

*(There was no response.)*

The Clerk will record the vote.

There being 40 votes in the affirmative and 80 in the negative, the motion carries. Amendment No. 13 as amended is rejected.

DELEGATE KIEFER: Mr. President.

THE CHAIRMAN: Delegate Kiefer.

DELEGATE KIEFER: May I suggest that as a matter of convenience and while we are on the subject that we dispose of section 12, which has to do with removal in criminal cases?

THE CHAIRMAN: Is there any objection to taking up section 12 next?

Delegate Willoner.

DELEGATE WILLONER: Mr. Chairman, the committee amendment for section 12 had a minor change in it and has not been printed yet. At least, I have not seen a copy of it. I just gave it to them about ten minutes ago.

THE CHAIRMAN: We will have to wait until we get to it.

For what purpose does Delegate Weidemyer arise?

DELEGATE WEIDEMEYER: I do object to passing on to section 12.

THE CHAIRMAN: We are not passing on to it now anyhow. There is no necessity to state your objection. We are not considering section 12 at this time.

DELEGATE WEIDEMEYER: I have an amendment to offer. It offers a new section to take the place if section 7 is deleted.

DELEGATE J. CLARK: Eight.

DELEGATE WEIDEMEYER: It is "AM".

THE CHAIRMAN: We will have to come back to that, Delegate Weidemyer.

The next section for consideration is section 9.

There are two amendments. Apparently one is to delete the entire section and the other is to change the language of the section.

Delegate Kiefer, do you have any preference as to the order in which the amendment should be offered?

DELEGATE KIEFER: Yes, sir, Mr. Chairman. I think that the amendment

marked "E" should be considered first. This is a rewrite of this language. The language has been approved by the Committee, and it is the language to which Delegate Mitchell will speak because we have not had a report on this particular section.

THE CHAIRMAN: The Chair is not clear. Are you saying that the Amendment E is to be substituted by the Committee in place of section 9 in the Committee Recommendation?

DELEGATE KIEFER: That is correct, sir.

THE CHAIRMAN: We should be able to dispose of that rather quickly, I should think. Who is going to move the amendment?

DELEGATE KIEFER: I move the amendment, but Delegate Mitchell will speak to it.

THE CHAIRMAN: Delegate Mitchell.

DELEGATE MITCHELL: Mr. President, in order to save time when R&P-2 was presented, it was decided that instead of the Chairman of our Committee presenting the rationale of all of the sections at the beginning of R&P-2 as was done in R&P-1, we would present it section by section.

THE CHAIRMAN: Very well, the Chair will recognize you, Delegate Mitchell, to make a presentation on behalf of the Committee, with respect to section 9. Do you desire to come forward to the reading desk?

DELEGATE MITCHELL: No, sir.

THE CHAIRMAN: Very well. You may proceed.

DELEGATE MITCHELL: Mr. Chairman and fellow delegates, we have had extensive hearings and a number of witnesses. There were a number of proposals sent to our Committee with regard to the concept employed in this language. A subcommittee worked on language. It was revised a number of times and then we brought back the language that is presented in the formal R&P-2 presentation.

Subsequently, in discussion with other delegates who were not quite clear as to the language of section 9, the Committee has revised that and I would like to have Mr. Kiefer read the revised language and have that language on the desks of the delegates as we discuss the basis for this recommendation.

THE CHAIRMAN: I am sorry, Delegate Mitchell, would you repeat that, please?