

Constitutional Convention
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ALASKA CONSTITUTIONAL CONVENTION

JOURNAL FOR THE SEVENTIETH CONVENTION DAY, Tuesday, January 31, 1956

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

Mr. Robertson asked that the prayer by the Chaplain be given in honor of the memory of General John R. Noyes, the Adjutant General of the Alaska National Guard, who died the previous day in Nome as the result of injuries sustained in a plane crash while on national guard business.

Chaplain Henderson of Ladd Air Force Base delivered the following Invocation:

"Let us pray:

Our heavenly Father, remembering that in all occasions of life Thou hast told us to come unto Thee in prayer, on this day we would pause to honor and pay tribute to one who has served loyally in this Territory. We would pause for a moment of silence in honor and memory of General Noyes. Bless, O God, our Heavenly Father, all who are serving Thee and serving our country and this Territory. Bless these members of the convention in the progress they have made and in their duties, of which the completion is now near at hand, that in all things Thy divine guidance may be evidenced.

Through Christ, our Lord, Amen."

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

Mr. Sundborg reported back to the Convention the Style and Drafting report on Article XV, the Apportionment Schedule; Article XV was referred to the Rules Committee for assignment to the calendar.

The Resolution "Friendly Relations with Canada" was read the second time. Mr. Marston asked unanimous consent to withdraw the Resolution "Friendly Relations with Canada" so that he could offer a substitute. There being no objection, it was so ordered.

Mr. Marston introduced the following resolution:

70th Day, Tuesday, Jan. 31, 1956

"WHEREAS, Alaskans and the people across the border in Canada have long been neighbors in the fullest sense of the word;

WHEREAS, the development of Alaska will increase the matters of common interest to the people of Alaska and their neighbors in Canada;

WHEREAS, the delegates of the Alaska Constitutional Convention keenly appreciate and desire to perpetuate the mutual feeling of affection and respect which has characterized the relationship of the people of Canada and the United States:

NOW THEREFORE BE IT RESOLVED by the Alaska Constitutional Convention:

1. That the Convention express the sincere hope that the people and government of Alaska under statehood will have the same friendly and mutually helpful relationship with their neighbors in Canada in the future as they have had in the past.
2. That the President of the Convention arrange for the wide dissemination of this resolution in Alaska and that he send copies to the President of the United States and the Secretary of State with the request that copies be forwarded to the Government of Canada for the information of the people of Canada, particularly those in British Columbia, Alberta, and the Yukon Territory."

The resolution was read the first time.

Mr. Marston asked that the rules be suspended and the resolution be advanced to second reading. There being no objection, it was so ordered. The Resolution entitled "Friendly Relations with Canada" was read the second time.

Mr. Marston asked that the rules be suspended, that the resolution be advanced to third reading, read by resolve only and put upon final passage. Mrs. Hermann objected. Mr. Marston so moved. Mrs. Fischer seconded. Mrs. Hermann stated that her objection was based on the fact that she thought the resolution should be referred to the Committee on Style and Drafting prior to final adoption.

The President stated that the resolution could be referred to the Committee on Style and Drafting after third reading.

The question being, "Shall the Rules be suspended?", the roll was called with the following result:

Yeas: 34 - Armstrong, Awes, Boswell, Buckalew, Coghill, Collins, Cross, Doogan, H. Fischer, Harris, Hellenthal, Hilscher, Hurley, Kilcher, King, Lee, Londborg, McCutcheon, McNees, Marston, Nerland, Nolan, Peratrovich, Poulsen, Riley, V. Rivers, Robertson, Rosswog, Smith, Stewart, Taylor, VanderLeest, Walsh, and Mr. President

Nays: 14 - Barr, Cooper, Emberg, Gray, Hermann, Hinckel, Knight, Laws, Metcalf, Reader, R. Rivers, Sweeney, White, and Wien

Absent: 7 - Davis, V. Fischer, Johnson, McLaughlin, McNealy, Nordale, and Sundborg

and so the rules were not suspended.

Mr. Hurley moved that the resolution be submitted to the Committee on Style and Drafting.

Mr. Marston asked if he could speak on the resolution.

Mr. Buckalew asked whether another attempt could be made to suspend the rules.

The President stated that the question had been considered, but that if there was no objection, Mr. Marston could speak on the resolution. There being no objection, Mr. Marston spoke on the resolution.

The resolution was referred to the Committee on Style and Drafting for a report.

The report of the Committee on Style and Drafting on Article XV, the Apportionment Schedule was read.

At the suggestion of Mr. Stewart, Mr. Sundborg asked unanimous consent for the adoption of the following amendment to Article XV:

Election District No. 24, the second line be changed to read "at the Bering Sea" instead of "of the Bering Sea".

There being no objection, it was so ordered.

At the suggestion of Mr. Cross, Mr. Sundborg asked unanimous consent for the adoption of the following amendment to Election Districts #22 and #23:

Change "Good Hope" to a single word "Goodhope".

There being no objection, it was so ordered.

At the suggestion of Mr. Coghill, Mr. Sundborg asked unanimous consent for the adoption of the following amendment to Election District No. 18:

After the words "Clear Creek" insert "near Blair Lakes."

There being no objection, it was so ordered.

At the suggestion of Mr. Cross, Mr. Sundborg asked unanimous consent that the word "Chamisso" be deleted from Election District No. 23. There being no objection, it was so ordered.

Mr. Peratrovich questioned the spelling of Suemez in Election District No. 1.

Mr. Sundborg asked unanimous consent that if it is discovered the spelling of Suemez was incorrect, that the Committee on Style and Drafting be authorized to correct it before it goes into the constitution. There being no objection, it was so ordered.

Mr. Gray asked for the privilege of the floor.

Mr. Gray asked for a five-minute recess to meet with delegates interested to be certain the community of Hoonah was in the right election district. Mr. Hellenthal suggested that the problem of Livengood be considered at the same time.

AFTER RECESS

Mr. Gray reported that there was no problem as concerned Hoonah, that the delegates had agreed it was in the correct district.

Mr. Kilcher raised a question as to Election District No. 12.

The President declared a short recess.

AFTER RECESS

At the request of the Chairman of the Apportionment Committee and Mr. Kilcher, Mr. Sundborg asked unanimous consent for the adoption of the following amendment to Election District No. 12:

Insert a semicolon after "Russian Rivers".

There being no objection, it was so ordered.

Mr. Sundborg asked unanimous consent for the adoption of the following committee amendments to Election Districts No. 16 and 23:

Change "Saint" to "St."

There being no objection, it was so ordered.

Mr. Sundborg asked unanimous consent that the report of the Committee on Style and Drafting on Article XV be accepted and that the amendments made in the article be adopted. There being no objection, it was so ordered.

Mr. Sundborg asked unanimous consent that the rules be suspended, that Article XV, Apportionment Schedule, be advanced to third reading, read by title only and placed on final passage. There being no objection, the rules were suspended.

Article XV was read the third time.

The question being, "Shall Article XV, Apportionment Schedule, be adopted as part of Alaska's State Constitution?", the roll was called with the following result:

Yeas: 48 - Armstrong, Awes, 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, Londborg, McLaughlin, McNees, Marston, Metcalf, Nerland, Peratrovich, Poulsen, Reader, Riley, R. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, and Mr. President

Nays: 5 - Barr, McCutcheon, Nolan, V. Rivers, and Robertson

Absent: 2 - McNealy and Nordale

and so the article was adopted.

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

Mr. Sundborg reported the portion of Article XIV containing the Alaska-Tennessee Plan which had been referred to the Committee on Style and Drafting to make changes in language. The work had been done by the Ordinance Committee meeting with the Style and Drafting Committee.

The report of the Committee on Style and Drafting as to the Alaska-Tennessee Plan was read.

Mr. Sundborg asked unanimous consent for the adoption of the following committee amendments:

Insert parenthesis around Alaska-Tennessee Plan on lines 10 and 11 of page 1. Page 4, line 14, strike the word "of".

After discussion of subsection (10), Mr. V. Fischer suggested that on line 18 the word "in" be changed to "after", and asked unanimous consent for a short recess. There being no objection, it was so ordered.

AFTER RECESS

Mr. V. Fischer requested on behalf of the Committee on Style and Drafting unanimous consent for the adoption of the following amendment:

Subsection 10, line 18, change "in" to "after".

There being no objection, it was so ordered.

Mr. Kilcher asked a question concerning subsection (9).

Mr. Rosswog spoke on a point of personal privilege.

Mr. Rosswog moved that Committee Proposal No. 17c, revised, not be a part of the constitution.

The President stated that it would take a suspension of the rules.

Mr. Rosswog moved to strike subsection 1 of C. P. 17c, revised.

The President declared a short recess.

AFTER RECESS

Mr. Rosswog asked unanimous consent to withdraw his motion. There being no objection, it was so ordered.

Mr. Rosswog moved that Section 29--the Alaska-Tennessee Plan--of C. P. 17c, revised, be stricken. Mr. Cooper seconded.

After Mr. Rosswog spoke on his motion, Mrs. Hermann rose to speak on a matter of personal privilege to invite all the delegates to have coffee and cake in honor of the birthday of the youngest member of the convention--Mr. Harris.

Mrs. Hermann asked unanimous consent that the Convention recess until 4 p.m. There being no objection, it was so ordered.

AFTER RECESS

An invitation from the Department of History and Political Science to an informal coffee hour at 3:30, Thursday, February 2, 1956, was read. ^{1 p.m.}

Mrs. Sweeney moved and asked unanimous consent that the Convention accept the invitation. There being no objection, it was so ordered.

The motion to strike Section 29 of C. P. 17c, revised, being before the Convention, Mr. White, Mr. Smith, Mr. V. Rivers, Mr. McNees, Mr. Coghill, Mr. Londborg, Mr. Kilcher, Mr. Davis, Mr. Barr and Mr. Armstrong spoke on the amendment. Mr. Rosswog closed the argument. The question being, "Shall the amendment of Mr. Rosswog be adopted?" the roll was called with the following result:

Yeas: 6 - Coghill, Laws, Londborg, Reader, Robertson,
and Rosswog

Nays: 48 - Armstrong, Awes, Barr, Boswell, Buckalew, Collins,
Cooper, Cross, Davis, Doogan, Emberg, H. Fischer,
V. Fischer, Gray, Harris, Hellenthal, Hermann,
Hilscher, Hinckel, Hurley, Johnson, Kilcher,
King, Knight, Lee, McCutcheon, McLaughlin,
McNealy, McNees, Marston, Metcalf, Nerland, Nolan,
Nordale, Peratrovich, Poulsen, Riley, R. Rivers,
V. Rivers, Smith, Stewart, Sundborg, Sweeney,
VanderLeest, Walsh, White, Wien, and Mr. President

Absent: 1 - Taylor

and so the amendment failed.

After further discussion of the proposal by Mr. Londborg, Mr. McLaughlin, Mr. Davis, Mr. V. Fischer, Mr. Metcalf, Mr. Harris, Mr. Coghill, C. P. No. 17c, revised, was referred to the Committee on Engrossment and Enrollment.

Mrs. Sweeney asked unanimous consent that since there were only minor changes in the proposal as presented that it be referred directly to the Committee on Style and Drafting without reference to Engrossment and Enrollment. There being no objection, it was so ordered.

Mr. V. Rivers read into the record some references to court decisions.

A letter from Mr. Olaf Halverson of Nome regarding adoption of a plan whereby a percentage of the resources could be applied for educational purposes, was read and referred to Mr. Coghill.

Mr. Johnson asked Mr. McNealy whether consideration had been given to the inclusion of the filling of vacancies in the Congress in the Alaska-Tennessee Plan. After discussion by Mr. McNealy, Mr. Sundborg, Mr. Coghill, Mrs. Nordale and Mr. Londborg, Mr. Buckalew asked unanimous consent that the Committee on Style and Drafting be authorized to take up the question raised by Mr. Johnson and to confer with the Committee on Ordinances. There being no objection, it was so ordered.

The Style and Drafting Committee report on Article VIII, Natural Resources, was considered again.

Mr. Riley asked unanimous consent for the suspension of the rules to return Article VIII to second reading for the following specific committee amendment:

Section 4, line 14, strike "conserved" and insert "maintained".

There being no objection, the rules were suspended.

Mr. Riley asked unanimous consent for the adoption of the committee amendment. Mr. Sundborg stated that the Committee on Style and Drafting did not object to the amendment. There being no objection, it was so ordered.

Mr. Riley asked unanimous consent for the suspension of the rules to return Article VIII to second reading for the following specific committee amendment:

Line 20, page 2, insert comma after first "of", insert "permits for" before "exploration", strike "permits to" and insert "of,".

There being no objection, the rules were suspended.

Mr. Riley asked unanimous consent for the adoption of the amendment. There being no objection, it was so ordered.

Mr. Riley asked unanimous consent for the suspension of the rules to return Article VIII to second reading for the following specific committee amendment:

Page 3, line 23, delete the words "and processing" and insert a period after "extraction".

There being no objection, the rules were suspended.

Mr. Riley asked unanimous consent for the adoption of the amendment. There being no objection, the amendment was adopted.

Mr. Riley asked unanimous consent for the suspension of the rules to return Article VIII to second reading for the following specific committee amendment:

Page 3, line 24, insert the word "or" before the last word on the line.

There being no objection, the rules were suspended.

Mr. Riley asked unanimous consent for the adoption of the amendment. There being no objection, the amendment was adopted.

Mr. Riley asked unanimous consent for the suspension of the rules to return Article VIII to second reading for the following specific committee amendment:

Page 4, line 4, strike the sentence beginning "The granting of deeds, etc." and insert in lieu thereof the following:

"Discovery and appropriation shall initiate a right, subject to further requirements of law, to patent of mineral lands if authorized by the state and not prohibited by Congress."

There being no objection, the rules were suspended.

Mr. Riley asked unanimous consent for the adoption of the amendment. There being no objection, the amendment was adopted.

Mr. Riley asked unanimous consent for the suspension of the rules to return Article VIII to second reading for the following specific committee amendment:

Section 13, line 2 of page 5, strike the period and insert a comma and add the following "and to the general reservation of fish and wildlife."

There being no objection, the rules were suspended.

Mr. Riley asked unanimous consent for the adoption of the amendment. Questions were asked of Mr. Riley by Mr. Kilcher, Mr. Hellenthal, Mr. Rosswog, Mr. Hurley and Mr. Kilcher. There being no objection, the amendment was ordered adopted.

Mr. Riley reported that the committee wished to go on record for the retention of Section 19.

Mr. Johnson asked unanimous consent for the suspension of the rules to return Article VIII to second reading for the following specific amendment:

Add new Section: "Regulation and administration of wildlife, including game fish, shall be delegated to a commission under such terms as the legislature shall prescribe."

Mr. Buckalew objected. Mr. Johnson so moved. Mr. Knight seconded. The question being, "Shall the rules be suspended?", the roll was called with the following result:

Yeas: 18 - Armstrong, Boswell, Coghill, Cooper, Davis, H. Fischer, Hurley, Johnson, King, Knight, Laws, Londborg, McNealy, Marston, Metcalf, Nolan, Peratrovich, and Sweeney

Nays: 36 - Awes, Barr, Buckalew, Collins, Cross, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Kilcher, Lee, McCutcheon, McLaughlin, McNees, Nerland, Nordale, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, VanderLeest, Walsh, White, Wien, and Mr. President

Absent: 1 - Taylor

and so the rules were not suspended.

Mr. Smith asked unanimous consent that the rules be suspended, that Article VIII, Natural Resources, be advanced to third reading, read by title only and put upon final passage. There being no objection, the rules were suspended.

Article VIII, Natural Resources, was read the third time.

After debate by Mr. Hurley, Mr. Marston, Mr. White, Mr. Johnson, Mr. Boswell, Mr. Smith and Mr. V. Rivers, Mr. Buckalew moved the previous question. Mr. Collins seconded. On voice vote, the previous question was ordered.

The question being, "Shall Article VIII, Natural Resources, be adopted as part of Alaska's State Constitution?", the roll was called with the following result:

Yeas: 53 - 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, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers,

Robertson, Rosswog, Smith, Stewart, Sundborg,
Sweeney, Walsh, White, Wien, and Mr. President

Nays: 0 -

Absent: 2 - Taylor and VanderLeest

and so the article was adopted.

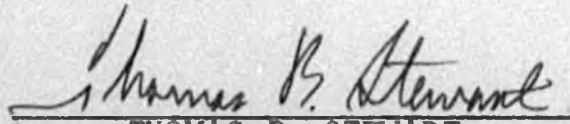
Mr. Sundborg requested a one-minute recess. There being no objection, it was so ordered.

AFTER RECESS

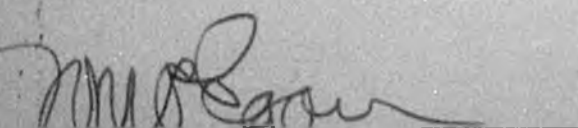
The President stated that in his opinion, it might be better to adjourn at this time until 9 a.m. and possibly work until noon Wednesday and then adjourn so that the committees could work in the afternoon.

Mr. Johnson stated that in view of the statement of the President, he asked unanimous consent that the Convention adjourn until 9 a.m. Wednesday. The following announcements were made: Style and Drafting on adjournment; Administration Wednesday afternoon; Ordinances on adjournment.

There being no objection to the unanimous consent request, the Convention adjourned at 6 p.m. until 9 a.m. Wednesday.


THOMAS B. STEWART
Secretary

Attested:


WILLIAM A. EGAN
President