

DELEGATE MAURER: In the constitution it mentions "appointed by the governor" as to commissions. Does that mean by the governor alone, or does this carry the implication that if the governor appoints he must also appoint with the advice and consent of the Senate?

DELEGATE HARDWICKE: No.

THE CHAIRMAN: Are there any other questions?

Delegate Adkins.

DELEGATE ADKINS: Along that same line — and I do not think it is inherent in the question that Delegate Maurer just asked. Section 4.30 provided that all persons in the executive branch whose method of appointment is not specifically specified shall be appointed and may be removed as prescribed by law. Am I to conclude that section 9, when it refers to the words "whose appointment or election is not otherwise provided for in the Constitution", means that the people intended to be covered by 4.30 also are people who are provided for in the constitution, although the constitution in 4.30 says specifically that they shall be appointed and removed as provided by law?

I am not sure that there is an inconsistency but I think there may be, and I want to be quite clear that this transitional provision does not require that all gubernatorial appointments shall be approved by the Senate if they are appointed pursuant to section 4.30.

THE CHAIRMAN: Delegate Hardwicke.

DELEGATE HARDWICKE: It seems to me, Delegate Adkins, that in section 9, what we are saying here is that the governor will nominate, and with the advice and consent of the Senate appoint all the officers of the State, unless there is a method differently provided for in this constitution, or unless there is a different method prescribed by law, so that the first clause in section 9 will govern except for different methods provided for in the constitution, or by law.

Now, as to 4.30: it seems to me that 4.30 stands on its own feet, and the express terms that are set out in 4.30 would govern all appointments under the constitution that are made pursuant to it.

THE CHAIRMAN: Delegate Adkins, it seems also to the Chair that there is a consistency inasmuch as section 9 refers to officers of the State whose appointment or election is not otherwise provided for in

the constitution, and I take it that means literally appointment and election provided for, whereas 4.30 does not provide for appointment or election, but provides a method to provide for appointment or election.

Delegate Adkins.

DELEGATE ADKINS: I think 4.30 is intended to cover the general bulk of personnel in the executive department unless specifically provided in this constitution.

THE CHAIRMAN: Yes. My point is that in section 9, the reference intended is to provisions in the constitution providing specifically for appointment or election of officers.

Section 4.30 is not that kind of a provision. Section 4.30 itself provides for a method by which the General Assembly designates how the officers shall be appointed or elected. It does not in itself provide how the officers shall be appointed or elected.

Delegate Adkins.

DELEGATE ADKINS: I take it it is clear, so far as the Chair and the Chairman of the reporting Committee are concerned, that section 9 does not provide that personnel not specifically provided for in the constitution need to be confirmed by the Senate.

That is the only point I want to make clear on the record.

THE CHAIRMAN: I think that is clear — that is the intent.

Are there any other questions as to section 9?

*(There was no response.)*

Section 10?

Delegate Grant.

DELEGATE GRANT: I wonder if you would express exactly what section 10 means. Section 10 appears to be literally old section 15 of Article II of the former Constitution just put in the new constitution, and it refers to civil officers.

Would you define what you mean by "all civil officers who received appointment from the executive"? Specifically, do you mean state level officers, local officers, people who received commissions, and so forth and so on?

DELEGATE HARDWICKE: I think it is intended to cover any officer who receives an appointment from the executive