

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL OF THE THIRTY-SECOND CONVENTION DAY, Friday, December 9, 1955

The Convention was called to order by President Egan at 9 o'clock a.m.

The invocation was given by Chaplain Major Henry A. Foss of Ladd Air Force Base.

Roll call showed all members present except Mr. Buckalew and Mrs. Fischer whose absences were excused because of illness.

Mr. White moved and asked unanimous consent for the approval of the Journals of the twenty-eighth and twenty-ninth days as read. There being no objection, it was so ordered.

Mr. White moved and asked unanimous consent for the adoption of the Journal of the thirtieth day with the following corrections: page 2, sixth paragraph, insert "Committee on" before "Administration" and delete "Committee" after "Administration"; page 2, paragraphs 8 and 11, strike "the" before "consideration"; page 4, paragraph 4, after "12:15" insert "o'clock p.m." There being no objection, it was so ordered.

Mr. Sundborg, reporting for the select committee to prepare a report on proposed arrangements for hearings during recess, stated that the report was on the delegates' desks and requested a brief recess to make certain changes which had been requested by delegates. There being no objection, the recess was ordered.

AFTER RECESS

Mr. Sundborg moved and asked unanimous consent that the Convention proceed to the introduction of resolutions. There being no objection, it was so ordered.

Mr. Sundborg asked unanimous consent that a resolution consisting of the matter contained in the report to the Convention by Committee Chairmen relative to arrangements during recess be adopted with the following changes:

Item 1, after the word "hearings" strike "of not to exceed two days"; line 2, insert a comma after the word "Anchorage" and strike the word "and" immediately following; change the period after "Fairbanks" to a comma and strike all of the next line which is the first line of the second paragraph; on line 4 strike

"Kotzebue" and insert "Unalakleet"; third paragraph, second line, strike "Unalakleet" and insert in its place "Kotzebue"; page 2, strike "Kotzebue--Mr. Cross" and insert "Unalakleet--Mr. Londborg". Item 5, second line, after the word "Convention" insert the words "if possible"; Item 3, under "Nome" strike "and Mr. Londborg"; under Fairbanks Strike "Mr. Barr". Mr. Kilcher objected. Mr. White seconded.

Mr. Kilcher stated he was objecting to the policy adopted that delegates would hold hearings at only one place and that if the delegate wished to hold hearings in other communities it would be without reimbursement for expenses involved.

Mr. Coghill rose to a point of order that since the matter had been debated previously debate be limited to five minutes.

The President ruled Mr. Coghill out of order because Mr. Kilcher had the floor.

Mr. Gray moved the previous question. Mr. Metcalf seconded. On voice vote, the previous question was ordered.

The question being "Shall the resolution as amended be adopted?", on voice vote the motion carried, and so the resolution was adopted.

Mr. Davis spoke on personal privilege to request that since he would not be able to attend hearings the payroll clerk be advised not to pay his travel or per diem. The President asked the Chief Clerk to make note of Mr. Davis' request.

The President asked that the Convention revert to the business of communications from outside of the Convention.

A letter from Mrs. Laura E. Jones, 8th grade teacher in the Fairbanks schools, thanking the delegates for the invitation extended for her class to attend a plenary session and to be guests of the delegates at lunch, was read.

Mr. Hurley moved that when the students arrive to be guests of the delegates at lunch, each student be assigned to two delegates and asked unanimous consent. There being no objection, it was so ordered.

Mr. Cooper asked that the Rules Committee consult with the President regarding the calendar so the students would be present at a plenary session which would be of interest.

The President requested Mr. Riley to advise him within the next few days regarding the setting of the calendar.

Mr. Kilcher asked for and was granted personal privilege to speak on the action taken in adopting the resolution regarding hearings.

The President stated that it was the intention of the Chair to be very liberal in giving all delegates a chance to speak, but he felt it his duty to see that no delegate cast any reflection on any other delegate or the Convention as a whole.

Mr. Hellenthal asked unanimous consent for a fifteen-minute recess.

AFTER RECESS

GENERAL ORDERS OF THE DAY

Committee Proposal No. 2 was read for the <sup>second</sup> ~~first~~ time.

Mr. McNealy moved to amend by striking Sections 4, 5, 6, 9, 10, 11, 12, 13 and 14. The President asked that since the proposal would be taken up section by section the motion be made to include only Section 4. Mr. McNealy moved to amend Proposal No. 2 by striking Section 4. Mr. Sundborg seconded so that Mr. McNealy could speak on the motion.

The President stated that contrary to statements made there had been no official action by the Convention to hold any proposal in second reading during the recess. After Mr. McNealy, Mr. McLaughlin, Mr. Londborg, Mr. V. Rivers, Mr. Smith, Mr. Taylor, and Mr. R. Rivers had spoken, Mr. Johnson moved the previous question. Mr. Taylor seconded. Mr. Sundborg requested a roll call.

The roll was called with the following result:

Yeas: 41 - Armstrong, Awes, Barr, Boswell, Coghill, Collins, Cooper, Cross, Doogan, Gray, Harris, Hellenthal, Hilscher, Hinckel, Johnson, King, Knight, Laws, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Peratrovich, Poulsen, Reader, Riley, R. Rivers, Robertson, Rosswog, Smith, Stewart, Taylor, VanderLeest, Walsh, White, Wien.

Nays: 12 - Davis, Emberg, V. Fischer, Hermann, Hurley, Kilcher, Londborg, Nordale, V. Rivers, Sundborg, Sweeney, Mr. President

Absent: 2 - Buckalew, H. Fischer

and so the previous question was ordered.

Mr. V. Rivers rose to a personal privilege to speak on the need for careful use of the motion to move the previous question during debate on amendment of proposals.

Mrs. Nordale moved to rescind the action on calling for the previous question. Mr. Sundborg seconded. On voice vote the motion carried.

Mr. Metcalf was recognized and the President declared a short recess.

AFTER RECESS

Mrs. Sweeney asked unanimous consent that the Convention recess until 1:30 o'clock p.m. and that Mr. Metcalf be the first speaker at the afternoon session. There being no objection, it was so ordered.

AFTER RECESS

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

Mr. Kilcher moved that Rule 35 pertaining to the previous question be referred to the Rules Committee for further study. Mr. Hellenthal seconded. Mr. Kilcher asked unanimous consent. There being no objection, the Rules Committee was instructed to report at the next plenary session.

After Mr. Metcalf, Mr. Barr, Mr. Hellenthal, Mr. Kilcher, Mr. Londborg, and Mr. Sundborg spoke on the amendment, Mr. McNealy stated that if his motion failed he intended to withdraw all the other amendments offered earlier.

Mr. Smith asked unanimous consent for a two-minute recess. There being no objection, it was so ordered.

AFTER RECESS

The President stated that each delegate was entitled to speak twice on every question, but could only speak the second time after all other delegates desiring to speak had been heard.

Mr. V. Rivers rose to a point of order to inquire if he was correct in assuming that asking questions or personal privilege did not count against the allowance to speak twice on an issue.

The President stated Mr. V. Rivers was correct.

Mr. Kilcher inquired whether this implied that the previous question could not be ordered until all delegates had spoken.

The President stated that a motion to order the previous question was in order at any time and elaborated on the latitude the President is given according to Robert's Rules of Order regarding the time involved in calling the previous question after it has been ordered.



The question being "Shall Mr. McNealy's amendment be adopted?", Mr. Johnson requested a roll call.

Mr. Londborg requested the privilege of abstaining from voting on this matter.

Mr. Cooper stated that he would like to know the reason for Mr. Londborg's not voting and, in accordance with Rule 30, he was joined in making this request by Mr. Hellenthal, Mr. McNees, Mr. VanderLeest, Mr. Knight, Mr. Poulsen and Mr. Hinckel.

Mr. Londborg stated that he didn't feel he could vote on Section 4 until he knew what other later sections were going to contain because the material in Section 4 was basic to the whole proposal.

The President stated that if the amendment were defeated it would not preclude another amendment to the section being offered as long as the proposal was in second reading.

The roll was called on the adoption of Mr. McNealy's motion, with the following result:

Yeas: 2 - Laws, McNealy

Nays: 51 - Armstrong, Awes, Barr, Boswell, Coghill, Collins, Cooper, Cross, Davis, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Lee, Londborg, McCutcheon, McLaughlin, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, Mr. President.

Absent: 2 - Buckalew, H. Fischer.

and so the amendment failed.

Mr. McNealy moved and asked unanimous consent to withdraw his amendments offered earlier. There being no objection, it was so ordered.

Mr. V. Rivers moved the adoption of the following amendment to Section 5, line 8, strike the word "ten" and insert in lieu thereof the word "six". Mr. Sundborg seconded. After explanation of the section by Mr. McLaughlin the question was called and Mr. Johnson requested a roll call. The roll was called with the following result:

Yeas: 11 - Cooper, Hinckel, Killeher, Londborg, McNealy, Nolan, Peratrovich, Reader, V. Rivers, Smith, Sundborg

Nays: 42 - Armstrong, Awes, Barr, Boswell, Coghill, Collins, Cross, Davis, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hurley, Johnson, King, Knight, Laws, Lee, McCutcheon, McLaughlin, McNees, Marston, Metcalf, Nerland, Nordale, Poulsen, Riley, R. Rivers, Robertson, Rosswog, Stewart, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, Mr. President

Absent: 2 - Buckalew, H. Fischer

and so the amendment failed.

Mr. Hellenthal offered the following amendment to Section 7:

Delete period and add "and who have practiced private non-governmental law for said period".

The President declared a short recess.

#### AFTER RECESS

Mr. Hellenthal asked unanimous consent to withdraw the amendment offered before recess. There being no objection, it was so ordered.

Mr. Hellenthal moved the adoption of the following amendment to Section 7: Delete period and insert semi-colon and add "provided that time spent as an attorney for the United States, or agency thereof, shall not be construed as counting toward the five-year admission requirement". Mr. McNealy seconded.

After Mr. V. Rivers, Mr. Hellenthal, Mr. Riley, Miss Awes, and Mr. Hurley spoke on the amendment, the President declared a recess.

#### AFTER RECESS

Mr. Hellenthal asked unanimous consent that with the consent of his second he be allowed to substitute the word "eligibility" for the word "admission" in the last portion of his proposed amendment. There being no objection, it was so ordered. On voice vote the amendment failed.

Mr. Coghill moved and asked unanimous consent that if the calendar were not cleared by 5 o'clock p.m. the Convention recess until 7 p.m. and continue until the calendar was cleared. Mr. McCutcheon seconded. Mr. V. Rivers, Mr. Riley, Miss Awes and Mr. Smith objected because of scheduled committee meetings.

Mr. Coghill withdrew his motion with the consent of his second.

The President announced that Mr. Buckalew had called and reported to him that he was ill. He announced also that Mrs. Fischer was ill and it would be Monday before her doctor would let her know when she could attend sessions.

Mr. Sundborg moved the adoption of the following amendment to Section 7, page 3, line 2, following the word "state" insert a period and strike the balance of the section. Mr. V. Fischer seconded.

After Mr. White, Mrs. Nordale, Mr. Barr, Mr. Harris, Mr. Fischer, Mr. McCutcheon, Mr. Taylor, Mr. McNealy, Mr. McNees, Mr. Metcalf, Mr. Doogan and Mr. Sundborg spoke, the question was called. Mr. Johnson requested a roll call.

The roll was called with the following result:

Yeas: 24 - Awes, Coghill, Cross, Davis, Doogan, Emberg, V. Fischer, Hilscher, Hurley, Kilcher, Lee, McNees, Marston, Nerland, Nordale, Peratrovich, Poulsen, Reader, Riley, Stewart, Sundborg, White, Wien, Mr. President.

Nays: 28 - Armstrong, Barr, Boswell, Collins, Cooper, Gray, Harris, Hellenthal, Hermann, Hinckel, Johnson, King, Knight, Laws, Londborg, McCutcheon, McLaughlin, McNealy, Metcalf, Nolan, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Taylor, VanderLeest, Walsh.

Absent: 3 - Buckalew, H. Fischer, Sweeney

and so the amendment failed.

Mr. Hinckel offered the following amendment to Section 5: page 2, line 6 delete "voters of the state" and substitute "qualified electors".

Mr. McLaughlin asked if Mr. Hinckel would withhold his motion until the Committee on the Judiciary Branch held another meeting. Mr. Hinckel agreed.

Mr. Cooper moved the adoption of the following amendment to Section 7: strike Section 7 and insert the following new Section 7: "To be eligible for appointment, Justices of the Supreme Court, and Judges of the Superior Court shall be citizens of the United States and of the State of Alaska who have been admitted to practice law

in the State of Alaska, and shall be subject to eligibility qualifications to be prescribed by the Legislature". Mr. Johnson objected on a point of information. Mr. Doogan seconded. Mr. Sundborg requested a roll call.

Mr. Cooper asked unanimous consent to amend his amendment as follows: delete "to be" before "prescribed" and insert "which may be". There being no objection, it was so ordered.

The President declared a recess.

AFTER RECESS

Mr. Cooper asked unanimous consent that he be allowed to make further amendments to his amendment as follows: insert "further" before "eligibility" and change "Legislature" to "Judicial Council". Mr. McNealy objected. Mr. Cooper moved. Mr. Lee seconded.

After Mr. McNealy and Mr. McCutcheon spoke the President declared a brief recess.

AFTER RECESS

Mr. Taylor moved that the Convention adjourn until 9 o'clock a.m. Saturday. Mr. Johnson seconded. Mr. V. Rivers objected.

The President called for Committee Announcements.

Mr. Rosswog announced a meeting of the Committee on Local Government at 7:30 o'clock p.m., at Apt. 205 Northward.

Mr. Coghill announced a meeting of the Committee on Administration at 8 o'clock p.m., at Apt. 202 Northward.

Miss Awes announced a meeting of the Committee on Bill of Rights at 7 o'clock p.m., at Apt. 1009 Polaris.

Mr. Boswell announced a meeting of the Committee on Resources at 7:30 o'clock p.m., in the Northward Building.

Mr. McLaughlin announced a meeting of the Committee on the Judiciary Branch before the plenary session Saturday morning and requested Mr. Londborg, Mr. Hinckel, Mr. Walsh, Mr. Armstrong and Mr. Cooper to appear.

Mr. McCutcheon announced a meeting of the Committee on the Legislative Branch at 7:30 o'clock p.m., at Apt. 803 Polaris.



Mr. Rosswog rose to a point of order to state that in view of the public hearing scheduled for Saturday morning, by the Committee on Local Government, the plenary session should be set later.

Mr. Taylor stated he would change his motion to read 11 o'clock a.m.

Mr. V. Rivers stated that in view of the public hearing and committee meetings he planned to move Saturday morning to continue Proposal No. 2 in second reading until Monday.

The question being "Shall the Convention adjourn until 9 o'clock a.m., Saturday morning?", Mr. McCutcheon requested a roll call.

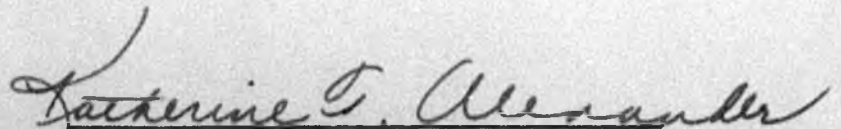
The roll was called with the following result:

Yeas: 30 - Awes, Barr, Boswell, Cross, Doogan, Gray, Hurley, Johnson, King, Knight, Laws, Londborg, McNealy, Marston, Metcalf, Nolan, Nordale, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Taylor, VanderLeest, Walsh, White

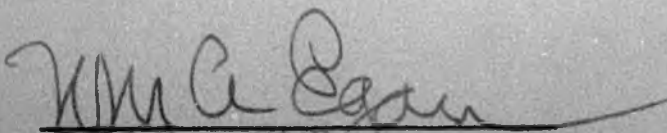
Nays: 22 - Armstrong, Coghill, Collins, Cooper, Davis, Emberg, V. Fischer, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Kilcher, Lee, McCutcheon, McLaughlin, McNees, Nerland, Peratrovich, Sundborg, Wien, Mr. President.

Absent: 3 - Buckalew, H. Fischer, Sweeney

and so the Convention adjourned until 9 o'clock a.m., Saturday morning.

  
KATHERINE T. ALEXANDER  
Chief Clerk

Attested:

  
WILLIAM A. EGAN  
President