

READING CLERK: Amendment No. 23 to Committee Recommendation EB-1 by Delegate Maurer: On page 9 Section 4.23, Appointment and Removal of Other Officers of the Executive Branch, line 12, after the period insert the following sentence:

"The General Assembly shall provide by law that all employees in the service of the State shall be appointed and promoted in accordance with the merit principle, subject to such exceptions as may be prescribed by law."

THE CHAIRMAN: The amendment is offered by Delegate Maurer. Is there a second?

The amendment having been seconded, the Chair recognizes Delegate Maurer to speak for the amendment.

DELEGATE MAURER: Mr. Chairman, this might be called a civil service amendment. We have a civil service in this State and most of the state employees are covered. We may wonder, therefore, why put this in the Constitution. I would like to point out that in that sparse document, the model constitution, there is a section on the civil service; it is deemed to have a constitutional dimension in the model constitution. Most modern constitutions have sections on civil service, even though their states already have legislation for a merit system.

Indeed, the recent New York Constitution, the one which failed, did have a section on the civil service; Alaska has a civil service section.

I think also with the changes that are pending or will come about in the years ahead to consolidate departments to integrate the administration of this State, it would be appropriate and fitting to reassure our civil service employees in this State that we intend to protect them and to continue the merit principle in employment and promotion.

I would add as a fourth point that we are moving into an age of collective negotiations among public employees and that as we do this, we tend to fragment the civil service. Negotiations tend to take place by functional units, police, nurses, and so on. This fragmentation presents something of a problem to maintaining an overall civil service. It presents the problem also to the legislature as they try to develop civil service laws. To give a Constitutional dimension to the merit system will provide a helpful balance in this particular picture as we move ahead into new and

developing territories in the area of negotiations with public employees.

I would suggest then that this addition to the executive branch would be an important reassurance to the civil service employees of the State that it is of a constitutional dimension and that we ought to support it.

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Mr. Chairman, I believe that the state of Maryland has one of the best civil service systems at the present time among the states in the union, and I really cannot see the necessity for putting in the constitution a requirement that the General Assembly provide that all employees in the service of the State shall be employed and promoted in the merit system subject only to such exceptions as the General Assembly may prescribe.

I really cannot see the purpose of this amendment.

THE CHAIRMAN: Any further discussion?

Delegate James.

DELEGATE JAMES: I would like to say that this certainly is another one of those unenforceable provisions that you can have in the constitution. If the legislature so desires they can create a situation which would dispense with the constitutional provision. It is a type of thing that should not be done by legislation. It will only be done if the people are behind it.

It does not belong in the constitution. We are here to draft a constitution and not to put everything in it including the Ten Commandments.

THE CHAIRMAN: Any further questions?

Delegate Groh.

DELEGATE GROH: I have a question of the sponsor.

THE CHAIRMAN: Delegate Maurer, do you yield to the question?

DELEGATE MAURER: I do.

DELEGATE GROH: Does that apply to the subdivisions of the State, the counties and cities?

THE CHAIRMAN: Delegate Maurer.

DELEGATE MAURER: Unfortunately, as it is developed under the executive