

lating the offices of profit clause if they held an office in the Constitutional Convention.

I would think it well, therefore, Mr. President, in order to remove that doubt, if this constitution is adopted, that we say in accordance with the Court of Appeals decision in our constitution that in addition to the office of notary public, that the office of a delegate to the Constitutional Convention is not an office of profit; and therefore if this constitution is adopted and another constitutional convention is held thereafter, it will not be necessary to determine that question, because you will have determined then in this constitution in accordance with the Court of Appeals' decision under our present one that the office of a delegate for a constitutional convention is not considered strictly an office of profit. And I think just by adding that little amendment it will clarify it for us in years to come.

I urge the adoption of this amendment. I can see no harm that it does to anybody, except to clarify in our constitution what the Court of Appeals has already ruled as to our present one.

THE CHAIRMAN: Delegate Kiefer.

DELEGATE KIEFER: Mr. Chairman, ladies and gentlemen of the Committee, as far as this delegate is concerned, I would have to agree that being a delegate to this Constitutional Convention is not an office of profit.

Further I sayeth not.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

Delegate Sickles.

DELEGATE SICKLES: Mr. Chairman, I have a parliamentary inquiry.

I had ordered some time ago an amendment to this section, and I do not know whether you have it on your desk, but it has not been delivered to me as yet.

THE CHAIRMAN: An amendment to this section?

DELEGATE SICKLES: Yes.

It apparently has not been reproduced as yet. I discussed it late this afternoon. Mr. Benson talked to me about 8:30 P.M. about it.

THE CHAIRMAN: We will check on it.

Does any other delegate desire to speak in favor of the amendment?

Delegate Sherbow.

DELEGATE SHERBOW: I ask you to vote for this amendment. This is one of the few times I find myself with brother Weidemeyer.

I tried, along with other lawyers in that case, the other side of that argument. We tried to convince the Court of Appeals that under the highly technical aspects of our law, that holding membership in the Constitutional Convention was not an office of profit. I assure you, it was a very, very delicate constitutional problem, because in my own mind I was not too sure if certain groups were prevented from running for this office that we would have had a Constitutional Convention.

I am happy to say that the Court of Appeals agreed with our side, and now we are holding this Constitutional Convention.

Hopefully hereafter this problem will not arise. I urge you to vote for this amendment.

THE CHAIRMAN: Does any delegate desire to speak in opposition?

Delegate Nielson.

DELEGATE NIELSON: Mr. Chairman, I do not wish to speak at this point in opposition, but rather ask a question of the sponsor with respect to the language.

THE CHAIRMAN: Does any delegate desire to speak in opposition?

Delegate Bothe.

DELEGATE BOTHE: Mr. Chairman, assuming that this Convention wishes to retain the prohibition on dual office holding, and I think that is perhaps a foregone conclusion, there is a wide question as to whether various exceptions—and I think Constitutional Convention delegate and notary public both have proven to be such—should be placed in the constitution as specific exceptions.

Certainly we do not want to legislate in the constitution, and there are many circumstances which may arise in which the prohibition and the principle behind it will not be applicable.

As I understand it, Delegate Sickles' amendment will give the General Assembly the option to exclude offices to which the principle should not be applicable, and I suggest that we vote against the amendment; and instead, give some latitude to the General Assembly to exempt offices which should not properly be constitu-