

THE CHAIRMAN: The motion has been made. Is there a second?

*(Whereupon, the motion was duly seconded.)*

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: Will Delegate Johnson yield for a question?

THE CHAIRMAN: Will Delegate Johnson yield to Delegate Mudd?

DELEGATE JOHNSON: Certainly.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: Thank you, Mr. Chairman.

If we correctly understand the purpose of this amendment, as explained by Delegate Fornos, we agree, in view of the action by the Committee of the Whole in deleting the judicial members of the nominating commissions that section 5.19 is an unnecessary inclusion. Therefore, we acquiesce in the deletion of that section.

THE CHAIRMAN: Is there any question about it? Is there any discussion?

*(There was no response.)*

Are you ready for the question?

*(Call for the question.)*

The question arises on the adoption of Amendment No. 37 to Committee Recommendation JB-1.

A vote Aye is a vote in favor of Amendment No. 37. A vote No is a vote against. Cast your vote.

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 124 votes in the affirmative and none in the negative, the motion carries. The amendment is adopted.

Are there any further amendments to 5.19?

Delegate Marion.

DELEGATE MARION: Mr. Chairman, I was wondering whether we have a formal amendment to 5.19 prepared which would strike the words "non-judicial"?

THE CHAIRMAN: Are there any other amendments to section 5.19?

The Chair hears none.

Delegate Johnson, in the light of the previous action taken by the Committee of the Whole, do you intend not to offer your amendments BM and CY to section 5.20?

DELEGATE JOHNSON: I do not have the amendment at hand, Mr. Chairman.

I can say this: that the only amendment that we would want to offer, as already indicated by Delegate Marion, is to delete the words "non-judicial" from lines 16 and 19.

Is there an amendment to that effect at the desk, Mr. Chairman?

THE CHAIRMAN: No, I do not think there is.

Delegate Johnson, the amendments to which the Chair referred were following section 20 to add a new section. I do not think they would be proper at this time. I think they will be proper later. I will send you by page a copy so you can advise me whether you wish to offer it. Delegate Mudd.

DELEGATE MUDD: I just rise to suggest that if it is in order, I would ask unanimous consent of the Committee of the Whole to delete the word "nonjudicial" in line 16 of section 5.20 and the word "non-judicial" in line 19 which would accomplish what we are trying to accomplish.

THE CHAIRMAN: Without objection, we will consider as Amendment No. 38 to section 5.20 to be printed and placed on your desk to delete the words "nonjudicial" where they appear in line 16 and in line 19.

Is there any objection to considering that amendment now notwithstanding the fact that it is not printed?

Delegate Sherbow.

DELEGATE SHERBOW: Does this mean that a judicial member who was a member of the lower court for a period of two years could not be elevated to the Court of Appeal?

THE CHAIRMAN: Delegate Mudd, did you hear the question?

DELEGATE MUDD: No.

THE CHAIRMAN: Would you restate the question, Delegate Sherbow.

DELEGATE SHERBOW: By making this elimination so that a member of the commission shall not be eligible to hold any public office of profit for one year, would