

DELEGATE CHILD: Second.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: Mr. Chairman, inadvertently one line was left out, and it makes some change in the amendment. May I read the words?

I have given the amendment as corrected to Dr. Philips, and I hope before the evening is over we will have it printed.

THE CHAIRMAN: How long ago was it given?

DELEGATE CHABOT: Just after we had recessed for supper. That was about a little over two hours ago.

THE CHAIRMAN: Can the secretary find out what the status of the amendment is?

We will have to pass on to another amendment.

Delegate Chabot, I understand there has been some confusion. Apparently the amendment is not printed yet. Is the Chair's understanding correct that the omitted words would appear between lines 9 and 10, and would read, "so that the list is no longer sufficient"?

DELEGATE CHABOT: Yes, sir.

THE CHAIRMAN: In the absence of objection, the Chair will assume that Amendment No. 27 so reads, and will substitute the correct printed copies as soon as it is received from the print shop.

The language of the amendment, as modified, would read as follows:

"If a list sufficient to meet the requirements of this section has been timely received by the governor, but the number of persons on such a list has been reduced by the ineligibility of one or more nominees so that the list is no longer sufficient, before the vacancy is filled the governor may return the list of the nominating commission, which shall present him with another sufficient list within 30 days thereafter."

Is there any objection to the modification?

If not, the amendment as modified will be considered as having been submitted by Delegate Chabot.

Is there a second.

DELEGATE CHILD: Second.

THE CHAIRMAN: Delegate Child seconds.

The Chair recognizes Delegate Chabot to speak to the amendment.

DELEGATE CHABOT: This is intended to take care of another possibility which I suppose is likely to occur, at least as often as the possibility taken care of in the Committee's draft of 5.14.

In the nature of things, people pass away, people move, people have second thoughts as to whether or not to accept a possible appointment. Such activity which would cause the list of nominees to be reduced below the number that we have required, that is, below the number three, ought not to compel the governor to appoint from a list which would have been insufficient if it had been presented to him that way in the first place.

For example, if three people had been presented on the list, and one had passed away so that there were only two left that should not be any more acceptable than had the nominating commission originally presented only two people; the list would not have been a sufficient one in the latter case and the governor could have rejected, therefore, it should not be in the former, either.

This amendment merely permits the governor under such circumstances to send the list back to the nominating commission with instructions to add enough people so that there is a sufficient list.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: Mr. Chairman, this possibility, although I am frank to admit that it may be more likely to occur than failure of the governor to appoint, was not discussed by the Committee on the Judicial Branch. Personally, I am not unsympathetic to the suggestion that there be provision for such contingency as Delegate Chabot has attempted to provide for in this amendment, and I think which is entirely consistent with some questions he may have asked me at the time this section on selection was presented to the Convention.

Personally, and on first blush, I have some reservations about it, but all I can say is that as Chairman of the Committee, I am not unsympathetic with what Delegate Chabot is attempting to accomplish here, if it is couched in acceptable language. My immediate problem is with reference to the word "sufficient".