

would it not be better to use the word "listed" again in line 32?

THE PRESIDENT: Delegate Penniman.

DELEGATE PENNIMAN: It would not, in my view, have any change of meaning. One could be chosen by any number of methods. It was not our intention to suggest any method by using the word "chosen." In my view the word "chosen" or "listed" in this particular spot would mean the same thing. I intended no suggestion as to the method by which he should have become the chosen person to go on the list.

THE PRESIDENT: Delegate Fornos.

DELEGATE FORNOS: It appears it might place the presumption that, rather than elected, the man was chosen. Would you accept the word "listed" in line 32 as you have in line 29?

THE PRESIDENT: Delegate Penniman.

DELEGATE PENNIMAN: I have no objection. This is the first time some one raised it. The word "chosen" suggested that he had been chosen in a primary election and you objected to it that way, so he seems to be open to several possible ways of being chosen. I do not see any particular objection to changing it.

THE PRESIDENT: Delegate Fornos.

DELEGATE FORNOS: Can we agree to that change, or do you have to offer a written amendment?

THE PRESIDENT: Delegate Penniman, if you desire to modify the amendment submitted by the Committee, you may do so. In line 32 on page 2, as I understand it, if you accept the suggestion, you would be changing the word "chosen" to the word "listed."

DELEGATE FORNOS: Listed on the ballot?

DELEGATE PENNIMAN: I will accept it.

THE PRESIDENT: Is there any objection to considering the amendments recommended by the Committee modified so that in line 32 on page 2 the words "chosen to run" are deleted and the words "listed on the ballot" are inserted in lieu thereof?

If there is no objection, the amendments will be so modified.

Are there any other questions?

Delegate Grant.

DELEGATE GRANT: Mr. Chairman, on page 13 you have a section 4.34, "State's Attorneys." I presume this is to indicate that state's attorneys are to be considered part of the Executive Branch? Is that correct?

THE PRESIDENT: Delegate Penniman.

DELEGATE PENNIMAN: This is the way it came to us. We left it as it was, yes, sir.

THE PRESIDENT: Delegate Grant.

DELEGATE GRANT: I am correct then that state's attorneys are part of the executive branch, and, therefore, anything referring to the executive branch would also refer to state's attorneys.

THE PRESIDENT: The Chair would assume that to be true, since the only branches being provided for in the constitution being drafted by this Convention are the executive, legislative and judicial, and there is no indication at least that the state's attorney is a part of the judicial branch or the legislative. The inclusion in this article would seem to indicate that he is in the executive branch.

THE PRESIDENT: Delegate Grant.

DELEGATE GRANT: That was in conjunction with 4.30 which referred to the personnel in the executive branch.

THE PRESIDENT: I take it, Delegate Morgan, that this is a question more for you than for Delegate Penniman. The question is whether or not the inclusion of section 4.34 in this article was intended to indicate that the office of state's attorney was included in the executive branch so that section 4.30, referring to persons in the executive branch, would be applicable to state's attorneys.

DELEGATE MORGAN: I do not think there is any question about it. We always assumed the state's attorneys were members of the executive branch. They perform an executive function.

THE PRESIDENT: Delegate Grant.

DELEGATE GRANT: I just wanted to make sure that was in the record.

THE PRESIDENT: Are there any other questions? Delegate Henderson.

DELEGATE HENDERSON: The state's attorneys I believe are paid locally. They are not paid by the State and we have not made any provision for them. The executive branch article takes them on our pay-