

determine the same in like manner as if such suit or action, issue, presentment or indictment had been originally instituted therein.

SEC. 15. *And be it further enacted*, That this Act shall take effect June 1, 1963.

Approved April 30, 1963.

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CHAPTER 559  
(Senate Bill 410)

AN ACT to repeal and re-enact, with amendments, Section 17 (a) of Article 64A of the Annotated Code of Maryland (1962 Supplement), title "Merit System", providing under the State merit system for the preference in appointment of a resident of the State with the same or better standing on the list than a non-resident.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Section 17 (a) of Article 64A of the Annotated Code of Maryland (1962 Supplement), title "Merit System", BE AND IT IS HEREBY REPEALED AND RE-ENACTED, WITH AMENDMENTS, to read as follows:

17.

(a) Whenever a vacancy in any position in the classified service is to be filled, the appointing authority shall make requisition upon the Commissioner for eligibles. The Commissioner shall thereupon certify to the appointing authority the names and addresses of the five persons standing highest upon the eligible list for the class in which the position is found, or if there be less than five, then such name or names as may be on such list, and said appointing authority shall appoint one of said persons so certified to said position. *An appointing authority shall not appoint a nonresident of the State from any list when there is a resident of the State with the same or a better standing on the list.* An appointing officer who passes over a veteran eligible as provided in Section 18 of this article and selects a nonveteran shall file with the State Commissioner of Personnel a substantial reason for so doing, which shall become a part of the record of such veteran eligible, and shall be made available upon request to the veteran or his designated representatives; the State Commissioner of Personnel is directed to determine the sufficiency of such submitted reason and, if found insufficient, shall require such appointing officer to submit more detailed information in support thereof; if the reason so received be deemed insufficient by the State Commissioner of Personnel, then, he shall order the employment of such veteran by such appointing officer, and a copy thereof shall be sent to the veteran eligible or to his designated representatives; in case there is no eligible list for the class, the Commissioner shall forthwith call an examination, and shall post the eligible list resulting therefrom within sixty days from the time of holding said examination, and in case no eligible list results, the Commissioner shall repeat such call and continue to hold examinations until an eligible list results. If necessary to prevent the stoppage of public