

Delegate Henderson.

DELEGATE HENDERSON: It seems to me that there is another aspect of this thing which I know was discussed in the judicial branch. The point is that when this new system goes into effect, there is a transfer from local to state expense. Certainly there was some discussion in the judicial branch that we did not want localities freezing a thing which would ultimately fasten upon the State. In other words, it would protect that feature of it that the matter was cut down.

I would like to inquire: is there not some requirement for the legislature to set up a People's Court without constitutional amendment?

DELEGATE HARDWICKE: The answer would be no. It would have to act within the framework of the four-tier court system, and it could not after July 1, 1968.

THE CHAIRMAN: The question is under the present Constitution. Is that what you meant, Delegate Henderson?

DELEGATE HENDERSON: The answer to that question is that it could.

THE CHAIRMAN: Are there any questions as to section 23?

Are there any questions as to section 24?

*(There was no response.)*

Section 25?

Delegate Marion.

DELEGATE MARION: Delegate Hardwicke, the sections of the judicial article relating to the nominating commission procedure are deferred for one year. I may be missing something obvious, but I am curious as to the reason for the language in lines 20 and 21 of "other than the expiration of the term of office."

By what procedure would a vacancy be filled during the intervening one year if a term of office of a judge of one of those three court levels ended in that year?

DELEGATE HARDWICKE: By the governor, Delegate Marion, and this is expressly provided for in section 27 on the next page.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: As I read section 27, that relates only to section 5.22, which involves the non-competitive election, and the term of office for a judge. I gather, section 5.22 is to take effect immediately for all practical purposes.

I am not sure that answers my question as to an appointment to fill a vacancy.

THE CHAIRMAN: I am not sure I understand the import of the question.

DELEGATE MARION: My question with respect to section 5.25 is that since you make an exception for appointments prior to —

THE CHAIRMAN: You mean 5.25 of the transitional.

DELEGATE MARION: Section 5.25 on page 8.

THE CHAIRMAN: You do not mean section 5.25. You mean section 25.

DELEGATE MARION: I am sorry. Yes, sir, section 25 on page 8.

DELEGATE HARDWICKE: In section 25 there are two breakdowns. First of all if the term ends for any reason beside expiration, in other words, a death, and so forth, then the governor appoints. If it ends by reason of expiration, then section 27, page 9, is used, and there is an election pursuant to the terms of the new constitution.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: You are using a term of office to mean at the time of an election.

It would not mean a retirement at age 70. That would be covered by this language in section 25.

DELEGATE HARDWICKE: That is correct.

THE CHAIRMAN: Are there any other questions as to section 25?

Section 26? Section 27? Section 28? Section 29? Section 30?

*(There was no response.)*

Section 31.

Delegate Gleason.

DELEGATE GLEASON: Delegate Hardwicke, I think my question has already been answered by Delegate Marvin Smith, but I think it important to get it on the record, and make sure that that is the right answer.

We provide in the schedule of legislation for the salaries on the three-tier level to take effect, I believe, as of July 1968. When I look back at the judicial branch article, and I recall the provision in there that