

1 commissioner and the appointment of the commissioner to  
2 be established by law, or by the legislature.

3 Let me hasten to add that by the same token  
4 we sincerely believe and recommend to the Committee of  
5 the Whole that the power of the commissioner be determined  
6 by rule, as proposed in the majority report, so that if the  
7 amendment of the minority carries, as we urge this  
8 Committee to adopt, section 5.11 would read as follows:

9 "The General Assembly may provide for Com-  
10 missioners of the District Court. The number, qualifi-  
11 cations, appointment, compensation, and tenure of District  
12 Court Commissioners shall be prescribed by law. Commis-  
13 sioners may exercise power only with respect to warrants  
14 of arrest, bail, collateral, and incarceration pending  
15 hearing, and then only as prescribed by rule."

16 We think that this particular section is clearly  
17 divisible; the appointment and tenure is clearly a legis-  
18 lative function, and the power is clearly a judicial function.  
19 We urge the Committee of the Whole to give serious con-  
20 sideration to our position on this matter.

21 THE CHAIRMAN: Are there any questions of the