

1 function, section 5.11 in the majority report also  
2 indicates and sets forth that the Commissioner and the Dis-  
3 trict Court will serve at the pleasure of the judge of that  
4 District Court.

5 So by creating and then having the decision  
6 as to how long the particular commissioner shall hold  
7 office, and when he shall leave office, that is left  
8 strictly up to the court.

9 In our view this is clearly a legislative  
10 function. First of all, the creation of the Office of  
11 Commissioner -- and we think that it should be filled  
12 in a manner prescribed by law -- we would hope that the  
13 legislature would set up the profession of commissioenr,  
14 and that there would be tenure to the position of commis-  
15 sioner and that there would be a merit system with respect  
16 to the office, so that, Mr. Chairman, I don't believe  
17 that I have the specific amendment before me, because I had  
18 anticipated that we were going to deal with 5.01 this  
19 morning --

20 THE CHAIRMAN: I think you reproduce it on page  
21 4 of your report, do you not?