

DELEGATE FORNOS: Certainly.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: As I read your proposed amendment, would it not be possible for the governor by appointing two lay members from Baltimore City to preclude the election of any lawyer member from the legal talent that resides in the City of Baltimore?

THE CHAIRMAN: Delegate Fornos.

DELEGATE FORNOS: I believe Delegate Marion, that the implementing statute would have to make it very clear how we would conduct this election.

Certainly we are leaving the implementing legislation to the legislature and it is more the concept I am advocating here today, to protect the rights of these individuals.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: Might it not be better to leave the problem to the implementing legislation, for example, for the purpose of providing that one lawyer member and one lay member should come from each of the six judicial circuits, presuming that six judicial circuits of the Court of Appeals would be prepared in much the same manner as we now have that?

THE CHAIRMAN: Delegate Fornos.

DELEGATE FORNOS: It is possible, if the legislature wanted to do this that they could so implement this meaning.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: Would it not be possible for us to do that in this Convention as a part of that schedule of supporting legislation?

THE CHAIRMAN: Delegate Fornos.

DELEGATE FORNOS: In checking with your Committee and with your Chairman, I see no such indication and certainly it has not been offered in the majority report, where other committees have made it clear that if there is transitional legislation contemplated that at least we are being told about it.

THE CHAIRMAN: Delegate Fornos, the Chair is puzzled by the reference in recent questions to implementing legislation. Is it intended that there be another amendment providing for implementing legislation.

DELEGATE FORNOS: No, sir.

THE CHAIRMAN: Is there anything in the present provisions included in the committee recommendation that call for legislative implementation?

DELEGATE FORNOS: No, sir. That was Mr. Marion's question, though.

THE CHAIRMAN: Is there any further discussion?

*(There was no response.)*

Are you ready for the question?

*(Call for the question.)*

A vote Aye is a vote in favor of the adoption of Amendment No. 30. A vote No is a vote against.

Cast your votes.

Has every delegate voted?

*(There was no response.)*

Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

THE CHAIRMAN: There being 51 votes in the affirmative and 72 in the negative, the motion is lost. The amendment fails.

Are there any other amendments to section 5.15? Delegate Johnson.

DELEGATE JOHNSON: Mr. Chairman, there is an amendment as proposed by the Minority Report to the Judicial Branch. I believe it is amendment E to section 5.15.

THE CHAIRMAN: You have an amendment to section 5.15, Delegate Johnson?

DELEGATE JOHNSON: That is correct, Mr. President.

THE CHAIRMAN: I am sorry, this was entitled to priority consideration. The Chair did not have it. The Clerk will distribute amendment E. This will be Amendment No. 31 to section 5.15. The Clerk will read the amendment.

READING CLERK: Amendment No. 31 to accompany Minority Report JB-1 to Committee Recommendation JB-1 by Delegates Johnson, Harkness, Hickman, Kahl, Murphy, Siewierski and Rush: On page 5, section 5.15 Appeal Courts Nominating Commission lines 8 and 9, strike out the two commas, insert the word "and" following the word "persons;" and strike out the words "and one judge of the Court of Appeals".