

tionally prohibited from the dual office holding procedure.

It is for that reason that I arise to oppose the amendment, and to suggest that we should not have particular exceptions specified in the Constitution, but should allow the General Assembly, which very wisely acted in the case of the Constitutional Convention delegates, to decide in other cases that there are overriding reasons why a public official should be able to hold a dual office.

THE CHAIRMAN: Delegate Sickles, the Chair now has not one, but three amendments which you have prepared to this section. I take it that these are intended as alternates?

Delegate Sickles.

DELEGATE SICKLES: Amendment AD would be my primary and first amendment, then if that were to pass, then I would be deleting the very language that Delegate Weidemeyer is now attempting to have passed.

THE CHAIRMAN: If that should pass, what? I am sorry.

DELEGATE SICKLES: If Amendment AD were to pass, then I would offer Amendment AE, because that would delete the second sentence, which is the sentence now about to be amended if Delegate Weidemeyer's amendment is adopted.

Then my A amendment would be a second position, if my AD amendment were not adopted; so I would be proposing AD as my primary and first amendment.

THE CHAIRMAN: The pages will please distribute amendment AD.

THE CHAIRMAN: For what purpose does Delegate Chabot rise?

DELEGATE CHABOT: Parliamentary inquiry, Mr. Chairman.

THE CHAIRMAN: State the inquiry.

DELEGATE CHABOT: Has our adoption of Committee Report EB-2 prohibited us from providing constitutional status for notaries public?

THE CHAIRMAN: Are you speaking of Committee Recommendation EB-2, or the Committee Report?

DELEGATE CHABOT: Committee Report EB-2.

THE CHAIRMAN: You mean EB-1?

DELEGATE CHABOT: I am sorry, I mean EB-1, yes.

THE CHAIRMAN: The Chair does not think so.

I am sorry. I should not say that. I am not sure just how you phrased your question.

Recommendation 5, contained in Committee Report EB-1, provides that among other offices, notaries public not be provided for in the constitution.

This prevents any provision providing for notaries public in the constitution. It, of course, would not prevent the creation of such position by statute. I am not sure that was your precise question.

DELEGATE CHABOT: My understanding of the language in section 5 of R&P-2 is that the specific reference to notaries public would be in effect a mandate to create this office as a constitutional office.

THE CHAIRMAN: The Chair would not think so, Delegate Chabot. I think it would be read as though it had said the position of notary public, if provided for by law, shall not be considered an office of profit.

It may be that the Committee on Style would have to make such amendment to make it clear.

Delegate Sickles, do you desire to speak to the amendment, amendment 5, not your own amendment.

DELEGATE SICKLES: If it is in order, Mr. Chairman, I would like to offer my amendment as a substitute for Amendment No. 5.

THE CHAIRMAN: Delegate Sickles, I do not think it would be proper as a substitute.

For what purpose does Delegate Weidemeyer rise?

DELEGATE WEIDEMEYER: I want to answer Delegate Chabot, and also to answer as to the substitution. I would say to Delegate Chabot, under the Moser case and the decision of the Court of Appeals an office of profit and trust can arise either under the constitution or the laws of the State. So even though we have not made notary public a constitutional office, if created by the legislature it could be an office of profit and trust, unless we specifically say otherwise.

As to substituting Delegate Sickles' amendment—

THE CHAIRMAN: The Chair has already ruled it may not be offered as a substitute.