

Constitutional Convention

Journal/50

Approved

Jan. 28, 1956

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL FOR THE SIXTY-SECOND CONVENTION DAY, Monday, January 23, 1956

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

The Invocation was given by Major Robert A. Wood of Ladd Air Force Base, a member of the Branch Presidency of the Church of Jesus Christ of Latter Day Saints, Slaterville.

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

A telegram from Mr. William L. Paul, Grand President of the Alaska Native Brotherhood, opposing deletion of Section 5 from the Resources Article, was read and ordered filed.

A letter from the Tanana Valley Sportsmen's Association, Fairbanks, expressing objection to and recommending corrective action in the case of certain constitutional matters, was read and ordered filed.

A letter from the University of Alaska Wildlife Club, recommending the inclusion of provision for wildlife administration in the constitution, was read and ordered filed.

Mr. Sundborg stated that the Committee on Style and Drafting needed time to finish work on the proposals which were in the Committee.

Mr. Buckalew suggested the Convention recess until 7 p.m.

The President stated that the Rules Committee had a calendar containing two items which should be considered before adjournment.

The President declared a short recess.

AFTER RECESS

Committee Proposal No. 2 was considered in third reading and read for the third time.

Mr. Robertson, Mr. Cooper, Mr. McLaughlin, Mr. Smith, Mr. R. Rivers, and Mr. McNealy spoke on the Proposal.

62nd Day, Monday, Jan. 23, 1956

The question being "Shall Committee Proposal No. 2, the article on the Judiciary, be adopted as a part of the Alaska State Constitution?", the roll was called with the following result:

Yeas: 47 - Armstrong, Awes, Barr, Boswell, Collins, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Lee, McCutcheon, McLaughlin, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Reader, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, and Mr. President

Nays: 6 - Coghill, Knight, Laws, Londborg, McNealy, and Poulsen

Absent: 2 - Buckalew and Riley

and so the Proposal was made a part of the Constitution.

Mr. Sundborg moved that the Convention rescind its action as to the amendment to change "shall" to "may" in line 1 of Section 1 of Committee Proposal No. 12. Mr. Metcalf seconded.

After discussion by Mr. Londborg, Mr. V. Fischer, Mrs. Nordale, Mr. Sundborg, Mr. Stewart and Mr. Johnson, Mr. Stewart suggested an amendment. Further discussion continued by Mr. Barr, Mr. McCutcheon, Mr. Nolan, Mr. R. Rivers and Mr. White.

The President declared a short recess.

AFTER RECESS

After further discussion by Mr. McLaughlin, Mr. Londborg and Mr. Coghill, Mr. Sundborg closed the argument.

The question being "Shall the Convention rescind its action on changing "shall" to "may"?", the roll was called with the following result:

Yeas: 40 - Armstrong, Awes, Barr, Boswell, Collins, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hurley, Kilcher, King, Knight, Lee, McLaughlin, McNees, Metcalf, Nerland, Nolan, Nordale, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, Wien, and Mr. President

Nays: 13 - Coghill, Cooper, Hinckel, Johnson, Laws, Londborg, McCutcheon, Marston, Peratrovich, Poulsen, Reader, Robertson, and White

Absent: 2 - Buckalew and McNealy

and so the action was rescinded.

Mr. Sundborg moved that the Convention rescind the action taken by striking Section 5 from Committee Proposal No. 8a. Mr. Boswell seconded.

Mr. Sundborg stated that if the action was rescinded he proposed to amend Section 5 to strike the words "and administration" from line 10.

Mr. Kilcher rose to a point of order that Mr. Sundborg was discussing an amendment which was not before the Convention.

The President stated that Mr. Kilcher's point of order was well taken.

Mr. Londborg rose to a point of order as to when rescinding action could be taken.

The President stated that a motion to rescind can be made after the time for a reconsideration motion has passed; he stated further that it was his opinion that at any time a motion to rescind would be in order.

The President declared a fifteen-minute recess.

AFTER RECESS

A telegram from Senator Marcus Jensen urging reconsideration of the action striking Section 5 from the Resources article, was read and ordered filed.

A telegram from ~~Reuel~~ M. Fleming, Secretary of the Juneau Vessel Owners, expressing their view that there should be inserted in the Constitution an article setting up a commission for fisheries, was read and ordered filed.

A telegram from Louise Juhnke, Secretary of the Anchorage Chapter of the Izaak Walton League of America, asking for the inclusion of submitted fish and game management proposals in the Constitution, was read and ordered filed.

A telegram from Albert S. Davis, President, ANB Camp No. 1, Sitka, recommending a commission to govern fish and another to govern game be inserted in the Constitution, was read and ordered filed.

A memorandum from the Director of the Alaska Department of Fisheries on behalf of the Alaska Fisheries Board, submitting the Board's recommendations regarding fish and fisheries provisions in the Constitution, was read and ordered filed.

The President referred Committee Proposal No. 12 to the Committee on Engrossment and Enrollment.

Mr. Sundborg's motion to rescind action on striking Section 5 of Committee Proposal No. 8a being before the Convention, there was further debate by Mr. Coghill, Mr. V. Fishcer, Mr. McNealy, Mr. Marston, Mr. White, Mr. Smith, Mr. V. Rivers, Mr. R. Rivers, Mr. King, Mrs. Hermann and Mr. McCutcheon, after which the President declared a short recess.

AFTER RECESS

Further debate on the motion followed by Mr. Taylor and Mr. Emberg. The President then asked Mr. Sundborg to take the Chair so that he could speak on the motion. Mr. Stewart and Mr. McNees spoke on the motion. Mr. Doogan moved to recess. The motion died for lack of a second.

The President took the Chair. Mr. Sundborg closed the argument. The question being "Shall the Convention rescind its action on striking Section 5 of Committee Proposal No. 8a?", the roll was called with the following result:

- Yeas: 20 - Boswell, Coghill, Cooper, H. Fischer, Gray, Johnson, King, Knight, Laws, Lee, McNealy, Marston, Nolan, Peratrovich, Riley, Sundborg, Sweeney, VanderLéest, Walsh, and Wien
- Nays: 35 - Armstrong, Aves, Barr, Buckalew, Collins, Cross, Davis, Doogan, Emberg, V. Fischer, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Kilcher, Londborg, McCutcheon, McLaughlin, McNees, Metcalf, Nerland, Nordale, Poulsen, Reader, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Taylor, White, and Mr. President

and so the Convention did not rescind its action.

Mr. Sundborg asked unanimous consent that the Convention recess until 1:45 p.m. The following committee announcements were made: Ordinances at 1 p.m.; Style and Drafting at 1 p.m.

Mrs. Sweeney asked if it would be agreeable to release Committee Proposal No. 14 from the Engrossment and Enrollment Committee without the boundary descriptions. Mr. Hellenthal stated he had no objection.

Mrs. Sweeney asked unanimous consent for the adoption of the report of the Committee on Engrossment and Enrollment as to Committee Proposal No. 14 being correctly engrossed and the first enrolled copy correctly enrolled. There being no objection, it was so ordered.

McNealy, Marston, Nerland, Nordale, R. Rivers, Rosswog, Smith, Stewart, Sundborg, White, Wien, and Mr. President

Nays: 22 - Armstrong, Barr, Coghill, Cooper, Davis, Doogan, H. Fischer, Hinckel, Johnson, Lee, Londborg, McCutcheon, McNees, Metcalf, Nolan, Peratrovich, Poulsen, Reader, V. Rivers, Sweeney, Taylor, and Walsh

Absent: 3 - Riley, Robertson and VanderLeest

and so the amendment was adopted.

Mr. McNealy moved the adoption of the following committee amendment:

Strike Section 2.

Mr. Barr seconded. After discussion by Mr. McNealy and Mr. Barr, the question was called. On voice vote the amendment was adopted.

Mr. Smith announced that he had an amendment to insert a new Section 2.

The President asked if the Chairman of the Committee on Ordinances had any more amendments.

Mr. McNealy moved the adoption of the following committee amendment:

Strike Section 3.

Mr. Buckalew seconded. Mr. McNealy asked unanimous consent. There being no objection to the amendment, it was ordered adopted.

The President declared a short recess so that the Committee on Ordinances could discuss the proposed amendment.

AFTER RECESS

Mr. Smith moved the adoption of the following amendment:

"Section 2. All provisions of the Act admitting Alaska to the Union which reserves rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property made to Alaska, are consented to fully by the State of Alaska and its people."

Mr. Johnson seconded.

After discussion by Mr. Smith and Mr. McCutcheon, Mr. White asked to have the amendment held over until later.

The President announced that the Ordinance Committee had scheduled a talk by Mr. George H. Lehleitner before the Convention at 7 p.m. this date.

After discussion about having a longer time for committee meetings, Mr. Sundborg withdrew his unanimous consent request and asked unanimous consent that the Convention recess until 7 p.m.

Mr. McNealy asked unanimous consent to revert to the introduction of Committee reports. There being no objection, it was so ordered.

Committee Proposal No. 17 by the Committee on Ordinances and Transitional Measures, entitled SCHEDULE was introduced, read the first time and referred to the Committee on Rules for assignment to the calendar.

Mr. R. Rivers asked unanimous consent that the Convention stand at recess until 7 p.m. There being no objection, it was so ordered.

AFTER RECESS

The President introduced Mr. George H. Lehleitner of New Orleans, Louisiana, as a strong supporter of statehood for both Alaska and Hawaii who has worked unselfishly spending his efforts to further the cause of statehood for the two territories. Mr. Lehleitner spoke to the delegates on the "Tennessee Plan".

At the conclusion of his talk the President declared a ten-minute recess.

AFTER RECESS

Committee Proposal No. 16 was read the second time.

Mr. McNealy gave a brief explanation of the proposal.

Mr. McNealy moved the adoption of the following committee amendment:

Section 1, page 2, line 11, strike semicolon, insert a period and strike the balance of the section.

Mr. R. Rivers asked unanimous consent for the adoption of the amendment. Mr. McCutcheon objected. Mr. Buckalew seconded. After discussion by Mr. McNealy, Mr. McCutcheon, Mr. Hellenthal, Mr. Hinckel, Mr. Buckalew, Mr. McNees, Mr. V. Rivers and Mr. R. Rivers, Mr. McNealy closed the argument. The roll was called with the following result:

Yeas: 30 - Awes, Boswell, Buckalew, Collins, Cross, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hurley, Kilcher, King, Knight, Laws, McLaughlin,

After Mr. Buckalew, Mr. McLaughlin, Mr. Hellenthal and Mr. Lee spoke, Mr. Kilcher requested a short recess. There being no objection, it was so ordered.

AFTER RECESS

Mr. McLaughlin asked unanimous consent that consideration of the amendment be held over for at least twenty-four hours. There being no objection, it was so ordered.

Mr. Emberg requested copies of the amendment be furnished all delegates. There being no objection, it was so ordered.

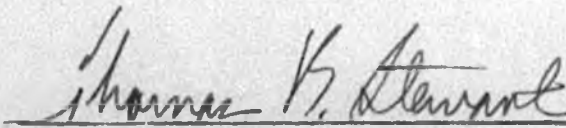
Mr. Johnson moved that the Convention adjourn until 9 a.m., Tuesday.

Mr. Sundborg asked unanimous consent to revert to committee reports. There being no objection, it was so ordered.

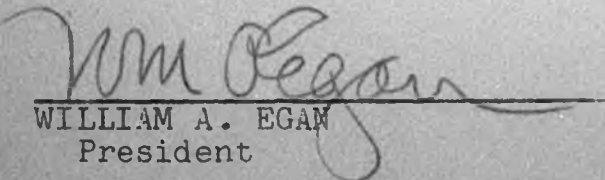
Mr. Sundborg submitted on behalf of the Committee on Style and Drafting their reports on C.P. #1 and C.P. #3, the articles on Suffrage and Elections, and Initiative, Referendum and Recall. The reports were referred to the Rules Committee for assignment to the calendar.

Mr. Hellenthal reported the descriptions of the election districts as a supplement to C.P. #14. The report was referred to the Committee on Rules for assignment to the calendar.

Mrs. Sweeney moved and asked unanimous consent that the Convention adjourn until 9 a.m., Tuesday. There being no objection, the Convention adjourned at 9:30 p.m. until 9 a.m., Tuesday morning.


THOMAS B. STEWART
Secretary

Attested:


WILLIAM A. EGAN
President