

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL OF THE THIRD CONVENTION DAY, Thursday, November 10, 1955

The Convention was called to order by President Egan at 10:00 o'clock A.M.

Roll-call showed all delegates present except Mr. Peratrovich who was still delayed by weather.

Mr. Johnson moved and asked unanimous consent that the Convention dispense with the reading of the minutes of the previous day's session. There being no objection, it was so ordered.

Mr. McNealy stated that in view of developments since yesterday with regard to nominations for Secretary he was moving and asking unanimous consent that the following motion be adopted: "At the request of Mrs. Alexander I wish to withdraw her name which was placed in nomination by me. However, for the sake of harmony to which this convention is entitled, I ask unanimous consent to edit yesterday's minutes insofar as they concern another nomination wherein reference was made to Mrs. Alexander, in order to strike therefrom all reference which in any way might be construed to reflect adversely upon Mrs. Alexander's ability for the position to which she was nominated." There being no objection, it was so ordered.

Communication from Superintendent of Schools James C. Ryan, extending an invitation on behalf of the Fairbanks Board of Education to the delegates to be present at the dedication of the Austin E. Lathrop High School on Sunday, the 13th of November at 2:00 o'clock, was read.

The President announced the full Permanent Help Committee *as follows:*

Mr. Coghill, Chairman,
Mr. R. Rivers,
Mr. Kilcher,
Mr. H. Fischer,
Mr. Sweeney,
Mr. Hellenthal,
Mr. McNees,
Mr. Laws,
Mr. Knight.

The President announced the following Permanent Rules Committee:

Mr. Riley, Chairman
Mr. Rosswog
Mr. Walsh
Mr. Hermann
Mr. McCutcheon
Mr. Collins
Mr. Sundborg
Mr. R. Rivers
Mr. Davis

Mr. Taylor moved and asked unanimous consent that a committee composed of seven delegates be appointed from the body to act as a Committee on Committees. Mr. Riley and Mr. McLaughlin objected. Motion died for lack of a second.

Mr. Smith nominated ^{*Mr.*} George Sundborg as Secretary of the Convention.

Mr. Riley, Chairman of the Temporary Rules Committee, presented the following supplemental report as to the office of Secretary of the Convention: "The Committee has given more considered judgment to the question propounded yesterday afternoon than was possible in the fifteen minutes then available and has found that because the legislature left the option clearly with the Convention to create the offices of President and Secretary, and such other offices as were deemed necessary, Section 11 of the Organic Act does not apply in this situation and any member of the 1955 legislature would be eligible to hold the office of Secretary, as well as the others indicated."

Mr. McCutcheon asked unanimous consent that the nominations be closed. Mrs. Sweeney objected. Mr. McCutcheon ~~moved~~, ~~seconded~~ by Mr. Metcalf. 20

Mr. Sundborg withdrew his name from nomination. Mrs. Sweeney withdrew her objection to the unanimous consent. Mr. Hellenthal objected to unanimous consent.

The question being "Shall the nominations be closed?", the roll was called with the following result:

Ayes: 30 - Coghill, Davis, Doogan, H. Fischer, V. Fischer, Hermann, Hilscher, Hurley, King, Knight, Laws, Londborg, McCutcheon, McNeese, Marston, Metcalf, Nerland, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Rosswog, Stewart, Sweeney, Taylor, VanderLeest, Walsh, White, Wien

Nays: 24 - Armstrong, Awes, Barr, Boswell, Buckalew, Collins, Cooper, Cross, Emberg, Gray, Harris, Hellenthal, Hinckel, Johnson, Kilcher, Lee, McLaughlin, McNealy, Nolan, Nordale, Robertson, Smith, Sundborg, Mr. President

Absent: 1 - Peratrovich

and so
The nominations were declared closed.

Mr. McCutcheon asked unanimous consent that the Secretary be instructed to cast a unanimous ballot for Mr. Thomas B. Stewart as Secretary of the Convention. *There being no objection, it was so ordered.*

A rising vote of thanks was given Mr. John B. Hall for serving as Temporary Secretary.

A communication from President Patty, reminding delegates of the reception in honor of the delegates to be held that evening, was read.

Mr. Walsh brought to the attention of the delegates the loss suffered through the passing of Senator Howard Lyng, who had been duly elected from the Nome District to serve as a delegate to the Convention. Mr. Walsh asked unanimous consent that in recognition of the service rendered the Territory by Senator Lyng and out of respect to his memory, the Convention at this time observe one minute of silence. *There being no objection, it was so ordered.*

Mr. Walsh asked unanimous consent for the adoption of the following resolution:

"WHEREAS the grim hand of death has reached into our midst and suddenly removed from us Senator Howard Lyng, of Nome, duly elected delegate to Alaska Constitutional Convention from the 9th District, Second Judicial Division; and

"WHEREAS Senator Lyng rendered distinguished public service to Alaska over the years, both in the House of Representatives and Senate of the Alaska Legislature; and

"WHEREAS Senator Lyng was an early and ardent advocate of statehood for Alaska and represented the Territory on one occasion before Congressional committees in Washington, D. C. pleading the cause of statehood; and

"WHEREAS in the passing of Senator Lyng, Alaska has lost one of its leading statesmen and this Convention has been deprived of his counsel, wisdom and experience.

"NOW, THEREFORE, BE IT RESOLVED that the members of Alaska Constitutional Convention in regular meeting assembled at College, Alaska, do hereby extend their profound sympathy to Senator Lyng's sister, Mrs. A. F. Bullard, the only surviving member of his family, whose address is Box 910, Porterville, California, together with a copy of this Resolution, and that this Resolution be made a part of the permanent record of this Convention."

There being no objection, it was so ordered.

Mr. Sundborg moved and asked unanimous consent that the Rules Committee take up first the matter of Committees and report back to the Convention as soon as it had acted on that section. There being no objection, it was so ordered.

Mr. V. Rivers moved that the Convention recess for one-half hour for the Rules Committee and Permanent Help Committee to meet and bring in recommendations. Mr. Johnson seconded. On voice vote the motion carried.

AFTER RECESS

Convention was called to order at 11:50 A.M.

Mr. Riley, Chairman of the Rules Committee moved and asked unanimous consent that the following Rule be adopted:

"Rule 12. The President shall appoint the members of and shall name the Chairmen of all Standing Committees unless the Convention shall otherwise order. The President may fill vacancies on Standing Committees in the same manner."

Mr. Hellenthal objected. Mr. Riley, moved. Mr. McCutcheon seconded.

Mr. Coghill moved and asked unanimous consent that the following amendment to Rule 12 be adopted: after the word "of" strike "and shall name the Chairman of" and add after "Committees", "and Chairmen should be appointed within the Committee". Mr. Davis objected. Mr. Knight seconded. On voice vote the amendment failed.

Mr. Riley stated that the Rules Committee proposed a resolution that there be established a Committee on Committees to assist and advise the President in appointing various members of the Committees.

The question being "Shall Rule 12 be adopted?", on voice vote Rule 12 was adopted.

Mr. Riley moved and asked unanimous consent that the following Rule be adopted:

"Rule 13. The Standing Committees of the Convention and the number of members thereof, respectively, shall be as follows:

- a. Committee on Rules, nine members
- b. Committee on Administration, nine members
- c. Committee on Style and Drafting, nine members
- d. Committee on Ordinances, and Transitional Measures, nine members
- e. Committee on Preamble and Bill of Rights, seven members
- f. Committee on Suffrage, Elections, and Apportionment, seven members
- g. Committee on Legislative Branch, seven members
- h. Committee on Executive Branch, seven members
- i. Committee on Judiciary Branch, seven members
- j. Committee on Resources, seven members
- k. Committee on Finance and Taxation, seven members
- l. Committee on Local Government, seven members
- m. Committee on Direct Legislation, Amendment, and Revision, seven members
- n. Committee on Resolutions and Recommendations seven members"

Mr. Smith objected. Mr. McCutcheon seconded. On voice vote Rule 13 was adopted unanimously.

Mr. Riley moved and asked unanimous consent that the following rule be adopted:

"Rule 14. Each Delegate except the President shall be appointed to at least one but to no more than three Standing Committees."

There being no objection, it was so ordered.

Mr. Riley moved and asked unanimous consent that the following rule be adopted:

"Rule 15. The President shall be ex-officio member of all Standing Committees but shall not vote ~~except to break a tie.~~"

There being no objection, it was so ordered.

Mr. Riley moved and asked unanimous consent that the following rule be adopted:

"Rule 16. The respective Standing Committees shall have the following duties and functions and in addition shall consider and report upon any other matters referred to them:

- a. The Committee on Rules shall consider and report upon such changes in the rules of the Convention and changes in organization as shall be referred to it. It shall consider and report on appeals from rulings of the chair which may be referred to it.

It shall determine appeals regarding the daily calendar of the Convention in accordance with these rules.

- b. The Committee on Administration shall generally oversee the administrative or business affairs of the Convention, including finances, personnel, printing, physical arrangements for the Convention, and related matters.
- c. The Committee on Style and Drafting shall examine and edit all proposals for inclusion in the Constitution which are referred to it for the purposes of avoiding inaccuracies, repetitions, inconsistencies, or poor drafting. The Committee shall have the authority to rephrase or to regroup proposed language or sections of the proposed Constitution but shall have no authority to change the sense or purpose of any proposal referred to it. The Committee shall also be empowered without reference back to the Convention to refer proposals submitted to it to other Committees which may have an interest in the proposal. Where a proposal referred to the Committee appears inconsistent or in conflict with a proposal already acted upon favorably by the Convention at second reading, the Committee shall undertake to resolve the inconsistency or conflict by reference to the Committees concerned. If the Committee shall fail to resolve any such inconsistency or conflict it shall notify the Convention and await its instructions.
- d. The Committee on Ordinances, and Transitional Measures shall be responsible for the consideration of ordinances specified by the Act creating the Constitutional Convention and for the consideration of transitional measures which the Convention enacts in anticipation of statehood.
- e. The Committee on Resolutions and Recommendations shall consider resolutions and all other matters not germane to the work of other committees and shall make recommendations for action thereon.
- f. The remaining standing committees shall consider such proposals as are indicated by the titles of the respective committees. Such committees shall draft and submit to the Convention for its consideration sections of the proposed Constitution pertaining to the business of the Committee."

There being no objection, it was so ordered.

Mr. Riley moved and asked unanimous consent that the following rule be adopted:

"Rule 17. Each Standing Committee shall submit to the Convention a report or reports, in writing, setting forth its recommendations on all matters referred to it. Any member or group of members of a Standing Committee may submit a minority report to the Convention. A petition signed by one-fourth of the elected Delegates shall require any Standing Committee to report to the Convention within the number of days specified in the petition."

Mr. Barr objected. Mr. Barr withdrew his objection and there being no further objections, Rule 17 was adopted.

Mr. Riley moved and asked unanimous consent that the following rule be adopted:

"Rule 18. No Standing Committee may hold meetings during the sessions of the Convention without permission of the Convention."

There being no objection, it was so ordered.

Mr. Riley moved and asked unanimous consent that the following rule be adopted:

"Rule 19. The deliberations of the Standing Committees shall not be open to the public except upon invitation of the Committee. Each standing Committee shall notify the Secretary of the time and place of meetings, and the Secretary shall make such notice public."

Mr. Hellenthal objected. Mr. Barr seconded.

Mr. Fischer moved to amend Rule 19 as follows: remove the word "not"; change the period after "public" to a comma and add "unless the Committee by two-thirds vote of all the members to which it is entitled votes to hold executive session." Mr. White seconded.

Mr. McNealy moved the previous question. Mr. McNealy asked unanimous consent to withdraw his motion. There being no objection, it was so ordered.

Mr. McLaughlin moved that the Convention recess until 1:45. *p.m.*

Mr. Taylor moved that the Secretary be authorized, subject to the approval of the Committee on Rules, to arrange for the tape recording of all plenary sessions of the Convention. Mr. McCutcheon

seconded. Mr. Taylor asked that this motion be considered under special order of business at the afternoon session. There being no objection, it was so ordered.

There being no objection to the motion for recess, the Convention recessed until 1:45 p.m.

AFTER RECESS

Mr. Riley asked unanimous consent to withdraw the Committee on Rules' motion to adopt Rule 19. There being no objection, it was so ordered.

Mr. Fischer moved and asked unanimous consent for the adoption of Rule 19, as follows:

"The deliberations of the Standing Committees shall be open to the public at such times as may be designated by the respective committees. If a committee finds it to be in the public interest, upon application any citizen may attend committee sessions. Each Standing Committee shall notify the Secretary of time and place of meetings and the Secretary shall make such notice public."

There being no objection, it was so ordered.

Mr. Riley asked unanimous consent that the Committee on Permanent Help be discharged after completion of its initial duties and that thereafter permanent help be the function of the Committee on Administration. There being no objection, it was so ordered.

Mr. Coghill asked unanimous consent that the Convention revert to reports of committees. There being no objection, it was so ordered. Mr. Coghill submitted the following report of the Committee on Permanent Help:

Mr. Coghill was elected chairman and Mrs. H. Fischer was appointed secretary. The Committee adopted the following resolution:

"No relations of Delegates shall be hired as Convention help, either clerical or administrative."

The Committee recommended that a nucleus of the more important members of the administrative staff be set up with a chief clerk assigned, a sergeant-at-arms, a doorkeeper and a messenger. The Committee recommended the appointment of Mrs. Katherine Alexander as Chief Clerk, the salary to be determined later. The Committee would meet with Mr. Jack McKay and Mr. Tom Stewart to work up a salary schedule and positions to be filled with a salary schedule coming from a survey of local wage schedules.

Mr. Johnson moved the adoption of the Permanent Help Committee report. Mr. V. Rivers objected.

The President declared a short recess.

AFTER RECESS

Mr. Coghill announced that with the consent of the members of the Permanent Help Committee "hereafter" had been inserted in the resolution after the word "hired".

Mr. V. Rivers objected.

Mr. Johnson moved for the adoption of the Committee report. Mr. Hellenthal seconded. The question being "Shall the report of the Committee on Permanent Help be adopted?", on voice vote the motion carried and so the report was adopted.

Mr. McCutcheon moved and asked unanimous consent that the President appoint a Committee on Committees for the purpose of aiding him in the work of selecting members for the standing committees. There being no objection, it was so ordered.

Mr. Hellenthal moved that the Convention hold no plenary session November 11 and observe Veterans Day, a territorial and federal holiday. Mr. V. Rivers seconded and asked unanimous consent. There being no objection, it was so ordered.

Special Order of Business--the motion of Mr. Taylor regarding taping the plenary sessions was announced.

The Secretary was asked to report on estimated costs. The Secretary read a letter from Station KFAR giving estimates.

Mr. McCutcheon asked unanimous consent that the Convention recess for fifteen minutes, call the station manager of KFAR and resolve itself into a Committee of the Whole. There being no objection, it was so ordered.

AFTER RECESS

Mr. Carroza, Station Manager of KFAR being present, the Committee of the Whole met to discuss the costs of tape recording the plenary sessions. **IN COMMITTEE OF THE WHOLE**

The President appointed Mr. Sundborg to preside over the Committee of the Whole.

Mr. Nolan moved that the Committee of the Whole rise and report progress. Mr. Riley seconded. On voice vote the motion carried.

AFTER RECESS

Mr. Sundborg reported the Committee of the Whole met and reported progress.

Mr. Hellenthal asked unanimous consent that the question be divided. *on Mr. Taylor's motion regarding sound recording* Mr. Buckalew objected. Mr. Hellenthal moved. Mr. Smith seconded. On voice vote the question was divided.

Mr. McCutcheon asked unanimous consent to move the previous question.

The President explained the effect of Mr. McCutcheon's motion is to close off debate on the main motion. There being no objection, the previous question was ordered.

The question was stated. "Shall the Convention favor the principle of taping the plenary sessions?" *On voice vote, the motion was adopted.*

Mr. Davis suggested the following motion: "That the President appoint a Committee not to exceed five members to contact radio stations, etc., to see what the cost of taping will run and that in the meantime the Convention continue to tape the sessions through Saturday of this week."

Mr. Hellenthal consented to Mr. Davis' revision of the second half of the question. Mr. Davis moved and asked unanimous consent. Mr. V. Rivers objected. Mr. Metcalf seconded. Mr. Rivers withdrew his objection to the unanimous consent request. *for its adoption*

Mr. Davis moved and asked unanimous consent that his motion be amended to refer the matter to the Administration Committee.

Mrs. Hermann objected, stating a special committee was needed.

Mr. Davis withdrew his amendment.

Upon voice vote Mr. Davis' motion carried.

The President announced a ten-minute recess.

AFTER RECESS

The President announced the appointment of the following Select Committee to look into the question of taping the plenary sessions: *M.* Hilscher, Chairman; *M.* Harris; *M.* Nerland; *M.* White, and *M.* Cooper.

Mr. Buckalew asked unanimous consent that the Secretary read a telegram received by the President and that it be placed in the record. There being no objection, it was so ordered.

The telegram was as follows:

"Bill Egan, President
Constitutional Convention

The People in Valdez are very proud of you. Our best wishes and prayers are with you.

Judy Johnson, Secy.
Valdez Chamber of Commerce."

Mr. Hinckel asked unanimous consent that the Convention adopt a policy to convene at 9 o'clock each morning. Mrs. Hermann objected. Mr. Hinckel moved. Mr. Poulsen seconded. Mr. Sundborg moved to amend the motion to read 9:30. Mr. Robertson seconded. *On voice vote,* the question being "Shall the Convention adopt the policy to convene at 9:30 daily?", the roll was called with the following result:

Ayes: 36 - Armstrong, Awes, Boswell, Coghill, Collins, Cooper, Cross, Doogan, Emberg, V. Fischer, Gray, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Kilcher, King, Knight, Lee, Londborg, McLaughlin, McNees, Nerland, Nordale, Poulsen, Riley, R. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, VanderLeest, Walsh, Mr. President.

Nays: 18 - Barr, Buckalew, Davis, H. Fischer, Harris, Johnson, Laws, McCutcheon, McNealy, Marston, Metcalf, Nolan, Reader, V. Rivers, Robertson, Taylor, White, Wien.

Absent: 1 - Peratrovich

And so the motion was adopted.

Mr. Coghill requested a 20-minute recess to give the Committee on Permanent Help a chance to meet.

The President appointed the following to the Advisory Committee on Committees: *Mr.* White, V. Rivers, Nolan, Nordale, Londborg, McLaughlin, Wien, Barr, and Gray.

Mr. Riley announced a meeting of the Rules Committee for 10 o'clock Friday morning at 1013 Polaris Bldg.

President announced recess until call of the Chair.

Mr. Coghill, Chairman of the Committee on Permanent Help, reported the following as information to the Convention:

"The Committee recommends the following positions: sergeant-at-arms, four stenographers, three clerical typists, mimeograph operator, receptionist, messenger, doorkeeper and recording clerk. The salary schedule to be a 15-percent raise over the legislature pay scale. The Committee feels it is somewhat tied to the permanent Committee on Administration and cannot devise a permanent help schedule until a budget is formulated to run the Convention."

Mr. V. Rivers moved and asked unanimous consent that the Committee report be accepted and the Committee be discharged from its duties.

Mrs. Hermann inquired whether a chaplain was named.

Mr. Coghill reported that this was not a complete report--only information to the Convention.

Mr. Taylor objected to unanimous consent since this is only a partial report. After discussion Mr. Taylor withdrew his objection.

There being no objection, Mr. V. Rivers' motion was adopted.

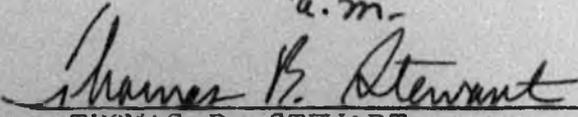
The President announced the appointment of the Committee on Administration to consist of the members of the Permanent Help Committee with the addition of Mr. Hilscher, and named Mr. Coghill, chairman.

Mr. R. Rivers asked unanimous consent to withdraw from the Committee on Administration. There being no objection, it was so ordered.

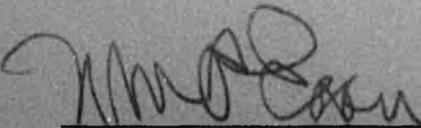
a.m. Mr. Johnson moved that the Convention stand adjourned until 9:30^{a.m.} Saturday, ~~morning~~. Mr. Coghill seconded and asked unanimous consent.

Mr. Coghill announced a meeting of the Administration Committee at 11 o'clock ~~at~~ ^{*Misses morning.*} the Nordale Hotel.

There being no objection to the unanimous consent request for adjournment, the convention adjourned until 9:30^{a.m.} Saturday, ~~morning~~.

a.m.

THOMAS B. STEWART
Secretary

Attested:


WILLIAM A. EGAN
President