

Constitutional Convention
Journal/59
Approved Feb. 6, 1956

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL FOR THE SEVENTY-FIRST CONVENTION DAY, Wednesday, February 1, 1956

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

The Invocation was given by Chaplain Henry Foss of Ladd Air Force Base.

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

A telegram from Governor Averill Harriman of New York, expressing regrets at not being able to attend the signing of the Constitution and promising continued support for Alaska Statehood, was read and ordered filed.

Mr. McNealy introduced on behalf of the Committee on Ordinances and Transitional Measures a resolution entitled ORDERLY TRANSITION FROM TERRITORIAL TO STATEHOOD STATUS. The resolution was read for the first time.

Mr. V. Rivers asked unanimous consent that the rules be suspended and the resolution placed on the calendar in second reading. There being no objection, it was so ordered.

The resolution entitled ORDERLY TRANSITION FROM TERRITORIAL TO STATEHOOD STATUS was read the second time.

Mr. Stewart asked unanimous consent that "S.B. 50" be changed to "S.B. 49". There being no objection, it was so ordered.

Mr. Hellenthal asked whether resolutions will be appended to the constitution.

Mr. V. Rivers stated he understood the resolutions would be an appendix to the printed constitution.

Mrs. Sweeney suggested that the Committee on Engrossment and Enrollment be bypassed in referring the resolution to committee.

The President referred the resolution "Orderly Transition from Territorial to Statehood Status" to the Committee on Style and Drafting.

71st Day, Wednesday, Feb. 1, 1956

Mr. Sundborg submitted the report of the Committee on Style and Drafting on the first twenty-four sections of Article XIV, the Schedule, and Section 25, the Alaska-Tennessee Plan of the Schedule.

The report of the Committee on Style and Drafting on Section 25 of Article XIV was read.

Mr. Sundborg asked unanimous consent that the spelling of the word "provided" on page 3, lines 2 and 3, be corrected. There being no objection, it was so ordered.

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

Section 9, page 3, line 24, strike "in" after the word "occurring" and insert the word "after".

There being no objection, the amendment was ordered adopted.

Mr. White inquired regarding a section regarding vacancies which had been referred to the Committee on Style and Drafting and Ordinances to draft. This was concurred in by Mr. Buckalew who had made the motion.

Mr. Sundborg stated that the Committee had overlooked the request and would take care of it during the next recess.

Mr. V. Rivers called attention to the enacting clause of the schedule.

The President declared a short recess.

AFTER RECESS

Mr. McNealy moved and asked unanimous consent that the rules of the Convention concerning the resolve clause be amended with respect to the schedule to the constitution so that it reads "resolved that the following sections be adopted as a part of the schedule of the Alaska State Constitution" rather than the phrase used in Article XIV.

Mr. Riley stated that Mr. McNealy's suggestion paralleled the thinking of the Rules Committee and the Committee had prepared a rule to cover the question raised by Mr. V. Rivers.

Mr. McNealy withdrew his unanimous consent request, so that Mr. Riley could present the following new rule:

For purpose of schedule, ordinances and transitional measures the enacting clause shall be "Resolved that the following be agreed upon as part of the Schedule appended to the Alaska State Constitution."

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

Mr. Sundborg asked unanimous consent that in the schedule being considered, Article XIV, Section 25, the enacting clause be amended as follows:

Strike the "a" before the word "part", strike the word "of" after "schedule" and insert "appended to"; strike the word "sections" on the first line and delete the word "adopted" and insert the words "agreed upon".

There being no objection, it was so ordered.

Mr. Sundborg asked for a recess so that the Committee on Style and Drafting and Ordinances could meet to take care of the matter of vacancies.

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

The President declared a recess of twenty minutes.

AFTER RECESS

Mrs. Sweeney reported that the Committee on Engrossment and Enrollment, to whom had been referred Committee Proposal No. 17a, had found it correctly engrossed and the first enrolled copy correctly enrolled. Mrs. Sweeney asked unanimous consent for the adoption of the report. There being no objection, it was so ordered.

Mr. Sundborg asked that the rules be suspended; that Section 25 of Article XIV be returned to second reading for the purpose of the following specific committee amendment:

Section 4, page 2, line 19, at the end of the line add a new sentence as follows: "Any vacancy in these offices may be filled as prescribed by law."

There being no objection the rules were suspended.

Mr. Cooper suggested the use of "shall" instead of "may".

Mr. Sundborg stated that he would agree on behalf of the committee to the change.

Mr. Cooper moved that the word "shall" be used instead of "may" in Mr. Sundborg's amendment.

The President stated that Mr. Sundborg's amendment would have to be adopted prior to action on Mr. Cooper's amendment.

Mr. Sundborg moved the adoption of the amendment. Mrs. Hermann seconded. Mr. Sundborg renewed his unanimous consent request for the adoption of the amendment. There being no objection, the amendment was ordered adopted.

Mr. Cooper moved the adoption of the following amendment to the amendment:

Strike the word "may" and substitute the word "shall".

Mr. Kilcher seconded.

Mr. Johnson rose to a point of order to state that it would require a suspension of the rules.

Mr. Sundborg asked unanimous consent that the rules be suspended and Section 25, Article XIV, be returned to second reading for Mr. Cooper's amendment. There being no objection, the rules were suspended.

Mr. Cooper moved the adoption of the amendment. Mr. Kilcher seconded. After Mr. Kilcher and Mr. Cooper spoke, Mr. Sundborg asked unanimous consent for the adoption of the amendment. There being no objection, the amendment was ordered adopted.

Mr. Sundborg asked unanimous consent for the suspension of the rules to return Section 25 of Article XIV to second reading for the purpose of the following specific Style and Drafting amendment:

Section 1, page 1, line 9, strike the word "separate".

Mr. Hellenthal objected. Mr. Sundborg so moved. Mrs. Hermann seconded.

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

Yeas: 42 - Armstrong, Awes, Barr, Boswell, Buckalew, Collins, Cooper, Cross, Davis, Emberg, H. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Lee, Londborg, McLaughlin, McNealy, McNees, Metcalf, Nerland, Nordale, Riley, V. Rivers, Robertson, Smith, Stewart, Sundborg, Sweeney, VanderLeest, Walsh, White, Wien, and Mr. President

Nays: 7 - Laws, McCutcheon, Nolan, Poulsen, Reader, Rosswog, and Taylor

Absent: 6 - Coghill, Doogan, V. Fischer, Marston, Peratrovich, and R. Rivers

and so the rules were suspended.

Mr. Sundborg moved and asked unanimous consent for the adoption of the amendment. Mr. Kilcher seconded. On voice vote the amendment was ordered adopted.

Mr. Sundborg asked unanimous consent that the rules be suspended, that Section 25 of Article XIV be advanced to third reading, read by title only and placed upon final passage.

Since the report had not been adopted, Mr. Sundborg withdrew his request for unanimous consent.

Mr. Sundborg asked unanimous consent that the report of the Style and Drafting Committee on Section 25 of Article XIV be accepted and the amendments therein be adopted. There being no objection, the report was ordered accepted and the amendments adopted.

Mr. Sundborg asked unanimous consent that the rules be suspended, that Section 25 of Article XIV, the Alaska-Tennessee Plan, be advanced to third reading and placed on final passage. There being no objection, the rules were suspended.

Section 25 of Article XIV, the Alaska-Tennessee Plan, was read the third time.

After discussion by Mr. Londborg, Mr. Nolan, Mr. McNealy, Mr. Davis, Mr. Sundborg, Mr. Cooper, Mr. Marston and Mr. Rosswog, Mr. Cooper requested a recess. Mr. McNees asked that the Administration Committee meet during recess. Mr. McLaughlin moved the previous question. Mr. Buckalew seconded. On voice vote, the previous question was ordered.

The question being "Shall Section 25 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: 47 - Armstrong, Awes, Barr, Boswell, Buckalew, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilcher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Poulsen, Riley, V. Rivers, Robertson, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, and Mr. President

Nays: 5 - Collins, Cooper, Laws, Reader, and Rosswog

Absent: 3 - Coghill, Peratrovich, and R. Rivers

and so the section was agreed upon as part of the schedule.

The report of the Committee on Style and Drafting on Article XIV, Schedule, Sections 1 to 24, was read.

Mr. Sundborg asked unanimous consent that the enacting clause be amended as follows:

At the end of the first line add the words "the schedule appended to".

Mr. Robertson objected. Mr. Sundborg so moved. Mr. V. Rivers seconded.

Mr. V. Rivers rose to a point of order to state a rule had just been adopted changing the enacting clause on the schedule. After questioning Mr. Riley, Mr. Robertson withdrew his objection. There being no objection, the amendment was ordered adopted.

After discussion and questions by the delegates, Mr. Sundborg stated that the Committee would have an amendment to Section 11 and requested a five-minute recess. There being no objection, the Convention recessed.

AFTER RECESS

Mr. Sundborg stated that the amendment to Section 11 contains several sentences and would be mimeographed.

Mr. Sundborg asked unanimous consent that the report of the Style and Drafting Committee as to the first 24 sections of Article XIV be accepted and the amendments therein be adopted.

Mr. V. Rivers objected temporarily. Mr. V. Rivers withdrew his objection.

There being no further objections, the report was ordered accepted and the amendments contained therein ordered adopted.

Mr. Johnson moved and asked unanimous consent for the suspension of the rules to submit the following specific amendment:

Section 21, page 7, line 13, after the first "the" add "superior court and the". Line 14, strike the word "once" and insert the following: "After the initial vacancies on the superior and supreme court are filled"; Line 15, strike the comma and insert the word "and".

There being no objection, the rules were suspended.

Mr. Johnson moved the adoption of the amendment. Mr. Robertson seconded. After questions from Mr. Hellenthal and Mr. White, Mr. McLaughlin requested a short recess. There being no objection, it was so ordered.

AFTER RECESS

Mr. Johnson made a parliamentary inquiry as to whether under the suspension of the rules he could offer an amendment to the amendment.

The President stated that this would not be possible, but that with unanimous consent he could ask for further suspension of the rules.

Mr. Johnson asked unanimous consent to suspend the rules to offer an amendment to the amendment. There being no objection, the rules were suspended. Mr. Johnson asked unanimous consent for the adoption of the following amendment to the amendment:

Delete from the amendment the reference to line 15 and substitute the following: line 15, strike the words "is appointed, he".

There being no objection, the amendment to the amendment was adopted.

There being no objection the amended amendment was adopted.

The President stated he had neglected to refer Committee Proposal No. 17a after the report of the Committee on Engrossment and Enrollment. Committee Proposal No. 17a was referred to the Committee on Style and Drafting.

Mr. Sundborg asked unanimous consent for the suspension of the rules to return Article XIV, Sections 1 to 24 to second reading for the purpose of the following specific committee amendment:

Section 11, page 3, line 14, strike "in substance" and all of line 15, and insert "will be separate from the ballot on which candidates in the primary election are listed. Each of the propositions offered by the Alaska Constitutional Convention shall be set forth separately, but on the same ballot form. The first proposition shall be as follows: "

There being no objection, the rules were suspended.

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

Mr. Johnson moved that the Convention recess until 1:30 p.m. Mr. Sundborg objected. Mr. Barr seconded. Mr. McNealy announced a meeting of the Committee on Ordinances on recess.

Mr. Sundborg announced that the Committee on Style and Drafting would have no reports for the Convention until Thursday.

On voice vote the motion failed and the Convention remained in session.

Mr. Sundborg asked unanimous consent that the rules be suspended and that the first twenty-four sections of Article XIV be advanced to third reading, be read by title only and placed on final passage. There being no objection, the rules were suspended.

Article XIV, was read the third time.

Mr. V. Rivers asked whether it was the understanding that all the matters in the schedule are subject to change by the legislature and by referendum. The President stated that in the opinion of the Chair, that was so.

Mr. Sundborg asked if the provisions of the schedule were self-executing and subject to being changed by the legislature.

The President stated that in his mind they would be self-executing and subject to change by law. He further stated that in his opinion the schedule was not bound by the constitutional provisions as are the provisions of the constitution.

Mr. Riley stated that Mr. V. Rivers asked whether the Convention understood the situation as he described it in relation to the schedule, but that the President had said in replying "in the opinion of the Chair" Mr. V. Rivers was correct.

The question being "shall the first twenty-four sections ^{of Article XIV} be agreed upon as part of the Alaska State Constitution?", the roll was called with the following result:

Yeas: 51 - 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, Poulsen, Reader, Riley, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, and Mr. President

Nays: 2 - Laws and Robertson

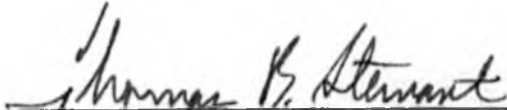
Absent: 2 - Peratrovich and R. Rivers

and so the schedule was agreed upon as part of the constitution.

Mr. Sundborg asked unanimous consent that the Convention adjourn until 1:30 p.m., Thursday.

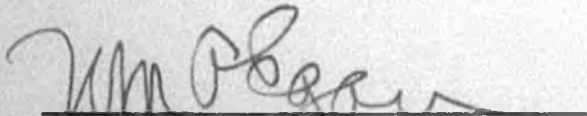
Mr. Coghill announced a meeting of the Committee on Administration at 5 p.m. at the Polaris Apt. 1012. Mr. McNealy announced a meeting of the Ordinances Committee on adjournment. Mr. Sundborg announced a meeting of the Committee on Style and Drafting at 1:30 p.m.

There being no objection to the unanimous consent request, the Convention adjourned at 12:30 p.m. until 1:30 p.m., Thursday.



THOMAS B. STEWART
Secretary

Attested:



WILLIAM A. EGAN
President