

Constitutional Convention

Journal/34

Approved

Jan. 9, 1956

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL OF THE FORTY-THIRD CONVENTION DAY, Wednesday, January 4, 1956

The Convention was called to order at 10 a.m. by President Egan.

The Invocation was given by Rev. Alwyn Reiners, of St. George's in the Arctic, the Episcopal Church of Kotzebue.

Roll call showed all delegates present except Mr. Armstrong, Mr. Buckalew, Mr. Davis, Mr. Nolan, Mr. Peratrovich and Mr. Robertson. The President declared a quorum to be present.

Miss Awes asked the delegates to check their copies of the Bill of Rights Proposal to make certain they had a complete report including the commentary.

Mr. Gray presented the report of the public hearings held in Juneau.

Mrs. Sweeney stated that the statements presented by witnesses at the Juneau hearings would be placed on file with the Secretary. She also stated she was turning over to Mr. Rosswog a statement regarding Proposal No. 6.

Mr. Sundborg reported that he had received a statement from Mr. Don Dafoe, Commissioner of Education, regarding the Executive Article and was referring it to the Chairman of the Committee on the Executive Branch, Mr. V. Rivers.

Mr. Rosswog reported on the hearings held in Cordova.

Mr. Boswell reported on the hearings held in Fairbanks.

Mrs. Fischer stated that a report on the hearings held in Anchorage would be presented as soon as it could be typed.

Mr. Harris reported on the Valdez hearings.

Mr. Knight stated he was unable to hold a public hearing in Sitka, but he had appeared at a Chamber of Commerce meeting and had spoken on the radio.

Mrs. Hermann reported on the Nome hearings.

43rd Day, Wednesday, Jan. 4

Mr. Londborg reported on the hearings held at Unalakleet.

Mr. Hinckel reported on the Kodiak hearings.

Mr. McNees reported he had stopped in Kotzebue and left copies of the Proposals for study.

Mr. Coghill reported on the hearings held in Nenana.

Mr. Smith reported on the Ketchikan hearings.

Mr. Emberg reported on hearings held at Dillingham and told of his attempt to hold hearings at other places in Bristol Bay, which were not held because of weather.

Mr. Metcalf reported that the hearing in Seward was a failure.

Mr. Kilcher reported on the hearings in Homer.

Mr. King reported on the hearings held at Haines.

Mr. Hurley submitted reports on the hearings held at Palmer and Wasilla.

Mr. Lee reported on the hearings held in Petersburg.

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

AFTER RECESS

Mr. Barr reported that he had addressed two high school classes in Fairbanks during the recess.

Mr. White reported that the Committee to read the Journal had placed mimeographed corrections to the Journals for the first four convention days on the delegates' desks and would call for the approval of those Journals the next day.

The President suggested that it would be a good idea to recess until after lunch to allow the delegates to bring themselves up to date on Proposal No. 3 which would be considered again at that time.

Mr. Marston moved and asked unanimous consent that the Convention recess until 1:30 p.m.

Before calling for the question the President allowed the following Committee announcements to be made:

The President announced a meeting of Committee Chairmen at 12:30 p.m. in the cafeteria.

Mr. Riley announced a meeting of the Rules Committee on recess.

Mr. Rosswog announced a meeting of the Committee on Local Government at 11:30 a.m.

Mrs. Sweeney announced a meeting of the Committee on Engrossment and Enrollment on recess.

Mrs. Fischer announced a meeting of the Anchorage delegation immediately on recess.

Mr. McNealy announced a meeting of the Committee on Ordinances on recess.

There being no objection to Mr. Marston's request for a recess, the Convention recessed until 1:30 p.m.

AFTER RECESS

The President announced the return of the Secretary of the Convention, Mr. Thomas B. Stewart, who had been absent during the past month because of illness.

Mr. Smith asked unanimous consent to revert to Committee announcements. There being no objection, it was so ordered.

Mr. Smith announced a meeting of the Committee on Resources at 7:30 p.m. in the lobby of the Northward Building.

Miss Awes announced a meeting of the Committee on Bill of Rights at 7:30 p.m. at Apartment 1009, Polaris Building.

Mr. Rosswog announced a meeting of the Committee on Local Government at Apartment 19, Alaskan Inn at 8 p.m.

Mr. Coghill announced a meeting of the Committee on Administration on adjournment.

Mr. Sundborg reported that the Committee Chairmen recommended that the Convention have no evening sessions until Monday, January 9, and that starting Monday evening sessions be held as long as necessary. The Chairmen also recommended that the plenary sessions be held from 9 a.m. until 12 noon, that the Convention then recess until 1:30 and meet again at 1:30 until 5:40 daily, and that only two fifteen-minute recesses be called, one at 10:30 a.m. and the other at 3:30 p.m. After discussion Mr. Sundborg moved and asked unanimous consent that for the balance of the week plenary sessions be held daily from 9 a.m. until 12 noon; then recess until 1:30 p.m. and reconvene at 1:30 and continue until 5:40 p.m. and that recesses of fifteen minutes be called at 10:30 a.m. and 3:30 p.m.

Mrs. Hermann rose to a point of order to state that the motion was out of order because motions to recess and adjourn are always in order.

The President stated that Mrs. Hermann was correct and under the circumstances without objection it would be the general understanding among the delegates that the suggestion contained in the recommendation from the Committee Chairmen would be the manner in which the Convention would arrange its meetings until Monday, January 9.

Mr. R. Rivers objected.

The President called for a short recess.

AFTER RECESS

The President stated that the suggestion of the Committee Chairmen as to length of plenary sessions would be the manner in which the Convention would proceed until Monday morning.

Mr. V. Rivers asked unanimous consent that Committee Proposal No. 12 be recommitted to the Committee on the Executive Branch. There being no objection, it was so ordered.

Mr. Riley stated that the Rules Committee had met and would be submitting a calendar later in the day showing the amount of work before the Convention at this time so that the Convention could better budget its time.

Mr. Hellenthal stated that since Proposal No. 14 had not been read the first time before recess it be considered in first reading at this time. There being no objection, it was so ordered.

INTRODUCTION AND FIRST READING OF PROPOSALS

Committee Proposal No. 14, by the Committee on Suffrage, Elections and Apportionment, entitled LEGISLATIVE APPORTIONMENT was introduced, read the first time and referred to the Rules Committee for assignment to the calendar.

Mr. Rosswog requested that Committee Proposal No. 6 be returned to the Committee for further revision. There being no objection, it was so ordered.

COMMUNICATIONS

The Secretary summarized communications received from Adlai E. Stevenson, Senator Warren G. Magnuson, Colonel Ray J. Will and a petition from 22 residents of Bristol Bay.

Mrs. Hermann moved that the communications which were summarized be spread upon the Journal in their entirety.

Mrs. Nordale objected. Mr. Taylor seconded.

After discussion by Mr. Coghill, Mr. Gray and Mr. White, the question was called. Mr. Poulsen requested a roll call.

The question being "Shall the communications summarized be spread on the Journal in their entirety?", the roll was called with the following result:

Yeas: 17 - Cross, H. Fischer, Hermann, Hilscher, Knight, McCutcheon, McNees, Nordale, Riley, R. Rivers, V. Rivers, Smith, Stewart, Taylor, VanderLeest, Walsh, Mr. President

Nays: 32 - Awes, Barr, Boswell, Coghill, Collins, Cooper, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hinckel, Hurley, Johnson, Kilcher, King, Laws, Lee, Londborg, McLaughlin, McNealy, Marston, Metcalf, Nerland, Poulsen, Reader, Rosswog, Sundborg, Sweeney, White, Wien

Absent: 6 - Armstrong, Buckalew, Davis, Nolan, Peratrovich, Robertson

and so the motion failed.

Mr. V. Fischer suggested that consideration be given by the Convention to a method whereby at the end of the Convention all communications could be included in a separate report which would be appended to the Journal.

Mrs. Hermann moved and asked unanimous consent that the Secretary read in full the communications which had been summarized. Mr. Metcalf objected. Mrs. H. Fischer seconded.

After discussion by Mr. V. Rivers and Mr. Marston the question was called.

The question being "Shall the communications which were summarized be read in full?", the roll was called with the following result:

Yeas: 31 - Awes, Boswell, Coghill, Cooper, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Hellenthal, Hermann, Hilscher, Hurley, Kilcher, Knight, McCutcheon, McNees, Nordale, Riley, R. Rivers, V. Rivers, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, Mr. President

Nays: 18 - Barr, Collins, Cross, Harris, Hinckel, Johnson, King, Laws, Lee, Londborg, McLaughlin, McNealy, Marston, Metcalf, Nerland, Poulsen, Reader, Rosswog

Absent: 6 - Armstrong, Buckalew, Davis, Noland, Peratrovich, Robertson

and so the motion carried.

Two telegrams from Adlai E. Stevenson, one expressing his conviction that the rights and responsibilities of self-rule, which he implied meant statehood, can give impetus to the greater growth of which Alaska is capable, and the other thanking President Egan for inviting him to speak to the Convention and expressing regrets because of his crowded schedule, were read and ordered filed.

A letter from Honorable Warren G. Magnuson, United States Senator from the State of Washington, stating he hoped this Congress would act on the bill to grant statehood to Alaska and expressing the belief that having a constitution ready which is acceptable to Congress would shorten the time between passage of the bill and statehood, was read. He also expressed the assurance that the Convention would make every effort to draw a fair, sensible and acceptable document. The letter was ordered filed.

A letter from Colonel Ray J. Will, Commander, 5010th Air Base Wing, Eielson Air Force Base, expressing appreciation for the letter of sympathy given by the Convention to the tragedy which occurred at the Base November 29, was read and ordered filed.

A petition from 22 residents of the South Naknek-Kvichak area of Bristol Bay expressing confidence in the members of the Convention and extending wishes of success and pointing out that they felt Bristol Bay should be represented in both the House and the Senate of any future legislative body of the state, was read and ordered filed.

An opinion from the Attorney General in response to a request from the President of the Convention regarding the exact time for adjournment of the Convention was read.

The President stated that in accordance with the opinion of the Attorney General the time for the Convention will have terminated at 10 a.m. February 6.

Mrs. Hermann stated that the reason she had asked that the communications be spread on the Journal was because of their inspirational quality.

SECOND READING OF COMMITTEE PROPOSALS

Committee Proposal No. 3 was considered again.

Mr. Riley moved to reconsider his vote on the amendment to strike lines 20 and 21 after the word "Governor". Mr. Doogan seconded.

Mr. Riley asked unanimous consent that the Rules be suspended in order to allow debate on the amendment. There being no objection, it was so ordered.

After discussion by Mr. Riley, Mr. Hellenthal, Mr. V. Fischer and Mr. Kilcher, the question was called.

The question being "Shall Section 4 of Committee Proposal No. 3 be amended by striking lines 20 and 21 after the word 'Governor'?", the roll was called with the following result:

Yeas: 9 - Barr, V. Fischer, Johnson, Londborg, McLaughlin, McNealy, Poulsen, Reader, Rosswog

Nays: 39 - Awes, Boswell, Coghill, Collins, Cooper, Cross, Doogan, Emberg, H. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Kilcher, King, Knight, Laws, Lee, McCutcheon, McNees, Marston, Metcalf, Nerland, Nordale, Riley, R. Rivers, V. Rivers, Smith, Stewart, Sundborg, Sweeney, VanderLeest, Walsh, White, Wien, Mr. President

Absent: 7 - Armstrong, Buckalew, Davis, Nolan, Peratrovich, Robertson, Taylor

and so the amendment failed.

Mr. R. Rivers asked unanimous consent for the adoption of the following amendment to Committee Proposal No. 3: Section 4, Page 2, line 20, delete "amended or" and on the last line of Section 4 after the word "years", change period to a comma and add "but may be amended at any time."

Mr. White objected. Mr. R. Rivers so moved. Mr. McCutcheon seconded.

After discussion by Mr. R. Rivers, Mr. White, Mr. McCutcheon, Mr. Kilcher and Mr. Johnson, the question was called.

The question being "Shall the amendment offered by Mr. R. Rivers be adopted?", the roll was called with the following result:

- Yeas: 40 - Awes, Barr, Boswell, Coghill, Collins, Cooper, Cross, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Kilcher, King, Knight, Lee, McCutcheon, McNealy, McNees, Marston, Metcalf, Nerland, Nordale, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, VanderLeest, Walsh, Wien, Mr. President.
- Nays: 8 - Hurley, Johnson, Laws, Londborg, McLaughlin, Poulsen, Reader, White
- Absent: 7 - Armstrong, Buckalew, Davis, Nolan, Peratrovich, Robertson, Taylor

and so the amendment was adopted.

Mr. Kilcher moved the adoption of the following amendment:

Page 2, line 21, after last word of Section 4 as amended, add the following: "by an affirmative vote of two-thirds of the members elected to each house." Mr. Marston seconded.

After discussion by Mr. Kilcher, Mr. Barr and Mr. Marston, the question was called.

The question being "Shall the amendment offered by Mr. Kilcher to Section 4 be adopted?", the roll was called with the following result:

- Yeas: 22 - Coghill, Cooper, Emberg, H. Fischer, Harris, Hilscher, Hurley, Johnson, Kilcher, Knight, Lee, McNees, Marston, Metcalf, Nerland, Nordale, R. Rivers, Smith, Stewart, Sundborg, VanderLeest, Wien
- Nays: 26 - Awes, Barr, Boswell, Collins, Cross, Doogan, V. Fischer, Gray, Hellenthal, Hermann, Hinckel, King, Laws, Londborg, McCutcheon, McLaughlin, McNealy, Poulsen, Reader, Riley, V. Rivers, Rosswog, Sweeney, Walsh, White, Mr. President
- Absent: 7 - Armstrong, Buckalew, Davis, Nolan, Peratrovich, Robertson, Taylor

and so the amendment was not adopted.

Mr. Londborg moved the adoption of the following amendment: In the fifth section of Section 4 as amended by Mr. R. Rivers, after the word "signatures" delete the rest of the sentence and substitute

the following: "from each of two-thirds of the election districts of the State with signatures equalling not less than 3% of the number of voters casting ballots for governor in each such district in the preceding general election at which a governor was elected." Mr. Johnson seconded.

After discussion by Mr. Londborg, Mr. R. Rivers, Mr. Hurley and Mr. V. Rivers, the question was called.

The question being "Shall the amendment to Section 4 as offered by Mr. Londborg be adopted?", the roll was called with the following result:

Yeas: 17 - Barr, Boswell, Cross, Hinckel, Johnson, Kilcher, Laws, Londborg, McNealy, Metcalf, Nerland, Poulsen, Reader, R. Rivers, Stewart, Sweeney, Walsh

Nays: 31 - ^{Arves}~~Barr~~, Coghill, Collins, Cooper, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hurley, King, Knight, Lee, McCutcheon, McLaughlin, McNees, Marston, Nordale, Riley, V. Rivers, Rosswog, Smith, Sundborg, VanderLeest, White, Wien, Mr. President

Absent: 7 - Armstrong, Buckalew, Davis, Nolan, Peratrovich, Robertson, Taylor

and so the amendment failed.

Mr. Sundborg moved and asked unanimous consent for a fifteen-minute recess. There being no objection, it was so ordered.

AFTER RECESS

Mr. Smith asked unanimous consent to revert to Committee announcements. There being no objection, it was so ordered.

Mr. Smith announced the meeting of the Committee on Resources scheduled earlier would be postponed until Thursday, but would be held at the same hour and place.

Mr. Rosswog moved the adoption of the following amendment to Committee Proposal No. 3: Page 2, Line 21, change word "three" to "two". Mr. White seconded.

After discussion by Mr. Rosswog and Mr. Taylor the question was called.

The question being "Shall the amendment offered by Mr. Rosswog be adopted?", the roll was called with the following result:

Yeas: 39 - Awes, Barr, Boswell, Collins, Cooper, Cross, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Nordale, Reader, Riley, R. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien

Nays: 10 - Coghill, Doogan, Emberg, H. Fischer, Hurley, Metcalf, Nerland, Poulsen, V. Rivers, Mr. President

Absent: 6 - Armstrong, Buckalew, Davis, Nolan, Peratrovich, Robertson

and so the amendment was adopted.

Mr. Kilcher offered the following amendment: Section 4, page 2, line 20, after the word "Governor" delete balance and substitute the following; "nor may it be amended or repealed by the legislature within a period of 2 years except by a two-thirds majority vote of the members to which each house is entitled."

Mr. Hellenthal rose to a point of order to state he believed the amendment was out of order.

The President stated he believed the amendment in order in that it was an entirely new idea.

After explanation by Mr. Kilcher, Mr. Hellenthal withdrew his point or order.

Mr. Kilcher moved the adoption of his amendment. Mr. Barr seconded.

After discussion by Mrs. Hermann, Mr. Kilcher, Mr. Marston and Mr. R. Rivers, the question was called. On voice vote the amendment failed.

Mr. Smith moved the adoption of the following amendment: in the fourth sentence of Section 4 as amended, after the word "chosen" change period to a comma and add "but not to exceed eight thousand signatures in any event." Mr. Emberg seconded.

After discussion by Mr. Smith, Mr. Sundborg, Mr. Marston, Mr. Emberg, Mr. Barr, Mr. Taylor and Mr. Kilcher, the question was called. On voice vote the motion failed.

Mr. Hellenthal moved the adoption of the following amendment: in the fourth sentence of Section 4 as amended, strike "qualified

electors equal to 10% of the number of votes cast for governor" and substitute "10% of the voters who cast votes for governor". Mr. Smith seconded.

Mr. Johnson objected.

Mr. Hellenthal asked unanimous consent that with the consent of his second he be allowed to amend his amendment to strike the words "for governor".

After discussion by Mr. Taylor, Mr. Londborg, Mr. Metcalf, Mr. Hellenthal and Mr. Kilcher, Mr. Johnson rose to a point of inquiry to ask whether Mr. Hellenthal's amendment had been amended.

The President stated that Mr. Hellenthal had asked unanimous consent to amend his amendment by striking the words "for governor". Mr. Taylor objected. Mr. Hellenthal so moved. Mr. Smith seconded. By voice vote the amendment to the amendment was adopted.

After Mr. Cooper spoke on the amendment, Mr. Hellenthal asked unanimous consent to amend his amendment by striking from the sentence the following: "at which the Governor was chosen." Mr. V. Rivers objected. Mr. Hellenthal so moved. Mr. Cooper seconded. On voice vote the amendment to the amendment was adopted.

After discussion by Mr. Lee, Mr. Riley, Mr. Gray, Mr. Taylor, Mr. McLaughlin, Mr. Cooper, Mr. Marston and Mr. Hellenthal, the question was called. The question being "Shall Mr. Hellenthal's motion as amended be adopted?", on voice vote the motion failed.

Mr. Cooper moved and asked unanimous consent for the adoption of the following amendment: in Section 4 as amended, after the word "cast" in the fourth sentence delete "for governor" and insert a period after "election".

Mr. Riley objected. Mr. Sundborg seconded.

After discussion by Mr. Taylor, Mr. Gray, Mr. Cooper and Mr. Londborg, Mr. Cooper requested a brief recess to write an amendment to the amendment. There being no objection, it was so ordered.

AFTER RECESS

Mr. Cooper moved to amend his amendment by deleting the word "votes" in the fourth sentence and inserting the word "ballots". Mr. Cooper asked unanimous consent for the adoption of the amendment to the amendment. Mr. V. Rivers objected. Mrs. Fischer seconded.

After discussion by Mr. Londborg, Mr. Kilcher and Mr. McCutcheon, the question was called. On voice vote the amendment to the amendment failed.

Mr. Londborg moved to amend the amendment by striking the words "votes cast" and inserting in lieu thereof the words "voters who voted".

Mr. McNealy moved to table the amendment. Mr. Metcalf seconded. The roll was called with the following result:

Yeas: 15 - Collins, Gray, Kilcher, Knight, McNealy, Marston, Metcalf, Poulsen, Riley, R. Rivers, V. Rivers, Rosswog, Taylor, VanderLeest, White

Nays: 33 - Awes, Barr, Boswell, Coghill, Cooper, Cross, Emberg, H. Fischer, V. Fischer, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, King, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNees, Nerland, Nordale, Reader, Smith, Stewart, Sundborg, Sweeney, Walsh, Wien, Mr. President

Absent: 7 - Armstrong, Buckalew, Davis, Doogan, Nolan, Peratrovich, Robertson

and so the amendment was not tabled.

Mr. Londborg moved to amend the amendment by striking the words "votes cast" and inserting in lieu thereof the words "voters who voted". Mr. Barr seconded. Mr. Londborg asked unanimous consent for the adoption of the amendment to the amendment. Mr. Taylor objected. On voice vote the amendment to the amendment was adopted.

The question being "Shall Mr. Cooper's amended amendment be adopted?", the roll was called with the following result:

Yeas: 28 - Awes, Barr, Boswell, Coghill, Cooper, Cross, Emberg, H. Fischer, V. Fischer, Hinckel, Johnson, Kilcher, Knight, Laws, Lee, Londborg, McNees, Nerland, Poulsen, Reader, Riley, R. Rivers, Stewart, Sundborg, VanderLeest, Walsh, Wien, Mr. President

Nays: 20 - Collins, Gray, Harris, Hellenthal, Hermann, Hilscher, Hurley, King, McCutcheon, McLaughlin, McNealy, Marston, Metcalf, Nordale, V. Rivers, Rosswog, Smith, Sweeney, Taylor, White

Absent: 7 - Armstrong, Buckalew, Davis, Doogan, Nolan, Peratrovich, Robertson

and so the amendment was adopted.

Mr. Hellenthal moved the adoption of the following amendment to Section 6: page 3, line 6, strike the words "involving moral turpitude". Mrs. Hermann seconded.

After discussion by Mr. Hellenthal, Mr. V. Rivers, Mr. McLaughlin, Mr. McCutcheon, Mr. R. Rivers, Mr. Johnson and Mr. Taylor, the question was called. On voice vote the amendment failed to be adopted.

Mr. Johnson moved to adjourn until 9 a.m. Thursday.

The President asked if there were any announcements to be made prior to adjournment.

Mr. Johnson withdrew his motion to adjourn.

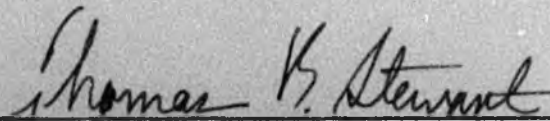
Mr. V. Rivers asked Mr. Taylor through the chair whether Section 6 of Committee Proposal No. 3 would apply to city officials. Mr. Taylor stated that it would, but that cities would have to provide for it by ordinance and that the legislature would have to implement the Constitution.

Mr. V. Fischer asked whether if lines 5 and 6 were stricken the Legislature could not establish grounds for recall. Mr. Taylor stated that would be possible.

The President asked why judicial officers were excepted. Mr. Taylor stated that judicial officers were excepted because the Judiciary Article covers the removal of judges.

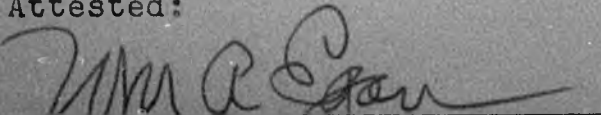
Mr. V. Fischer moved to amend Section 6 by deleting lines 5 and 6 on page 3 and asked unanimous consent. Mr. Taylor objected. Mr. Sundborg seconded.

After discussion by Mr. White, Mr. McCutcheon, Mr. R. Rivers, Mrs. Hermann, Mr. Hellenthal, Mr. Kilcher, and Mr. Fischer, Mr. Coghill moved and asked unanimous consent that the Convention adjourn until 9 a.m. Thursday. There being no objection, it was so ordered.



THOMAS B. STEWART
Secretary

Attested:


WILLIAM A. EGAN
President