

DELEGATE MAURER: Certainly.

THE CHAIRMAN: Delegate Gill.

DELEGATE GILL: Does your amendment intend to freeze into positions all people who have appointed political positions when the administration changes, into such offices as the Board of Elections and the liquor boards, all of those appointees after they are appointed by the new administration, then they become employees subject to civil service and then they would continue to remain until the administration would appoint others?

Do you intend to freeze those people in positions?

THE CHAIRMAN: Delegate Maurer.

DELEGATE MAURER: I intend to leave this to the legislature. What we are recommending is that the merit principle shall apply except in such areas as the legislature may deem appropriate; I am not trying to make such decisions in this amendment. What this does essentially is to provide in the executive branch, because we are talking about the executive branch, that the merit principle applied will be up to the legislature to set forth, which they have already, but not as I understand it to liquor boards and election boards.

THE CHAIRMAN: Delegate Gill.

DELEGATE GILL: As it is, the governor does appoint many of the positions in the executive branch and, as you know, there are many people in the different branches that are political appointments and after they are there for a few years, they have permanent jobs. Sometimes they are qualified and sometimes they are not.

Will they be frozen into the constitution? That is what I am trying to say.

THE CHAIRMAN: Delegate Maurer.

DELEGATE MAURER: It would be left to the legislature if it is not a decision in specific terms which will be determined by this amendment as I foresee it.

We have in the draft section that all personnel in the executive branch whose appointment or removal is not otherwise specified or specifically dealt with, will be left up to law. This just says that law shall contain the merit principle insofar as the legislative need requires it.

THE CHAIRMAN: Delegate Gill.

DELEGATE GILL: Do you think it would be very difficult for the legislature

to prevent freezing these jobs if this is in the constitution?

THE CHAIRMAN: Delegate Maurer.

DELEGATE MAURER: All I can say is that I think the legislature still has an opportunity because my amendment in the last clause says "subject to such exceptions as may be prescribed by law."

THE CHAIRMAN: Delegate Sickles.

DELEGATE SICKLES: I wonder if the Chairman of the Committee on the Legislative Branch would yield for a question?

THE CHAIRMAN: Delegate Gallagher, do you yield to a question?

DELEGATE GALLAGHER: I will.

THE CHAIRMAN: Delegate Sickles.

DELEGATE SICKLES: Mr. Gallagher, when I was in the Committee I opposed this amendment and I did it on the basis that I believe that the General Assembly can establish a merit system in the executive branch including the office of the attorney general and comptroller and can also establish a merit system for certain employees in the judicial branch, and I wonder if you concur in this view?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: I would say that since the first section of the article on the legislative branch grants all plenary power in the area of legislation to the General Assembly, that the General Assembly does have this power in the absence of a specific constitutional prohibition against it.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: I have a question for Delegate Mudd.

THE CHAIRMAN: Delegate Mudd, do you yield to a question?

DELEGATE MUDD: Yes, Mr. Chairman.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: Section 5.31 as approved gave concurrent power to the judiciary and the General Assembly in rule-making which presumably would also include employees and I take it now by this discussion that the General Assembly could provide a merit system for judicial employees. However, the rule-making powers could declare the system not subject to the judiciary, is that correct?