

THE CHAIRMAN: Is there any other discussion?

Delegate Bamberger.

DELEGATE BAMBERGER: I think the discussion has pointed up a number of problems and in response to Delegate Smith, I think one of the points that is made by Delegate Miller is that if the man, if the officer has been tried for the crime, which is the cause also for impeachment, and has appealed that case to the Court of Appeals, then while those judges certainly would not also sit on the impeachment panel, at least a majority of those judges have the power to select the people who will sit on the panel.

That, I must say, does bother me. The fact that the judges of the Court of Appeals who will have already heard evidence and who may have already heard evidence in a criminal trial of the case will at least have the power to select those judges who will sit on the judicial tribunal. I rise again to speak in favor of tradition and urge that we reject the committee's proposal and adopt the amendment.

THE CHAIRMAN: Delegate Weidemyer.

DELEGATE WEIDEMEYER: Mr. President, I rise to inquire from the Chair whether there is any relief for the poor delegate who wants to vote instead of listening to debate?

*(Laughter.)*

THE CHAIRMAN: Are you ready for the question?

*(Call for the question.)*

THE CHAIRMAN: Delegate Pullen.

DELEGATE PULLEN: Mr. Chairman, as a member of the Committee, I would like to support the Committee's proposal.

I have been sitting here tonight in a benign good humor but with a considerable degree of ennui except when Mr. Scanlan joined the confederacy. I move to ask you, on the privilege of thirty years' friendship, upon what meat do these incarcerated Caesars feed that they can ask questions ad infinitum, ad nauseam, and I am limited to two?

*(Laughter and applause.)*

THE CHAIRMAN: Are you ready for the question?

*(Call for the question.)*

The Clerk will ring the quorum bell.

The question arises upon the adoption of Amendment No. 1 to Committee Recommendation GP-10.

A vote Aye is a vote in favor of Amendment No. 1. A vote No is a vote against.

Cast your votes.

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

*(There was no response.)*

The Clerk will record the vote.

There being 44 votes in the affirmative and 76 in the negative, the motion is lost. The amendment is rejected.

Delegate Grant, do you desire to offer your amendment A?

DELEGATE GRANT: Yes, I do.

THE CHAIRMAN: Pages will please distribute the amendment A. The amendment offered this afternoon by Delegate James to Committee Recommendation GP-8 has been distributed and it is Amendment No. 7. It has already been acted upon.

This will be Amendment No. 2.

The Clerk will read the amendment.

READING CLERK: Amendment No. 2 to Committee Recommendation GP-10 by Delegate Grant:

On page 1 of the recommendation following line 25 add this new section:

"Section — Removal of Officers

Except as otherwise provided in this Constitution, the General Assembly shall provide by law for investigation of the misconduct in office or incompetency of any officer and, subject to judicial review, for the removal for good cause of any officer who is investigated, and for the appointment of a successor of the same political party to fill the remainder of the term of office of the removed officer."

THE CHAIRMAN: The amendment is submitted by Delegate Grant, is there a second?

THE PRESIDENT: The amendment having been seconded, the Chair recognizes Delegate Grant.

DELEGATE GRANT: The first thing I want to do is to say what this amendment does not do. It does not cover the situation of the governor or the lieutenant governor