

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: It was our interpretation of the court's rule-making power that it is their final practice and procedure.

If you repeat the merit plan for the employees enacted by the legislature, it would seem to me that that would be non-revokable under the rule-making power of the Court of Appeals in matters, practice and procedure.

THE CHAIRMAN: Delegate Grant, the Chair suggests that these questions are hardly pertinent to the matter under consideration or section 4.23.

DELEGATE GRANT: I think it is pertinent, because of the fact that it says the General Assembly shall provide the law for all employees.

THE CHAIRMAN: I think you are correct. Do you have any further questions?

DELEGATE GRANT: I just want to make certain that this is in the record, that the Chairman of the Judicial Branch Committee does not understand that the rule-making power would extend to declaring that the merit system would not be applicable to the judiciary department.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: That would be my opinion.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: Mr. Chairman, would the Chairman of the Executive Branch Committee yield for a question?

THE CHAIRMAN: Would Delegate Morgan yield for a question?

DELEGATE MORGAN: I yield.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: Delegate Morgan, does the language in Committee Recommendation No. 4.23 give to the General Assembly power that it would not otherwise have, or does it restrict the General Assembly in any way?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: I cannot say that it restricts the General Assembly in any way. It is simply a wrap-up to round out the removal authority. It says officers of one class would be appointed in one fashion and officers of another class would be appointed in another fashion and this

says all officers shall be appointed in accordance with the general rules prescribed.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: If there were no section 4.23 would the General Assembly have less power than the General Assembly would otherwise have?

DELEGATE MORGAN: In my opinion, it would not.

THE CHAIRMAN: Any further questions, Delegate Chabot?

DELEGATE CHABOT: Mr. Chairman, may I speak for the amendment?

THE CHAIRMAN: You may.

DELEGATE CHABOT: The amendment was described as having no function except being exhortative. In this I suggest it is of greater usefulness than the language which is in the committee recommendation, since that language neither increases nor decreases power nor does it exhort anyone to do anything in any specific way or in any general way.

I suggest that exhortations are not always bad things to include in the constitution and that this particular one is a good one.

As to the specific point that Delegate Hanson raised, it seems to me that the language prescribed by law is sufficiently general so that the General Assembly would be permitted to authorize a civil service board or agency to prescribe by regulations which sort of categories of people under certain guideline circumstances would be covered and who would not be covered, so that the problem that he raised would not seem to be a difficulty under the language presented by Delegate Maurer.

Under the circumstances, I would encourage that this amendment be adopted.

THE CHAIRMAN: Are you ready for the question?

Delegate Grumbacher.

DELEGATE GRUMBACHER: I would like to make a parliamentary inquiry.

THE CHAIRMAN: State the inquiry.

DELEGATE GRUMBACHER: Under what rule are we able to yield the floor for a question when we do not have the floor?

I have noticed time and again yesterday and today that someone will ask if