

Is there any further discussion of Amendment No. 5?

Delegate Bamberger.

DELEGATE BAMBERGER: Mr. Chairman, I rise to speak against the amendment, and I hope that if what I have to say is not correct, that either the Chairman of the Committee or some member of the Committee will give this Committee of the Whole some guidance on the intention of the Committee and the amendments that are offered, so that we will not be required to spend the entire night here debating and discussing matters which I presume were debated and discussed in the Committee itself.

I speak against Amendment No. 5 because, as I understand the comments on this floor, the Court of Appeals has said that delegates to a constitutional convention are not offices of profit. If that is so, if that is what the court has held, I do not see why we must state it in the constitution.

If there is a reason to repeat in the constitution the holding of the Court of Appeals that delegates to a constitutional convention do not occupy offices of profit, then I wonder why we are not stating here all of the offices of profit or all of the offices which have been held by the Court of Appeals not to be offices of profit.

I urge you to vote against the amendment, unless the Committee did think about this at some point and can offer some assistance to those of us who are hearing about it for the first time.

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

*(There was no response.)*

Does any delegate desire to speak in opposition?

Delegate Koss.

DELEGATE KOSS: Mr. Chairman, Members of the Committee:

I rise in great trepidation to speak against this. I think I was the only person who appeared before the General Assembly at the time the enabling legislation was being discussed and urged that members of the General Assembly not be considered eligible to run as candidates for the office of delegate to the Constitutional Convention.

In action previously we have determined that there be no conflict of interest in our

judiciary. We have prohibited lawyers from practicing law. We have in our legislative article introduced something in terms of a conflict of interest.

I am aware full well of the offices of profit as determined by the General Assembly that are occupied by delegates to the Constitutional Convention.

I consider this indeed an office of trust, and I would hope that you would apply the same standards to future conventions and the delegates therein as you do to the branches of our government.

Thank you.

THE CHAIRMAN: Is there any further discussion?

*(There was no response.)*

Are you ready for the question?

*(Call for the question.)*

The Clerk will ring the quorum bell.

The question arises on the adoption of Amendment No. 5 to Committee Recommendation R&P-2.

A vote Aye is a vote in favor of Amendment No. 5. 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 43 votes in the affirmative and 67 in the negative, the motion is lost. The amendment is rejected.

Delegate Sickles, do you now desire to offer your amendment AD?

DELEGATE SICKLES: I do, Mr. Chairman.

THE CHAIRMAN: The amendment has already been distributed. It will be number 6.

The Clerk will read the amendment.

READING CLERK: Amendment No. 6 to Committee Recommendation R&P-2, by Delegate Sickles:

On page 2 section 5 Limitation of Holding Office in line 23 strike out the period and insert in lieu thereof the following words: “, except as may be provided by law.”

THE CHAIRMAN: Is the amendment seconded?