

THE CHAIRMAN: Delegate Gleason.

DELEGATE GLEASON: Yes, I would not change that sentence and would leave it the way it is. I think that has already been approved once by the Committee of the Whole itself. I would not change that.

THE CHAIRMAN: Do you have a further question, Delegate Chabot?

DELEGATE CHABOT: Yes, sir. To whom do you understand the word "nominees" in line 46 to refer if your amendment is adopted?

THE CHAIRMAN: Delegate Gleason.

DELEGATE GLEASON: Let me say the delegate is correct. There will have to be one technical amendment in that section: the words "one of the nominees" would have to be eliminated; so you would have to appoint within 60 days after receiving the list. That is the part of the sentence that will remain intact if this amendment is approved.

THE CHAIRMAN: Is there any objection to considering Delegate Gleason's amendment modified so that in addition to the change noted, it eliminates from line 46 the words "one of the nominees"? Is there any objection? Is the modification accepted by the seconder? Is there any further discussion? Delegate Marion.

DELEGATE MARION: I address a question to Delegate Gleason.

THE CHAIRMAN: Will Delegate Gleason yield to a question?

DELEGATE GLEASON: I yield.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: Further along that line, might I inquire what your intent would be if the governor were to make an appointment, but the Senate were to refuse to advise and consent? Does that end the governor's power to make the appointment and thereby confer it upon the judge, or does that sentence not become operative if the name has been submitted to the Senate but the Senate has failed to act.

THE CHAIRMAN: Delegate Gleason.

DELEGATE GLEASON: May I say to the delegate that I assume the governor will respond with his nominee shortly after receiving the list. After the Senate has had an opportunity to review the selection and they advise the governor that they will not consent to the nominee, he is

perfectly able and authorized to send up another nominee.

THE CHAIRMAN: Ready for the question? Delegate Gleason, the Chair would like to vote that you eliminate in line 46 the words "one of the nominees", but you do not eliminate those same words in lines 49 and 50. The Chair takes it you intend to leave them in with the effect that if the governor fails to appoint within sixty days the chief judge shall appoint one of the nominees. Is this correct?

DELEGATE GLEASON: That is correct, sir.

THE CHAIRMAN: Are you ready for the question?

*(Call for the question.)*

The Clerk will ring the quorum bell. The question arises on the adoption of Amendment No. 33 as modified.

A vote Aye is a vote in favor of the amendment as modified. A vote No is a vote against. Cast your vote. Have all delegates voted.

*(There was no response.)*

Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote. There being 39 votes in the affirmative and 78 in the negative, the motion is lost. The amendment is rejected.

There are no other amendments of which the Chair has knowledge with respect to section 5.14. The Chair would be disposed at this time to call on Delegate Powers to make a motion that the Committee of the Whole rise. For what purpose does Delegate Malkus rise?

DELEGATE MALKUS: Mr. Chairman, I rise upon a point of inquiry. If we rise, as you call it, we will then be finished with section 5.14, is that correct?

THE CHAIRMAN: And 5.15. We will resume consideration beginning with section 5.16.

DELEGATE MALKUS: My second question is would this in any way curtail any amendments we might have as to how these so-called commissions and committees operate?

THE CHAIRMAN: The Chair cannot possibly answer that question without knowing what the amendments are. I would