

The constitution proposed by the commission made no reference to a board of public works. In its commentary the commission observed that most of the duties actually performed by the board were statutory rather than constitutional and concluded that "they could just as well be conferred upon a board of public works created by statute as upon a board of public works created by the constitution." The commission expressed the belief that "the vast majority of decisions made by the Board of Public Works is not of major importance," that "a high level board of this character is not required for the purpose of making such decisions, and that an appropriate official or agency should have the authority to take final action."<sup>2</sup>

The commission's objection to a constitutionally created board was actually part of a deeper concern over what it regarded as an inappropriate system of checks and balances within the executive branch of state government. It decried the division of significant executive power and responsibility among three constitutional officers and urged instead that all such power emanate from the governor. In that vein it also recommended that the comptroller and the treasurer be appointed by the governor, which, of itself, would have significantly undercut the status and political attractiveness of the board to the General Assembly. The commission had no objection to a statutory board of some type to coordinate particular matters, but it felt that such a board ought not to have constitutional status.

The recommendations of the commission were widely publicized. Ultimately a constitutional convention was called. It met from 12 September 1967 to 10 January 1968 and produced a proposed new constitution very much like that recommended by the commission, although after considerable debate a restructured board of public works was included among its provisions. Most of the debate in this area revolved around the status of the comptroller, and to a lesser degree the treasurer, and thus affected the board indirectly and from that perspective.

The convention's Committee on the Executive Branch ultimately recommended to the convention that the comptroller and the treasurer (and the attorney general) be appointed by the governor and thus lose their independent political base. Consistent with that determination and the philosophy behind it, the committee also recommended "that the Board of Public Works not be provided for in the constitution." The reason assigned to this recommendation reflected the thinking of the precursor commission—that the vesting of significant executive power "in a three-man board not responsible to the Governor, the majority of which is not even appointed by the Governor, is an unwarranted dilution of the Governor's executive authority and responsibility."<sup>3</sup>

These recommendations were by no means unanimous. Several minority reports emanated from the committee, recommending constitutional status for the comptroller and treasurer and the continuation of a board of public works. The minority report dealing with the board echoed to some extent the majority's concern over dilution of the governor's power, and it therefore suggested that membership on the board be increased to five, with the governor appointing the two new members.<sup>4</sup>

As a compromise the convention opted for continuing the comptroller as an elected constitutional office, repealing the treasurer's constitutional status, and restructuring (and renaming) the Board of Public Works. The proposed constitution provided for a three-member "Board of Review" composed of the governor, the comptroller, and "an officer in the executive branch designated by the governor." The duties of this board were broadly stated in one sentence: "The board shall act by majority vote and shall

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2. *Ibid.*, pp. 152-53.

3. Constitutional Convention of 1967, Chief of Staff (Committee Recommendations File), 12 September 1967-10 January 1968, Committee Recommendation and Memorandum EB-1, 14 November 1967; Committee Report EB-1, 9 November 1967, MdHR 18323-1.

4. *Ibid.*, Minority Reports EB-1(A), EB-1(B), EB-1(C), 17 November 1967.