

cial departments do so serve and serve at the pleasure of the governor. So I take it from what you are saying that the heads of those departments would not be affected by this section. Is that not true of section 4.22?

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: That is correct, they are already covered by the constitution.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: Section 4.23, Delegate Grant, deals with all other personnel in the executive branch and it says that those whose method of appointment or removal is not specifically dealt with in this article shall be appointed and may be removed as prescribed by law. Are not all of the rest of the people in the executive branch covered by provisions that the Committee of the Whole has already adopted?

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: I point out to you first of all that it would have to be construed whether he were in the executive branch under that narrow definition in that section. However, I point out to you that it does not include the comptroller who is specifically provided for in the constitution. It does not include the state's attorneys. It probably does not include the clerks of the court who are elected officers, and it certainly does not include any officials of local governments.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: Can I take it from that, then, that your proposed section does intend to deal with the state's attorneys and with local officials of all kinds? Is this the purport of it?

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: The purpose of this section is to give to the General Assembly a sovereign power, the power to take care of the removal of officers where it is not otherwise provided for in the constitution.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: I take it the answer to my question is a sort of roundabout yes.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: Yes, that is correct.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: The one other thing which I wish to suggest to you is that the provisions in section 4.22, 4.21, and 4.23 which we have already approved exempts from their provisions the president of the University of Maryland, the state superintendent of schools and the head of the state college system and I assume that this suggested provision intends to take care of them, is this correct?

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: This provision could probably be best construed as the rest and residue.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: Very well.

THE CHAIRMAN: For what purpose does Delegate Gallagher rise?

DELEGATE GALLAGHER: Your continued indulgence for one question, Mr. Chairman.

THE CHAIRMAN: Very well.

DELEGATE GALLAGHER: Delegate Grant, the Baltimore City Charter has specific provisions whereby the mayor or the city council can remove certain officials upon trial and a required vote. Would it be the intention of you as the sponsor of this amendment to have the General Assembly pass laws covering the identical officers so that there would be possibly two avenues of removal; or would you expect that the legislature would prevail over the charter?

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: The problem here is a constitutional one. Without some grant of authority to the General Assembly to provide for the removal of officers, it is doubtful that they could in turn delegate to anybody the power to remove officers.

Now, if under the shared powers concept they have already delegated this power in a charter to Baltimore City, this would make the delegation lawful.

THE CHAIRMAN: Delegate Bamberger, do you still have one further question?

DELEGATE BAMBERGER: No, sir.

THE CHAIRMAN: Does any delegate desire to speak in opposition to the amendment?

Delegate Boyer.