

them to confine himself to one minute. The Chair recognizes Delegate Gill.

DELEGATE GILL: Mr. Chairman, I would like to ask a question. The question came to mind when Delegate Marion was speaking.

THE CHAIRMAN: Delegate Marion, do you yield to a question?

DELEGATE MARION: I yield. I do not know that I have the answer.

THE CHAIRMAN: Delegate Gill.

DELEGATE GILL: In speaking in support of section 5.15, you said that there were six lay persons and six lawyers, and that one judge would make the odd number, which would be in his favor; and as to section 5.16, the question is, how many commissioners would there be on the nominating commission.

THE CHAIRMAN: Say that again, Delegate Gill.

DELEGATE GILL: How many people on the commission?

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: Under section 5.16, the composition of the nominating commission would be left entirely to the discretion of the General Assembly, and it would depend upon how many they created and where they created them and for what areas they created them, and what their particular disposition was, as to how many members would be on it. We only provide in that section that there be no less than two lay members and no less than two lawyer members.

THE CHAIRMAN: Delegate Gill.

DELEGATE GILL: According to line 21, it says, "no fewer than five members", and, "shall be composed of an equal number of lay and lawyer members and one judge". I was not sure whether they would have five members total or six members total. If they have six members total in section 5.16, and they have six members total in section 5.15, I was wondering about the visibility of this argument.

THE CHAIRMAN: That would not be the result which would exist under those two sections, if I understand them, Delegate Gill. It would be an odd number in each one.

DELEGATE GILL: It could be an even number.

THE CHAIRMAN: Under section 5.16?

DELEGATE GILL: Yes. It says, "no fewer than five".

THE CHAIRMAN: If it is composed of an equal number of lay and lawyer members and one judge, the Chair would take it to mean either one lawyer, one layman, one judge, or two lawyers, two laymen and one judge, but in any event it would be odd.

DELEGATE GILL: Always an odd number?

THE CHAIRMAN: I would think so.

DELEGATE GILL: I wanted that cleared up, because I wondered whether it was five or six. That answers the question. As you know, part of our Amendment No. 26 was trying to eliminate the judge from the commission; so even though I asked the question, I was not speaking against eliminating the judges from all commissions.

THE CHAIRMAN: Delegate L. Taylor. The Chair recognizes you for one minute.

DELEGATE L. TAYLOR: Mr. Chairmen, I would just like to speak briefly in favor of the amendment.

I feel that to have a really objective nominating commission, we need not have a judge sitting on the commission. I think the judge, even though he may have great ability in trying to determine the skills and qualifications of a candidate, may be biased and also may work toward a common interest.

THE CHAIRMAN: The Chair recognizes Delegate Raley for one minute.

DELEGATE RALEY: Mr. Chairman, I speak in favor of the amendment.

When you read the entire section that is before us here, and I am in general agreement with the principles involved, it is a very tight article that puts the judicial administration of justice in this State almost totally in control of the legal profession and the judges for years to come. It seems to me that we ought to strike some kind of balance, and this is an opportunity that we can crack a little light, so that there is some balance from the democratic process.

THE CHAIRMAN: The time for debate having expired, the question arises on the adoption of Amendment 31 to Committee Recommendation JB-1. Will the Clerk please sound the quorum bell. A vote Aye is a vote in favor of the Amendment No. 31. A vote No is a vote against. Cast your vote.