

CHAPTER 7

The Modern Board: 1920-1960

It is apparent from the preceding discussion that the Board of Public Works created in 1864 and continued in 1867 was intended to be one of relatively limited function. Its principal job was to dispose of the state's investments in the internal improvement companies as quickly as possible and to superintend those investments to the state's best advantage until they were sold. As has been noted, there is no indication in any of the convention debates that any of the delegates envisioned the board becoming a major policy-making entity or exercising a pervasive jurisdiction and influence over the administration of the state government. The term "public works" was thought to be essentially synonymous with the state's investments in internal improvement companies, and those were to be phased out and never replaced.

What happened in fact, of course, was that the legislature took a more expansive view of what "public works" encompassed.¹ In large part, these departures from the constitutional intent were necessary. Conditions changed, and new demands were placed on state government, requiring new types of public programs. These required, in turn, some person or entity to superintend them.

The legislature apparently gave little thought to this aspect of the matter. Government programs were created haphazardly—to meet this challenge or that one—without much regard to each other. There is no evidence of any grand design or plan to revolutionize the function of the board. Rather, it would seem that in enacting its various and sundry new programs, the General Assembly looked to the board simply because it was there and because it was a politically and functionally convenient repository of administrative authority.

Delegating to the board various functions concerning public property or expenditures was practical because it consisted of men who were already responsible for operating the state government. From a political perspective, by placing this new authority in a troika, each member of which had his own independent political base or constituency, no single executive official would be given too much power. Finally, by delegating to the board, which was already in existence as a constitutional entity, new bureaucracies could be avoided. Government could be kept small.

And so it was that, by latching onto the catchall constitutional authority to "hear and determine such matters as affect the Public Works of the State, and as the General

1. The attorney general recognized this in 1916. Noting the catchall clause, he observed, "Acting under this authority, the Legislature has from time to time imposed upon the board various duties of importance, such as the construction and renting of state buildings, the leasing of state offices, the awarding of state contracts, the insuring of state property, the floating of state bond issues, the supervision over the State Fishery Force and its vessels, and the like." See 1 *Op. Att'y Gen.* 142, 150 (1916).