

Constitutional Convention  
Journal/60  
Approved Feb. 6, 1956

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL FOR THE SEVENTY-SECOND CONVENTION DAY, Thursday, February 2, 1956

The Convention was called to order by President Egan at 1:30 p.m.

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

Roll call showed all members present except Mr. Taylor who was reported ill. The President declared a quorum to be present.

The President called the attention of the delegates to the presence in the gallery of the Eighth Grade Class of the Main School of the Fairbanks Public School.

Mr. Lee introduced Mr. Ed Locken of Petersburg, member of the 1955 and earlier legislatures. The President expressed the pleasure of the delegates at Mr. Locken's having travelled from Petersburg to witness the signing of the Constitution and to see it in the making.

A telegram from Senator Warren G. Magnuson, expressing regret at inability to be present at the signing of the constitution was read and ordered filed.

A telegram from the Hon. Samuel W. King, Governor of Hawaii, expressing regrets at not being able to attend ceremony Sunday, February 5, was read and ordered filed.

Letters from Governor J. Bracken Lee of Utah; Governor Charles H. Russell of Nevada; Governor Lane Dwinell of New Hampshire; Governor Phil M. Donnelly of Missouri; Governor G. Mennen Williams of Michigan; Douglas Fisher, Executive Counsel for Governor Frank Clement of Tennessee and Phillip T. Drotning, Executive Secretary for Governor Walter J. Kohler of Wisconsin, expressing regrets at not being able to attend the signing of the constitution, were read and ordered filed.

A letter from Delegate E. L. Bartlett expressing gratitude for the invitation to attend the signing ceremony and expressing regrets at not being able to be present, was read and ordered filed.

72nd Day, Thursday, Feb. 2, 1956

A letter from Ancil H. Payne, President of Operation Statehood of Anchorage endorsing the "Tennessee Plan" was read and ordered filed.

A telegram from Walter J. Hickel, Republican National Committeeman and Alex Miller, Democratic National Committeeman inviting the delegates to a no-host dinner Saturday evening at the Travelers Inn was read.

The President declared a short recess.

#### AFTER RECESS

Mr. Davis introduced the Style and Drafting Committee's report on Article XIV, Section 26 of the Schedule and Section 14 of Article XII.

The report on Section 26 of Article XIV was read. After explaining the report Mr. Davis asked unanimous consent that the report of the Committee on Style and Drafting be adopted. Mr. Robertson objected. Mr. Davis so moved. Mr. Knight seconded. Mr. Lee requested a roll call. The roll was called with the following result:

Yeas: 50 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Collins, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sweeney, Vander-Leest, Walsh, White, Wien and Mr. President.

Nays: 3 - Laws, Reader, Robertson

Absent: 2 - Sundborg and Taylor.

and so the report was accepted.

Mr. Davis asked unanimous consent that the rules be suspended, that Section 26 of Article XIV be advanced to third reading, read by title only and placed on final passage. There being no objection, the rules were suspended.

Section 26 of Article XIV was read the third time.

Mr. Robertson spoke against including the section in the schedule. Mr. Buckalew moved the previous question. Mr. Poulsen seconded. On voice vote the motion failed and the previous question was not ordered.

There being no further debate, the question was called. The question being, "Shall Section 26 of Article XIV be agreed upon as part of the

schedule appended to the Alaska State Constitution?", the roll was called with the following result:

Yeas: 46 - Armstrong, Awes, Barr, Buckalew, Coghill, Collins, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley; Kilcher, King, Knight Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Riley, Rosswog, Smith, Stewart, Sweeney, VanderLeest, Walsh, Wien, Mr. President, and White.

Nays: 7 - Boswell, Johnson, Laws, Reader, R. Rivers, V. Rivers and Robertson.

Absent : 2 - Sundborg and Taylor

and so Section 26 was agreed upon as part of the schedule.

Mr. Davis asked that consideration of Article XII, Section 14 be considered later.

The President called attention to the invitation from Mr. Hickel and Mr. Miller.

Mr. Hellenthal moved that the invitation be accepted. Mr. Hilscher seconded. After discussion the motion was adopted.

Discussion concerning the signing ceremony followed and Mr. Coghill stated that the Committee on Administration estimated it would be about a two-hour ceremony.

The President stated that the matter of when final action on the constitution would be taken was still undecided.

Mr. White moved that the Convention rescind its action taken Monday in adopting a motion which was not too clear regarding the final vote, so that he could submit another motion. In order to let the delegates know what they would be voting on, the President allowed Mr. White to read his motion.

Mr. White moved that the convention rescind its action in adopting the policy motion on Monday regarding the final vote on the constitution. Mr. R. Rivers seconded. Mr. V. Fischer asked unanimous consent. Mr. Londborg objected. The roll was called with the following result:

Yeas: 52 - Armstrong, Awes; Barr, Boswell, Buckalew, Coghill, Collins; Cooper, Cross, Davis, Doogan, Emberg; H. Fischer; V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee; McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan; Nordale, Perátrovich; Poulsen, Reader, Riley; R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sweeney, VanderLeest, Walsh, White, Wien and Mr. President.

Nays: 1 - Londborg

Absent: 2 - Sundborg and Taylor

and so the action was rescinded.

Mr. White moved that it be the policy of the convention to have final reading, debate and amendment of the constitution in Convention Hall at such time prior to 2 p.m. February 5 as the convention may decide, to then move and vote upon the calling of the previous question, and that following that vote the convention adjourn until 2 p.m., February 5 at which time the final roll call vote would be taken. Mr. V. Rivers asked to change "adjourn" to "recess", upon explanation Mr. V. Rivers withdrew his amendment and asked unanimous consent for the adoption of Mr. White's motion. Mr. Coghill asked for a two-minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

There being no objection to the unanimous consent request, Mr. White's motion was adopted.

The report of the Committee on Style and Drafting on Article XII, Section 14 was read.

After Mr. Davis explained the report he moved that the report of the Committee on Style and Drafting on Section 14 of Article XII be accepted and asked unanimous consent. Mr. Emberg objected. The President declared a short recess.

#### AFTER RECESS

Mr. Emberg withdrew his objection. Mr. Davis withdrew his unanimous consent request for the adoption of the report.

Mr. Davis moved the adoption of the following committee amendment to Section 14:

Line 8, after "property" insert "including fishing rights,"

Mr. Metcalf seconded. Mr. Davis asked unanimous consent. There being no objection, the amendment was ordered adopted.

Mr. Davis asked unanimous consent that the report of the Committee on Style and Drafting as to Section 14, Article XII be accepted and that the changes in language be adopted. There being no objection, it was so ordered.

Committee Proposal No. 17z was read in full. Mr. Riley inquired if Committee Proposal 17z had been read a first time. By unanimous consent the rules were suspended, the previous full reading of Committee Proposal 17z was considered its first reading, and Committee Proposal 17z was placed on the calendar in second reading.

Committee Proposal No. 17z, Sections 30, 31 and 32 of the Schedule was read the second time.

Mr. R. Rivers proposed the following amendment to Section 31:

Line 9, change the word "shall" to the word "may".

Mr. Hellenthal rose to a point of order that the convention had not heard from the Committee as yet and that amendments were not in order.

The President stated that Mr. Hellenthal's point of order was well taken. Mr. R. Rivers withdrew his motion. Mr. McNealy reported on the proposal.

After questions from Mr. Hellenthal and Mr. R. Rivers, Mr. Hurley explained Section 31 and spoke on Section 32.

Mr. R. Rivers moved the adoption of the following amendment to Section 31:

Line 9 change "shall" to "may". Mr. McNealy seconded. Mr. R. Rivers asked unanimous consent for the adoption of the amendment. Mr. McCutcheon objected. After discussion by Mr. R. Rivers, Mr. Kilcher, Mr. Barr, Mr. Sundborg, Mr. Hellenthal and Mr. Buckalew, the question was called. The question being, "Shall Mr. R. Rivers' amendment be adopted?", the roll was called with the following result:

Yeas: 20 - Coghill, Collins, Cooper, Cross, Gray, Johnson, Laws, Londborg, McNealy; Metcalf, Nerland, Nolan, Peratrovich, Reader, R. Rivers, V. Rivers, Rosswog, Sweeney, Vander-Leest and Walsh.

Nays: 34 - Armstrong, Awes, Barr, Boswell, Buckalew, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Kilcher, King, Knight, Lee, McCutcheon, McLaughlin, McNees, Marston, Nordale, Poulsen, Riley, Robertson, Smith, Stewart, Sundborg, White, Wien and Mr. President.

Absent: 1 - Taylor.

and so the amendment failed.

Mr. V. Rivers offered the following amendment to Section 31:

Line 8 after Section 31, insert the following: "To provide an orderly transition from a territorial to a state form of government it is declared and ordained that any ordinance or provision of the Schedule appended to this constitution remain in effect until changed by law or, if the nature of the provision requires, until other action or lapse of time renders it inoperative."

Mr. Hellenthal requested that the amendment be mimeographed. The President declared a short recess.

#### AFTER RECESS

Mr. V. Rivers moved the adoption of the amendment to Section 31. Mr. V. Fischer seconded. Action was withheld until mimeographed copies were available.

The President asked Mr. Peratrovich to take the chair.

Mr. Coghill moved to strike Section 32 of C. P. 17z. Mr. McLaughlin seconded.

After discussion by Mr. Sundborg, Mr. McCutcheon, Mr. McLaughlin, Mr. Buckalew, Mr. McNealy, Mr. Doogan and Mr. Hellenthal, Mr. Riley asked that the question be held over for a while in order to take up a special order of business. There being no objection, it was so ordered.

Mr. Doogan rose to speak off the record.

Following the discussion by Mr. Doogan, Mr. Riley asked unanimous consent that the Convention recess to fulfill the engagement to have coffee with the Department of History and Political Science. There being no objection, it was so ordered.

AFTER RECESS

Mr. Coghill's amendment being before the convention discussion followed by Mr. R. Rivers, Mr. Marston, Mr. V. Rivers, Mr. Boswell, Mr. White, Mr. Londborg, Mr. Hilscher, Mr. Hinckel, Mr. Nerland, Mr. Lee, Mr. Harris, Mr. Barr and Mr. V. Fischer. Mr. Davis rose to speak under personal privilege.

Mr. Coghill closed the argument. The question being, "Shall Mr. Coghill's amendment to strike Section 32 be adopted?", the roll was called with the following result:

Yeas: 37 - Armstrong, Awes, Boswell, Coghill, Collins, Cooper, Cross, Davis, Emberg, Gray, Harris, Hellenthal, Hermann, Hinckel; Johnson, King, Laws, Lee, Londborg, McLaughlin, McNees, Marston, Metcalf, Nerland, Nolan, Peratrovich, Poulsen, Reader, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Sundborg, Sweeney, Walsh and Wien.

Nays: 16 - Barr, Buckalew, Doogan, H. Fischer, V. Fischer, Hilscher, Hurley, Kilcher, Knight, McCutcheon, McNealy, Nordale, Riley, Stewart, VanderLeest and White

Absent: 2 - Taylor and Mr. President

and so the amendment was adopted.

Mr. Davis moved that the Convention adjourn until 1:30 p.m. Mr. McNees served notice of his intention to reconsider his vote on striking Section 32 of C. P. 17z.

Mrs. Hermann rose to a point of inquiry regarding the rules, that it was too late in the proceedings to give notice to reconsider. The Chairman referred the matter to the rules committee and declared a short recess.

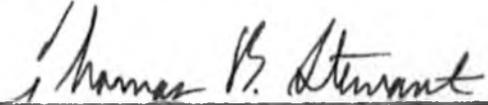
AFTER RECESS

Mr. Riley reported that the Rules stated that a motion for reconsideration would not be entertained after the 72nd day so that unless the motion were allowed today there would be no opportunity to do so on the next convention day.

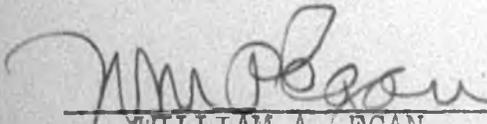
Mr. McNees served notice that he would move to rescind the action taken on striking Section 32 of C. P. 17z, and would offer an amendment to Section 32 if action were rescinded.

Mr. Coghill rose to a point of information to state the Mr. McNees could offer a new Section 32 without rescinding the action.

Mr. Davis renewed his motion to adjourn until 1:30 p.m. Friday. Mr. Sundborg seconded. There being no objection, the Convention adjourned at 5:15 p.m. until 1:30 p.m. Friday.

  
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THOMAS B. STEWART  
Secretary

Attested:

  
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WILLIAM A. EGAN  
President