

*(There was no response.)*

Delegate Bothe, the Chair would like to ask just a few questions for clarification.

Would I understand from your earlier answers that as used here, "employees" is used in the ordinary sense, and therefore would not include members of the militia as a military organization?

DELEGATE BOTHE: That is correct.

THE CHAIRMAN: And did I understand you in response to Delegate Wagandt's questions to be suggesting that for somewhat the same reasons it might not include members of police departments as members of a semi-military organization, but that this would be for the courts to decide?

DELEGATE BOTHE: I think that is a fair statement. It would be for the courts to decide.

THE CHAIRMAN: With respect to your answer as to the General Assembly having the power to implement, would the General Assembly have the power to exclude any particular classes of employees, as for instance, by occupation, such as household workers, or farmers, or employers of less than a certain number, for example, one or two employees?

DELEGATE BOTHE: I think the legislature could exclude any class it chose from the legislation. It could not exclude them from the effect of the constitution, but it could pass legislation dealing with only particular kinds of employees that would not conflict with the constitution.

THE CHAIRMAN: That is what I wanted to clarify. You are saying the legislature could provide regulations with respect to collective bargaining, but it could not deprive any particular class of employees of the right to collective bargain?

DELEGATE BOTHE: That is right.

THE CHAIRMAN: One further question.

Would the power of the legislature under this section extend to something like, for instance, provision for compulsory arbitration in the case of very large employers or anything of that sort?

DELEGATE BOTHE: This is not the opinion of a labor lawyer. I think the General Assembly would be able to enact compulsory arbitration laws without conflicting with this provision, providing that the arbitration were a part of the collective

bargaining process and not in conflict with it.

THE CHAIRMAN: Delegate Beatrice Miller.

DELEGATE B. MILLER: I rise, Mr. Chairman, because in the clarification I am afraid we have done great offense to the police employees, of for instance, Baltimore City, who now enjoy a relationship in terms of their employment.

I think the clarification was in terms of prohibiting, or having the General Assembly have the right to exempt them from certain legislation, but not to prohibit them from the right to organize and bargain collectively; is that correct?

THE CHAIRMAN: As I understood the minority spokesman, she was saying that as to whether or not the police departments of Baltimore City or anywhere else would be included within this section, she would not give a categorical answer and it would depend upon whether they were regarded as a semi-military organization like the militia, and hence exempt, or not so regarded.

Is that a correct statement, Delegate Bothe?

DELEGATE BOTHE: That is a correct statement. Delegate Miller has indicated, and I have some personal knowledge of this, that the police have been accorded the rights so that apparently — I do not know that it has ever been construed by the courts — in the judgment of the State at this time policemen should not be exempted on that ground.

I would assume that we are not reversing any precedents by putting this provision in the constitution.

THE CHAIRMAN: Delegate Miller.

DELEGATE B. MILLER: Mr. Chairman, I think we need to make it rather clear that all employees, with the possible exception of the military, would be included in the right, but that certain classes of employees could certainly be restricted or exempted by the General Assembly in terms of whatever implementing legislation the General Assembly wants to pass.

THE CHAIRMAN: I do not know whether that is a question or a statement, Delegate Miller.

DELEGATE B. MILLER: A statement.

THE CHAIRMAN: Delegate Bothe.

DELEGATE BOTHE: I think it some-