

Jan. 21, 1956

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL FOR THE FIFTY-THIRD CONVENTION DAY, Saturday, January 14, 1956

The Convention was called to order by President Egan at 9:05 a.m.

The Invocation was given by the Rev. Charles Powers of the Church of the Nazarene of Totem Park.

Roll call showed all members present. The President declared a quorum to be present.

The report of the Committee to read the Journal was deferred.

Mr. Sundborg announced a meeting of the Committee on Style and Drafting at the 10:30 recess.

Mr. Sundborg moved that it be the policy to adjourn at 5:40 p.m. today until 9 a.m. Monday morning. Mr. Riley asked whether Mr. Sundborg would amend that to state 3:45. Mr. Sundborg accepted the change. Mr. Smith stated that the Resources Committee would like to have Sunday for a committee meeting; Mr. Sundborg stated that the Committee on Style and Drafting also needed Sunday to work.

Mrs. Hermann stated that Mr. Sundborg's motion was out of order. Mr. Sundborg stated that it was only a declaration of policy.

Consideration of Committee Proposal No. 10a was continued.

Mr. Barr's amendment being before the Convention, discussion was continued on it by Mr. Barr, Mr. Johnson and Mr. Londborg. The question being "Shall Mr. Barr's amendment to Section 10 be adopted?", the roll was called with the following result:

Yeas: 27 - Barr, Collins, Cross, Emberg, H. Fischer, Harris, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Laws, Londborg, McCutcheon, Nerland, Nolan, Peratrovich, Poulsen, V. Rivers, Robertson, Smith, Taylor, VanderLeest, Walsh, Wien, Mr. President

Nays: 26 - Armstrong, Awes, Boswell, Buckalew, Coghill, Cooper, Davis, V. Fischer, Gray, Hellenthal, Hermann, Hilscher, Lee, McLaughlin, McNealy, Marston, Metcalf, Nordale, Reader, Riley, R. Rivers, Rosswog, Stewart, Sundborg, Sweeney, White

Absent: 2 - Doogan, McNees

and so the amendment was adopted.

Mrs. Sweeney moved that the reconsideration of her vote on the Buckalew amendment to strike Section 6 be taken up at this time. Mr. Doogan seconded.

After discussion by Mrs. Sweeney, Mr. Boswell, Mr. Hellenthal, Mr. Davis and Mr. Londborg, Mr. Riley requested that all proposed amendments to Section 6 be read at this time.

The President stated that in fairness to all, the request of Mr. Riley would be granted.

Mr. V. Rivers read a proposed committee amendment to Section 6, inserting the word "general" before "election". After discussion by Mr. V. Rivers, Mr. V. Fischer and Mr. McLaughlin on Section 6, the President asked Mr. Armstrong to take the Chair. The President then spoke from the floor on Section 6.

Mr. Hellenthal requested a five-minute recess. There being no objection, it was so ordered.

AFTER RECESS

The President took the Chair.

After discussion by Mrs. Nordale, Mr. Barr, Mr. White, Mr. Hurley, Mr. Gray, Mr. R. Rivers, Mr. Rosswog, Mr. Taylor, Mr. Buckalew and Mrs. Sweeney, the question was called. The question being "Shall Mr. Buckalew's amendment to strike Section 6 be adopted?", the roll was called with the following result:

Yeas: 9 - Buckalew, Coghill, Emberg, V. Fischer, Kilcher, Lee, Poulson, Sundborg, White

Nays: 46 - Armstrong, Awes, Barr, Boswell, Collins, Cooper, Cross, Davis, Doogan, H. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, King, Knight, Laws, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sweeney, Taylor, VanderLeest, Walsh, Wien, Mr. President

and so the amendment failed.

Mr. Sundborg asked unanimous consent that the convention recess for fifteen minutes.

Mr. Coghill introduced the Commander of the Veterans of Foreign Wars, Department of Alaska, and the Department Service Officer, James Burnette, who were visiting the Convention.

There being no objection to the unanimous consent request, the Convention recessed until 10:45 a.m.

AFTER RECESS

Mr. Hilscher introduced Sir Hubert Wilkins, noted Artic Explorer, who holds his first honorary doctor's degree from the University of Alaska, and asked unanimous consent that he be given the privilege of the floor to address the Convention. Permission was granted and Sir Hubert Wilkins gave a few remarks.

Consideration of Committee Proposal No. 10/a continued. Mr. V. Rivers moved the adoption of the following amendment to Section 6: Line 20, after period following word "governor" insert the following sentence: "He shall be nominated in the manner provided by law for nominating candidates for other elective offices."; delete the word "election" on line 21; line 22, after the word "law", insert "for general elections." Mr. V. Rivers asked unanimous consent for the adoption of the proposed amendment. Mr. Hellenthal objected. Mr. R. Rivers seconded. On voice vote the amendment was adopted.

Miss Awes moved the adoption of the following amendment to Section 6: line 8, page 2, strike words "secretary of state" and substitute "lieutenant governor"; line 21 strike part from "and" through word "governor" ending on line 2, page 3; line 2, page 3, strike "secretary of state" and substitute "lieutenant governor"; line 4, and 5 page 3, strike words "secretary of State" on both lines and in each case substitute "lieutenant governor". Mr. Buckalew seconded.

After Miss Awes spoke, Mr. Riley questioned Miss Awes as to amending her amendment to delete more language on page 3. Miss Awes asked unanimous consent to amend her amendment by striking through word "state" on line 4, page 3, and thereby eliminating the part of her amendment on line 2, of page 3. There being no objection, it was so ordered.

After questions by Mr. White and Mr. Taylor, Miss Awes requested a two-minute recess. There being no objection, it was so ordered.

AFTER RECESS

After further discussion by Mr. Buckalew, Mr. Barr, Mr. Taylor and Miss Awes, the question was called. On voice vote Miss Awes' amendment failed.

Mr. R. Rivers moved to reconsider his vote on Mr. Robertson's amendment to Section 2 at this time. Mr. Buckalew seconded.

After discussion by Mr. R. Rivers, Mr. McNealy, Mr. Hellenthal, Miss Awes, Mr. Coghill, Mr. Sundborg, Mr. McCutcheon, Mr. Robertson and Mr. McLaughlin, the question was called. On voice vote Mr. Robertson's amendment to Section 2 to insert the words "and of this state" at the end of line 5 failed of adoption.

Mr. Hellenthal moved the adoption of the following amendment to Section 6: Line 20, strike everything after "nor" through "state" on line 4, page 3 and substitute the following: "He shall be appointed by the governor."; on line 5 insert "administrative" before "duties". Section 7, line 12, page 3 delete the words "person elected". Mr. Marston seconded.

Mr. McCutcheon rose to a point of order to state the amendment should be divided into two parts since it is concerned with two sections.

After the President stated he believed they were related, Mr. McCutcheon yielded on his point of order.

On voice vote Mr. Hellenthal's amendment failed.

Mr. Kilcher spoke on Section 6. Mr. Gray rose to a point of order to ask what was before the Convention. The President stated there was nothing before the Convention. Mr. Kilcher asked a question of the President regarding Section 6. Mr. Hellenthal rose to a point of information.

Mr. Cooper spoke on a matter of personal privilege.

Mr. V. Rivers moved the adoption of the following committee amendment to Section 7: page 3, lines 20 and 21, after the first word "the" strike the words "powers and duties shall devolve upon the Secretary of State" and insert in lieu thereof "Secretary of State shall become the acting governor". Mr. Kilcher seconded.

Mr. R. Rivers moved to amend Section 7 line 17 by deleting the rest of the sentence after the word "removal" and substituting the following "the secretary of state shall become the governor."

The President declared Mr. R. Rivers amendment out of order.

The roll was called on the adoption of Mr. V. Rivers committee amendment with the following result:

Yeas: 29 - Armstrong, Awes, Buckalew, Coghill, Collins, Cross, Davis, V. Fischer, Gray, Hellenthal, Hermann, Kilcher, Knight, Lee, Londborg, McLaughlin, McNealy, McNees, Metcalf, Peratrovich, Reader, Riley, R. Rivers, Rosswog, Stewart, Sundborg, VanderLeest, Walsh, Mr. President

Nays: 24 - Barr, Boswell, Cooper, Doogan, Emberg, H. Fischer, Harris, Hinckel, Hurley, Johnson, King, Laws, McCutcheon, Marston, Nerland, Nolan, Nordale, Poulsen, V. Rivers, Robertson, Smith, Sweeney, Taylor, Wien

Absent: 2 - Hilscher, White

and so the amendment was adopted.

Mrs. Nordale spoke on a matter of personal privilege.

Mr. R. Rivers moved the adoption of the following amendment to Section 7: line 17, after "removal" delete rest of sentence and substitute "the Secretary of State shall become the governor." Mr. Taylor seconded and asked unanimous consent. Mr. Poulsen objected. After discussion by Mr. R. Rivers, Mr. McLaughlin, Mr. Kilcher, Mr. McCutcheon, Mr. Smith and Mr. Taylor, the question was called. The president being in doubt on the voice vote, requested a roll call with the following result:

Yeas: 16 - Armstrong, Collins, Cooper, Davis, Kilcher, Laws, McNealy, Metcalf, Nerland, Nordale, Peratrovich, R. Rivers, Sundborg, Taylor, Walsh, Mr. President

Nays: 37 - Awes, Barr, Boswell, Buckalew, Coghill, Cross, Doogan, Emberg, H. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, King, Knight, Lee, Londborg, McCutcheon, McLaughlin, McNees, Marston, Nolan, Poulsen, Reader, Riley, V. Rivers, R. Robertson, Rosswog, Smith, Stewart, Sweeney, VanderLeest, Wien

Absent: 2 - V. Fischer, White

and so the amendment failed.

Mr. Davis asked that the delegates be careful about offering amendments which are not necessary since the Committee on Style and Drafting is governed by the action of the body.

Mr. Johnson moved that the Convention recess until 1:30 and asked unanimous consent.

The following committee meeting announcements were made: Ordinances on recess; Executive Branch at 12:45 p.m.; Resources in the lobby of the Northward Building, rather than the Polaris, on Sunday at 2 p.m.; Style and Drafting Sunday at 1 p.m. at Apt. 1013 Polaris. Engrossment and Enrollment at 1 p.m. today; Rules on recess; Administration at 1 p.m.; Finance at 12:30 Sunday in the Northward Building lobby.

There being no objection, the Convention recessed for lunch until 1:30 p.m.

AFTER RECESS

Mrs. Sweeney asked unanimous consent to revert to Committee reports. There being no objection, it was so ordered.

Mrs. Sweeney reported that the Committee on Engrossment and Enrollment to whom was referred Committee Proposal No. 5 had compared it with the original and found it correctly engrossed and the enrolled copies correctly enrolled except that on line 14, page 4, "house" should be "houses". Mrs. Sweeney asked unanimous consent that the report of the Committee on Engrossment and Enrollment be adopted. There being no objection, it was so ordered.

Committee Proposal No. 5 was referred to the Committee on Style and Drafting.

Consideration of Committee Proposal No. 10a continued.

Mr. V. Rivers moved and asked unanimous consent for the adoption of the following committee amendment to Section 5: page 2, line 14, strike the word "term" and insert in lieu thereof the word "tenure". There being no objection, it was so ordered.

Mr. V. Rivers moved the adoption of the following Committee amendment to Section 7: page 3, line 17, strike the word "impeachment", after the word "his" insert the word "title". After discussion, Mr. V. Rivers asked unanimous consent to amend his amendment by inserting "title," between "the" and "powers" on line 11. There being no objection it was so ordered. There being no objection to the adoption of the amended amendment, it was so ordered.

Mr. V. Rivers moved and asked unanimous consent for the adoption of the following committee amendment to Section 8: Page 4, line 4, after the word "acting" strike through the word "term" on line 15 and substitute the following "A vacancy in the office of governor shall be prescribed by law." There being no objection, it was so ordered.

Mr. V. Rivers moved the adoption of the following amendment to Section 16: Page 7, line 18, place a period after the word "governor"; strike down to "successors" on line 20. The President declared a short recess.

AFTER RECESS

Mr. V. Rivers asked unanimous consent to withdraw his amendment to Section 16. There being no objection, it was so ordered.

Mr. V. Rivers moved and asked unanimous consent for the adoption of the following amendment to Section 16: page 7, line 18, strike from word "governor" through "successors" on line 20. ~~delete~~ "Senate" and insert "legislature in joint session". Mr. R. Rivers seconded. Mr. Johnson objected. On voice vote the amendment was adopted.

Mr. Sundborg presented the following amendment: Section 10, page 5, strike lines 16 through 20. Mr. Buckalew moved its adoption. Mr. Sundborg seconded. After discussion by Mr. Sundborg, Miss Awes, Mr. Barr, and Mr. Riley, the question was called. On voice vote the amendment was adopted.

Mr. Cooper asked a question regarding Section 11. Discussion was held on the question of confirming appointments by the legislature.

The President declared a short recess.

AFTER RECESS

Mr. V. Rivers stated he believed the body should take action to adopt a policy regarding confirmation of appointments throughout the Constitution.

The President stated he believed the Convention should make a definite decision and settle the matter as concerns this problem in all the articles.

Mr. V. Rivers moved and asked unanimous consent that the group express as a policy the intent that confirmation of appointments shall be made by the legislature in joint session, and Committee Proposal No. 10a would be corrected to conform with the policy. Mr. Riley seconded. Mr. Johnson objected. After a discussion by Mr. Hellenthal,

Mr. Johnson, Mr. Barr, Mr. Londborg, Mr. Harris, Mr. Riley, Mr. McNealy, Mr. Nolan, Mrs. Fischer, Mr. McNees, Mr. Cooper, Mr. V. Fischer, and Mrs. Nordale, Mr. Cooper rose to speak on a matter of personal privilege.

After Mr. Barr and Mr. Hellenthal spoke on the motion, Mr. V. Rivers asked unanimous consent to withdraw the motion. Mr. R. Rivers objected.

The President declared a short recess.

AFTER RECESS

Mr. V. Rivers moved to withdraw his motion. Mr. Doogan seconded. On voice vote the motion was ordered withdrawn.

Mr. Hellenthal moved that where, in Committee Proposal No. 10a, confirmation of a gubernatorial appointment is required of either or both houses of the legislature or both houses jointly, then in those cases it shall be the policy of this body that such confirmation be made by both houses of the legislature in joint assembly. Mr. Taylor seconded. On voice vote the motion was adopted.

Mr. Kilcher moved and asked unanimous consent for the adoption of the following amendment to Section 16: page 6, line 6, strike "or invasion or imminent danger thereof" and substitute "and actual or imminent invasion". Mr. Taylor objected. Mr. Knight seconded. Miss Awes asked for a recess to check the language with the similar provision of the Bill of Rights. There being no objection, it was so ordered.

AFTER RECESS

After discussion by Miss Awes, Mr. Marston, Mrs. Sweeney, Mr. R. Rivers and Mr. Hellenthal, Mr. Kilcher asked unanimous consent to amend his amendment by changing the word "and" to "or". There being no objection, it was so ordered. On voice vote the amended amendment was adopted.

Mr. Sundborg inquired whether the Convention had read the boundaries of the election districts in Committee Proposal No. 14. Mr. Hellenthal stated that this language was not ready as yet.

Mr. Sundborg asked unanimous consent that the record show that Committee Proposal No. 14 was ordered to the Committee on Engrossment and Enrollment, subject to a later addition describing the election districts. There being no objection, it was so ordered.

Mr. Cross moved the adoption of the following amendment to Section 13 of Committee Proposal No. 10a: line 10, after the word "governor" add the words "subject to procedure prescribed by law". Mr. Marston seconded. After discussion by Mr. Cross, Mr. Johnson, Mr. Gray, Mr. R. Rivers, and Mr. Barr, the question was called. On voice vote the amendment was adopted.

Mr. V. Fischer moved the adoption of the following amendment to Section 13: strike the third sentence. Mr. Hurley seconded. On voice vote the amendment was adopted.

Mr. Barr moved the adoption of the following amendment: Page 6, line 16, after Section 13 insert a new Section 14, and renumber the following Sections accordingly --

"An Attorney General shall be elected at the same time and in the same manner as the Governor, and his term of office shall be four years. He shall be the chief law officer of the State, shall represent the State in all courts of law, and shall see that all laws are uniformly and adequately enforced throughout the State.

He shall be legal advisor to the Legislature and all State officers, and shall perform such other duties as may be prescribed by law. He shall be responsible to the Governor and the Legislature for the faithful performance of his duties.

The Attorney General shall receive for his services a compensation fixed by the Legislature which shall not be increased or diminished during his term of office. He shall devote his full time to his office and shall not receive any salary, fees or other compensation from any other source.

In case of vacancy in the office of Attorney General for any cause, the Governor shall appoint his successor to complete the term of office with the consent of a majority of both Houses of the Legislature in joint session assembled, or, when not in session, a poll of the members may be taken by mail by the President of the Senate and Speaker of the House."

Mr. Knight seconded. After discussion by Mr. Barr, Mr. Marston, Mr. Hellenthal, Mr. Nolan, Mr. McLaughlin, Mr. Stewart, Mr. R. Rivers, and Mr. Robertson, Mr. Barr closed the argument. Mr. Hellenthal requested a roll call. The roll was called with the following result:

Yeas: 12 - Barr, Collins, H. Fischer, Laws, McNealy, Metcalf, Nolan, Robertson, Smith, Sweeney, Taylor, Walsh

Nays: 40 - Armstrong, Awes, Boswell, Buckalew, Cooper, Cross, Davis, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Lee, Londborg, McCutcheon, McLaughlin, McNees, Marston, Nerland, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Rosswog, Stewart, Sundborg, White, Mr. President.

Absent: 3 - Coghill, VanderLeest, Wien

and so the amendment failed.

Mr. Hurley spoke on a matter of personal privilege.

Mr. Sundborg spoke on a matter of personal privilege regarding the problem of Style and Drafting as concerns the office of attorney general.

Mr. Sundborg moved that the rules be suspended and that the Committee on Style and Drafting be empowered to make a substantive amendment to provide that wherever the words "attorney general" appear that they be changed to "secretary of state".

Mr. V. Rivers spoke under personal privilege.

Mr. Sundborg stated he would withhold making the motion until the second reading of Committee Proposal No. 10a had been completed.

Mr. Buckalew moved the adoption of the following amendment to Section 14: line 23, strike "and quasi", line 24 strike "judicial". After discussion by Mr. Buckalew, Mr. V. Fischer, Mr. Hellenthal, Mr. McLaughlin, Mr. Gray, Mr. V. Rivers, Mr. Hurley, Mr. Davis, Mr. Emberg, Mr. McNealy, Mr. Peratrovich, Mr. R. Rivers and Miss Awes, the question was called. The roll was called with the following result:

Yeas: 17 - Armstrong, Barr, Buckalew, Coghill, Davis, Doogan, Emberg, Hurley, Johnson, Lee, McNealy, Nolan, Peratrovich, Riley, Robertson, White, Mr. President

Nays: 36 - Awes, Boswell, Collins, Cooper, Cross, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Kilcher, King, Knight, Laws, Londborg, McCutcheon, McLaughlin, McNees, Marston, Metcalf, Nerland, Nordale, Poulsen, Reader, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, Walsh

Absent: 2 - VanderLeest, Wien

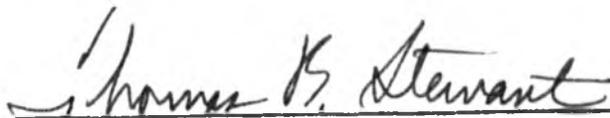
and so the amendment failed.

Mr. Kilcher served notice of his intention to reconsider his vote on Mr. Buckalew's amendment to Section 14.

Mr. Sundborg asked unanimous consent that the Convention adjourn until 9 a.m. Monday.

Mr. Rosswog announced a meeting of the Committee on Local Government at 1 p.m. Sunday at Apt. 19, Alaskan Inn.

There being no objection to the unanimous consent request, the Convention adjourned at 3:50 p.m. until Monday at 9 a.m.



THOMAS B. STEWART
Secretary

Attested:


WILLIAM A. EGAN
President