

Constitutional Convention  
XIII/Amendment & Revision/2  
November 22, 1955

Minutes of the Regular Meeting of the Committee on Amendment and  
Direct Legislation

The meeting was called to order at 3:30 p.m., November 22, 1955, by Chairman E. D. Collins.

Present: E. D. Collins, Chairman; Jack Minckel; Leonard King; E. H. Warston; E. G. Smith; Warren A. Taylor; and Irwin E. Ketchum, Secretary.

Approval of Minutes of the previous meeting was deferred until next meeting.

Mr. Minckel brings up the question as to whether the Initiative and Referendum should be included in our constitution.

Mr. Taylor brought out the fact that recognized Constitutional Authorities feel that the Legislative Process brings about the same result as is brought about through Initiative and Referendum.

Another member of committee expressed view that the people should have the direct right to propose or reject legislation.

A memorandum on the subject of Initiative and Referendum was handed by Col. Warston to the Secretary, who read same. (This memo was page 7 of Model Constitution)

Mr. Smith spoke briefly on Direct Initiative.

Mr. Taylor suggests that we differentiate in the manner of Constitutional Amendment and the manner of enacting a law by

Initiative and Referendum. Mr. Taylor further suggested that the Petition method might be better than the Initiative method, whereby an Amendment to the Constitution must be passed by two successive Legislatures, with the 2nd Legislature passing the amendment by a two-thirds majority.

Mr. Smith had a memorandum on the Subject Matter read, and further discussion followed. Mr. Smith's memo. was returned to him for retyping.

Mr. Binchel read some material on the Initiative and Referendum and handed copy of same to the Secretary.

Mr. Smith suggested that two proposals be set up, which would be suitable for either a Bicameral or Unicameral Legislature.

Motion made by Smith and seconded by Warston that the Committee does favor the inclusion in the Constitution of a Provision for Initiative, Referendum, and Recall. Motion carried.

Moved and seconded that previous motion be rescinded. Motion carried by unanimous consent.

Mr. Smith assured Committee that he would submit a revised motion for the next and forthcoming meeting.

Moved and seconded that meeting be adjourned until 3:30 p.m., next Friday. Motion carried by unanimous consent.

Meeting at Constitution Hall, November 22, 1955.

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Irwin W. Metcalf, Secretary

Attest:

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W. W. Collins, Chairman

Amendment and Revision/3 is assigned to minutes that were not returned to file.

CONSTITUTIONAL CONVENTION  
BILL/Amendment & Revision/4  
Nov. 28th, 1955

Minutes of the Regular Meeting of the Committee on Amendment and Direct Legislation.

The meeting was called to order at 9:40 a.m., Nov. 28th, 1955, by Chairman E. B. Collins.

Present: E. B. Collins, Chairman, Jack Hinckel; Leonard King; W. O. Smith, Warren A. Taylor; M. R. Marston; and Irwin L. Metcalf, Secretary.

Minutes of Reg meeting of Nov. 25th, 1955, were read and approved. Minutes of Spec. Meeting held on Nov. 26th, 1955, were also read and approved.

Mrs. Dora Swaney, a Delegate from Juneau, was Present.

Secretary begins reading Mr. Hinckel's proposal sentence by sentence. Mr. Smith raises possible opposition to the Proposition in Section 2 on question of Desirability of the Initiative process not being permitted to be used for the enactment of local or special legislation. It was suggested that more consideration be given to first sentence in Sec. No. 2, and it was suggested that decision to this question should be delayed until next meeting.

With reference to the 2nd sentence of Article No. 2, it was agreed by the Committee that 15% was too high, and it was suggested that 5% would be more desirable as to number of signatures required on an Initiative Petition.

Smith makes motion that committee go on record as Favoring inclusion in the Constitution of article containing provisions for Initiative and Referendum. Motion seconded by Mr. Taylor and Carried.

The balance of Mr. Hinckel's informal proposal Memorandum was read sentence by sentence down to the end of Section No. 5.

The time being close to 11:00 a.m., it was moved by Mr. Smith that the Meeting adjourn until 9:30 a.m., Nov. 29th, 1955. Motion seconded, and carried.

DATED at College, Alaska, this 28th day of Nov., 1955.

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Irwin L. Metcalf, Secretary.

Attest:

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E. B. Collins, Chairman.

Minutes of the Regular Meeting of the Committee on Amendment and Revision and Direct Legislation.

The meeting was called to order at 9:40 a.m., Nov. 29th, 1955, by Chairman E. B. Collins, who was then called from Committee room for a few minutes, during which interim, Vice-chairman Warren A. Taylor assumed the chairmanship.

The minutes of the previous meeting were read, and, in the way of correction and addition, Mr. Smith moved that such minutes show that discussion took place relative to leaving the matter of Requirements of Petitions to the discretion of the Legislature. Being no objections the minutes of the previous day were amended to so read, and they were considered read and approved.

Mr. Sady was present at the beginning of the meeting for the purpose of ascertaining what progress had been made by the committee in its selected field, and he left shortly thereafter.

Delegate Mrs. Dora Sweeney from Juneau was also present.

Mr. Taylor moves that this Committee submit only Sections No. 1 and No. 3 of Mr. Hinckel's Memorandum, giving the Legislature all power of prescribing manner and mode of implementing the Articles on Initiative and Referendum.

Mr. Taylor's motion was seconded.

Mr. Marston then spoke, opposing Mr. Taylor's motion, and advocated Spelling out the Initiative and Referendum Powers.

Discussion followed pro and con on the motion.

Metzalf called for Roll call Vote, which was accordingly taken and resulted in Four Noes and three Yees, and the motion was lost.

Section No. 6 of Mr. Hinckel's Memorandum was read, and Mr. Smith moved, seconded by Mr. Marston that the last sentence of Sec. No. 6 be stricken and in lieu thereof the following sentence taken from the Missouri Constitution be inserted: "When conflicting measures are approved at the same election the one receiving the largest affirmative vote shall prevail".

Motion carried.

Discussion then followed on the matter of holding Elections during seasonal months.

Mr. Hinckel makes motion and asks unanimous consent that Section No. 7 of his Memorandum be withdrawn for reconsideration.

Constitutional Convention Chairman William Egan was present and was asked by Chairman to make a few remarks, but he declined to do so. Those present were: E.B. Collins, Chair., Jack Hinckel; Leonard King; W. D. Smith, Warren A. Taylor; M. R. Marston; and Irwin L. Metzalf, Secretary.

Meeting was adjourned until 9:30 a.m., Nov. 30th, 1955.

DATED at College, Alaska, this 29th day of Nov., 1955.

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Irwin L. Metzalf, Secretary.

Attest:

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E. B. Collins, Chairman.

CONSTITUTIONAL CONVENTION  
XIII/Amendment & Revision/6th  
Nov. 30th, 1955.

Minutes of the Regular Meeting of the Committee on Amendment and Revision and Direct Legislation.

The meeting was called to order at 9:40 a.m., Nov. 30th, 1955, by Chairman S. B. Collins.

The roll call showed present the following: E. B. Collins, Chairman, Jack Hinckel; Leonard King; W. D. Smith, Warren A. Taylor; M. R. Marston; and Irwin L. Metcalf, Secretary.

Motion made and seconded that minutes of previous day be considered read and approved. Motion passed.

Mr. Smith then moved that the committee go on record as favoring leaving the manner and procedures of the Initiative and Referendum to the Legislature. This motion seconded by Mr. Taylor.

Mr. Smith then moved and seconded by Mr. Taylor that the motion be amended to include some restrictions. Amendment was passed and approved.

Mr. Marston spoke against the motion, and Mr. Smith spoke for his motion with others entering the discussion.

Metcalf asked for a Roll Call Vote on the motion, which was called and showed:

Taylor, Smith, King, Collins, Hinckel voted: Yes.....5 Yes  
Marston and Metcalf voted: No.....2 Noes.

Motion carried and so ordered.

Motion made and seconded that Mr. Marston's Memorandum be read to committee. Motion carried, and Secretary began reading same.

Motion made and seconded that meeting adjourn.

DATED at College, Alaska, this 30th day of Nov., 1955.

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Irwin L. Metcalf, Secretary.

Attest:

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S. B. Collins, Chairman.

\*Motion made by Metcalf & seconded by Marston that Metcalf's Proposal on subject matter of Committee be read and discussed at the Committee's T.V. Appearance this coming Friday.

I.L.M.  
Secretary.

CONSTITUTIONAL CONVENTION  
XIII/Amendment & Revision/6th  
Nov. 30th, 1955.

Minutes of the Regular Meeting of the Committee on Amendment and Revision and Direct Legislation.

The meeting was called to order at 9:40 a.m., Nov. 30th, 1955, by Chairman E. B. Collins.

The roll call showed present the following: E. B. Collins, Chairman, Jack Hinckel; Leonard King; W. O. Smith, Warren A. Taylor; M. R. Marston; and Irwin L. Metcalf, Secretary.

Motion made and seconded that minutes of previous day be considered read and approved. Motion passed.

Mr. Smith then moved that the committee go on record as favoring leaving the manner and procedures of the Initiative and Referendum to the Legislature. This motion seconded by Mr. Taylor.

Mr. Smith then moved and seconded by Mr. Taylor that the motion be amended to include some restrictions. Amendment was passed and approved.

Mr. Marston spoke against the motion, and Mr. Smith spoke for his motion with others entering the discussion.

Metcalf asked for a Roll Call Vote on the motion, which was called and showed:

Taylor, Smith, King, Collins, Hinckel voted: Yes.....5 Yeas  
Marston and Metcalf voted: No.....2 Noes.

Motion carried and so ordered.

Motion made and seconded that Mr. Marston's Memorandum be read to committee. Motion carried, and Secretary began reading same.

Motion made and seconded that meeting adjourn.

DATED at College, Alaska, this 30th day of Nov., 1955.

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Irwin L. Metcalf, Secretary.

Attest:

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E. B. Collins, Chairman.

\*Motion made by Metcalf & seconded by Marston that Metcalf's Proposal on subject matter of Committee be read and discussed at the Committee's T.V. Appearance this coming Friday.

I.L.M.  
Secretary.

The numbers of the minutes of the Committee on Direct Legislation, Amendment and Revision were assigned in committee rather than by the Secretariat. Therefore, Amendment and Revision/8 has never been assigned, although the gap indicates that the committee had some document so numbered.

*Minutes of meeting, December 5, 1955, (Amendment & Revision/9) show approval of two meetings on Dec. 2. These must have been assigned /8. There seems to be no copy of Am. & Rev./1, the first & organizational meeting.*

CONSTITUTIONAL CONVENTION  
XIII/Amendment & Revision/ 9  
Dec. 5th, 1955.

Minutes of the Regular Meeting of the Committee on Amendment and Revision and Direct Legislation.

The Meeting was called to order at 9:30 a.m., Dec. 5th, 1955, by Chairman E. S. Collins.

The roll Call showed present the following: E.S. Collins, Chairman, Jack Hinckel; Leonard King; W. C. Smith, Warren A. Taylor, M. E. Merston; and Irwin L. Metcalf, Secretary.

Minutes of the Previous meetings were read, and on motion of Mr. Smith, reference to Dr. Ostrom as: "An Expert on matters of the Science of Government" was ordered changed to read: "A Consultant on Matters of the Science of Government". There being no further suggested changes or amendments, the minutes of the two meetings held on Dec. 2nd, 1955, were ordered approved with the above addition.

Proposal No. 34, introduced by Delegate Yale P. Kilcher, was passed around to each member of the Committee to be read, there being only one copy available. Official action of the Committee on this proposal, which dealt with the matter of Calling a Constitutional Convention once every fifteen years, was delayed until all members could be furnished with mimeographed copies from the Secretariat.

Dr. Ostrom was present. Also present were Delegates Knight, Stewart, and Kilcher.

Dr. Elliott was asked to come in to the Committee Room to render advice.

Metcalf makes motion and asks unanimous consent that the Consultants be requested to prepare and to submit to the Committee Long and Short Versions on Initiative and Referendum Process, as applied to the enactment of Laws only, also to include a preliminary draft on Constitutional Amendment and revision procedures.

Being no objection, it was so ordered.

Mr. Smith makes motion that Committee adjourn until Tuesday morning, Dec. 6th, 1955, at 9:30 a.m.

DATED at College, Alaska, this 5th day of December, 1955.

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Irwin L. Metcalf, Secretary.

Attest:

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E. S. Collins, Chairman.

CONSTITUTIONAL COMMISSION,  
XIII/Amendment & Revision/10  
Dec. 6th, 1950.

Minutes of the Regular Meeting of the Committee on Amendment and Revision and Direct Legislation.

The Meeting was called to order at 10:10 a.m., Dec. 6th, by Vice-Chairman Warren A. Taylor, Perm. Chairman Collins being temporarily absent for purpose of attending another Committee.

With the exception of Chairman Collins, who appeared about 20 minutes late, the Roll Call showed the following present: Warren A. Taylor, Vice Chair., Jack Hinckel; Leonard King; W. O. Smith, M. R. Marston, and Irwin L. Metcalf, Secretary.

The minutes of the Previous meeting were read, and there being no objection, they were approved as read.

Consultant, Mr. McKay was present. Mr. McKay reported back from the Legislative Committee that such committee was planning to write and submit a Legislative Article, whereby Legislation would not take effect until the expiration of a ninety day period following the Adjournment date of the Legislature.

Mr. McKay also informed the committee that he would have preliminary drafts of the Long and Short versions of the Initiative and Referendum Process for perusal of the Committee by the following morning. He also informed the Committee that he would have also a Preliminary draft of the Constitutional Amendment and Revision process.

Then a motion was made by Mr. Marston, which was seconded, that the Committee adjourn until the following morning. Motion carried and meeting adjourned.

DATED at College, Alaska, this 6th day of December, 1955.

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Irwin L. Metcalf, Secretary.

Attest:

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E. B. Collins, Chairman.

Minutes of the Regular Meeting of the Committee on Amendment and Revision and Direct Legislation.

The Meeting was called to order at 10:00 a.m., Dec. 7th, by Vice-Chairman Warren/ A. Taylor, Mr. Collins, the Term. Chairman being temporarily absent for purpose of attending another Committee meeting.

With the exception of Chairman Collins, who appeared about 15 minutes late, the Roll Call showed the following present: Warren A. Taylor, Vice Chair., Jack Hinckel; Leonard King; W. O. Smith, M. R. Marston, and Irwin L. Metcalf Secretary.

The minutes of the Previous meeting were read, and being no objections, were approved as read. Mr. McKay was present and discussion was taken up on Mr. McKay's preliminary Draft on Initiative and Referendum and Constitutional Amendment.

By unanimous consent, the majority of the Committee were in favor of having the Initiative Petitions reviewable by the Attorney General.

By unanimous consent, the majority of the Committee felt that the wording in the next to last Sentence of Sec. 4 on Initiative and Ref. should include words to the effect that the Governor could not Veto any Initiative Measure passed by the voters.

Mr. Marston moved that the Committee recess until 11:30 a.m., in order to allow Mr. McKay sufficient time to prepare a new phrase to the first part of Sec. 4. (four). Motion passed by unanimous consent.

When Committee reconvened, Mr. McKay submitted the following Addition to be added to the first part of Sec. 4:

"Prior to general circulation, an Initiative petition shall be signed by ten qualified Electors as sponsors and have the constitutionality certified by the Attorney General. Certification shall be reviewable by the Courts. A Valid Initiative or Referendum Petition shall be signed by qualified Electors equal to 8% .....

Hinckel

Motion made by Mr. ~~Taylor~~ and seconded ~~by Metcalf~~ that above addition to Sec. 4 be adopted. Motion carried.

Motion made by Mr. Taylor and seconded by Metcalf that the phrase of: "Or earmarking of Revenues" be inserted on line 15 of Sec. 5 immediately following the word "funds". Motion carried.

Motion made by Marston that the Committee adopt the entire preliminary Draft on Initiative, Referendum, and Recall as amended. Motion carried by Unanimous consent.

Discussion then passed on to Mr. McKay's Preliminary Draft on "Revision & Amendment". Mr. Taylor moved that the Committee adopt Sec. A or first part of Sec. 2 of Same. Motion carried by unanimous consent.

Mr. Hinckel moved that Committee accept Sec. "B" or second part of Sec. 2. Motion carried by unanimous consent.

Mr. Taylor moved that we amend Sec. 3 by adding the following phrase: "In so far as possible" on the third line of Page 2 immediately following the word "Followed". Motion carried by unanimous consent.

Mr. Taylor moved that the Committee adopt the proposed article in its entirety as amended by the Committee and report the same to the Convention. Seconded by Mr. King. Motion carried.

Chair. Collins appointed Mr. Taylor, Mr. Hinckel, and Sec. Metcalf to work up commentaries relating to the two Articles on Direct Legislation, such members to work as sub-committee.

Motion made that Committee adjourn until 9:30 Thursday Morning. Motion carried.

Dated at College, Alaska, this 7th day of 1955.

Attest:

Irwin L. Metcalf, Secretary.

W.A. Collins, Chairman