

1 significant manner in this article. I think that you  
2 have to look at the word rule, together with section 5.31  
3 of the majority report, inasmuch as section 5.31 provides  
4 that although there will be concurrent rule making power,  
5 that is, concurrent rule making power between the court  
6 and the legislature in most matters, those matters that are  
7 specifically set forth in Article V or in the Constitution  
8 to be decided by rule will be exclusive rule making powers.

9 This is a departure from our present system, a  
10 wide departure, I submit; and it is a departure from every  
11 other system that we have had an opportunity to study  
12 across the nation; so that section 5.11 as proposed  
13 by the majority provides specifically for the judicial  
14 establishment of the Office of Commissioner.

15 In other words, the majority proposes that the  
16 judiciary who are first appointed, or whose office is set  
17 up by the legislature, would then in turn appoint or create  
18 the Office of Commissioner.

19 Now, in addition to creating the Office of  
20 Commissioner, which we feel is certainly a legislative  
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