

ALASKA CONSTITUTIONAL CONVENTION

December 16, 1955

THIRTY-NINTH DAY

PRESIDENT EGAN: The Convention will come to order. We have with us this morning the Reverend Victor Alfsen of the Presbyterian Church of Fairbanks. Reverend Alfsen will give our daily invocation.

REV. ALFSEN: Let us pray. Almighty God Who does hold us to account for the use and the abuse of our powers and privileges, grant we pray Thee to these delegates this day integrity of purpose and unfailing devotion to the cause of righteousness for Thy name's sake. Amen.

PRESIDENT EGAN: The Chief Clerk will call the roll.

(The Chief Clerk called the roll at this time.)

CHIEF CLERK: Three absent.

PRESIDENT EGAN: A quorum is present. The Convention will proceed with its regular order of business. Does the special committee to read the journal have a report to make today?

DOOGAN: I ask that it be deferred until tomorrow.

PRESIDENT EGAN: If there is no objection the report will be deferred until tomorrow. Are there any petitions or communications from outside the Convention? The Chair would like to state that Reverend Armstrong will have a set of 50 pictures. They will be available for the delegates if you will give your name to Mr. Dave Brown, Mr. Armstrong could arrange to have these pictures kept for you. The Chief Clerk will proceed with the communication.

CHIEF CLERK: Letter from Ron Nerland, Co-chairman of the Dance Committee at College, Business Administration Fraternity, the Christmas dance to be held Friday, December 16, immediately following the Christmas music program, an invitation for the delegates to attend.

PRESIDENT EGAN: That is tonight, is it not?

CHIEF CLERK: Yes.

PRESIDENT EGAN: The communication may be filed. Are there other communications?

CHIEF CLERK: I have none.

PRESIDENT EGAN: Are there any reports of standing committees? Mr. Rosswog.

ROSSWOG: Mr. Chairman, I would like to report for the Local Government Committee that we have completed our proposed section of the constitution and it was approved by all members of our committee. The report is being prepared and as soon as it is mimeographed we will have it ready to present to the Convention. We intend to continue work as a Committee or as members of the Committee with Mr. Cooper as long as he is here, and we hope to have this in not later than Monday morning.

PRESIDENT EGAN: Thank you, Mr. Rosswog. Are there other committee reports? If not, are there any proposals to be introduced at this time? Are there any motions or resolutions? Mr. Sundborg.

SUNDBORG: Mr. President, I move and ask unanimous consent that we recess for ten minutes for the purpose of allowing the committees which will be holding hearings in cities throughout Alaska to organize and to send out letters or telegrams to the places of those hearings in an attempt to establish time and place of the hearings.

PRESIDENT EGAN: If there is no objection the Convention will stand at recess for ten minutes in order that the suggestions as made by Mr. Sundborg can be accomplished. The Convention is at recess.

RECESS

PRESIDENT EGAN: The Convention will come to order. The Chair would like to announce that there will be a meeting of committee chairmen at 12:30 in the luncheon room off the main dining room. The Chair would also like to request that all amendments be presented to the Chief Clerk's desk in writing. In other words, if you are about to offer an amendment please put it in writing or call for a brief enough time that you can put it in writing. Is there other unfinished business? Mr. Rosswog?

ROSSWOG: Mr. Chairman, referring to reports of committees, there will be a meeting of the Rules Committee at noon. We will get together on a time.

PRESIDENT EGAN: There will be a meeting of the Rules Committee at noon. Mr. Smith.

SMITH: Mr. President, unless something intervenes, the Resources Committee will hold a luncheon meeting in the cafeteria.

SUNDBORG: Mr. President, I call your attention to the large chart at the front right corner of the room which was prepared by a subcommittee of the Committee on Style and Drafting of which Mr. Hurley was the chairman. In fact, I think Mr.

Hurley in person did the painting, and I don't understand it completely myself. I wonder if we could have unanimous consent for him to just briefly describe what that chart is about.

HURLEY: Mr. President, I disclaim any right to having painted it. I don't paint that well. The chart was asked for or suggested by the Style and Drafting Committee and by others as a sort of scheduling and picture in one look as to where the Convention stood in its various proposals. It was simply intended to represent the location of any particular proposal at any particular time, at least by weeks. I hope that the thing is reasonably self-explanatory. It is not completely filled in as to our present status. We have not had time to. I simply peg those on to demonstrate that the Judiciary Committee has had its first and second reading but has not been completed. The black cards represent being completed and the white cards represent target dates. It's not very complicated, I hope it will do some good.

PRESIDENT EGAN: The Convention will be at ease for a few minutes. Reverend Armstrong.

ARMSTRONG: I wanted to inform the delegates that these pictures will have at least 50 in the set, and what I want to do is leave a set in the Anchorage Library, one set here at the University and one at the Territorial Museum. They are not professional photography but I think they do have some interest and others will have pictures here to distribute. For the entire set I thought that \$5.00 would cover the cost of mailing and film and reproduction, and I will be glad to see that you get these if you give your name to Dave Brown, then after recess we should have the set assembled and ready for you.

MCLAUGHLIN: May I inquire of Delegate Armstrong if these pictures are acceptable in the home. (Laughter)

PRESIDENT EGAN: I am sure they are, Mr. McLaughlin. Mr. Sundborg.

SUNDBORG: Mr. President, I wonder if it would not be in order now to have reports from the Hearing Committee, that is the committees for hearings during recess, who they select for chairman in each case and what arrangements, if any, for setting hearing dates.

PRESIDENT EGAN: Are there such reports forthcoming at this time? Mr. Gray.

GRAY: Mr. President, for the benefit of the committee and for a few requests to make for the delegation, the Juneau division has planned to have a panel discussion at probably the

Senate chambers in Juneau on the 27th and 28th at 2 p.m. We are going to ask for radio participation. At least we will be able with the radio to reach out to a larger medium throughout the people of the Juneau area, and the Juneau delegation is fairly broad through the group, but we need a little help. We had a couple of voids, so we have delegated one of our members, Mr. Armstrong, to look into the finance group and be able to handle the problems of finance through Mr. Armstrong, so he will be contacting the finance group and probably Chairman Nerland, and if you can brief them up so he can be sure to answer all questions that Juneau may have on finance. The other is Local Government and we have designated Dora Sweeney to represent the Convention as far as the answers to Local Government is concerned, and I would ask Local Government to give Dora Sweeney all the inside dope as well as what you put out on the publication. Otherwise, we will have Gray in Apportionment and Robertson on Judiciary and Sweeney on Legislation and VanderLeest on Executive. Burke Riley and B. D. Stewart may or may not be on Resources, if they are in Juneau at that time, so George Sundborg is going to try to stand by on Resources which is going to be a very important committee. We may have as many as three on Resources. Armstrong will be on Bill of Rights and VanderLeest on Ordinances. I think we have a good setup for panel discussion, and I have every reason to believe that it will be worthwhile in the Juneau area.

PRESIDENT EGAN: Mr. Victor Rivers.

V. RIVERS: Mr. President, the delegation from the Anchorage area for the Third met and elected Helen Fischer President and Dorothy Awes Secretary. It was a tie vote so we flipped a coin to see who would be which. They are going to arrange meetings in Anchorage, and probably starting the 27th we will have two and maybe three days of meetings. The general idea was informal discussions with answers to questions, would be the approach.

BOSWELL: The Fairbanks delegation has elected myself Chairman, Ada Wien, Secretary, and appointed a committee consisting of George Cooper, Ralph Rivers, and James Doogan, to act as officers on arrangement. We felt that one day of hearings would suffice here because the Fairbanks people have had a good opportunity to keep up with Convention happenings, and we are setting tentative dates of the 28th or 29th, depending on what the committee can arrange for a meeting place.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Mr. President, Mr. Gray modestly neglected to state that he had been elected Chairman of the Juneau Committee.

HURLEY: Mr. President, the Palmer Committee of one elected

the Palmer Committee of one as President and Secretary, is pleased to announce that public hearings for constitutional discussions are scheduled at Wasilla on December 21, Palmer, December 29, Grange Hall, the 27th, and at the Kiwanis Luncheon on the 27th.

PRESIDENT EGAN: Mr. Smith.

SMITH: Mr. President, the committee representing the Ketchikan area will hold hearings on the 27th or 28th at a place to be named later. Mr. Smith will act as Chairman, Mr. Smith will act as Secretary, Mr. Smith will discuss all of the proposed articles, and in view of the duties involved I am sure that Mr. Smith will be rather confused when it is all over.

HINCKEL: I erroneously informed the President that the Kodiak hearing would be on the 24th. It is on the 22nd, a Thursday afternoon at the Elks Club, the Elks Club being the only hall in Kodiak that is of adequate size. I wrote over there asking that the Chamber of Commerce arrange the hearing and they showed enough interest so they phoned me back so I expect that I will have considerable interest and quite a group there. Of course I will be along with Bo Smith I will probably be completely confused too. I hope I can gather enough information so I can answer some questions anyway.

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: Mr. President, the Nome delegation consisting of Mr. McNees and myself has elected Mr. McNees President though he does not know it yet, and Mrs. Hermann Secretary, and we will hold meetings beginning on the 28th of December and continuing until they run us out of town. We don't know whether they will do it or not, but we do know there is a little bit of unhappiness in Nome that we hope to overcome, and we are going to have to do all of this various committee work ourselves, and like Mr. Smith, I am sure we are going to be very much confused, but I do hope that we will have available to us before we leave for the recess, reports and committee proposals from all the committees so that we can spend one week boning up on what has been suggested and having it ready for presentation after we start the hearings on the 28th of December. And I am sorry Mr. McNees is not here today because I would like to have him report any other plans he may have made. We also have made arrangements to speak before various local groups like the Chamber of Commerce and the Womens Club, organizations of that sort, and I know of course a whole lot is going to depend on what brand of weather Nome turns loose on us at that time. We hope to get the whole town interested at least and have their viewpoints to present to the Convention when we return.

PRESIDENT EGAN: Mr. Coghill.

COGHILL: The Nenana hearing will be held in the Civic Center at 8 p.m. on the 27th. We will hold hearings for approximately two hours and have a smorgasbord and Tom-and-Jerry party afterwards, and all the delegates are very welcome to attend.

KNIGHT: Mr. President, I will do the best I can to carry the ball down at Sitka, and I am holding a special meeting on the 27th in the school auditorium. After that is all over we will adjourn to the Elks Club.

PRESIDENT EGAN: Mr. Lee.

LEE: The Petersburg delegation will hold hearings on the 27th and 28th in the high school auditorium, and I have an idea there will be other hearings conducted at the Elks Club, and if it is possible I intend to go to Kake at my own expense to hold hearings over there at some time.

PRESIDENT EGAN: Mr. Emberg.

EMBERG: Bristol Bay delegation will hold hearings at Dillingham on or about the 27th or 28th and on the way back after recess I will hold hearings at Naknek. If possible I might get down to Egegik and Ugashik if the schedule permits.

METCALF: Mr. Chairman, speaking from the Seward area, the city council chambers are available, and a tentative hearing is set for Friday, December 23. After the hearings we may adjourn to the Elks Club.

PRESIDENT EGAN: Mr. Rosswog.

ROSSWOG: Mr. Chairman, the Cordova hearings will be held on either the 27th or 28th, probably in the city hall, but possibly at the Elks Club.

PRESIDENT EGAN: Mr. Harris.

HARRIS: The Valdez hearings will be held on the 27th or 28th. It depends on when the hall is available there for our use and that will consist of President Bill Egan and myself.

PRESIDENT EGAN: The delegation will show Mr. Harris as Chairman of that. Mr. King.

KING: The Haines delegation consisting of King, Secretary, and King, President, tentatively established the 27th in Haines as a hearing. We had hoped that Mr. Riley might participate in this, but I have noticed by the former report that the Juneau delegation has stolen my right-hand man, so I will probably conduct the hearings alone.

GRAY: On account of the unusual conditions that prevail in

Southeastern, I wish to extend an invitation to the Haines and Petersburg delegates and Sitka delegation to attend our meeting in Juneau, if you are still there at that time.

PRESIDENT EGAN: Are there other delegates who wish to report? Mr. Londborg.

LONDBORG: The Unalakleet hearings will be held in the public school social room, the tentative date is the 27th.

KILCHER: I am still awaiting news from home. My wife might decide to come up here, in which case I would be unable to attend hearings in Homer. However, if this is not the case, I intend to hold hearings in the school house in Homer on the 27th.

PRESIDENT EGAN: Does anyone else wish to report? If not, we will proceed with the regular order of business which would be Committee Proposal No. 1 which is still before us. Mr. Taylor?

TAYLOR: Mr. President, day before yesterday I offered two amendments to Committee Proposal No. 1, and in my absence yesterday, the matters of these amendments have been taken care of, so I would like to withdraw.

PRESIDENT EGAN: If there is no objection, Mr. Taylor's proposed amendments will be withdrawn.

CHIEF CLERK: They were not even read. They had just been placed on my desk.

PRESIDENT EGAN: The Chair would like to announce that we have with us this morning a part of the sophomore and freshman class of the Fairbanks High School. We are very happy to have you with us and hope you enjoy the proceedings with us. We also have in the gallery, Alaska's Commissioner of Agriculture, Mr. James E. Wilson. (Applause) We are pleased to have you with us, Mr. Wilson. Are there other amendments to Committee Proposal No. 1? Are there any more amendments to the proposal? If there is no objection, the proposal -- Mr. Ralph Rivers.

R. RIVERS: Mr. President, I now suggest that this is the time for Delegate Kilcher to make his motion.

PRESIDENT EGAN: Delegate Kilcher.

KILCHER: I have not had time to prepare the motion in writing and I would like to have the privilege of postponing the matter.

PRESIDENT EGAN: If there is no objection, the matter will be postponed. If there is no objection and if there are no further amendments to Committee Proposal No. 1 it is referred to the Committee on Engrossment and Enrollment to take its regular course. We have before us then Committee Proposal No. 5 as the first proposal on the calendar. Mr. Smith.

SMITH: Mr. President, just as a matter of information, I noticed the calendar on December 13, Committee Proposal No. 1 followed by Committee Proposal No. 3 and then the calendar for December 16 has Committee Proposal No. 5 followed by No. 3. I am just a little bit confused here.

PRESIDENT EGAN: Is there an explanation for that? Mr. Davis.

DAVIS: No sir, I was wondering how that happened myself. So far as I know the Rules Committee did not meet.

SWEENEY: I am concerned about the same question.

PRESIDENT EGAN: If there is no objection the Convention will stand at recess for about two minutes.

RECESS

PRESIDENT EGAN: The Convention will come to order.

RILEY: Mr. President, I ask unanimous consent that we stand at recess for a few minutes for the Rules Committee to meet.

HELLENTHAL: Can the recess be set for a fixed time so we can leave this chamber with impunity.

PRESIDENT EGAN: If there is no objection, the Convention will stand at recess for 15 minutes. That will mean at 10:10 a.m. the Convention will convene again. The Convention is at recess.

RECESS

PRESIDENT EGAN: The Convention will come to order. .The Chair would like to ask at this time if Dennis Cook, Vice President of the Sophomore Class of the Fairbanks High School, could come forward. (Mr. Cook came forward.) (Applause) Dennis, this is the gavel that was loaned to the Convention in the early days of the Convention by the Fairbanks High School. We appreciate it very much and we hope that you will return it safely to them. (Applause)

DENNIS COOK: Thank you.

PRESIDENT EGAN: Does the Rules Committee have a report to make at this time? Mrs. Hermann.

HERMANN: Mr. President, the Rules Committee has decided to reverse the decision of the position of the proposal that is contained on the calendar for December 16 and recommends that we take up Committee Proposal No. 3 to be followed by Committee Proposal No. 5.

PRESIDENT EGAN: That would mean then that we have before us at this time Committee Proposal No. 3. Mr. Hurley.

HURLEY: Mr. President, I ask unanimous consent for a matter of personal privilege for a short moment or two. It occurs to me in our consideration of these proposals as they come before us, a great amount of time is taken up in the plenary session in amendments and discussion which could be solved by a sort of a question and answer period or perhaps a committee of the whole interrogating and answering questions of the committee itself. I don't know whether the procedure is available or what but certainly it would be more conducive to getting the facts of the thinking of the Committee if we were able to more freely ask questions of the Committee than I think that we are in the formality of the plenary session, and again as I say, I hesitate to go through the parliamentary procedures of moving that the Rules Committee change the rules or set up a rule to take care of this problem, but talking to other delegates I find they have a similar opinion and perhaps ten or fifteen minutes of panel discussion or cross examination would save us many hours in the final analysis. Perhaps it is too late to do anything now, but I bring the matter up for consideration.

PRESIDENT EGAN: Mr. Barr.

BARR: I heartily concur with Mr. Hurley in what he says. For instance, I notice one thing in this proposal that I would like to change, but when I realized how long these committees have labored over these problems and how extensively they have delved into them, I naturally assume they know more about it than I do. So I would like to hear the reason for the Committee's decision before I would suggest an amendment. If we could hear that, it would save us a lot of time, there would be a lot of amendments that would not be submitted.

PRESIDENT EGAN: Mr. Barr, would you then feel that a motion should be made at this time to revert to a Committee of the Whole on this Proposal No. 3?

BARR: Either that or some other plan. I think it would be a good idea.

PRESIDENT EGAN: Mr. Gray.

GRAY: Mr. Chairman, I do not feel at first that that is the proper approach to this because I believe we are tied up with

some valuable information going over the tape that might be eliminated in the Committee of the Whole. I feel that we can move that the Chairman of the Committee report on his activities, a preliminary report on the activities of his Committee and he can start the discussion and we can question his group. Would that be parliamentary procedure? Just in the motion that the Chairman of the Committee report on his Committee activities and then it will take out the second motion of changes, amendments, etc. We can get the discussion and the record will stand both on the stenotype and on the tape.

PRESIDENT EGAN: Whatever procedure you feel would be best. Mr. Rivers.

V. RIVERS: Do you have a motion for Committee of the Whole or is the matter open for discussion?

PRESIDENT EGAN: Just for information purposes the Chair will allow a discussion on just how we should proceed.

V. RIVERS: I wanted to say that as we get farther into the second reading I also notice the cumbersomeness of which we proceed, and I feel that Hawaii solved the situation quite well by resolving itself into a Committee of the Whole for discussion in second reading. I have here a copy of the proceedings of the Executive Committee in connection with the preparation and also the Committee of the Whole hearings which they conducted and held. They took a complete record of the Committee of the Whole both on stenotype and tape, and then after the Committee of the Whole rose, they appointed two or three people to make notes and to condense down the gist of what took place so that becomes a part of the journal, that Committee of the Whole report in a condensed form and it is therefore easy to see what the intent of the whole body was after the act is passed out of second reading. We have talked about this a number of times before but I believe that the proper handling without observing the nonsoundscoring rule which we have adopted, the proper handling in the Committee of the Whole would be most expeditious and would probably be the most satisfactory for the handling of this second reading and the amendment period and discussion period.

PRESIDENT EGAN: Mr. Hinckel, did you have something to say on the matter?

HINCKEL: I think that Mr. Rivers said what I had in mind. I rather object to anything other than a Committee of the Whole because I am afraid that some of the more experienced legislators would not let us accomplish what some of us would like to have, and that is more or less an informal discussion so we could find out what the facts are.

PRESIDENT EGAN: Mr. Metcalf.

METCALF: Mr. Chairman, I would be in favor of Mr. Barr's motion. I would like to amend it to limit to say 45 minutes and try this new method and see if we can't make a little faster progress.

PRESIDENT EGAN: Did Mr. Barr so move?

BARR: No, I did not make any motion.

PRESIDENT EGAN: The Chair was allowing this discussion just for information purposes.

BARR: I merely made a suggestion that we learn more about the proposals before we submit amendments. It could be done very well in a Committee of the Whole. There is one other method that occurs to me. The Chairman of the Committee could take the floor and make a verbal report and then any member who had doubts about a particular section could ask him to make a further report on that section, so either way would suit me. I will leave it up to someone else to make a motion to which method we should use.

SUNDBORG: I move and ask unanimous consent that we proceed by first having the proposal read by the Chief Clerk in plenary session, as I think is required by our rules, and then becoming a Committee of the Whole for a discussion at which the Chairman, or if he designates other members of his Committee, may explain the provisions of the proposal and answer the questions of the delegates and that the Committee of the Whole then rise and report its findings, whatever they are, to the Convention for such action as may be appropriate.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: Point of order. Inasmuch as this will be an amendment to the rules I suggest that it be offered in writing and be dealt with at the 2 o'clock session in the afternoon when the Rules Committee has met.

PRESIDENT EGAN: Mr. Kilcher, would it actually be an amendment to the rules inasmuch as Committee of the Whole is allowed under the procedure that Mr. Sundborg suggested?

KILCHER: It makes no difference to me, but I had thought that since the procedure is tied in with what the rules prescribe for having it read by the Chief Clerk, and then it looks to me that is another official step that the proposal will have to go through and I am all in favor of it, but as such a step it should be part of the rules.

PRESIDENT EGAN: Well, Mr. Kilcher, the proposal would have to be read in any event in second reading first before it went into the Committee of the Whole in order to give the body

an opportunity to make certain they had heard it read. Mr. Victor Rivers.

V. RIVERS: I would like to see us try the Committee of the Whole proceedings but I would have to oppose it if we did not keep a transcript of the records a transcript of the proceedings of the Committee of the Whole under the suspension of that rule I mentioned and that we did also have available among our membership at least two or three members to get together and produce the report of the Committee of the Whole in condensed form, generally condensing the subject matter which we have discussed in showing our final decisions and that would be for the journal and the record.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: I would consent to adding to my request for unanimous consent the provisions that the proceedings within the Committee of the Whole be soundscribed and also preserved by stenotype record and that at the beginning of the Committee of the Whole session the Chairman of the Committee appoint one or more members to keep a report on the proceedings.

V. RIVERS: I would agree to that amendment, except that the Chairman of the Committee would not necessarily have to appoint members. For instance, I was thinking of Mr. Sady or somebody like him or Mr. Rogers, might be men who could very materially assist in helping to prepare the report.

SUNDBORG: I would agree to that.

PRESIDENT EGAN: The Chair would like to state that Mr. Rogers is not here and Mr. Sady has had some unfortunate news from home and will probably leave here Saturday evening, not to return until January 4. It would as of necessity entail a great deal of work by those members who would be delegated to make the report as has been suggested.

V. RIVERS: As I said, I have here copies of the report of Hawaii, but we do have to have two or three competent people to condense this meeting and intent and our final decisions into a report form. It wouldn't matter who it was as long as they could handle the work.

HERMANN: Is there any indication on the part of Public Administration Service that anyone will be sent to replace Mr. Sady?

PRESIDENT EGAN: Owing to the fact, Mrs. Hermann, that the Convention will be in recess on Monday it was the feeling of the President that at this time it would probably not be necessary for that one day that we might be in session to have another man come from the states and then go back again.

Mr. Sady will return. But Mr. Kilcher, if the suggestion as offered by Mr. Victor Rivers is the suggestion we proceed under, rather than the suggestion that Mr. Sundborg first mentioned, then it would take, the Chair would feel, an amendment to the rules or a suspension of the rules in order that that be accomplished. There is actually nothing before us on the floor.

SUNDBORG: I asked unanimous consent and that would carry a suspension of the rules, would it not?

PRESIDENT EGAN: Yes, Mr. Sundborg, that would carry a suspension of the rules. You asked unanimous consent, now could you state it?

SUNDBORG: I asked unanimous consent that we proceed to consider Committee Proposal No. 3 by first having it read by the Chief Clerk and then becoming a Committee of the Whole for a discussion of the proposal with the soundscribing to continue through the Committee of the Whole session, a record of which would also be kept by a stenotype, and that at the beginning of the Committee of the Whole session the Chairman of the Committee of the Whole appoint one or more persons to prepare a report of the Committee of the Whole to the main body on what transpired in the committee.

PRESIDENT EGAN: Is there objection? Mr. Kilcher.

KILCHER: Point of information. I would like to ask Mr. Victor Rivers a question and Mr. Sundborg, too. In order to make the benefits of such a Committee of the Whole reciprocal to the Convention and the Committee itself, would it not be rather good thing if we incorporated in your general idea the following one namely, that those proposals that are luckily not in yet should be brought into the Committee of the Whole before their final form is reached by their corresponding committees in order that that committee, in case they learn something by the Committee of the Whole, then could go back and do necessary changes without having to reverse too much machinery -- a thought that might have been very beneficial two weeks ago but yet it is not too late I think. The Committee of the whole idea is a very good one, and it should be possibly reached with those proposals which are not finally jelled yet, before they are in a form that experience has shown, is hard to correct.

SUNDBORG: Mr. President, it is my understanding that all, or at least practically all of the committees have actually turned their reports and their proposals into the boiler room and they are now being reproduced, and I don't think it would serve any good purpose to discuss them before we have those proposals in the form that the committees have decided upon before us, and so I object to having Mr. Kilcher's suggestion

incorporated in my unanimous consent request.

PRESIDENT EGAN: Is there objection to Mr. Sundborg's unanimous consent request?

METCALF: I object.

SUNDBORG: I so move that we suspend the rules to follow the procedure I have suggested.

KNIGHT: I second the motion.

BOSWELL: I am not objecting to Mr. Sundborg's amendment except that I am wondering where this report from the subcommittee that is going to report to the Committee of the Whole, when that is going to come into the picture. It would seem to me there is going to be considerable time necessary to get this intent ready and during that time the proposal is going to be lying idle, and I just wondered if we could clear up that point.

SUNDBORG: It was my thought, Mr. Boswell, that that could be handled overnight or after hours by the few people who would be designated to prepare the report and then on the following day the Committee of the Whole could form again to hear and adopt the report. I would suggest we try it once and let's see if it would be a good procedure.

TAYLOR: I don't like it.

PRESIDENT EGAN: Actually, Mr. Taylor, the question involves a suspension of the rules and while the Chair has, for information, allowed previous discussion, now that the motion has been made, a suspension of the rules is not debatable.

DAVIS: Why does this involve a suspension of the rules?

PRESIDENT EGAN: Because it is a different manner of procedure or proceedings than the rules call for.

DAVIS: I thought the rules called for going into a Committee of the Whole at any time that we wanted to do so. The only thing different about this is whether we do or do not tape or record. That was not a rule but something the Convention adopted here.

PRESIDENT EGAN: Mr. Davis, that is generally in the Committee of the Whole, the reason is that it is not a matter of the record. The Committee of the Whole proceedings are not a matter of the record, an informal discussion can be entertained in the Committee of the Whole without being on the record. That is one of the main reasons for a Committee of the Whole session. Now the procedure we are attempting to adopt here

would make them a matter of the record and would be a diversion from the ordinary parliamentary procedure and necessarily becomes a suspension of the rules.

KILCHER: In order not to repeat this same performance, I had suggested that we make a rule that all proposals get the same treatment, not just the one here experimentally, and then in the future save time. We lost two hours yesterday. I can see us losing an hour now, and maybe on the next proposal, so if we referred it to the Rules Committee, let them set it up, it is cut and dried, and we save time in the future.

PRESIDENT EGAN: The question is, "Shall Mr. Sundborg's motion be adopted by the Convention with relation to the procedure in the Committee of the Whole?" The Chief Clerk will call the roll.

(The Chief Clerk called the roll with the following result:

Yeas: 40 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Collins, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hinckel, Hurley, Knight, Lee, Londborg, McCutcheon, McLaughlin, Marston, Nerland, Nordale, Peratrovich, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, Mr. President.

Nays: 10 - Cooper, Johnson, Kilcher, Laws, McNealy, Metcalf, Nolan, Poulsen, Reader, R. Rivers.

Absent: 5 - Hilscher, King, McNees, Riley, Robertson.

CHIEF CLERK: 40 yeas, 10 nays and 5 absent.

PRESIDENT EGAN: So the motion has been adopted by the Convention. Mr. Ralph Rivers.

R. RIVERS: Mr. President, I am going to renew my request for information. If we did not stay in Committee of the Whole or we didn't go into Committee of the Whole -- everything we say and do would be a matter of our permanent record. Some day this may be printed as it was in New Jersey with several volumes of things. What happens now? We have decided to keep transcriptions of this thing and have the stenotypist take the whole proceedings of the Committee of the Whole. Then we get a report from the Committee of the Whole, then we go back into the regular session and then we take up the matter of formal amendments and that sort of thing. Well is this stenographic record we are making and this tape we are making going to appear in those printed volumes for the archives and for

history, and why are we in the Committee of the Whole unless the whole thing goes into the record?

SUNDBORG: Mr. President, no action so far as I know has been taken by the convention or anybody else of printing a verbatim record of everything that happens at this Convention. It really would be a very thick volume and 90 per cent would be utterly useless. I have gone along with the idea of having this soundscribed and having the stenotypist keep a record, but I do not think we ought to have it published in several volumes, and if we did we could at that time decide whether we wanted to include perhaps as a supplement the report or transcription of what happened in this Committee of the Whole. In any event, I think that Mr. Rivers' statement is probably out of order. We have already decided this question and have decided upon a procedure.

PRESIDENT EGAN: Mr. Rivers stated that he was rising to a point of information. Would the Chief Clerk please read the proposal for the second time.

(The Chief Clerk read Committee Proposal No. 3 at this time.)

PRESIDENT EGAN: What is the pleasure of the Convention? Is it the desire that we resolve ourselves into a Committee of the Whole at this time? Mr. Smith?

SMITH: Mr. President, I would like to move and ask unanimous consent that the Convention stand adjourned until 1:30 this afternoon.

PRESIDENT EGAN: Mr. Smith moves and asks unanimous consent that the Convention stand at recess until 1:30 this afternoon. Is there objection?

SUNDBORG: I object.

MARSTON: I second the motion.

SMITH: Mr. President, the reason for the motion was that there are two committees who have need for another hour's work, and while it is possible that a part of that work could be done during the luncheon hour, there is a very great conflict between several committees. I believe the Rules Committee has a meeting scheduled for the luncheon hour. The Resources Committee would like to meet; I believe the Executive Committee needs another meeting, and I feel that the two committees, the Resources Committee and Executive Committee could, if the time was allowed, possibly complete to a large extent the work which they must complete, and I feel that the time lost here would be regained many fold by taking this time now.

PRESIDENT EGAN: Are there other committee announcements? The question is, "Shall the Convention stand at recess until 1:30 p.m.?"

DOOGAN: Roll call.

PRESIDENT EGAN: The Chief Clerk will call the roll.

(The Chief Clerk called the roll with the following results:

Yeas: 29 - Armstrong, Barr, Boswell, Coghill, Collins, Cross, Doogan, Emberg, Harris, Hellenthal, Johnson, Knight, Laws, Londborg, McLaughlin, Marston, Nerland, Nordale, Reader, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sweeney, Walsh, White, Wien, Mr. President.

Nays: 21 - Awes, Buckalew, Cooper, Davis, H. Fischer, V. Fischer, Gray, Hermann, Hinckel, Hurley, Kilcher, Lee, McCutcheon, McNealy, Metcalf, Nolan, Peratrovich, Poulsen, Sundborg, Taylor, VanderLeest.

Absent: 5 - Hilscher, King, McNees, Riley, Robertson.)

CHIEF CLERK: 29 yeas, 21 nays and 5 absent.

PRESIDENT EGAN: And so the Convention is at recess until 1:30 p.m.

RECESS

PRESIDENT EGAN: The Convention will come to order. We have before us Committee Proposal No. 3. The Chair would like to announce that we have visiting us this afternoon part of the freshman class of the Fairbanks Public Schools, and we are happy to have you with us. The Chair will entertain a motion to resolve into a Committee of the Whole.

SMITH: Mr. Chairman, might I ask unanimous consent to revert to committee reports for a moment.

PRESIDENT EGAN: If there is no objection we may revert to committee reports.

SMITH: I simply want to state that the article on resources is ready for the boiler room. A committee report, after slight alterations and proof reading, will be ready for the boiler room, and I am sure it will be ready for all delegates before the recess.

PRESIDENT EGAN: Are there other committee reports? If not,

the Chair will entertain a motion to resolve ourselves into a Committee of the Whole. Mr. Sundborg.

SUNDBORG: Mr. President, I so move and ask unanimous consent.

PRESIDENT EGAN: Mr. Sundborg moves and asks unanimous consent that the Convention resolve itself into a Committee of the Whole. Is there objection? Hearing no objection it is so ordered. Mr. Ralph Rivers, would you take the Chair please. (Mr. Ralph Rivers took the Chair at this time.)

COMMITTEE OF THE WHOLE

CHAIRMAN R. RIVERS: The Committee will come to order. Would it be the pleasure of the delegates that the Chairman of the Committee, the Proposal No. 3, give us the explanatory remarks? If there is no objection, Mr. Collins.

SUNDBORG: Mr. Chairman, I believe that under the unanimous consent request of this morning that the Chairman of the Committee of the Whole would appoint several delegates or persons to keep record of what transpires here and make a report thereon.

CHAIRMAN R. RIVERS: Yes. I think three would be an adequate number to do that. Is there any objection to making three the number of that committee? I appoint Mr. Sundborg, Mr. Victor Rivers, Katherine Nordale. Now, Mr. Collins.

COLLINS: Mr. Chairlan and fellow members of the Convention, at this time I do not desire to take any more time of the Convention, for I know time is the essence, but I think you will agree with me that heretofore I have not occupied a great deal of attention or time of the Convention, but I am very much concerned with the Committee's report on Direct Legislation, Amendment and Revision. This report has been read in its entirety by the Chief Clerk here this morning. I might make a few comments, and I think it is in order that as Chairman of this Committee, that I should take over the comments of the committee. We had submitted to us in the beginning, Proposals No. 29 and 34 for consideration of this Committee. Together with that we had the individual opinion of the different members of the Committee. For some time we were stymied on progress of the report of this Committee. There seemed to be two or three lines of thought on the various principles that were incorporated with this proposal. Not getting anywhere, it was decided that we consider the different lines of thought and the Committee come in with a committee proposal. We have submitted that to you, a committee report. It was okayed by the seven members of this Committee. Yet perhaps there was some individual feeling of members that their idea was not properly expressed in this report, and it was decided to place this report back to the Convention for the consideration

of each individual member here for a full expression of his opinion, and we want to hear his opinion, and the Committee itself will not feel bad about any amendment that is germane to the principles that are set forth in this report. I would like to have the different articles, I would like to read the comments of the Committee. Perhaps it might give some enlightenment into the questions that you would ask about that report. It will take very little time. Now on the commentary of the Committee on the Article of Initiative, Referendum and Recall.

"(Section 1 Initiative) The initiative is the power of the people to initiate laws themselves and to provide for a referendum on such laws without action by the legislature. This section reserves the authority of the people to initiate laws by petition and vote of the people directly.

(Section 2 Referendum) This section permits the people to require that laws passed by the Legislature be referred to a vote of the people before taking effect. This power is known as the Referendum.

(Section 3 Procedure) Many constitutions, in the states which make provision for the use of the initiative and referendum, contain a great degree of detail relating to the exercise of the initiative and referendum. This section permits the legislature to provide by law for some details, but provides that the Legislature may not restrict the substantive rights guaranteed in Section 4, nor to require procedures more difficult than provided in Section 4.

(Section 4 Petition, ballot title; election; vote required) This section sets forth certain substantive provisions and minimum procedures affecting the exercise of the initiative and referendum. To prevent waste of money on elections for laws that are unconstitutional, sponsors are required to submit a proposed law to the Attorney General for certification of its constitutionality, subject to court review, prior to the circulation of petitions. The provision is intended to stop, at the initial stage, the circulation of petitions for laws that would, even if approved by the voters, result in expensive court action.

If the legislature adopts a measure that is the subject of the initiative, the measure does not have to be submitted to the people.

Additional details of procedure may be provided by the legislature subject to the limits imposed by this section. The procedure outlined has the advantage of brevity while insuring the substantive rights to the people.

(Section 5 Restrictions) The exercise of the initiative is a fundamental right of the people, but special

interest groups should not be permitted to unduly hamper the operation of the government. The restrictions in Section 5 will prevent the abuses and problems that have sometimes arisen in the states permitting initiative and referendum. Neither the initiative nor referendum can be used with regard to emergency legislation, appropriations, or measures earmarking taxes and other revenues, or for special or local laws that are of interest to only one group of people or people in only one portion of the state.

(Section 6 Recall) The right of the people to remove elected officials is preserved. The Legislature is directed to provide the methods to be used.

Commentary on the Article on Amendment and Revision

(Section 1 Methods) This section outlines three methods by which the constitution may be amended or revised. By action of two separate legislatures directly; (2) by action of one legislature and referral to the people; and (3) by constitutional convention.

(Section 2 Proposals by Legislature) The Legislature, by a two-thirds vote, may submit a proposed amendment to a vote at a general election. Use of general election is intended to insure a substantial vote on the question.

An alternate method is provided which permits the legislature, by a two-thirds vote, to submit a proposed amendment to the next legislature, but not to a succeeding session of the same legislature. If the second legislature adopts the amendment by a two-thirds vote it becomes part of the constitution without referring it to a vote of the people.

(Section 3 Constitutional Convention) The legislature is empowered to call a convention, but if the legislature does not provide for a convention each ten years, the question is submitted to the people at the following general election.

The legislature is authorized to prescribe the procedures and powers of a convention; but if it does not make such provisions, the law calling this convention will be followed insofar as practical."

That is the commentary on the articles which your Committee has put before you in the substitute report. Now on December 4, to settle the line of the Committee itself, we have drafted this as short as possible, as plain as possible, and if there is any amendments to come forth, the Committee will have no feeling. We have seven on our Committee and the Committee will answer the questions that might be put forth to members of this Committee.

CHAIRMAN R. RIVERS: Mr. Victor Rivers.

V. RIVERS: I would like to direct a question to Mr. Collins. Mr. Collins, there seems to be some difference of opinion as to whether or not the principle of the initiative and the referendum is a desirable and necessary one. I would like to have the comments or through you the comments of your Committee as to whether or not you feel the use of the initiative and referendum in any way circumscribes the idea of republican form of government, and if so is the principle of the initiative and referendum a desirable one for inclusion in the constitution as your Committee sees it.

COLLINS: I tried to infer that the draft that submitted this report would come to one thought on the matter, and I think we got together on that, and to prevent a minority report, and I think the Committee itself is pretty well satisfied with this report as presented. Now to give the individual thought of the members on this, we spent hours on it, and I don't think that the Convention would gain a great deal by that, but it would take up a lot of time. This is plain English language and to the point, and Mr. Taylor is the Vice Chairman of that. If you wish to make an explanation, Mr. Taylor, I would be glad for you to.

TAYLOR: Mr. Rivers, I might say we, the Committee, went into the historical background of the initiative and referendum. North Dakota was the first state to adopt the initiative and referendum so as to reserve to the people the power of initiating laws or either accepting or rejecting laws that have been passed by the legislature. Now, in our deliberations, I believe that we went through the laws, the constitutions of various states that have the initiative and referendum of which there are 19, and it was between about 1898 and 1928, I believe it was, that the states, practically all of the states that now have the initiative and referendum adopted the same. And in reviewing the history of the use of the referendum, I think the Committee members had differences of opinion as to whether or not the initiative and referendum should be included in the constitution. Although it has not been used a great deal in the last few years in some of the states that did use it before, the initiative and referendum is there and it serves a useful purpose in this way that the legislature does know that the people have reserved to them the right to initiate legislation and the right to pass upon legislation that has been passed by the legislature, so that ultimately they can, if they deem fit, can guide the legislature or guide the lawmaking in certain particulars. Now in practically all the states that have the initiative and referendum there are certain limitations put upon the matters that can be acted upon by those measures. Now appropriations are not subject to the initiative or the referendum. Some states made a great mistake by not restricting the initiative measures and allowed

pressure groups to gather great numbers of signatures to a petition and that petition would require the expenditure of large amounts of money, perhaps a great deal more than the state could possibly afford and sometimes they would also initiate some legislation to raise money, a revenue measure and then directed that the proceeds of that measure would be utilized for a particular purpose. In other words, it took the making of revenue measures and expenditure of the funds away from the legislature and in some instances the governmental functions and governmental institutions suffered a great deal. And it was necessary within as short a time as possible to undo the damage that has been done. Now in this present proposal as the Committee returned it, and I might say as Mr. Collins, our Chairman has said, that this does constitute, you may say, the compromise thought of the Committee. We were several weeks. We had differences of opinion. Some of the members of the Committee thought that all the details of the proposal, or all the details of the matter, should be spelled out to the minute degree, and others felt that they should have the bare outline of granting the right to reserve powers to the people and then letting the legislature set up the machinery for implementing, so we have included in this proposal the least number of details that we could. Now of course our first sections there is the right of the people.

V. RIVERS: May I ask a question. Before I go into the sections I was trying to determine, I think it is absolutely essential before we include anything in the constitution or in the laws that we determine three things: first, the desirability; second, the need; and third, the workability. Now I have gathered from what you said that your Committee considers the initiative and referendum desirable in the constitution.

TAYLOR: Well, I think on the matter that we have it in here now it is, because it is in a way that it cannot do any harm. It cannot interfere with the appropriations or raising of revenue. It cannot affect the disbursements of state funds.

V. RIVERS: Could I ask this? You say it cannot do any harm. Is it good and is it actually needed in this particular approach?

TAYLOR: I might say, Mr. Rivers, I went into that quite carefully. I find out that all initiative and referendum bills, or states that adopted that method of direct legislation, there has been none since 1928. Some of those states have attempted to repeal that provision of their constitution, and others have used it little if any. Now there was quite a fine treatise on that subject by a professor of political science and he reviewed the history of the initiative and referendum in Oregon over a period of ten years, 1938-1948. He took the measures one by one which had been either initiated or which had been

referred, and when he summed up his opinion after a very long study and a thorough study of the proposition, he said in all probability the legislature would have done the same things that the initiative and referendum accomplished. Of course, now we know in some states the exercise of the initiative and referendum was perhaps warranted by one act maybe that it put through. One of them was in California. The Civil Service Act for state employees was put through by means of the initiative measure. The legislature had been importuned for year after year for civil service status of the employees, and it was only in that way that they finally got it. Of course, if the proper safeguards are not put around the type of legislation that can be initiated by the people, as I said before, they can do a lot of harm. There was one in California that within a year they found out it was bankrupting the state, and they had to get out another initiative and do away with the first one. Colorado had the same experience, and the State of Washington, because they were levying taxes under those bills and directing where these taxes were going, and the State of Washington in a period of about eighteen months found themselves with not only losing a 60,000,000 dollar surplus that it had in the treasury but also 120,000,000 dollars in the hole. Colorado was about the same way.

V. RIVERS: With certain safeguards the Committee considers it useful and desirable. Now what about the workability? Do you figure it is workable in a territory like Alaska, of this size and widespread population? I would like some comments on that.

TAYLOR: We took that into consideration, Mr. Rivers, in drawing this up. I might say in our initiative we have left a small percentage of the voters who voted for the governor in the previous election for the amount necessary to initiate a petition. So then I might say in another way that we have tried to protect the voters and state from pressure groups is the fact that before a petition can be circulated, ten sponsors of that petition must have it up and submit it to the attorney general not only as certifying as to whether the proposition is set out properly on the ballot but also as to its constitutionality, and if he does not give that certificate .as to its constitutionality and the proper setting out of the ballot on that, they cannot circulate it and that will overcome the arguments against the initiative and referendum. In some states due to the .fact that pressure groups could get the required signatures and they could file it with the secretary of state regardless of whether it had the proper designation of the matter that was to be acted on, regardless of the constitutionality of it, even if it did pass, the court could throw it out, so we have that for safeguards.

V. RIVERS: Your Committee, I assume, thinks it is workable for the Territory in its present form?

TAYLOR: I believe it would.

V. RIVERS: One other question, on the basis of the general application of this act, before we go into detail, do you think that in our Organic Act it says, "We shall have a republican form of government." Does this in any way circumscribe the idea the republican form of government which is legislation through the elected representative rather than direct from the people?

TAYLOR: I know that argument has been advanced. It might be the exception that if our republican form of government did perhaps fall down, that the general public will have a vast interest in it with their reserve powers, if the powers to exercise, if the right to exercise that power is restricted to certain things, I don't believe it is a departure from our republican form of government.

JOHNSON: Mr. Chairman, may I address a question to Mr. Taylor? In this connection, Mr. Taylor, it is my understanding from looking at Committee Proposal No. 5 that the Committee on Legislation recommended that we hold meetings of the legislature each year. Now with the legislature meeting that frequently, do you think it is still necessary to have some safeguards such as this as you propose, or would there be a sufficient check on the legislative procedure meeting once a year?

TAYLOR: I believe it would be, Mr. Johnson, in this way. It might be some very badly needed legislation but which the legislature would refuse to act upon. I could see a number of reasons which we don't have to elaborate on that but there might be some pressure groups. Well, if that was the case, and the people had the right to initiate this legislation they could possibly cure the ills that were existing by reason of the legislature not working.

JOHNSON: Don't you think these so-called pressure groups might exercise just as much influence on the legislature?

TAYLOR: Absolutely they might, but if the legislature did not act, after the legislature adjourned at any time in the future, then they could initiate the legislation which the legislature had refused maybe even if they had been petitioned, not initiative petition but other petitions.

EGAN: Mr. Chairman, may I address a question to Mr. Taylor?

CHAIRMAN R. RIVERS: You may, Mr. Egan.

EGAN: Mr. Taylor, in the article on Direct Legislation, Section 1, it says, "The people reserve the power by petition to propose laws and to enact or reject such laws at the polls." Now the reading of that section would imply that the people

through the power of the initiative would not have the right to reject any laws that they themselves had not already put on the books, in that order.

TAYLOR: That would come under Section 2, Mr. Egan. That is the referendum, after a law is passed, then they could by a petition have a vote upon that.

EGAN: My question was, Mr. Taylor, that under this particular provision of the initiative with relation to the initiative power of the people, they could not attempt to reject a law that was already on the books. They could only attempt to reject a law that had been passed by the initiative provision.

TAYLOR: That is right, that would be the only thing, now I think in that first section, Mr. Egan, is the fact that they can petition, they file this petition. It then is referred to the people, and the people can reject it or adopt it.

EGAN: Then, Mr. Taylor, if a law is passed by the people through the use of the proposed initiative when would the law become a law?

TAYLOR: In 120 days I believe we have in here no, 90 days, and any referendum petition would necessarily have to be filed with the secretary of state within the 90 days after the law is enacted.

EGAN: Where does it say that?

TAYLOR: Page 2, line 6. The first part of the word "referendum" starts at the end of that line. Referendum petitions shall be filed within 90 days after adjournment of the legislative session at which the measure was passed."

EGAN: That does not say that is when the law will become enacted through the initiative. It just says that is when they shall be filed.

TAYLOR: If that is filed, that suspends them, but, .it does not suspend an emergency act. If there is an emergency clause upon a bill, the referendum is not operable.

EGAN: In Section 5 it says, "Neither the initiative nor referendum may be used as a means of making or defeating appropriations of public funds or earmarking of revenues nor for local or special legislation." But it says nothing in there denying the people the right to go to the polls and do away with a particular tax, say, that had been levied by the legislature. Did you mean that the people could, through the use of the initiative, go to the polls and nullify any act that they might so choose? I am thinking if that is true what might happen in some cases where a certain appropriation had been made but you

would not be voting against the appropriation, but if the people went to the polls, if there was not some restriction there, and did away with the tax measure that the legislature had deemed absolutely necessary to provide the revenues, it could cause chaos until that situation was corrected.

TAYLOR: If the use of those moneys was so imperative, Mr. Egan, I think the legislature could very easily attach an emergency measure on that and take it out of the provisions of the referendum.

EGAN: Could the legislature do that or would it be necessary to add some wording in Section 5 in order to be certain that through the action of the general public at the polls that they might do away with enough revenue that would cripple some program that they had no intention of crippling?

TAYLOR: I don't believe they would have the right to take away revenue unless they could show some methods of raising the same amount of revenue from different matters. As your question states, it might be to clarify this matter that if we could amend this to show, to carry out the intent you ask, that it could not impair the revenue structure that had been passed by the legislature.

CHAIRMAN R. RIVERS: Mr. Doogan.

DOOGAN: I would like to ask Mr. Taylor a question. I would like to carry Mr. Egan's thought just a little bit further, Mr. Taylor, and I would like to carry it where one legislature has imposed, say the property tax and then another legislature comes along and abolishes that property tax. I notice according to your Section 1 and Section 5 that I don't consider that there is anything in there that would allow the people either, through the initiative, to oppose the abolishing of that property tax by the legislature.

TAYLOR: Not unless it indirectly affected the appropriations.

CHAIRMAN R. RIVERS: Mr. Marston has been trying to .get the floor.

MARSTON: I don't rise to ask questions. When Mr. Taylor is through I would like to talk on the subject, if I may.

CHAIRMAN R. RIVERS: We will stick to the asking of questions. Mr. Davis.

DAVIS: I would like to ask some questions of Mr. Taylor. Would you refer to the last sentence of Section 4 in line 19 of the proposal, "No law passed by the initiative may be vetoed by the Governor nor amended or repealed by the legislature for a period of three years." As I read that, it is possible to

infer there that the governor might have a right to veto such a law after three years, and I wonder if that is what you intended or if you meant that the governor would have no right to veto it at all, but the legislature might have a right to amend or repeal after three years?

TAYLOR: I think Mr. Davis that all legislatures, the governor must veto a bill within a certain number of days, and he couldn't wait for another year and the legislature for a period of three years would not be able to repeal that law by an act of the legislature, but there would be nothing to prevent the people, if they felt that the act that they had initiated was wrong, why they can then by the appropriate petition can repeal it.

DAVIS: The thing I was trying to make clear was your intent here. I think it can be read the way I read it, and I think if it is intended that the governor have no right to veto at that it might be fixed up by in line 20 after the word "nor", say, "nor may it be amended or repealed by the legislature, etc."

TAYLOR: It might be in going over these matters so much for about three weeks that they seem very plain and apparent to us as to the meaning, but if we could add anything to clarify the meaning, why I think the Committee would go right along.

DAVIS: It isn't your intention in any event, that the governor shall have any right to veto any matter that is initiative?

TAYLOR: No, sir. It is only the people that can do it and the legislature after three years.

DAVIS: Well, as long as I'm on my feet, then let me ask a question on a couple of other sections about the same place. Section 5, line 24. has to do with restrictions on the use of the initiative. It says that the initiative may not be used for various things including, "as a means of making or defeating appropriations of public funds or earmarking of revenues nor for local or special legislation." Now I take it that what you intended there was rather than defeating or earmarking of revenues, that the initiative may not earmark revenues?

TAYLOR: They cannot.

DAVIS: That was your intention?

TAYLOR: That is right.

DAVIS: It was suggested in conversations among some of us this morning that it might be possible since you have listed various things that cannot be initiated and have not included an amendment of the constitution, that it might be inferred that then one could amend the constitution by initiative. It was also

argued along that line that since you have along with this put in a bill concerning amendments to the constitution, which does not include an initiative procedure, that the Committee did not intend that the constitution should be amended by initiative.

TAYLOR: We have specifically excluded that, Mr. Davis. We felt that the initiative was not the proper way to amend the constitution. We took a shorter and perhaps a less expensive way of amending the constitution.

DAVIS: The reason then that you have not included the amending of the constitution in this Section 5 among the things which the initiative may not do is the fact that you have covered that subject in the section on the amendment of the constitution?

TAYLOR: That is right.

MCLAUGHLIN: I have a question, Mr. Taylor. Regarding your attention to Section 4, the first two sentences: Prior to general circulation, an initiative petition shall be signed by ten qualified electors as sponsors and have the constitutionality certified by the Attorney General. Certification shall be reviewable by the courts." First, sir, is that provision found in any one of the 19 states that have initiative and referendum?

TAYLOR: No, I think this is the first one I have run across. We felt that should be to prevent, you might say cycloramic groups from, putting these petitions out, and we know it has been done in many states. We put that on there and the attorney general passed on it, but they have the right to go to the courts to test the validity of the petition that they are going to get out.

MCLAUGHLIN: May I ask another question? Mr. Taylor, assuming that ten electors get together and present this petition to the attorney general and the attorney general makes a ruling that the act sought to be certified is constitutional, does that preclude the courts thereafter from finding it unconstitutional?

TAYLOR: I think any interested taxpayer could have it reviewed, and I think whether the certification was unfavorable or favorable, I think that an interested taxpayer could review that.

MCLAUGHLIN: Mr. Taylor, would there be more of a saving to the government if it were required that the eight per cent sign the petition before they submit it to the attorney general rather than having any ten persons submit it to the attorney general for an opinion? Would the government suffer any loss if it required the eight per cent of the total voters to secure the petition before they present it to the attorney general?

TAYLOR: Mr. McLaughlin, in this particular instance we went over all the states that have the initiative and referendum and

some of them require considerable percentage of the number of votes that were cast for the governor at the preceding election, and this eight per cent that we arbitrarily set was put at that figure. It is low, it is among the lowest. Because of the size of the Territory, the limited population in proportion of the size, we felt an eight per cent after it is certified as to its constitutionality is okay and also that the ballot is properly described.

MCLAUGHLIN: Had the Committee discussed how many states in the Union authorized their highest appellate courts to give advisory opinions on constitutionality where the question hasn't arisen?

TAYLOR: I don't know. Some of them were referred to the secretary of state who no doubt, we felt would certify the question to the attorney general for an opinion. Unless the secretary of state was an attorney he would be a little hard put to pass upon the constitutionality, but I suppose he would do that through the attorney general of the state.

CHAIRMAN R. RIVERS: Point of clarification. This says the attorney general shall pass upon that.

TAYLOR: That is right in here, but a lot of states have said just the secretary of state, so we put it the attorney general who is the law officer of the state and he passes on it without having to go to somebody else.

MCLAUGHLIN: Did the Committee consider how long normally, assuming that this process went into immediate operation, how long it would take for the supreme court of Alaska or the superior court, after an appeal from the superior court, to determine the constitutionality of an abstract question presented by ten citizens?

TAYLOR: Well, it might take some little time. It might be given a priority, like if it was something that affected the entire electorate of the state.

MCLAUGHLIN: Mr. Taylor, may I inquire of you personally if it's proper, in your experience in determination of constitutionality of questions presented and appealed to the highest courts of any states, what is the average time lapse from the time the question is first presented until the time it is determined?

TAYLOR: I would say if it went through the superior court, the supreme court would take at least six months.

MCLAUGHLIN: That would be under extremely ideal conditions.

TAYLOR: That would be without any particular brakes being put

on it.

MCLAUGHLIN: What is the meaning in Section 5, last sentence, "Emergency acts are not subject to referendum." What are emergency acts?

TAYLOR: Well, if an act that has passed the legislature and is of such a nature that the legislature feels that it should be passed immediately, they can, by two-thirds majority, declare that an emergency exists and that law shall become effective immediately upon its passage and approval, which means that as soon as the governor signed it, that became a law of the state.

MCLAUGHLIN: Could you tell me offhand, Mr. Taylor, how many of the acts of the Territorial legislature normally are emergencies? What percentage?

TAYLOR: It would be a guess, but I would say half or more of them are declared emergency legislation.

MCLAUGHLIN: How many states in their initiative and referendum proposals provide that emergency acts are exempted?

TAYLOR: Most of them.

CHAIRMAN R. RIVERS: Mr. Hinckel.

HINCKEL: I would like to answer one of the questions Mr. McLaughlin asked of Mr. Taylor which I think was answered incorrectly. He asked if there were any state that had such a provision as this small number of people asking for certification, sponsoring, and this will not be the first state to have it. The State of Massachusetts has it, and the object of it in the article that I read regarding that, aside from the fact I knew it to be a fact, was that it would prevent people, prevent one person from circulating a petition which would have no real value and possibly be unconstitutional at the same time, and bothering people with getting this thing circulated and signed and presented and causing nothing but trouble, and if it was done this way it would eliminate that and also it would prevent the circulation of petitions in a secret manner that as soon as the petition was submitted to the attorney general, why it would become a public matter and it has considerable advantage in my opinion. I was the person on the Committee that suggested it be included and our advisory group concurred. They thought it a very good idea. He asked another question that I wanted to answer too, but I can't think right now.

TAYLOR: Mr. Speaker, I am glad Mr. Hinckel brought that up. He might have misunderstood me. I said this was one of the lower. Some are ten, some are fifteen, some twenty per cent. I think the higher brackets make it impossible.

CHAIRMAN R. RIVERS: Mr. Hinckel was talking about the ten sponsors, Mr. Taylor, and pointing out that Massachusetts requires a certain number of sponsors before the petition is circulated.

TAYLOR: Oh yes, that is right. I did not mean to say none of them have it. None of them I knew of at the time. We were putting a safeguard around people being importuned by these groups who wanted signatures and they had to get quite a number of them, and if it was an unconstitutional proposition they were advancing or if they did not have the proposition properly set out on the ballot, they could not circulate it.

CHAIRMAN R. RIVERS: The point is clear now. Mr. White.

WHITE: I would like to direct a question to the Chairman of the Committee on Direct Legislation.

TAYLOR: I am not the Chairman, but Mr. Collins has asked me.

WHITE: In that case, Mr. Taylor, referring again to Section 5, it says that the referendum may not be used as a means of making appropriations of public funds. Could that be construed as saying that the legislature could not put to the people by a referendum, a bond issue proposition?

TAYLOR: No. They could approve the bond, but I think they could possibly require a bond but they could not direct where the money went to.

WHIIE: In passing a bond issue it is inherent under the situation that appropriation of public funds must subsequently be made to retire the bonds. It would seem to me that in the sense of this section it would forbid the legislature from putting bond issues to the public referendum.

CHAIRMAN R. RIVERS: Bonding would be to borrow, Mr. White. Appropriating would be taking money presently available.

TAYLOR: It would be pledging the credit of the state. I doubt very much whether a bond issue could possibly be because the bond issue would necessarily have to be for a particular purpose. Now in many of the states the provisions in regard to initiative and referendum do not apply to any moneys of the state for the purpose of carrying on the function of government. The universities, school systems, orphan homes, penitentiaries, those are all exempt because those are functions of the government that have to be carried on, so they don't get, you might say, some chance of trying to nullify those institutions by cutting off appropriations for them, and that is the reason that the safeguard is put in here, the same as it is in practically all the states.

BUCKALEW: Mr. Taylor, is it not true that only 19 states have adopted this?

TAYLOR: I believe that is all there is at the present time.

BUCKALEW: Is it also not true that the last state to adopt such measures was some 30 years ago?

TAYLOR: 1928 I believe it was.

BUCKALEW: Do you know what state?

TAYLOR: No I don't. Practically all of the initiative referendum was adopted in a period around 20 years, between 1898 and 1918 was the time they were in popular favor of the states at that time.

DOOGAN: I would like to ask Mr. Taylor, you provided for the initiative and referendum, but don't you feel that the power that is left to the people as provided by this article is only in what you might call minor lawmaking?

TAYLOR: No, I would not think so.

DOOGAN: The reason I point that out is that you allow no initiative or referendum for raising money. You don't allow them to prevent the legislature at times, as they have done, to stop them from removing some of the taxes that they have already applied, when it might be felt by the people that the legislature was subject to a great deal of pressure to do so, and consequently my particular feeling is that what is left for the people to do is very minor legislation, and something that would hardly be worth their while to go into anyhow.

TAYLOR: What particular part of this proposal, Mr. Doogan, are you referring to?

DOOGAN: Section 1 and Section 5 which seem to me to be most of the meat of the proposal as it is.

TAYLOR: Well, there is a lot of local legislation, like if the legislature, or some people up here wanted to have money appropriated by the legislature to put another bridge across the Chena River, and they got an initiative addition out, that would not be acted upon because it is strictly expenditure of money for local purposes. That would only apply to particular subjects or particular people or particular areas, so then they would not be allowed to circulate petitions.

CHAIRMAN R. RIVERS: Mrs. Sweeney.

SWEENEY: I would like to ask Mr. Taylor a question. On Section 4, the last line on page 1 and going to the top of page 2 it

provides that you will have eight per cent of the number of votes cast for governor in the preceding general election, at which the governor was elected. I am wondering if your Committee considered the possibility of a restriction in there similar to the one that is in the model constitution requiring that only a certain percentage of those signatures .can come from a certain district. That is, that the petition must represent a large area rather than a restricted area.

TAYLOR: We did talk that over. We gave it consideration. We felt that with the geographical limitations of the state of Alaska, we felt that in view of the size of Alaska, the geographical size of it in proportion to the population, that if we put a limitation upon the number of voters that could come from any political subdivision or of any particular area, that it would make it very difficult up here by reason of the great sparsely populated areas, we did not hold that up. We felt it would make it very difficult if 25 per cent of, say 25 or 30 per cent of the petitions had to be from one division or one part of a division. Well, you could go in there and get those all right, but it is so difficult to circulate those petitions in the outlying precincts.

SWEENEY: On the other hand, I feel that, if just speaking of divisions now, if one division, for instance the Southeast, had a bit of legislation they wanted passed, they could get the eight per cent of the votes very easily and yet we would be imposing, if the legislature then passed whatever it was we wanted, we would be imposing our will on the whole of Alaska, and it seems to me that a portion should be required to come from another division, perhaps a third or even half from another section.

CHAIRMAN R. RIVERS: The Committee will be at ease for a moment while our guests pass out. (Guests left gallery.) The Committee will come to order.

TAYLOR: Mr. Chairman, I would like to answer Mrs. Sweeney's question in this way. Although as she states the eight per cent of the voters, of the number of voters that cast their votes for the governor at the previous election was secured in one division, that does not make it a law because that then is submitted, if they get the sufficient number of signatures on there, then it is submitted to the entire electorate and then it can be defeated by the voters of other divisions or political subdivisions whichever they might be, because the entire electorate then votes upon what eight per cent of the electorate initiated.

CHAIRMAN R. RIVERS: Mr. McNealy.

MCNEALY: I would like to ask Mr. Taylor a question. As I understand it, Mr. Taylor, there are two procedures to put into

effect on the initiative. One is written in the bill here, and the other form is for the people to petition the legislature by initiative to enact certain laws. I was wondering if your Committee had considered the one I just mentioned by the people petitioning the legislature to enact laws rather than taking it direct as set out in the bill.

TAYLOR: I think the right of the people to petition the legislature is one of our rights as guaranteed us by the Constitution and requires no special law for that purpose. We can all petition the legislature.

CHAIRMAN R. RIVERS: Mr. Barr.

BARR: I would like to ask Mr. Taylor two or three questions on the initiative. I can see for the recall and referendum, but the initiative seems to me to be a very cumbersome and unnecessary procedure. Will you please convince me that it is necessary. And I would like to point out to you as a member of the legislature, over 200 bills were introduced, and many of them were introduced by request. It is a very easy matter to ask a member of the legislature to introduce a bill. Why is this cumbersome procedure necessary?

TAYLOR: Well, this is not for the legislature to do it. This is to have the questions submitted to the voters as to whether that becomes a law or not -- to vote on it.

BARR: Providing the legislature does not pass the act before that time?

TAYLOR: Yes.

BARR: In other words, if the legislature refuses to act, then it goes for a referendum. Well, in our present form of government the people elect the legislators to represent them, and I have never known a case where they did not do what they thought the people wanted. I don't think they ever would.

TAYLOR: Did you read the history of the State of California and the Southern Pacific Railroad, Mr. Barr?

BARR: You mean some special group wanted something done?

TAYLOR: And they got it.

BARR: Don't you believe that with all these restrictions even, that it is still easy to have a petition signed and that any special group could have a petition of this sort signed very easily and submitted?

TAYLOR: I think eight per cent of the voters would be quite a sizeable petition, especially if say 15,000 votes were cast

for the governor in the governor's election, this last one we had 27,000 votes. It would take eight per cent of those 27,000 votes that were cast for a particular man. How many were cast for the candidates that were running for governor, the entire election for governor?

CHAIRMAN R. RIVERS: Did we have an election for governor?

TAYLOR: I mean if we did.

BARR: Mr. Taylor, eight per cent would take a large number of petitioners. If there was some little group in one town who wanted something on some question, something that was Territorial wide, such as fish traps, statehood or groups representing one type of school against another type of school, don't you think eight per cent would be a fairly small number of petitioners?

TAYLOR: I do not believe it would be a very small number, and then another thing, Mr. Barr, carrying your arguments further, you say a small group in a particular locality that wanted something, they are barred because that would be local legislation.

BARR: That is what I pointed out. But I am speaking of something now that is Territorial wide, some question, and there are a large group of people on both sides of the question, and eight per cent would not be many signatures.

TAYLOR: No, that is only to say whether an election is going to be held, Mr. Barr. I don't think we should put undue restrictions upon having an election because then the whole electorate has got to come out and say whether or not that proposition is going to prevail or whether it is to go down in defeat.

CHAIRMAN R. RIVERS: Mr. Smith.

SMITH: I would like to call attention to the fact that we have had a perfect illustration here of the fact that in considering any proposal, or section by section, we are apt to see only the section before us and not take into consideration that every preceding section may also affect those following. Now I refer specifically to the fact that Section 1 and Section 5 have been said to be the meat of this proposal. Actually Section 3 is fully as significant as any of the others. Section 3 says, "The legislature shall prescribe the procedures to be followed in the exercise of the powers of initiative and referendum, subject to the specific authority reserved herein." Now going back to the questions raised several times as to the percentage of the number of votes required to initiate a measure and the fact that they might all originate in one certain district, we have left the power with the legislature to provide that those signatures may be required within the various districts, may require that they may be scattered throughout

the various districts.

CHAIRMAN R. RIVERS: The Committee will be at ease while the stenotypist puts on a new tape. The Committee will come to order. Mr. Smith has the floor.

SMITH: Mr. Chairman, there are a lot of questions that have been brought up, and I am just going to touch on some of them very briefly. Referring back to the survey of Oregon's experience, the report states that the measures initiated were on the whole not much better or worse than the products of the legislature. The people of Oregon had been considerably burdened with decisions on all manner of measures, some of them nuisance proposals that kept reappearing time after time. The people were not notably better educated politically than before. However, they had exercised their responsibility in a fairly conservative manner. They had been rather free to alter the structure of the government, had not been financially irresponsible and had been rather conservative on policies in the general field of public welfare. Now I think Mr. Victor Rivers brought up a question as to whether, if the initiative were included in the constitution we would then have a republican form of government. I think it would take a constitutional lawyer to answer that question, but I imagine that the people in the states who do have this provision feel they do have a republican form of government. We go back to the question as to the accomplishments of the initiative and referendum which have been covered to a certain extent. I go back, possibly because it is more realistic to me, to the fact that Washington and Oregon for many years tried to get their legislatures to eliminate fish traps with no success. Through the initiative measure they were both successful. Now Mr. Barr's suggestion that it would be easy to get the legislature to take action if they were asked goes back to the fact that California again tried for years to get their state legislature to set up a civil service system. They were unsuccessful. Through the initiative right the people of California instituted a civil service system. Now I believe Mr. Doogan asked a question. I am not sure. Someone brought up the point -- I believe it was Mr. Davis that the right of the initiative as outlined here might be construed as allowing the people to amend the constitution. I would call your attention to Section 1 which is preceded by the word "initiative" and following, "The people reserve the power by petition to propose laws and to enact or reject such laws at the polls." And I don't think that could be construed as amendments to the constitution.

V. RIVERS: Do you yield for a question, Mr. Smith? In your study of Oregon, did you find that by referendum the people of Oregon had defeated a statewide sales tax seven times?

SMITH: Yes, now that you call it to mind, I do very distinctly.

V. RIVERS: Do you also believe that if we had this clause in here which says, "emergency action not be subject to referendum", that we would eliminate practically nine-tenths of all the acts of the legislature including such as things as sales tax if it carried that clause?

SMITH: I have had considerable worry over that fact, Mr. Rivers, and I think it is a thing which is very open to question.

V. RIVERS: Do you believe that if we have the initiative and referendum in the constitution it will make it more palatable from the point of view of some of the legislators or senators in Congress for approving this act?

SMITH: That is one of the chief reasons why I support very strongly the inclusion of the initiative process in the constitution, even though it is not used, it is there. I think that the legislators, if they know it is there, they will be very careful in ignoring the will of the people.

V. RIVERS: Do you believe that approval of the act subject to referendum, any of those emergency acts shall not be subject to referendum, could be covered by a different clause such as the acts that are necessary for the immediate preservation of the public peace, health, safety, etc., would that be better than just saying those that carry an emergency clause?

SMITH: I feel it would, Mr. Rivers.

CHAIRMAN R. RIVERS: Mr. Hinckel.

HINCKEL: I would like to speak on that subject. We had numerous drafts of this article and among them we had somewhere the wording I thought was better, and it is quite possible that in trying to condense it that we went a little too far, and some of the things we originally had written in the article and took out in condensing may have to be put back in. Mr. McNealy asked a question which has been incorrectly answered. He asked had we considered the indirect method of putting through a bill, and you will notice that on lines 13 and 14, page 2, that is says that these conditions shall exist, "unless the legislature enacts the measure initiated during the session. So we did include the indirect method of approach which we thought was the economical way to do it.

CHAIRMAN R. RIVERS: Mr. Hellenenthal.

HELLENTHAL: A question of Mr. Taylor. Mr. Taylor, is it not possible that the California fiasco where the legislature was dominated by the railroad could have been due to the fact that the California Legislature as then constituted was not truly representative of the people?

TAYLOR: That is entirely possible, Mr. Hellenthal.

HELLENTHAL: Is it not possible that some of the domination of the Alaska Territorial Legislature in ancient times might have been due to the fact that it also was not representative of the people?

TAYLOR: That is true.

LONDBORG: Mr. Chairman, may I direct a question to Mr. Taylor? According to statistics I believe the other states require from eight to fifteen per cent of the qualified electorate to initiate. Is that not true?

TAYLOR: They have different ways. I think the majority of them that have it there is a percentage of the votes cast for the governorship at the previous election.

LONDBORG: The votes cast? I was referring to the report where it said that eight to fifteen per cent of the qualified electorate, and I wanted to have it clarified. Here we have eight per cent of the votes cast which would be a considerable lower percentage of the qualified electorate than eight per cent. I thought we might have that open for consideration.

TAYLOR: That would be the number of votes cast for the governorship, not the particular man who won the race.

LONDBORG: That would still be a considerable amount less than eight per cent of the qualified electorate, and I am wondering if other states do have it reading the governor.

TAYLOR: There is quite a few of them who have it. I might state why that is, because it's ordinary, there might be instances where three people would be running for the governorship, usually it is two. Most people who go to the polls would vote for one of those two candidates for governor so they take the combined vote for governor and then eight per cent if it is in the law or fifteen per cent if it is in the law. Now there is one state I think that has only five per cent.

LONDBORG: I see that. That is eight per cent of the total number of votes cast, but I was wondering about that if the states used that or if they used the percentage of qualified electors as was referred. Perhaps the PAS report was in error on that.

CHAIRMAN R. RIVERS: Mr. Fischer, could you throw some light on that?

V. FISCHER: I might read from the Hawaiian Manual. "Six states require a number of signatures to be based on previous vote for governor. Two states require number of signatures to be based

on previous vote for supreme court justice. One state requires number of signatures to be based on previous vote for secretary of state, one state requires number of signatures to be based on state office which receives the highest vote at previous election, and then a few leave it up to the legislature to determine and two states specify in the constitution the exact number of signatures required.

LONDBORG: They did not give the percentages at all there, did they?

V. FISCHER: Yes, they do. Arizona ten per cent based on governor; Arkansas eight per cent on governor; California eight per cent on governor. Eight per cent is the most common.

CHAIRMAN R. RIVERS: Mr. Gray.

GRAY: I would like to ask Mr. Taylor a question. In my own mind, what do you mean by "an emergency act of the legislature"? Is that on any act that has an emergency clause? An emergency clause is called by a separate vote, is it not?

TAYLOR: Oh yes, because the passing an act with an emergency clause is actually a suspension of the rules. So it takes a two-thirds vote to pass the emergency clause, although it only takes a bare majority to pass the bill itself.

GRAY: Can any act have attached to it an emergency clause, any act that should come out of the legislature?

TAYLOR: Yes, you could put them on there, but it is doubtful as to whether every act would be passed with an emergency clause. I know we see in the legislature many acts that carry an emergency clause that we turn down.

GRAY: I was not sure in my own mind what an emergency act was, but I refer to Section 2. "The people reserve the power to require, by petition, that laws enacted by the legislature be submitted to the voters for approval or rejection." In Section 5 we have a sentence, "Emergency acts are not subject to referendum." It seems to me that you put a tool in the hands of the legislature that removes that particular act for the referendum. It takes a two-thirds vote I understand, but it does remove the referendum from being a check on the legislature.

TAYLOR: I will tell you why, Mr. Gray. The fact that if an act is passed as an emergency the supposition is that the act should go into effect immediately. Well, then if you will read the section regarding the referendum, they would have 90 days in which to file a petition for a vote upon an act and that 90 days, if they waited that time, might defeat something that was very essential that should be passed and become law

immediately, so that would suspend that for 90 days and so then after the 90 days, then there is the time that is fixed for the special elections as to whether this act is going to stay on the books or whether it is going to be defeated, so by that time your emergency might be over.

EGAN: Mr. Chairman, may I ask Mr. Taylor, Mr. Taylor, I don't read that as having anything to do with 90 days as to when relating to an emergency clause. Are you referring to the 90- day clause in Section 4, Mr. Taylor?

TAYLOR: I was referring to it in the event that if they had the right to refer an emergency measure to the people and that section was in there, there was 90 days before they would even had to file their petition.

EGAN: That wouldn't have anything to do with whether or not there had been an emergency to the law when it passed the legislature.

TAYLOR: With an emergency clause on it you can't do it.

CHAIRMAN R. RIVERS: Mr. Johnson.

JOHNSON: Mr. Chairman, it occurs to me that we are confusing the issue a little here by the fact that once we become a state this matter of emergency clause will no longer be present because the minute the legislature passes the law and it is signed by the governor, it becomes valid immediately, unless it has some restraining clause within its own provisions. This emergency clause procedure was set up strictly for the Territory of Alaska, because any law that is passed by the legislature without an emergency clause does not become effective until 90 days after the adjournment, and it is to overcome that procedure that this emergency clause was inserted in the Organic Act and does give the Territorial Legislature the right to pass laws with an emergency clause whereby they become effective immediately upon passage and approval. Once we become a state, the legislature would have the right to pass laws that would become effective immediately upon signature by the governor, so I don't see the necessity for such a law.

CHAIRMAN R. RIVERS: Unless, Mr. Johnson, the legislative provisions of our constitution imposes similar --

TAYLOR: I would like to answer Mr. Johnson, that practically all the states I have been to have a provision that the legislature may tack an emergency upon any act that they pass. If they don't put that on there it takes 90 days, just exactly as it does in Alaska before the act becomes effective.

CHAIRMAN R. RIVERS: Mrs. Sweeney.

SWEENEY: Mr. Chairman, I seem to be confused, and I think maybe some of the others are. We are talking about two different things here -- an emergency clause and an emergency act. If I read correctly Section 5. Emergency acts are not subject to referendum." I think you are talking about an act which must be passed right now to take care of some grave emergency. Now the emergency clause concerning which Mr. Taylor spoke a little while ago, he said in answer to Mr. Victor Rivers' question as to how many laws in the legislature carry the emergency clause, Mr. Taylor said "probably half". Now that does not indicate that half of the bills were emergency acts because they are not. In many instances you have deficiency bills, say \$200 due some individual who has not been paid and the legislature pays that instead of making her wait 90 days to get her check, we put an emergency clause on there, the governor signs the bill. That is not an emergency act, that is simply an emergency clause on the bill. I want to say in answer to a statement Mr. Barr made, he said that if we could get bills introduced by request, why should we go through this cumbersome system of initiative. It has been a general practice or at least my feeling and the feeling of others that bills introduced by request were not pushed. When you say that Sweeney introduced a bill by request it was an indication that Sweeney was not going to be too anxious to fight for it and consequently you were not expected to put too much effort on it either. But a bill that is brought to you by initiative is going to mean you had better get on it and do something about it, it is the will of the people. So I believe there is a need for the initiative and not to go back to the old system of introducing bills by request. I go along with Victor Rivers' statement about making a better emergency clause there to clear that thing up.

HELLENTHAL: How much, Mr. Taylor, did the Committee estimate it would cost to hold a special election?

TAYLOR: Forty thousand dollars.

HELLENTHAL: Now if the legislature, and I understand it will meet annually or it is proposed that it will, if they meet for a period of three months, and then there is 90 days, another three months following that in which to file petitions for referendums, that's six months, then 180 after that--that would be another six months. I can see where no harm would be done, but if the legislature only met for two months would it not be possible that we would have to call 30 successive special elections, depending upon the date?

TAYLOR: That is right, Mr. Helleenthal. It is going to run up into quite a bit of money.

HELLENTHAL: That would be \$1,200,000, wouldn't it?

TAYLOR: Of course, you could hold three elections at one time if you have three laws.

HELLENTHAL: If you had three laws but if they were filed on three successive days you could not.

TAYLOR: That is right. I would like to point out to Mrs. Sweeney that an emergency act and emergency clause are the same thing. It is not always an emergency but the legislature will say, Emergency is hereby declared to exist and this act shall take effect immediately upon its passage and approval." "Approval" means signing by the governor, so that is the emergency. The legislature declares it is emergency whether it is or not. So it is an emergency at law. So there is absolutely no difference in an act carrying an emergency clause and an emergency act.

CHAIRMAN R. RIVERS: You would not mind if this was clarified would you, Mr. Taylor?

TAYLOR: It is so obvious I don't see it could be clarified.

DOOGAN: Mr. Chairman, I approve of the initiative and referendum but after reading this over and listening to the debate, it has entered my mind that the Committee that proposed this bill was not very much sold on the initiative and referendum. It seems to me to be full of contradictions that tie the hands of the people so they can do practically nothing, and therefore, I would like to move and ask unanimous consent that this section of the committee proposal be referred back to the Convention and with the recommendation that it be referred back to the Committee to either make up their minds, do they want an initiative and referendum or they don't and if they do, to provide one that will work.

TAYLOR: Mr. Chairman, I think Mr. Doogan is out of order.

CHAIRMAN R. RIVERS: Yes, I would rule that out of order, because when this Committee reports, the whole thing goes back to the Convention, and we are only here now for explanation and discussion.

DOOGAN: Point of order, Mr. Chairman. In a sense what I am doing is precluding any more debate on this because I think we are wasting time and I don't think I am out of order in making that motion.

CHAIRMAN R. RIVERS: I am willing to hear from better parliamentarians than I. Mr. Cooper.

COOPER: I will have to sit down then. I make a motion and ask unanimous consent that the Committee of the Whole rise and report progress.

TAYLOR: I think we have quite a bit more to this bill. We have the revision and amendment of the constitution, also recall here which is part of our article.

CHAIRMAN R. RIVERS: Mr. Cooper's motion dies for lack of a second. Mr. Egan.

EGAN: With relation to the type of motion that Mr. Doogan made and with no relation to whether or not it is a good motion, I wonder if we should get it straightened out right here as to under the motion that we went into this type of Committee of the Whole on, that type of motion would be a recommendation. We can also make motions in this type of Committee of the Whole under the terms that we came into this Committee of the Whole on. It was my understanding any way that this is a different type of the Committee of the Whole than we ordinarily work under, and motions can be made of any nature relative to how it will be reported back to the Convention.

CHAIRMAN R. RIVERS: Did someone second Mr. Doogan's motion?

DOOGAN: I asked for unanimous consent.

DAVIS: I object.

DOOGAN: I so move.

HERMANN: I second the motion.

CHAIRMAN H. RIVERS: The question is, "Shall the subject of this section" -- will you specify?

DOOGAN: The Sections on Initiative, Referendum and Recall.

CHAIRMAN R. RIVERS: "The Initiative, Referendum and Recall Sections be referred back to the Constitutional Convention for rereferral to the Committee, to the standing committee?"

ARMSTRONG: Mr. Chairman, how do we know we want this included in that final motion when it comes back on the floor? How do we know the Convention even wants to vote for the initiative?

EGAN: Wasn't it with the recommendation to the plenary session that they send it back? It is just recommending to the plenary session.

CHAIRMAN R. RIVERS: I meant to say that. Mrs. Hermann. HERMANN: Mr. Chairman, it is an article rather than a section.

CHAIRMAN R. RIVERS: Let us call it the article on initiative, referendum and recall. Mr. Victor Rivers.

V. RIVERS: I wanted to say, I merely wanted to point out that the motion we went into the Committee of the Whole on was that we would proceed to discuss this in a general way and then take it up in specific sections was my understanding as was done in Hawaii, in which specific amendments were made and then the substance of the amendments was reported out by the Committee of the Whole. The procedure used and quite successfully, was to have such a general discussion as we have had as to the merits and if they wanted a general idea, and then to proceed into section by section, reading and amendment. It seems to me that that is in order now. We have had something of a general discussion, and it appears from the statements of many members here that there is a desire on the part of many members of the body to have the initiative and referendum. It seems to me that at this time we should take it section by section and amend it in the manner we want it to come out of this Committee. Then we will be ready to kick it back into its regular place on the calendar for it to carry on to the next order on the agenda. I think it would be unwise now, we would have wasted this general time, unless we do not want the initiative and referendum in the constitution, to rise from this Committee of the Whole. We can proceed with the business here and get this out of the way now. I think everybody has a general idea of what their thinking is. I think the work of the Committee, maybe a few changes we want, but on the whole, I think it can without too much amendment, be made very adoptable.

CHAIRMAN R. RIVERS: The Chair will insist on disposing of Mr. Doogan's motion. Mr. Fischer?

V. FISCHER: May we have a two-minute recess?

CHAIRMAN R. RIVERS: Is there any objection to a 15-minute recess? If not, we recess for 15 minutes.

RECESS

CHAIRMAN R. RIVERS: The Committee will come to order. Mr. Doogan.

DOOGAN: Mr. Chairman, I feel that after listening to some conversation, I proposed the wrong motion. So I would like to withdraw that motion and substitute another. I think that before much more is done on this initiative and referendum, I consider this bill worthless, and I consider before we go any further that possibly the thing we should do is to have a vote or a poll of the delegates.

CHAIRMAN R. RIVERS: Let's act on your request. Is there any objection to Mr. Doogan withdrawing the motion he previously made?

HERMANN: I consent.

CHAIRMAN R. RIVERS: In that case the motion is withdrawn. Now Mr. Doogan.

DOOGAN: I would move then that a poll, house vote, that you get everybody in the house --

SUNDBORG: Call of the house, or call of the committee.

DOOGAN: Is that in order?

CHAIRMAN R. RIVERS: I know of one at least who has gone to Fairbanks. We may be through for the week if you ask for a call of the house. I think on request we should just round up the delegates in the building without a formal call.

DOOGAN: Well, that's what I wanted to do so that everybody gets a chance to express themselves on it and first, take a vote on the initiative and then on the referendum to decide whether we're going to go on with this or not.

MARSTON: There have been seven people speak on this and I want to make a speech in favor of the initiative and referendum and recall before you vote on it.

CHAIRMAN R. RIVERS: Would you wait until the motion has been made? We shall clue you when it is ready. The motion isn't made but there is a suggestion we should try to round -- and then there was another factor involved. Mr. Doogan has asked that we try to round up the members of this body, which are in this building. Is there any objection to having a recess for two or three minutes until we round up the absent delegates?

SWEENEY: I object for just a moment, Mr. Chairman. When we had a Committee of the Whole on the question of bicameral or unicameral legislature, we were not permitted to get a poll. We said that was not an issue and we weren't to have it. We are setting precedent here if we are going to have a poll in the Committee of the Whole. If we're going to do that on everything that comes up before us in the Committee of the Whole, I don't think we ought to start that.

CHAIRMAN R. RIVERS: May we get the delegates, before that is acted on, that are not in the house but in the building? Mr. Doogan, do you want to pursue your suggestion? We can discuss whether or not this motion is in order. Mrs. Sweeney, were you making a point of order?

SWEENEY: I was just registering an objection to having a poll in the Committee of the Whole, if we are going to have this same procedure at every Committee of the Whole meeting.

V. FISCHER: Mr. President, I agree with the intent of the motion which is to decide whether we want to have the initiative,

whether we want to have the referendum before we go and start discussing amendments only to possibly later vote the whole thing down. However, in line with Mrs. Sweeney's suggestion, it probably would be more proper to make a motion that this Committee recommend to the Convention to have no provision in the constitution on the initiative first, and take a poll on that, and then whichever way that goes then we can have another motion made that this Committee recommend to the Convention that we have no provision on referendum in the constitution. Then, if both of those motions carry, then there is no need for amendments. If those motions are defeated then we can go ahead and start amending and we won't have to go at length, as we have been, into any further discussion of the pros and cons of the initiative and referendum.

CHAIRMAN R. RIVERS: Mr. Taylor.

TAYLOR: Mr. Chairman, I believe that Mr. Fischer is right in his remarks, although I believe it should be handled just a little bit different by a motion that the Committee rise and report to the plenary session that Sections 1, 2, 3, 4 and 5 of the Article on Initiative and Referendum be stricken and then when we vote that, if we vote that, we will know the sentiment of the Convention as to whether they want it or not. If we vote that and find out it is so, when we got into plenary session we take the vote and know just what it is.

EGAN: Mr. Chairman, I think to clear something up here that everyone should realize that we came into this particular Committee of the Whole in a different fashion than what we have entered any other Committee of the Whole. We came in here with the power to make amendments that could be recommended back to the plenary session or do anything else in this Committee of the Whole that we would do in plenary session, other than actually act on the amendments and have them become part of the record so far as the final vote was concerned, that this action was done by a suspension of the rules and is entirely different from the particular Committee of the Whole we were in the night that we debated the unicameral and bicameral legislature.

CHAIRMAN R. RIVERS: Would the Clerk please read the motion as it is now stated.

CHIEF CLERK: I am not sure that I got Mr. Doogan's whole intent, but he moved to "Call the members in so that we could take a poll on what the Convention wants as to this bill", is that it?

DOOGAN: I feel that there is a division here and that they should take a vote on the initiative first and the referendum. They may want one and not the other or they may want both or they may want to throw them all out.

CHAIRMAN R. RIVERS: And that would be for the purpose of recommending to the plenary session?

DOOGAN: That is right.

CHAIRMAN R. RIVERS: Mr. Sundborg.

SUNDBORG: I move and ask unanimous consent that the motion as phrased by Mr. Fischer be substituted for that suggested by Mr. Doogan, if Mr. Doogan approves. My belief is that Mr. Fischer stated the motion in what would be the proper manner to achieve the intention of Mr. Doogan, but I don't want to say that if Mr. Doogan does not also agree with me on it. Do you recall?

DOOGAN: I don't recall.

SUNDBORG: The Clerk has it.

CHAIRMAN R. RIVERS: If there is no objection we will have the Clerk read the language proposed by Mr. Fischer.

CHIEF CLERK: "That this Committee recommend to the Convention to have no provision in the constitution on the initiative", and then the other one would be, "That this Committee recommend to the Convention that we have no provision on referendum in the constitution."

SUNDBORG: To be taken up one by one and of course only the first one to be before this body at this time.

CHAIRMAN R. RIVERS: Mr. Doogan, what is your pleasure?

DOOGAN: That was not my intent. As Mr. Egan stated, we came into this Committee under suspension of the rules with the power to amend and everything in this Committee so that when we did report back to the floor we would report back specific amendments and would not take up the time of the plenary session to do it. The only way we can actually carry through on that is to decide first whether we want the initiative and then decide whether we want the referendum and if they are decided in favor of both of those we can go ahead and amend as we started out to do in this Committee.

CHAIRMAN R. RIVERS: Mr. Doogan, wouldn't Mr. Fischer's language arrive at that exact result?

DOOGAN: He says report back to the Convention.

CHAIRMAN R. RIVERS: That is all we can do and that's what you're trying to achieve, and we will test the two viewpoints by those motions that Mr. Fischer has suggested.

DOOGAN: Okay.

KILCHER: Mr. Chairman, it is my opinion that the motion that two gentlemen are advocating is proper material for an amendment and should be brought in on plenary session and then we will have something to act upon. If the motion should carry that we strike these five sections, then we forget about it. That is simple. If it does not carry, then we amend.

CHAIRMAN R. RIVERS: It is clear that we can get the poll we are after right here in this Committee and that we can report that result to the plenary session when this Committee arises. Mr. Hurley?

HURLEY: If Mr. Doogan has withdrawn his motion, I will second Mr. Fischer's motion.

CHAIRMAN R. RIVERS: I have not declared that Mr. Doogan has withdrawn his motion.

DOOGAN: I withdraw.

CHAIRMAN R. RIVERS: In the absence of objection, Mr. Doogan's motion has been withdrawn. Mr. Fischer.

V. FISCHER: I move the adoption of the first motion I previously made.

CHIEF CLERK: "That this committee recommend to the Convention to have no provision in the constitution on the initiative and referendum.

SWEENEY: Point of order Mr. Chairman. I believe that the motion should be in the affirmative -- that we do have. It is going to be very hard to vote on and I think it should be stated that we do have the initiative and referendum.

V. FISCHER: I accept the change.

HURLEY: I accept it.

CHAIRMAN R. RIVERS: If there is no objection it shall be couched in the affirmative. Mr. Victor Rivers.

V. RIVERS: I think the motion should read that we should strike the paragraph in relation to the initiative. - mean" recommend. I want the affirmative vote on the word "strike .

TAYLOR: I think that is the proper way to do it, as I urged before, that we should strike those particular sections if we don't want the initiative.

CHAIRMAN R. RIVERS: The two subject matters of initiative and referendum are intertwined throughout this document. If you vote on striking the sections you are combining those two. If you want to separate the subject matters you have to take it the way Mr. Fischer has proposed it. Is there a second to Mr. Fischer's motion?

CHIEF CLERK: Mr. Hurley seconded it.

CHAIRMAN R. RIVERS: Are you ready for the question? Mr. Marston.

MARSTON: Are you going to let me talk now?

CHAIRMAN R. RIVERS: Now is the time to make that speech, Mr. Marston.

MARSTON: I am going to make a speech in favor of the initiative, referendum and recall which has not been made yet, and you have made up your minds practically here without the thing being properly presented, and don't let for one minute, gentlemen and ladies, this kind of talk you heard make up your minds on so vital a piece of legislation. Delegates who make a remark about this foolish piece of work", I think it is unbecoming to this audience and this group of people to talk that way about a thing so fundamental as we have here. If you don't trust the people I don't know where you are going. That means if you vote down the initiative, referendum and recall you do not trust the people, and the people are the people, and that is the only reason we are here, and if you can't trust them I would hesitate to go back home before your committees and talk to them. I think the passage of the initiative, referendum and recall will sell a lot of these constitutions. When a man says "I don't like that", you can say "You have a right." The people themselves can go into the courts of the land to have your word made law by a certain procedure. I hope that we pass the initiative, referendum and recall, and I hope we never have the occasion to use it. I think it is a great thing to have it in the hands of the people, and you will notice that the Western states are the ones that passed and used the initiative, referendum and recall, and we are Western and Northern, the same kind of people. We are explosive people. We like to express ourselves, and I can see miners back in the camps thinking over things that have not been right, and fishermen in their little boats wondering why. Now they can say, "We can correct that thing", and though they never use it it is a great healthy thing to have in the hands of the people. It has been used in some 15 states, and they have it in their constitutions. It is constitutional, fundamental law, and I hope that you people keep an open mind here and don't let this talking on here affect you because it is vital. You are sent here with a great duty to carry out the wishes of the people back home, and if you turn down this kind of legislation you are going to be in for a lot of embarrassment and a lot of criticism, and I don't like the way it has been carried on here. This Committee was not in agreement that made this document, and it was said so here, and I think all the members of the Committee should be heard on this before you make up your minds. I am for the initiative, referendum and recall, and I hope that you people open your minds again which you had it practically closed up

here and were ready to close off by a certain group of people here, and think very seriously on this matter. It is fundamental law and I am going to ask the Chair right now to call on the rest of the Committee that worked on this direct legislation. That is all I have to say.

CHAIRMAN R. RIVERS: Committee members and others may be heard.

Mr. Cross.

CROSS: I have been thinking quite seriously on this. I made up my mind that if you can't trust your legislature this cumbersome machinery is not going to help it very much, and I don't think we are going to help matters by taking a more cumbersome way of deciding things. We are here to set up machinery for legislation. And if we can't set up machinery that will work, I doubt very much if we can find any other way of doing it.

CHAIRMAN R. RIVERS: Mr. Taylor.

TAYLOR: Mr. Chairman, I agree with Colonel Marston. I believe he has stated it perhaps more eloquently than I can, about the desirability of having the initiative and referendum. I can not go along with Mr. Cross's statement that if the legislature doesn't do something there is no use trying to let anybody else do anything, but I believe if we do have this additional safeguard that worthwhile legislation will be enacted in case the legislature did not, that we are only saving to the people a power which they may never exercise, but the mere fact that the power is there and is available for the electorate to initiate some measure for the benefit of all the people, they should have the right to do it. Now perhaps Mr. Doogan says this is a silly piece of work. I wish Mr. Doogan would have been on the Committee because there were seven of us on there and we worked for three weeks and we met practically every day, and as I said before, we had studied and examined the initiative and referendum provisions of practically all the states that have the initiative and referendum, and to come into this Convention with a recommended article on those particular provisions, some of us sacrificed our convictions that all the details of the law should be spelled out in the Convention. Some of us sacrificed our convictions that just the framework should be drawn up by this Convention and the details filled in entirely by the legislature, and we finally met upon the common grounds which is here before us. And with the study that I have given to this and I think the other six members have given to it, that the cry of "silly" or "ill-advised legislation" or "ill-advised article" doesn't sound too good. If Mr. Doogan had been on that Committee perhaps we would have come up with a masterly article which we could pass without any amendments, without any discussion, but the men of limited mentality who composed this Committee were not able to do so. I feel that we should have as a curb, if nothing else, a power that might never be used but is still there. We should have

that in the constitution. And a power that can be implemented by the legislature to whatever extent they wish, subject to the limitations that this Committee has put in the bill.

CHAIRMAN R. RIVERS: Mr. Coghill.

COGHILL: Mr. Chairman, I feel along the same lines that were just spoken. I think that probably the biggest majority of people here had to run to be elected for this Constitutional Convention, and probably if they were faced with the issue from the voters, and I believe a poll was taken, that a majority of the delegates was in favor of the initiative, referendum and recall. Was it a vote-getter? Were you fooling the people when you told them? Are you standing up to your convictions? I think that the people of the Territory need assurance that they are going to have individual rights restored to them. We under Territorial status have seen some awful reckless things happen during the realm of Secretary Ickes, Chapman, and now McKay. I think that you will find that under this form of government, a non-representative form of government, that the people are quite sensitive to their individual rights, their individual thoughts, as far as government is concerned. Woodrow Wilson put the phrase quite masterfully when he said that, "These three forms of controlling your government are the gun behind the door assuring direct legislation for the people." - think it is basic and I admire the work that was done on the Committee.

CHAIRMAN R. RIVERS: Mr. Knight.

KNIGHT: Mr. President, I agree with Mr. Marston and Mr. Taylor and also Mr. Coghill. Why should we take any power away from the people? The people put us here. However, Mr. Marston is wrong when he said there were 15 states that had this on their books now, there are 19. The last one was the State of Maine, January of this year, and I am going to favor this act.

CHAIRMAN R. RIVERS: Mr. Hinckel.

HINCKEL: I would like to state that it is not a clumsy procedure, that it is a very simple procedure up to at least the point where the legislature may or may not act upon it, and they are in the end of it, they pass it and if it goes beyond that point why it may become a little bit complicated and expensive, but I don't think that very many times it will. I think that with the provisions as set up in this article that probably the legislature will handle the subject of the initiative due to the fact that they will be convinced that they are a large number of the people who desire that it be taken care of and probably that will be about as far as it will go in most cases.

MCNEALY: I had not intended to speak here, but there have been one or two things said that probably require a little clarification.

I would like first to mention that there are 19 and only 19 states that have the initiative and out of the 19 there are only 11 of them with the direct initiative. The other eight have their initiative to the legislature. And as to what we promised the voters, one of my statements, that there were not many things that were conflicted here among the candidates, but here in the Fourth Division in Fairbanks, maybe I should confine it out of respect to Delegate Coghill here, but that was one of the issues of initiative and referendum, and I came out strongly opposed to the initiative and at quite a large meeting held in the public high school here, every candidate who was running for this Convention, whether this means anything or not but all the candidates who stood up and said they were for the initiative are not present in this body today, whether that means anything or not. The point is I think it is a cumbersome system and outmoded system. It was popular 50 years ago, and I don't feel too strongly on it because in looking back, outside of the expense that it has cost the states in a lot of elections that came to naught, and far more of the propositions advanced on the initiative were defeated by the voters at great expense to the public than were ever passed, and that goes without contradiction. I feel that the proponents of this measure felt that in the early days it would cure everything, and those who were opposed to it thought it would be the end of government. Neither instance has happened. You might put it this way, it is not particularly good constitutional material and it is not particularly bad. For that reason, at least as to the initiative, I am opposed to it.

KILCHER: I have to disagree with Mr. McNealy on more than one point. For one thing, there are luckily quite a few of the candidates present here who in the campaign have advocated initiative and referendum. I might say in a lot of respects they have proven to be the more progressive ones. This referendum and initiative can only, with a stretch of the imagination, be called something outmoded, or you would have to call democracy itself outmoded. If we look at the history of the thing we can see that it coincides very closely with a whole series of progressive political movement of the late 19th century extending into the early part of the 20th century. If we look at the little map of the United States and see, here we can see which states they are. They are preferably the Northern and Western states and not the others. Some are known as the more progressive of our states, so consequently I think we have very good precedence, and we have nothing to worry about if we adopt initiative and referendum. Also the cost involved in an occasional election I think is cheap money for political education. It will in my opinion tend to decrease what Governor Gruening has called "the political illiteracy". It will greatly increase the interests of the people and the faith in themselves and their laws.

DOOGAN: Mr. Chairman, if I trod on the feelings of the

integrity of any members of the Committee that drafted this thing individually, I am sorry. To say that the initiative and referendum is outmoded, I consider this impossible. As I read this, to be specific, a man brought up the suggestion of fish traps. If the legislature wanted to provide for the abolition of fish traps by referendum, it could not be done. You could not initiate for it either. I don't think it will work. I was one of the candidates that was asked whether I was for the initiative and referendum and I said "yes" and I am here. The thing is, the reason I changed my motion is just in general conversation I find that there is quite a difference of opinion, which I did not know before, and so as far as I am concerned the thing to settle first is, do we want the initiative and referendum, before we go on amending a bill we might later throw out, and I will abide by the decision.

CHAIRMAN R. RIVERS: Mr. Metcalf.

METCALF: Mr. Chairman, if I may make a few brief remarks on this matter, I was one of the Committee members that worked with Mr. Collins and Mr. Taylor, and we worked out this compromise on the initiative and referendum. It is far from perfect I know, but personally speaking I am in favor of the initiative and the referendum. Missouri saw fit in its revision in 1945 to spell it out pretty much. We copied or took some of our provisions from the Missouri article, and that was the 1945 revision. Another reason that makes me strongly in favor of the initiative and referendum is the fact, so I am told, that you are having a strongly centralized executive department. He is going to appoint administrative officers, much stronger than the average, and so in adjusting our system of checks and balances I feel the people should have an extra hold in this system of checks and balances. Speaking about the legislature, I believe Mr. Cross mentioned that why can't the legislature take care of everything. This talk about the legislature frankly has me confused here. Some people on one day say, "You can trust the legislature." The next day they say "You can't trust the legislature." Then there is the old man, Public Enemy No. 1, the lobbyist. So I am confused what to think about the legislature, and I think this system of the people having their hold on the checks and balances should be just as accurate and just as perfect as when you go to the bank to borrow some money on a homestead, you don't expect the banker to hand you out some money without you signing up the mortgage, as a matter of banking routine. He gives you the money and you sign up, and it is just the same way with the initiative and referendum here. The people ought to have it in black and white, just what the rights are and not leave it to guesswork. I believe as Mr. Kilcher does, that if these matters, the initiative and referendum, are left to the people to study, it would reduce the political illiteracy that we now have, and I wish and urge everyone too vote to keep the initiative and referendum.

CHAIRMAN R. RIVERS: Mrs. Hermann.

HERMANN: I merely want to ask a question and that is, could any of the members of the Committee that formulated this committee proposal tell me how many of the 19 states that do have the initiative and referendum, have provided for such in the constitution, as opposed by the legislature?

CHAIRMAN R. RIVERS: Miss Awes.

AWES: I think perhaps I can answer Mrs. Hermann's question. I have before me the PAS pamphlet. It says that, "Altogether there are 19 state constitutions which provide for some form of statutory initiative." So evidently it is provided for by the constitution in all the 19 states.

BARR: Since Mr. Metcalf is a bit confused about the legislature, I might be able to clear up a few points for him. The legislature is elected by the people and the legislature is what the people make it. If you vote for the right people you have the right kind of a legislature. Therefore, it goes directly back to the people, and Mr. Marston says, "Can't we trust the people?" Well, certainly, but the question is, "Can the people trust the legislature? If they can, there is no need for any initiative, and they still have the referendum, and that is their check on the actions of the legislature. Now we do not have a democracy here. This is a republican form of government. If we had a democracy, of course the people would do everything directly. Since we have chosen the republican form of government, in which the legislation is taken care of by representatives chosen directly by the people, I think we should retain that form of government. It has worked out pretty well so far. Of course, I believe the referendum is necessary, but the initiative is not necessary. It is cumbersome, at least it is more so than our usual method of introducing bills in the legislature, and I know there are lots of them introduced by request. I have introduced some and have fought for them. Of course, if one is introduced by Sweeney and Sweeney does not fight for it that is a different proposition, but I think they should be fought for or not introduced in the first place. I am concerned about the initiative for several reasons. One, bringing up the old bugaboo of lobbyists again. There have been legislatures that have been dominated by lobbyists. I suppose in Alaska and other states also, but that is because perhaps the people did not vote for the right men. I do know for a fact, that a good many years ago the people of Alaska were more politically illiterate than they are today, and things are improving steadily, and as they improve, we will have better people in the legislature, And of course there will be an added cost if we have the initiative and have elections, and I am sure that we will have many elections because it is so easy to get a petition signed and it is not always a little group that wants to initiate some particular

piece of legislation. It is usually eight or ten per cent of the people or more. And I believe that under our present system when the people elect certain representatives they try to pick out, I won't say a better man than they are, but one who is experienced and one who has good judgment, and when you group these people together in a legislature, if they approve of a certain bill, it is generally a pretty good one. I have seen some bum ones passed, but when you take in all the people of the Territory, counting the lobbyists, crackpots and individuals with special interests, etc., we can have any type of legislation we want. Of course, there are restrictions under this Committee report here which would tend to alleviate that condition somewhat, but I don't believe that it would correct the matter altogether. So I believe that under our present system we are getting along very well, and I was reading the model state constitution here, and I noticed on their commentary on it that was the sentiment there too, although there is a provision in the model constitution for both referendum and initiative, if I could find it I would like to read it.

METCALF: Page 29.

BARR: Page 29. In one paragraph in the right-hand side of page 30 it says, "Recent experiments in several states with the attempts of certain groups to employ these agencies to place in the constitution controversial matters". Now "controversial matters" of course does not necessarily mean that it might be promoted by a certain industry. "Controversial matters of an economic nature have led to a wave of criticism of direct legislation and to numerous suggestions for restrictions on the use of the initiative and referendum." We have the restrictions in this report, but I don't think that restrictions cure it altogether. I just don't believe in the basic principles of the initiative, not under the republican form of government where everything is as streamlined and as efficient as we have it today to promote legislation.

CHAIRMAN R. RIVERS: Mr. Collins.

COLLINS: I would like to speak in behalf of the report of the Committee. This Committee was appointed, seven men from various sections of the Territory of Alaska. Two propositions covering the questions that were sent to our Committee was considered. We brought in for consultation the advisors that we brought here, Mr. Elliott and others. We went over this report of ours with them, trying to unify the different thoughts that the members had, and I want to say in behalf of that Committee that their work, their endeavor, a result of their study, was not "foolish legislation". I resent that statement. I am not going to get personal. Supposing I were taking the floor and had thrown that at the report of the Judiciary Committee - "foolish legislation". Any member of this Convention has the right to express his own individual opinion. He has the right to

vote that opinion and I want to say in behalf of the members of this Committee that in submitting this report they have given the study, have gone over all questions you have heard here today, and we met on a common ground and we don't consider it "foolish legislation". We come back to you people to the Convention to see whether you are going to accept our report. You have the right to submit amendments, this is true. This is no gag rule nor is it no starchamber proceedings, and I think the quicker we get back into Convention and let the members express their individual views by appropriate amendments, and let this body pass on it, the quicker we will get the result of our endeavors.

UNIDENTIFIED DELEGATE: question.

CHAIRMAN R. RIVERS: May I address a question to Mr. Egan? Must the question be put when called for? When somebody who wants to talk further, may he have the floor?

EGAN: He may have the floor.

CHAIRMAN R. RIVERS: Mr. Victor Rivers was trying here several times.

V. RIVERS: I merely wanted to say that I would like to be sure of the form in which the question is put because if we say, "Will the question of initiative be considered?" it means that it takes 28 votes to say it will be. Actually, we have it before us, so the question should be, "Will the consideration of the initiative be stricken?" and that is the way I want to be sure the motion is made. "Will we strike the consideration of the initiative?"

CHAIRMAN R. RIVERS: Well, I make a point of order that the motion before us is worded in the manner previously read and that the delegates may consider your interpretation of it. Mr. Londborg.

LONDBORG: I would just like to bring this up. I feel that after a committee has made a long study of it and come up with something there must be some merit in it. Now in about two hours we hear the whole story and have to be rushed to a decision on it. I will have to admit that on this particular item I would like to hear more or have a little time to think about it. I have been on both sides of the question myself, and I don't feel qualified to vote on it yet. I would rather abstain from voting myself right now.

CHAIRMAN R. RIVERS: Mr. McCutcheon.

MCCUTCHEON: Mr. Chairman, I would like to point out that insofar

as I personally am concerned, the initiative was a device that was created some years back for specific situations. The outline of our new legislature makes that need much less imperative than it was 35 years ago. There are several devices in the legislative article here which I think would preclude the necessity of having an initiative. Bills can be introduced into the legislature by request, and even though they fail, assuming that this article is adopted substantially in its form as it is presented, even though those bills fail it may go out to referendum, so it does not preclude the possibility of people initiating some type of legislation without going through the cumbersome form of an election.

BUCKALEW: I am just going to take a second. I want to tell Mr. Collins that I think he and his Committee did a good job of presenting their material. I am going to vote against it, not because I have any objections as to the way the work was done, but I don't think the initiative is necessary. I was interested in Colonel Marston's speech about the people. I remember in the Third Division there was not any issue at all that any of the candidates campaigned on. Most of the candidates came out that they were for a constitution and it should confine itself to fundamental law and that was the only comments that I recall any of the candidates making. I think I am the only candidate that came out for an 18-year-old franchise, and that was defeated, and for myself I got a lot of criticism in the Third Division because I said that the constitution should be in the English language and in readable form. There were no issues before the people in the Third Division. Forty or fifty years ago this type of legislation was considered progressive. I don't think it is considered progressive legislation any more. I think it is costly. I don't think we need it, and that is the reason I am going to vote against it. Now as far as the referendum, I am in favor of an optional referendum as drawn in the legislative article which provides if the legislature wants to they can refer a vote to the people. I am going to vote against it.

HURLEY: Mr. Chairman, I did not realize that people would be against this, so I am forced to speak by saying in very simple language I am in favor of the initiative, referendum and recall. I have always been in favor of it, I could stay here for 24 hours and I'd still be in favor of it. I think it is a basis of democracy, even if we have a republican form of government. My thinking is summed up completely in section 1, "The people reserve the power by petition to propose laws and to enact or reject such laws at the polls." I do think that some of the items in here need amending to meet my full approval, but I am in favor of the initiative.

CHAIRMAN R. RIVERS: Mr. Gray.

GRAY: I feel much like Mr. Londborg. I agree with everybody.

I say that from the point that I am agreeing in principle with one faction and I am agreeing in practice with the other faction. I believe that the real value of the initiative is not in its use. It is in the fact it is there. It is a threat. That is the real value of the initiative. I will say that I believe that the initiative is expensive and it probably will not have the due consideration that the same bill will be put through legislature. I will say that an initiative that is precipitated by one per cent of the voters would be a great nuisance. On the other hand, I will say that the initiative that had 50 per cent of your electoral voters, these are maximum, there is no question about it -- the legislature would have to do it. It seems to me that if we can find limitations that preclude uselessness and cumbersome of minor matters and make your requirements such that we will say that if 25 per cent of the electors desired a particular measure, I doubt very, very much whether any legislature would hesitate about passing it. I believe that in the articles of the constitution that the initiative is a positive part of our government, but it is not a desirable part of legislation, and I would like to see the qualifications of numbers. I don't know why we have eight or ten per cent. Maybe some person on the Committee could explain why the particular ten per cent. But before it was thrown out I would like to see the percentage raised and keep the initiative.

CHAIRMAN R. RIVERS: I think we should stick to the main question and take up the details later.

UNIDENTIFIED DELEGATE: Question.

SUNDBORG: Read the question.

CHAIRMAN R. RIVERS: Read the question please.

CHIEF CLERK: In line with Mrs. Sweeney's suggestion which was accepted the question now reads, "That this Committee recommend to the Convention to have the provision in the constitution on initiative." And then there was a second half.

CHAIRMAN R. RIVERS: Let us stick to the initiative in the first half. The referendum will follow.

WALSH: Are we discussing Mr. Fischer's motion?

NORDALE: No.

CHAIRMAN R. RIVERS: Katherine, speak up. Let us hear what you have got -

CHIEF CLERK: "That this committee recommend to the Convention --

V. RIVERS: Point of order. That is not an affirmative motion.

We already have consideration before this Committee in the form of a Committee report stating that it embodies the initiative, the referendum. Therefore, the recommendation should be "Shall we strike it?"

CHAIRMAN R. RIVERS: An amendment to the motion I take it would be in order, if you people want to clarify the wording of the motion.

V. RIVERS: It is an improper motion, Mr. President.

TAYLOR: Mr. President, Mr. Fischer moved, and after some discussion here he moved that that part of the proposal relating to the initiative and referendum be stricken so that if you vote "yes" you vote the initiative out. If you vote "no you leave it in.

CHAIRMAN R. RIVERS: Mrs. Sweeney suggested that we put it in the affirmative and we move that we retain the initiative in the constitution, and then everybody agreed to Mrs. Sweeney's proposition. May I hear from Mr. Fischer as to how he wants his motion.

V. FISCHER: Mr. President, as I remember the motion as I made it, it was first stated to the effect that we would not include the initiative. Then the point was brought up and the point of order or otherwise, by Mrs. Sweeney that we should have a positive motion and with general consent as I remember, that was changed to be a positive motion to read that the constitution shall provide for the initiative.

V. RIVERS: Point of order, Mr. President. I said "shall strike" and I so made the point on the floor. It was not that we would vote on whether or not we provided in the constitution, it was whether we should strike it from this consideration or not.

CHAIRMAN R. RIVERS: It got before us in the form of, "Shall we retain an initiative in the constitution?"

MCCUTCHEON: I move and ask unanimous consent that the motion be laid on the table.

V. RIVERS: Second the motion.

MCCUTCHEON: The motion as now stated before us, we have this matter before us, Mr. Chairman. It is a matter of whether we are going to strike it. The matter is positive. It is to be included. The motion must be to strike, to take it out.

CHAIRMAN R. RIVERS: I have said that the motion as now stated is subject to amendment. Will somebody please make an amendment?

TAYLOR: I move that the motion be amended to read that the

sections of the proposal now before us relating to the initiative and referendum, be stricken. That is in the affirmative. That is on the initiative, just the initiative.

V. RIVERS: I second the motion.

BARR: There is a motion before the house to lay it on the table. I believe it was seconded.

TAYLOR: There was no agreement as to what the motion was at that time.

CHAIRMAN R. RIVERS: At that time there was not. That was the trouble and I was wondering if we couldn't get some place with this. Mr. McCutcheon.

MCCUTCHEON: Mr. Chairman, I am not above retracting my offer of the motion to lay on the table, but you were about to put the question that Mrs. Sweeney had offered and that was why I interrupted with the motion to lay on the table because if you put that motion you would not be voting on it correctly. I withdraw with the consent of my second.

V. FISCHER: I stated my convictions very clearly in the beginning, that the purpose of my motion was to have a decision on the principle of the initiative. It makes no difference to me which way the motion is worded, even though it might make a difference in terms of carrying by one vote one way or another. If somebody wants to suggest it be put back the way it was stated originally, I am agreeable to it.

CHAIRMAN R. RIVERS: Mr. Taylor's motion is before the house. It has been seconded by Mr. Victor Rivers. At this point I will ask the Secretary to read to us the motion now before us.

CHIEF CLERK: Mr. Taylor moved to amend the motion to read, "That sections of the proposal regarding the initiative be stricken."

BUCKALEW: The reason I asked unanimous consent was on the amendment so we can vote on it today.

CHAIRMAN R. RIVERS: Mr. Buckalew asked unanimous consent on the amendment. Do I hear any objections?

SUNDBORG: I object to it and for a particular reason. Sections of the proposal relating to the initiative is practically every section in here. It starts out in the first section and includes both the initiative and referendum. I hoped we could confine this just to the principle, do we want an initiative provided for in the constitution? If you start striking sections that mention the initiative you are going to strike out everything that's here, and I think we just want to decide, do we want an

initiative? Strike all reference to initiative but don't strike the whole section.

HERMANN: Point of order. I don't think the motion has been properly made because at the time it was made there was another motion before us. I think we will have to start over and make another motion before we can get anywhere.

CHAIRMAN R. RIVERS: That might clear the air.

SWEENEY: I would like to clear my point of order a little while ago. Mr. Fischer's motion was to have no provision in the constitution on the initiative, and all I wanted to do was to suggest it read something like this, "To have provisions in the constitution on the initiative." That is all I want. Then you can vote "yes" or "no". You will have or won't have.

CHAIRMAN RIVERS: Yes, Mrs. Sweeney, we have been over that, and Mr. Victor Rivers pointed out we already have it before us, and therefore it has been rephrased to now include the idea of striking something which is already before us. Mrs. Hermann has pointed out that Mr. McCutcheon had not withdrawn his motion at the time that this was submitted so there is nothing before us, so I rule us out of order. I would like to have Mr. Taylor rephrase his motion.

V. RIVERS: I will make a motion. I move that all reference to the matter relating to the initiative in the present act be stricken in the article before us.

BUCKALEW: I second it.

CHAIRMAN R. RIVERS: You have heard the motion, are you ready for the question.

CHAIRMAN R. RIVERS: We started all over because there was a motion to table and I ruled Mr. Taylor's motion out of order and we started all over and this is a motion. Mr. Egan.

EGAN: Mr. Chairman, I think that Mr. Victor Rivers would mean that his motion would read that all reference to initiative in this proposal be deleted and that such be reported to the Convention, to the plenary session of the Convention.

CHAIRMAN R. RIVERS: Do you consent to that phraseology?

V. RIVERS: Yes.

CHAIRMAN R. RIVERS: Let us not get confused, so let us try to understand what we're going to vote on. Mr. Smith.

SMITH: I was simply going to ask that the Chair state clearly what the effect of the motion would be.

CHAIRMAN R. RIVERS: I was first going to have the Clerk read the motion as stated by Mr. Egan, which was the phraseology being consented to by Mr. Victor Rivers.

CHIEF CLERK: "Moved that all reference to the matter relating to the initiative be deleted and such be reported to the Convention."

CHAIRMAN R. RIVERS: The effect of that would be that if you vote "yes" you would be voting to delete all reference to initiative. If you vote you are voting to retain initiative. Will the Clerk call the roll.

(The Chief Clerk called the roll with the following result:)

CHIEF CLERK: 16 yeas, 34 nays and 5 absent.

CHAIRMAN R. RIVERS: So the motion has been lost and a similar motion with regard to referendum is now in order. Mr. Sundborg.

SUNDBORG: I would ask, Mr. President, that exactly the same motion simply substituting the word "referendum" for the word "initiative" in the motion we have just considered be adopted by the Committee of the Whole.

KILCHER: I second it.

CHAIRMAN R. RIVERS: Will the Clerk please read it as it would apply to the present subject.

CHIEF CLERK: "That all reference to the matter relating to the referendum be stricken and such be reported to the Convention."

BUCKALEW: Could I ask one question? Now if we vote to strike in this section it does not have any effect on the provision for referendum in the legislative part?

CHAIRMAN R. RIVERS: No, the legislature can always call for an advisory referendum. This is talking about a compulsory referendum brought on by petition. Now if you vote in favor of this motion you are voting to delete all reference to a referendum in our constitution. Mr. Emberg.

EMBERG: I would like to ask a question if possible through the Chair to the Legislative Committee in regard to this last sentence of Section 5 which says, "Emergency acts are not subject to referendum. It appears to me there is a question here of just what will constitute the requirements of an act becoming an emergency act. I would like to know if there is anything in that legislative article.

MCCUTCHEON: An emergency act may be any act, but the emergency must be set forth in the bill and stipulate what an emergency

is. It is not a qualification that is currently used in order to make a bill become immediate law.

EMBERG: Is there anything that says it would have to be two thirds of the legislature?

MCCUTCHEON: Yes, it does. Two-thirds.

EGAN: Mr. Chairman, while maybe this subject is not open for discussion, I still don't think that is the proper use of the explanation of the use of the word in here. I think it means just what it says -- emergency acts -- not that the legislature declared it an emergency in order that the bill would become law within 90 days but something that was classed generally as becoming an emergency. As Mrs. Sweeney already explained, hardly any member of the legislature would vote not to pay someone an amount of money that was justly owing to that person and put an emergency on that particular act because of the fact that they might already have been waiting a long time and wanting them to get the money, but I think that the explanation here is not right -- that it means an emergency act something that is an emergency in the Territory.

CHAIRMAN R. RIVERS: May the Chair put it this way, that we are talking about whether we shall retain a referendum procedure in this article. The details are going to be taken up later. We can rephrase that and amend this business and clarify what's meant, later. Let's stay away from the details. Are you ready for the question? If you vote in favor of this motion you are voting to delete any reference to a referendum procedure as outlined in this article. If you vote against the motion you are voting in favor of having a referendum in our constitution. Call the roll.

(The Chief Clerk called the roll.)

V. FISCHER: Mr. Chairman, I want to change my vote to "yes".

CHAIRMAN R. RIVERS: Mr. Fischer changes his vote to "yes".

CHIEF CLERK: 8 yeas, 42 nays and 5 absent.

CHAIRMAN R. RIVERS: So the motion has been lost. Now, ladies and gentlemen of the Committee, we have arrived at the point now where it would be in order to proceed section by section for the amendatory process. It has been suggested that we explore that and start working on that in Committee of the Whole. It has also been suggested that we arise and handle the amendatory process by the plenary session. What would the expression be from the body?

COGHILL: Mr. Chairman, I move and ask unanimous consent that the Committee of the Whole rise and report progress.

KNIGHT: I second the motion.

HERMANN: Is the report to be progress or the recommendation that we have made?

EGAN: Mr. Chairman, I believe Mrs. Hermann's question is proper inasmuch as in this particular Committee of the Whole a committee of three was appointed to render a report to the plenary session, so it would be more than progress.

CHAIRMAN R. RIVERS: Yes, I would say that I had not anticipated that we would hold up the proceedings while that committee submitted a report. We all know the status of this thing right now. For the records and for posterity this committee is going to write a report but I think we can go back into plenary session now and continue working on the amendatory process. Mr. Coghill, would you say that the committee report?

COGHILL: Yes, just report progress.

DOOGAN: Point of information. We have another article or another part of the article from this same Committee to work on, and I believe it was the intent that this Committee would settle most of this before we report back.

CHAIRMAN R. RIVERS: Ladies and gentlemen, this next article is on a totally different subject, and I was hopeful that we would now go right on and complete the article on initiative, referendum, and recall before we forgot all we learned here this afternoon and before we got into a totally new subject. Are you ready for the question? All in favor of rising and reporting say aye", all opposed "no". The "ayes" have it and the Committee rises.

(The Committee of the Whole rose and returned to plenary session.)

PRESIDENT EGAN: The Convention will come to order. The Chair would like to ask whether the roll calls that were taken should be turned over to the committee of three by the Chief Clerk and other pertinent information. Does the Chief Clerk have some other questions?

CHIEF CLERK: I just wanted to know because ordinarily the Committee of the Whole that is just a statement. Is this to go in the report?

V. RIVERS: The only thing the body is interested in is the conclusion of the Committee of the Whole as to the general consideration and I think they are not necessary and should be destroyed.

CHAIRMAN R. RIVERS: The Committee of the Whole wishes to report

that a subcommittee of three will reduce the consensus of the work of the Committee of the Whole into a written report to be submitted later.

PRESIDENT EGAN: Is it the desire of the Convention that inasmuch as the action of the membership during the Committee of the Whole, is it quite clear to everyone that regardless of the report that will be forthcoming, that we will go ahead with second reading and amendment of Committee Proposal No. 3? If that is your wish, that is how we will proceed. Mr. Davis.

DAVIS: Mr. Chairman, I have two proposed amendments to the section I have written.

JOHNSON: I have five proposed amendments.

PRESIDENT EGAN: Then we have two proposals by Mr. Davis on the Chief Clerk's desk and five proposals by Mr. Johnson on the Chief Clerk's desk. Are there other amendments to be proposed?

COOPER: I have one.

PRESIDENT EGAN: Mr. Cooper has one. Would you rather that we take them one at a time or put them all on the Chief Clerk's desk?

DAVIS: I might state that both proposed amendments that I suggested -- one has to do with Section 4 and one with 5.

PRESIDENT EGAN: Please read Mr. Davis's first amendment.

CHIEF CLERK: "Section 4, page 2, line 20, insert after the word 'nor' the words 'may it be'"

SUNDBORG: I move the adoption of the amendment, Mr. President, and ask unanimous consent.

PRESIDENT EGAN: "Section 4, page 2, line 20." Mr. Sundborg moves the adoption of the proposed amendment. Would the Chief Clerk please read the amendment again.

CHIEF CLERK: "Insert after the word 'nor' the words 'may it be'."

PRESIDENT EGAN: Is there objection to the unanimous consent request for the adoption of the proposed amendment? If not, the amendment is ordered adopted. The Chief Clerk will please read Mr. Davis's amendment.

CHIEF CLERK: "Section 5, page 2, line 24, insert a comma after the word 'funds', delete the word 'or' and insert 'of' in lieu thereof, change the word 'nor', the next to last word in the line, to 'or'."

DAVIS: Mr. President, I move the adoption of the proposed amendment and ask unanimous consent.

PRESIDENT EGAN: Mr. Davis moves the adoption of the proposed amendment and asks unanimous consent. Is there objection?

SUNDBORG: May we have it read as it will read if the amendment is adopted, as it will read?

PRESIDENT EGAN: The Chief Clerk will please read it as it will read if the proposed amendment is adopted.

CHIEF CLERK: "Neither the initiative nor referendum may be used as a means of making or defeating appropriations of public funds, of earmarking of revenues or for local or special legislation."

TAYLOR: I think the amendment provided for the insertion of a comma after the word "funds".

PRESIDENT EGAN: That is right.

R. RIVERS: May the word after "earmarking" be deleted?

PRESIDENT EGAN: The word "of" will still be there under this amendment. Is there objection to the adoption of the proposed amendment? Objection is heard until the delegates get it clear in their minds. It would read "Neither the initiative nor referendum may be used as a means of making or defeating appropriations of public funds, of earmarking of revenues or for local or special legislation." Is there objection to the adoption of the proposed amendment? If there is no objection the proposed amendment is ordered adopted. Mr. Johnson, did you have an amendment?

JOHNSON: Yes, I do.

PRESIDENT EGAN: The Chief Clerk will please read Mr. Johnson's amendment.

CHIEF CLERK: "Page 1, Section 4, line 18. Strike word 'eight' at the end of the line and insert in lieu thereof the word 'fifteen'."

JOHNSON: I move the adoption of the amendment.

PRESIDENT EGAN: Mr. Johnson moves the adoption of the proposed amendment.

MCNEALY: I second the motion.

GRAY: I would like to ask the mover how he arrived at the figure "fifteen". I had in mind "twenty-five" but I don't know what

the difference is between eight, ten, or fifteen per cent.

JOHNSON: I suppose I arrived at my fifteen like you arrived at your twenty-five. It was simply an estimate of what I thought would be a far better percentage of the electorate needed to initiate a proposal under this act. It seemed to me that eight per cent was a little bit low.

SUNDBORG: I think we should all be clear that all that this figure refers to is the percentage of the electors or of those voting at the last election who would have to sign a petition in order to get it voted upon. It does not mean that eight or fifteen percentage means it goes into effect. It just puts it on the ballot. I venture if we change this to fifteen there would be very few initiative measures would ever get on the ballot. That is quite a high percentage to get when you carry petitions around.

LONDBORG: If you can't get fifteen per cent to put it on the ballot they certainly would not get enough to pass it when it does come out. I think it should be a little bit higher than eight per cent because its not eight per cent of the qualified electors, it's only eight per cent of the ones that voted and I think we ought to have it a little bit higher to preclude any possibility of throwing in legislation that might also call for special elections and a lot of expense.

PRESIDENT EGAN: Mr. Barr.

BARR: Mr. President, I am not an authority on the subject, but I understand there are other states who have as high a percentage as 15 and I believe one has as high as 20 per cent. I can't quote the number of states. I would like to hear from some of the Committee that has investigated that.

MARSTON: Mr. Chairman, the average requirement is eight per cent of the states that have this form of law. The average is eight per cent.

PRESIDENT EGAN: Mr. Kilcher, did you want the floor?

KILCHER: Yes. I advise that this amendment be defeated. It is exorbitantly high and I intend to suggest an amendment at a much lower figure than this. The average is slightly less than eight per cent, as for as my figures show. Considering the distance and geography of Alaska, we should rather have a figure lower than eight or leave it as it is. That defeats the purpose of the measure.

GRAY: I feel that this is an important figure. I feel that this is the one place, if this is a constitutional measure, to insure that the people want the measure rather than some small

group in one locality. I believe that this figure should be sufficiently high. Under a republican form of government we are going to legislate through our legislature. We want to keep the principle of the law ultimately belongs to the people, and I think the figure should denote and be used only at a time that the legislature is not conforming to the wishes of the people, and that is why I believe this figure is very important, and by this figure I think we save the initiative for the constitution or we lose it due to the cumbersome expenses of practice of possibly poor legislation.

PRESIDENT EGAN: If there is no further discussion -- Mr. Barr?

BARR: Mr. President, as I stated before, I am against the basic idea of an initiative but I realize it has some value if it is in the constitution. In fact it may be a deterrent on the actions of legislature if they know it is there and could be used, but my main fear was it would be used too often for no good purpose. I may change my mind and vote for it if this figure of fifteen per cent is adopted.

PRESIDENT EGAN: Mr. Victor Rivers.

V. RIVERS: Mr. President, I think that possibly the adoption of this 15 per cent motion would make the program of the initiative unworkable. I notice that the states that used the initiative for statutory purposes, there are none of them that are above ten. Now I will grant that for purposes of amending the constitution there are some states that go as high, I believe, as thirty. I think it would be an error to adopt this fifteen per cent because of the fact it would be practically impossible to get that number of signatures on the petition required to initiate an initiative.

PRESIDENT EGAN: Mr. Taylor.

TAYLOR: Mr. President, now they call this a petition by the voters, how to get a certain per cent of it. Now in looking at it another way, it is a motion by a certain percentage of the electors that they would like to have something voted on. Now you say eight per cent is too much, but as important as this session is, less than two per cent of the body of this house can initiate anything they want to before this body and have it voted on, so why should you have to have the electors, eight per cent or fifteen per cent more. Eight per cent I think is a fair compromise. We discussed that considerably in the Committee, but when you figure that less than two per cent in here can start something, all a man has to do is to make a motion. That one man is less than two per cent and everybody considers it, so I think if we have eight per cent on this initiative, that is plenty.

PRESIDENT EGAN: Mr. Marston.

MARSTON: Eight per cent is a little higher than the average state that uses this law. Now we know how hard it was to go out and get 250 names on a paper to get the chance to run for this Constitutional Convention. It was a lot of work for most of us to go out and do it ourselves. To get one of these initiative measures before the people it takes over 2,000 people to sign up. You would not get any place if you had to get 2,000. You would not be here and neither would I. It's a hurdle high enough if they feel that 2,000 votes to get on the ballot is what you have to get, they have a cause and then the people have a chance to say "yes or "no". I think eight per cent is right.

BOSWELL: I wondered if the Committee had studied the statistics of voting and about what eight per cent would require. Is that the figure -
- 2,000?

MARSTON: My recollection is 27,000 votes here all over Alaska. Eight per cent of that is 2,160.

BOSWELL: I would speak in favor of a higher figure than eight per cent. It seems to me that one of the things, one of the abuses is that a number of bills could get introduced with a few voters and with only 2,000 it seems to me that it would be very easy for one locality to get 2,000 votes on a particular issue. That is why I would favor a higher figure, and I think fifteen per cent is about right.

PRESIDENT EGAN: Mr. Hurley.

HURLEY: If Alaska had a static population I would be inclined to agree, but I feel we have an expanding population, and by the time we become a state, the people that are concerned with introducing proposals, our population and our voting population will be such that eight per cent will be a reasonable figure.

PRESIDENT EGAN: Mr. Barr.

BARR: Mr. President, talking about the difficulty of getting that number of signatures to a petition, I maintain it is pretty easy to get a petition signed. I know of one candidate to this Constitutional Convention who merely typed up some petitions and mailed them to friends and he got 800 signatures with no effort on the part of himself.

PRESIDENT EGAN: Mr. Gray.

GRAY: I have to rise a second time because of that 200-vote deal. The gentleman on that pointed directly at me. I wish to cite right now the principle of the thing. On the extraneous, unimportant matters, we don't care what the percentage is, two per cent, but on these important matters we must raise it to a higher value.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Mr. President, I would just like to say that the effect of the amendment, if it is adopted, would be that in Alaska right now in order to get any measure up before the people on an initiative basis, it would require 4,050 signatures on petitions. That is a lot of signatures to try to go out and get in Alaska. That is what fifteen per cent of 27,000 is. This is not going to carry the proposition. This is what is required to simply get it on the ballot so the people can have a chance to vote on it. The eight per cent now in there, as Mr. Marston said, would require slightly over 2,000, so that is what we are voting on.

ROSSWOG: Mr. Chairman, I would like to say a few words.

PRESIDENT EGAN: Mr. Rosswog.

ROSSWOG: I think it should be hard to get these petitions out and have them filled out, and I would be in favor of a little higher figure than the eight per cent.

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: I am recalling the other arguments that have been made prior to this particular question. And if you will recall various people stated "Well, when the legislature fails to enact some necessary legislation the people can put the blocks to them. If the legislature has fallen down that much, it is not going to be any trouble at all to get fifteen per cent because they are all going to be up in arms. If the legislature has fallen down that much and they have to resort to the initiative, I think you can get fifteen per cent, if it's that important.

PRESIDENT EGAN: Mr. Londborg.

LONDBORG: I take my second turn here. I still believe it should be a lot higher. If that small percentage can throw the wheels in motion and perhaps calls for a special election and have \$40,000 every time a few people get together and want it if it does not happen to fall on a primary or general election, I think it should be relatively hard to do it because if it is something that that many people want, I am sure you can get the signatures. There have been various experiments performed on the idea of getting people to sign their names, and they say in cities that one out of ten will refuse to sign their signatures on a petition and perhaps not even look at the petition.

COOPER: I would like to point out that the figure fifteen per cent as used in the proposal, the figures that were presented on the floor were fifteen percent of 27,000 votes, and the last general election, as I recall I am not letter perfect on these figures -- was over 40,000. Is that correct? Might I ask if any of the delegates know?

PRESIDENT EGAN: Twenty seven thousand the Chair believes, or something like that.

COOPER: Of the general election?

PRESIDENT EGAN: Twenty seven thousand, six hundred and something.

COOPER: I just wanted to point out in argument that the delegate that was elected at large with the greatest number of votes, Territory wide, received 7,000 votes, which in effect would be a signature. The 15 per cent of the 27,000 votes then would be over 4,000 signatures. I believe it is a little high.

R. RIVERS: That delegate was running in a field of seven candidates. The 27,000 reflects the number of votes cast per delegate, I believe.

HILSCHER: According to the report of PAS slightly less than eight per cent seems to be the average in the states where this provision applies. Those states have a far more static population than we have. They are closely allied through transportation, through numerous radio stations, telephones, and it is much easier to get your message across. Here in Alaska where we have such a large area, the great distances between our towns and communities, our lack of communications comparable to those in the states places an additional penalty upon our people. So if we are to adopt the fifteen per cent, we might in essence from the standpoint of inconvenience, be setting it up almost at 25 per cent. I am in favor of the figure as it stands at the present time in Section 4, at eight per cent.

HINCKEL: I originally proposed or composed an article in which I set forth fifteen per cent. In Committee they changed my mind and I agreed to the eight per cent. In view of the fact that we have now removed all restrictions on the voters, a voter does not have to be able to read, etc., the qualified elector who would be permitted to sign this petition, I now favor that we raise the percentage back to a higher figure than eight -- possibly as high as fifteen.

UNIDENTIFIED DELAGATE: Question.

TAYLOR: I would like to say too that some of the states don't favor too large petitions. New York with three or four million voters, you can't present a petition that has more than 50,000 signatures, so it is a very small percentage of the voters that are on the petition because they are too bulky, there is too much trouble checking them. So in New York State you can't get more than 50,000 people on which would be a small percentage.

MCNEALY: I had not intended to speak on this, but everybody is taking a turn. The point is that I have some amendments to offer here which if the fifteen per cent went through I would be inclined to go along with the initiative and not offer my proposed amendments. Mr. Taylor speaks of New York. I think there are others here in the body who talked with Congressman O'Brien from New York. He said in one of his last words of parting from a little meeting, he said, "Don't get stuck like the State of New York with an initiative system or you will be spending out a good percentage of the Territory's money. You will find that your initiative elections will cost you far more than your regular elections. As a Congressman from New York I sincerely hope you do not write the initiative into the constitution." I think this fifteen per cent would be somewhat of a safeguard against too many elections at least.

PRESIDENT EGAN: The question is, "Shall the proposed amendment as offered by Mr. Johnson be adopted by the Convention?" That is changing "eight per cent" to read "fifteen per cent". All those in favor of the adoption of the amendment will signify by saying "aye", all opposed by saying "no".

SWEENEY: Roll call.

PRESIDENT EGAN: The Chief Clerk will call the roll.

(The Chief Clerk called the roll with the following result:

Yeas: 25 - Armstrong, Awes, Barr, Boswell, Buckalew, Cross, Doogan, V. Fischer, Gray, Hinckel, Johnson, Laws, Londborg, McCutcheon, McNealy, Nerland, Nolan, Poulsen, Reader, Rosswog, Sweeney, Walsh, White, Wien, Mr. President.

Nays: 23 - Coghill, Collins, Cooper, Davis, Emberg, Harris, Hermann, Hilscher, Hurley, Kilcher, Knight, Lee, McLaughlin, McNees, Marston, Metcalf, Nordale, Peratrovich, R. Rivers, V. Rivers, Smith, Stewart, Taylor..

Absent: 7 - H. Fischer, Hellenthal, King, Riley, Robertson, Sundborg, VanderLeest.)

CHIEF CLERK: 25 yeas, 23 nays and 7 absent.

PRESIDENT EGAN: And so the motion has carried and the amendment is ordered adopted.

V. RIVERS: It takes a majority of all of the members to which the body is entitled for final action.

PRESIDENT EGAN: The Chair will declare a two-minute recess.

RECESS

PRESIDENT EGAN: The Convention will come to order. The Chair would hold that the amendment carried, not with relation so much to this amendment but if such would not be the ruling, we will very likely on through the session, could be in considering questions not the final passage of the proposals, but in considering these proposals, we could be in trouble at various times. Now, Rule No. 49, and the Chair feels that it is important to bring that to the attention of everyone, specifically sets out that on the question of agreement on any proposal on third reading the vote shall be taken by roll call and entered on the journal of the Convention. No proposal shall be declared adopted unless at least 28 delegates had voted in favor of its adoption. Now Robert's Rules and the rules of almost any assembly that you can find will say that it only takes a majority of the members voting and present to amend or to conduct other business of the body. It does, however, in most other bodies require the same requirement that is stated in Rule No. 49.

DAVIS: Mr. President, I would suggest that Rule 11 covers the present situation.

PRESIDENT EGAN: Rule 11, Mr. Davis? Yes, that says just what I said. I had not found that. So the amendment is ordered adopted. Mrs. Hermann.

HERMANN: I think we ought to do something about excessive absenteeism when votes are coming up.

SWEENEY: I would like to report that Mr. King is ill. He left in the middle of the morning and so he should be excused.

CHIEF CLERK: Mr. Robertson is ill.

KNIGHT: Mr. VanderLeest is ill.

PRESIDENT EGAN: We don't have much absenteeism that is not accounted for. Mr. Knight.

KNIGHT: I move that we adjourn until 9 o'clock tomorrow morning.

PRESIDENT EGAN: Mr. Knight moves that the Convention stand adjourned until 9 a.m. tomorrow morning. Is there a second?

BUCKALEW: Objection.

COGHILL: I second the motion.

PRESIDENT EGAN: The question is, "Shall the Convention stand adjourned until 9 a.m. tomorrow? All those in favor of the motion will signify by saying "aye", all opposed "no". The

Chief Clerk will call the roll.

(The Chief Clerk called the roll with the following result:

Yeas: 29 - Awes, Barr, Boswell, Coghill, Collins, Cross, Davis, Doogan, Hellenthal, Hilscher, Johnson, Knight, Laws, McLaughlin, McNees, Marston, Nerland, Nolan, Nordale, Poulsen, Reader, R. Rivers, V. Rivers, Smith, Stewart, Sweeney, Taylor, Walsh, Wien.

Nays: 17 - Armstrong, Buckalew, Cooper, Emberg, V. Fischer, Gray, Hermann, Hinckel, Hurley, Kilcher, Lee, McCutcheon, Metcalf, Peratrovich, Rosswog, Sundborg, Mr. President.

Absent: 9 - H. Fischer, Harris, King, Londborg, McNealy, Riley, Robertson, VanderLeest, White.)

CHIEF CLERK: 29 yeas, 17 nays and 9 absent.

PRESIDENT EGAN: The "ayes" have it and the Convention stands adjourned until 9 a.m. tomorrow.