

someone else will yield and the person who does not have the floor yields.

I do not understand it.

THE CHAIRMAN: Your point of order is well taken. There is no ruling the Chair has taken. I hope it will expedite the amendment being considered.

I think yesterday afternoon and this morning would indicate the contrary of this case.

Delegate Needle.

DELEGATE NEEDLE: I would like to ask Delegate Maurer a question.

THE CHAIRMAN: As a sponsor of the amendment?

DELEGATE NEEDLE: Yes.

THE CHAIRMAN: Proceed.

DELEGATE NEEDLE: I hesitate to do so after the Chairman has indicated his feelings about this but I do not think this is perfectly clear.

I had understood Delegate Maurer's expressions to indicate that this section was to apply only to the executive branch, but several people seemed to have expressed some doubt as to whether it applies to all employees in all branches of the government.

We should make this crystal clear that if there is any inconsistency we can refer it to the Committee on Style and Drafting.

THE CHAIRMAN: Delegate Maurer.

DELEGATE MAURER: It was as to the executive branch, although I wish that it could apply elsewhere. Unless we placed it in a separate section, it seems to me, it could only apply to the executive branch, and so I have put it forward with that sense.

It in no way precludes the General Assembly from acting with respect to the judiciary or acting with respect to its own branch.

THE CHAIRMAN: Are you ready for the question?

Delegate James.

DELEGATE JAMES: The question.

THE CHAIRMAN: Before putting the question, the Chair desires to point out that the phrase in line 9 "merit principle" seems to the Chair to lack definiteness. Conceivably this could permit promotion on

the basis of merit. I take it that what is intended is the merit system in the civil service system.

If the amendment is adopted in order to make it clear for the benefit of the committee on style, will Delegate Maurer tell us what it is? Is the use of merit principle indicated to refer to what we know as the civil service system?

DELEGATE MAURER: Yes, the civil service appointing and promoting on the basis of competence for the position involved.

THE CHAIRMAN: Are you ready for the question?

*(Call for the question.)*

A vote Aye is a vote in favor of the Amendment No. 23 to Committee Recommendation EB-1. A vote No is a vote against Amendment No. 23.

DELEGATE BOYCE: No.

THE CHAIRMAN: Delegate Boyce votes No?

DELEGATE BOYCE: Yes.

THE CHAIRMAN: Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 17 votes in the affirmative and 93 in the negative, the motion is lost and the amendment fails.

Are there any further amendments to section 4.23?

Delegate Sybert.

DELEGATE SYBERT: Mr. Chairman, I would like to get in the record of these proceedings some matters which I discussed with the Chairman of our Committee and which I brought up in the Committee and I think were approved by everyone who is present.

THE CHAIRMAN: To what sections?

DELEGATE SYBERT: Sections 4.18, 4.19, 4.21 and 4.22, dealing with the principal departments and heads of the principal departments. I think it should be expressed clearly on the records of this Convention that those sections shall not apply or modify in any way the constitutional powers committed to the attorney general and the comptroller.