has to do with the transfer of the powers to the Board of Review after the Board of Public Works has ceased to exist.

Are there any other questions?

Delegate Adkins.

DELEGATE ADKINS: I might add a footnote to this discussion. I discussed the matter with Delegate Morgan. It seems to at least some of the members of the Executive Branch Committee that if this is not included, a potentially chaotic situation could develop in view of the fact that the Board of Public Works has become so engaged with such powers over a wide area. If it were left out without any residual hole, if per chance the legislature failed to act, I think the word chaotic is not too loose a term to use for the situation that could result.

For that reason, although I think Delegate Gleason is quite right in his analysis, it seems to some of the members of the Executive Committee at least that it is better to vest these powers in the new Board of Review, subject to the right of the legislature to withdraw, rather than leave the hiatus which might exist if the legislature failed to act.

For that reason, I think that, while I am not authorized to speak for the Committee, some of the members of the Committee would feel that this provision ought to continue.

THE CHAIRMAN: The Chair did not mean to suggest that the provision ought to come out. I merely suggested that the point is well taken in the sense that it is well to note it. It is in existence.

My suggestion is that the Executive Committee be thinking about it before we reach debate on that point so that there could be some consensus for the advice of the rest of the Committee of the Whole.

We have passed on down to section 21. Are there any questions?

Delegate Grant?

DELEGATE GRANT: I had one question on section 21.

As I understand it, there is no problem with the salaries now for the upper tier judges because they are already in office.

However, in point "D" you provide for salary of the district court offices and it indicates that that salary will not be computed until January 1st, 1970. Since there are no district court judges in office, would this mean that the General Assembly could change that salary or is the very fact that there are some peoples' court judges who are going to become district court judges, operate to prevent that?