

ALASKA CONSTITUTIONAL CONVENTION

November 14, 1955

SEVENTH DAY

PRESIDENT EGAN: The Convention will come to order (9:30 a.m.). Reverend Griffin, would you come forward and give us our daily invocation.

(Convention rises as Mr. Griffin comes forward.)

THE REVEREND FELTON GRIFFIN: Our Father in Heaven, we pray that this group of delegates here may see and seize the opportunity that is theirs and come forth with the very best in thinking, the very best in character that they have ever been. We pray, Lord, that they may be divinely led as they frame for Alaska the constitution, and may they present to the people a constitution that we shall happily ratify, that our nation shall approve, and may it forever be an instrument of good for the people, for our happiness and our prosperity. In the name of Christ our Redeemer we pray, amen.

PRESIDENT EGAN: Thank you, Mr. Griffin. That is Felton Griffin of the First Baptist Church in Anchorage. The Chief Clerk may call the roll. (The Clerk at this time called the roll.)

CHIEF CLERK: All present.

PRESIDENT EGAN: The Secretary may proceed with any petitions, memorials or communications that are here before us.

SECRETARY: Mr. President, there are communications addressed to the Governor of Alaska in connection with the opening of the Convention which have just been transmitted from the office of the Governor. Do you wish them read?

PRESIDENT EGAN: You may proceed and read them, Mr. Secretary.

(Communications from Governor Arthur B. Langlie, Governor of the State of Washington, and Honorable Douglas McKay, Secretary of the Interior, to Governor Heintzleman, expressing regret at not being able to be present at the opening ceremonies of the Constitutional Convention and extending best wishes for a successful Convention, were read by the Secretary.)

PRESIDENT EGAN: An outline of the contents of the Communications that were read will become a part of the permanent record.

SECRETARY: Communication from the National Congress of American Indians.

COLLINS: Mr. President, it is absolutely impossible to hear a word being said.

PRESIDENT EGAN: If there is no objection the Convention will be at ease.

COLLINS: We can't hear anything. The loudspeaker isn't working.

PRESIDENT EGAN: This particular speaker only affects the gallery in the other room, as I understand it. It's the noise from the pounding. If there is no objection we will hold the reading of this document over until a later time so we won't be disturbed by outside noises. The Secretary may proceed with the reading of communications.

(An invitation from the Home Economics Club inviting the delegates to an open house and tea, Thursday, November 17, from 2 to 4:30, was read by the Secretary.)

SECRETARY: That is all the communications, Mr. President.

PRESIDENT EGAN: If there are no other communications, then we are ready for reports of standing committees. Mr. Riley?

RILEY: Mr. President, if we may have a recess for about one minute the drafted report of proposed rules is here and we should distribute these before undertaking the whole report. I ask unanimous consent for a one-minute recess.

PRESIDENT EGAN: If there is no objection the Convention will be at recess for a brief time. The Convention is at recess.

AFTER RECESS

PRESIDENT EGAN: The Convention will come to order. Does everyone have a copy of the proposed rules on their desk? Do you have a copy for the press, Mr. Chairman? The Convention will be at ease until the copies of the report arrive. The Convention will come to order. Mr. Riley?

RILEY: Mr. President, at the risk of presuming on the entire body, it was the wish of the Rules Committee that these rules, as now proposed, be read in their entirety. That will take a little time. As you all know, we have adopted portions in the past, piece-meal. I would ask unanimous consent that time be given for the reading of these from the start through Rule 60 and at that time, if they have been adopted as we have gone along, I would ask that they then be adopted in their entirety to supersede anything adopted previously. In that way I think we have a fairly clean operation and we will know exactly what our permanent rules will be. At this time I will ask unanimous consent that the Convention indulge a rather lengthy report from the Rules Committee.

PRESIDENT EGAN: If there is no objection it is so ordered and

the convention will receive the reading of the report of the Rules Committee.

V. RIVERS: Question, Mr. President. Is the intention that they shall be read and acted upon chapter by chapter as we finish each chapter?

PRESIDENT EGAN: That is the feeling of the Chair. Mr. Riley you may proceed if there is no objection.

(Mr. Riley came to the front of the hall)

RILEY: These are all proposed rules adopted by the Rules Committee submitted for your consideration and action. Chapter I -- you will note as we go through that some of these have been adopted in the past.

"Officers and Administrative Staff

Rule 1. The officers of the Convention shall be a President, a First Vice President, a Second Vice President, and a Secretary; the President and Vice Presidents to be elected from the Delegates by the vote of at least 28 delegates.

Rule 2. The Secretary of the Convention need not be a Delegate, and shall serve under the direction of the President as the principal administrative officer of the Convention.

Rule 3. The Secretary with the approval of the President and the Committee on Administration shall determine the administrative, clerical and custodial staff required by the Convention, and shall appoint and determine the compensation of such employees.

Rule 4.

a. The President pro-tem shall first entertain nominations for President of the Convention, shall recognize in order all who seek the floor, shall receive and state all nominations made, and shall allow ample time for all who seek recognition to be recognized and heard before entertaining a motion to close nominations.

b. A nominee may decline nomination only while nominations are open, but may withdraw from consideration for election at any time after the first ballot is taken.

c. Voting shall be by secret ballot and balloting shall continue by successive ballots until one candidate shall have received at least 28 votes: PROVIDED, However, that in the event no candidate receives as many as 28 votes in either the first or second balloting process, the low man (or, if there be a tie in low position as to votes received, those so

tied) shall be removed from consideration on the third ballot and succeeding ballots; and, following the third and succeeding ballots wherein no nominee receives at least 28 votes, the low man or those so tied shall each time be eliminated from further consideration.

d. The first person who receives at least 28 votes on any one ballot shall be elected President of the Convention.

e. Nomination and election of other elective officers shall be conducted in the same manner as provided for the office of President."

Mr. President, I ask unanimous consent that Chapter 1 of the proposed rules as read be adopted.

PRESIDENT EGAN: Mr. Riley asks unanimous consent that Chapter 1 of the proposed rules be adopted.

DAVIS: Mr. Chairman, there are at least two typographical errors in the draft as made.

RILEY: May I amend that request to indicate correction of those. I spotted them too, and there may be others.

DAVIS: Rule 4 subsection "a", it has "recognition" instead of "recognized".

PRESIDENT EGAN: On those typographical errors, the Chair would entertain a unanimous consent that they be included in the motion by Mr. Riley. Mr. Coghill?

COGHILL: Mr. Chairman, I rise to a point of information. On Rule 3 does that rescind our action of Saturday to the request and adoption of the Committee on Administration report?

RILEY: Point of inquiry, Mr. Coghill. I was wondering about that myself, if this were in line with your Committee report of Saturday. With the approval of the President and the Committee on Administration, I know we touched on that point here in discussion Saturday. I have not your exact language.

COGHILL: Well, we did not adopt the report in entirety -- just that one section on the staff of our working organization. The point of inquiry was, is this rule's adoption at this time, going to rescind our action of Saturday as to the adoption of those portions of our Committee report?

RILEY: The Secretary just advised me that there is no conflict between your proposed coverage and this rule. Is that your impression?

COGHILL: That is my impression, but if those rules are adopted

Now we would have to go through that procedure again to have it permanently on the record to have it conform with our new rules.

RILEY: I think not.

PRESIDENT EGAN: The Chair feels that would be up to the Convention. It would not nullify that action we had taken previously as had been adopted by the Convention. Is there objection to adopting the rules under Chapter 1 as read by Mr. Riley with the instruction that the typographical errors be corrected? Hearing no objection then, the rules under Chapter 1 are ordered adopted. Mr. Taylor.

TAYLOR: Mr. President, I think instead of having to make a motion for correction of typographical errors, where a typographical error is obvious, that it be called to the attention of the body as they are noted so we can make those corrections without having to make the motion.

PRESIDENT EGAN: Mr. Coghill.

COGHILL: Mr. President, I am still not clear on this subject, if I may address the Chairman of the Rules Committee. In your motion for adoption, Mr. Riley, you asked that these rules supersede all other rules and action.

RILEY: I suggested that I would do that after we adopt them.

COGHILL: In effect, then, if we adopt Chapter 1 that will make all of our action of our Committee on Saturday, null.

RILEY: I think it would simply establish the rule from this point forward.

PRESIDENT EGAN: It would not nullify the action in the opinion of the Chair, Saturday because those rules at that time were permanent. We just superseded them.

COGHILL: That answers my question.

PRESIDENT EGAN: You may proceed, Mr. Riley.

RILEY: "Chapter II,

Duties of President and Vice Presidents

Rule 5. The President shall take the chair each day at the hour to which the Convention shall have adjourned. He shall call the Convention to order, and, except in the absence of a quorum, shall proceed to business in the manner prescribed by these rules.

Rule 6. The President shall possess the powers and perform the duties herein prescribed:

(a) He shall preserve order and decorum, and, in debate, shall prevent personal reflections, and confine members to the question under discussion. When two or more members arise at the same time, he shall name the one entitled to the floor.

(b) He shall decide all questions of order, subject to appeal to the Rules Committee and thereafter to the Convention. On every appeal he shall have the right, in his place, to assign his reason for his decision. In case of such appeal no member shall speak more than once.

(c) He may substitute any member to perform the duties of the chair while he is present, but for no longer period than that day, except by special consent of the Convention.

(d) When the Convention shall be ready to go into Committee of the Whole, he shall name a chairman to preside.

(e) When necessary or required, he shall certify all official acts and all vouchers for payment of expenditures of the Convention.

(f) He shall designate and assign to seats or authorize the designation and seating of the persons who shall act as reporters for the public press and radio within the Convention Hall.

(g) He shall not engage in any debate, or propose his opinion on any question, except the assigning of his reasons for his decision on appeal therefrom, without first designating another Delegate to occupy the chair.

(h) He shall be entitled to vote on all questions in the same manner as other delegates except that he shall vote last.

(i) He shall declare the vote and announce the result according to the fact on all questions and divisions.

Rule 7. In the temporary absence of the President, or in event of his temporary inability to preside, his duties shall be performed by the First Vice President, or if he also be absent by the Second Vice President.

Rule 8. In the event of a vacancy in the office of the President or of either or both Vice Presidents or of the Secretary through death, resignation, or otherwise, or in the event of absence from the Convention of any of these officers for more than 5 consecutive Convention days without the approval of the Convention, the Convention shall by majority vote of the

elected Delegates elect another to fill such vacancy." Mr. President, I ask unanimous consent for the adoption of the proposed Chapter II of the Rules.

PRESIDENT EGAN: Mr. Riley asks unanimous consent for the adoption of the proposed Chapter II of the Rules. Is there any objection? Mrs. Sweeney?

SWEENEY: Just a question, Mr. President, did you leave out the portion where the President would not vote in case of a tie?

RILEY: That is changed, Mrs. Sweeney. In the first draft which was proposed, the draft which we received from the PAS through the Statehood Committee, that said that the President would vote only to break a tie, the recommendation of the Rules Committee was that he be entitled to vote on every vote. That is a change.

PRESIDENT EGAN: Is there objection? Mr. Peratrovich?

PERATROVICH: As a point of information, under "b", does this mean that instead of appealing to the floor you first have to appeal to the Rules Committee?

PRESIDENT EGAN: It is subject to the appeal of the Rules Committee.

RILEY: Ordinarily, as I recall procedure, it goes to a vote of the body as to whether an appeal shall be taken from the ruling of the Chair. At that point it goes to the Rules Committee. If, for example, an appeal is asked from a ruling, a vote is taken at that point, shall the Chair be sustained or shall the Chair be appealed from.

PERATROVICH: That is appealed to the floor instead of the committee?

RILEY: The first reference is to the floor but it goes from there to the committee. The first reference is to the floor by vote as to whether an appeal shall be taken.

PERATROVICH: Thank you.

PRESIDENT EGAN: At that point, Mr. Riley, the Chair would have the opportunity to rule or pass the matter to the Rules Committee.

RILEY: The Chair would have ruled already.

PRESIDENT EGAN: Yes, that is right. Is there objection to the request of Mr. Riley? If not, Chapter II is ordered adopted. Mr. Riley, you may proceed.

RILEY: "Chapter III,

Duties of the Secretary

Rule 9. Under the direction of the President the Secretary shall have the following powers and perform the following duties:

(a) He shall be the official custodian of and shall provide for the ultimate disposition of all roll calls, proposals, reports, records, books, documents and papers of the Convention.

(b) He shall arrange to keep a journal of the proceedings of the Convention.

(c) He shall prepare each day a calendar of the business of the Convention as provided by these rules.

(d) He shall number consecutively each proposal of subject matter to be incorporated into the Constitution and, in other series, shall number each resolution, ordinance, or other action introduced for Convention consideration.

(e) When necessary or required the Secretary with the President shall certify all official acts of the Convention.

(f) He shall assign and supervise the work of all administrative, clerical, and custodial employees and shall be responsible for the printing or other reproduction of all proposals and other documents as required.

(g) He shall arrange for the utilization of the services of such technical consultants as may be desired by the Convention and provide liaison between such consultants and the Convention.

(h) He shall perform such other duties as are required of him by the President, these rules, or the Convention."

Mr. President, I ask unanimous consent that Chapter III of the proposed rules be adopted as a permanent part of the rules.

PRESIDENT EGAN: Mr. Riley asks unanimous consent that Chapter III of the proposed rules be adopted as part of the permanent rules. Is there objection?

DOOGAN: Point of information, Mr. President?

PRESIDENT EGAN: Your point of information Mr. Doogan.

DOOGAN: Under "b" is that a daily Journal for the whole session or is it a printed journal?

RILEY: It is not spelled out what the ultimate form will be, but I think by general agreement in terms of the other day, we are talking in terms of a mimeographed journal. This does not limit the Convention to what type as long as there is a journal.

PRESIDENT EGAN: Mrs. Nordale.

NORDALE: Mr. President, I think we should note that there is a misspelled word in the third line of "g", page 5, "liaison".

PRESIDENT EGAN: It has been noted. The Convention will come to order. Is there objection to the adoption? Mr. Coghill?

COGHILL: I rise to a point of information from the Chairman of the Rules Committee. Should it not be spelled out in the assignment of the Secretary's work with regard to printing, the reproductions, etc., in his work? Should it not be spelled out through our Committee some way or another, the Administrative Committee, so that we can have a working agreement with him or a form to watch the budget so that

RILEY: Mr. Coghill, while the original proposed draft made reference to several points to reproduction of documents, we felt that was an administrative detail and need not clutter the rules. If he were charged with doing a job, there were certain methods which would be employed whether we spelled them out or not. Is that satisfactory?

PRESIDENT EGAN: Mr. McCutcheon.

MCCUTCHEON: Mr. President, I think as far as Mr. Coghill is concerned, if he will look on page 7 under "b", the Committee on Administration, I think his query will be answered.

HERMANN: Point of information, Mr. President.

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: Several times during the course of considering this in the Rules Committee we made mention of the fact that the Secretary should have some responsibility toward publicity. I don't see anything in there about it. I don't know whether it got lost in the shuffle or did we abandon it? I would like an explanation from Mr. Riley.

RILEY: I don't recall, Mrs. Hermann, that it was deliberately abandoned. I do recall that we discussed it but no explicit coverage was ever arrived at. It is my information as an aside that we may hear more today about publicity, apart from this report. Am I correct on that, Mr. President?

PRESIDENT EGAN: That is true, Mr. Riley. Mr. Rivers?

R. RIVERS: This general grant to perform such other duties as the Convention assigns could be handled by separate action.

PRESIDENT EGAN: Is there further objection to the adoption of Chapter III of the proposed rules as becoming a part of the permanent rules? Hearing none it is so ordered, and Chapter III is adopted as a part of the permanent rules. Mr. Riley, you may proceed with Chapter IV.

RILEY: Chhapter IV,

Quorum and Majority

Rule 10. The presence of at least twenty-eight delegates shall be necessary to constitute a quorum of the Convention, but a lesser number may meet and adjourn the Convention from day to day when necessary.

Rule 11. There being a quorum, a majority of delegates present shall be sufficient for the adoption of any motion or resolution or the taking of any action except where the affirmative vote of a greater number shall be required by these rules."

Mr. President, I ask unanimous consent for the adoption of Chapter IV as read.

PRESIDENT EGAN: Mr. Riley asks unanimous consent for the adoption of Chapter IV as read. Is there objection? Hearing no objection, it is so ordered. Mr. Riley, you may proceed with the reading of Chapter V.

RILEY: "Standing Committees

Rule 12. The President shall appoint the members of and shall name the Chairmen of all Standing Committees unless the Convention shall otherwise order. The President may fill vacancies on Standing Committees in the same manner.

Rule 13. The Standing Committees of the Convention and the number of members thereof, respectively, shall be as follows:"

RILEY: Now at this point, for an aside, I have been asked by the staff, the secretariat, to designate the committees by Roman numeral on copies before you. The reason for that request is that it ties in with their reference system in other respects concerning their work. I would read these as Roman numeral designations from I to XIV.

- "I Committee on Rules, nine members
- II Committee on Administration, nine members
- III Committee on Style and Drafting. nine members
- IV Committee on Ordinances and Transitional Measures, nine members

- V Committee on Preamble and Bill of Rights, seven members
- VI Committee on Suffrage, Elections, and Apportionment, seven members
- VII Committee on Legislative Branch, seven members
- VIII Committee on Executive Branch, seven members
- IX Committee on Finance and Taxation, seven members
- X Committee on Resources, nine members
- XI Committee on Finance and Taxation, seven members
- XII Committee on Local Government, seven members
- XIII Committee on Direct Legislation, Amendment, and Revision, seven members
- XIV Committee on Resolutions and Recommendations, seven members

Rule 14. Each Delegate except the President shall be appointed to at least one but to no more than three Standing Committees.

Rule 15. The President shall be ex-officio member of all Standing Committees but shall not vote except to break a tie.

Rule 16. The respective Standing Committees shall have the following duties and functions and in addition shall consider and report upon any other matters referred to them:

(a) The Committee on Rules shall consider and report upon such changes in the rules of the Convention and changes in organization as shall be referred to it. It shall consider and report on appeals from rulings of the chair which may be referred to it. It shall determine appeals regarding the daily calendar of the Convention in accordance with these rules.

(b) The Committee on Administration shall generally oversee the administrative or business affairs of the Convention, including finances, personnel, printing, physical arrangements for the Convention, and related matters.

(c) The Committee on Style and Drafting shall examine and edit all proposals for inclusion in the Constitution which are referred to it for the purposes of avoiding inaccuracies, repetitions, inconsistencies, or poor drafting. The Committee shall have the authority to rephrase or to regroup proposed language or sections of the proposed Constitution but shall have no authority to change the sense or purpose of any proposal referred to it. The Committee shall also be empowered without reference back to the Convention to refer proposals submitted to it to other Committees which may have an interest in the proposal. Where a proposal referred to the Committee appears inconsistent or in conflict with a proposal already acted upon favorably by the Convention at second reading, the Committee shall undertake to resolve the inconsistency or conflict by reference to the Committees concerned. If the Committee shall fail to resolve any such inconsistency or conflict it shall notify the Convention and

await its instructions.

(d) The Committee on Ordinances and Transitional Measures shall be responsible for the consideration of ordinances, specified by the Act creating the Constitutional Convention, and for the consideration of transitional measures which the Convention enacts in anticipation of statehood.

(e) The Committee on Resolutions and Recommendations shall consider resolutions and all other matters not germane to the work of other committees and shall make recommendations for action thereon.

(f) The remaining Standing Committees shall consider such proposals as are indicated by the titles of the respective committees. Such Committees shall draft and submit to the Convention for its consideration sections of the proposed Constitution pertaining to the business of the Committee.

Rule 17. Each Standing Committee shall submit to the Convention a report or reports, in writing, setting forth its recommendations on all matters referred to it. Any member or group of members of a Standing Committee may submit a minority report to the Convention. A petition signed by one-fourth of the elected Delegates shall require any Standing Committee to report to the Convention within the number of days specified in the petition.

Rule 18. No Standing Committee may hold meetings during the sessions of the Convention without permission of the Convention.

Rule 19. Each Standing Committee shall notify the Secretary of the time and place of meetings, and the Secretary shall make such notice public. All Committee hearings shall be public."

Mr. Chairman, I ask unanimous consent for the adoption of Chapter V as read.

HERMANN: Point of information, Mr. Chairman.

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: The Committee on Ordinances, subdivision "d", "shall be responsible for the consideration of ordinances specified by the Act" -- is that the only ordinances it shall be responsible| for? Can there be other ordinances besides those specified in the Act itself that the Committee may consider?

PRESIDENT EGAN: Mr. Riley, can you answer that?

RILEY: I am not sure I can answer that, Mrs. Hermann, unless it would be in able to consider other ordinances under this

broad language, consideration of transitional measures. We might refer this question to one more familiar than I with the background of the Act, namely the Secretary of the Convention.

PRESIDENT EGAN: If there is no objection, Mr. Secretary, would you attempt to answer that question?

SECRETARY: It is unlimited ordinance power and such other ordinances as may be deemed necessary.

HERMANN: That was my impression but I think at present it is limited to ones that are specified in the Act.

PRESIDENT EGAN: Mr. McLaughlin.

MCLAUGHLIN: Mr. President, to clarify the point, any ordinance conceivable can be considered by that Committee because the Act specifically proposes, authorizes, and for this purpose the Convention shall have power to make ordinances. It is not qualified so apparently it is any ordinance they desire to consider.

PRESIDENT EGAN: Mr. Davis.

DAVIS: Mr. President, in order to clarify Mrs. Hermann's objection, I wonder if we might not add a couple of words to read: "the consideration of ordinances including those specified by the Act." Do you think that would take care of it?

PRESIDENT EGAN: We have nothing before us at this time. Mr. Riley asked unanimous consent. Possibly it might be best to act on the unanimous consent request and then ask for an amendment, if necessary after that is done. Mr. Londborg?

LONDBORG: I believe there is a correction on Page 6. One committee was named twice. Perhaps we should get the proper one in order.

HERMANN: I object to the unanimous consent Mr. Chairman, until we have ironed this matter out.

PRESIDENT EGAN: Unanimous consent request is objected to.

RILEY: I withdraw my request.

JOHNSON: I move then that the report be accepted.

BARR: I second it.

PRESIDENT EGAN: Mr. Johnson moves that the report be accepted, seconded by Mr. Barr, that that portion in Chapter V be adopted by the Convention.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: Mr. President, the portion as read by Mr. McLaughlin a moment ago seems to me would be covered exactly by the language as it is now contained in the Act because, as he points out, the enabling Act makes no limitation on ordinances that the Convention may adopt. The language here is that, "The Committee on Ordinances, and Transitional Measures shall be responsible for the consideration of ordinances specified by the Act." Well, there is no limitation, so the ordinance as specified by the Act wouldn't mean anything. I don't believe it requires any change.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: Mr. President, in view of what has been said about this paragraph there, I think it is mainly a question of grammar. I would suggest that that probably should have to be amended. There are no specified ordinances in the Act, but if we read it to read "of ordinances as specified by the Act" it would solve this grammatical uncertainty. The Act specifies that ordinances be enacted but the ordinances themselves are not specified.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: Mr. President, it seems to me that to add the preposition "as" simply would make it redundant.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: Mr. President, I think what Delegate Kilcher is getting at is "as authorized by the Act."

KILCHER: That's what I mean.

PRESIDENT EGAN: Mr. White.

WHITE: Mr. President, I feel an important point has been raised here. It may or may not be covered in the Act but in order to cover any eventuality I move that Section "d" of this Chapter be amended as follows: following the word "ordinances" insert a comma and substitute the words, "including those." I ask unanimous consent.

PRESIDENT EGAN: Mr. White moves and asks unanimous consent that in subsection "d" the second line after word "ordinances", a comma be inserted and the words "including those" be added. Is there objection?

KILCHER: I object.

PRESIDENT EGAN: Objection is heard. As now we have nothing

then before us.

V. FISCHER: I second Mr. White's motion.

PRESIDENT EGAN: Mr. White's motion has been seconded by Mr. Fischer. Now, Mr. Kilcher you are in order.

KILCHER: As mentioned before, I am of the opinion that there are no specified ordinances in the Act, so I don't see where the amendment would clarify the situation in any respect. "For the consideration of ordinances, including those specified" in other words, you have ordinances and more ordinances. According to the Act or as authorized by the Act, as Mr. Rivers said awhile ago. It is a matter of wording. We don't have to specify any ordinances at all. Leave the word "specified" out in any case or in any form and shape.

PRESIDENT EGAN: Is there further discussion? Mr. Hurley.

HURLEY: I see in Section 16 of the Act that it does provide for a definite ordinance. I think that even if it provides for one, that is enough. I am in favor of the amendment.

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: Is there further discussion? Hearing no further discussion, the question is, "Shall Mr. White's proposed amendment be adopted?" All those in favor of adopting the amendment say "aye", all opposed "no". The "ayes" have it and the amendment is ordered adopted.

PRESIDENT EGAN: Mr. McNees.

MCNEES: Mr. President, on Page 6, under "i", I believe that should read "Committee on Judiciary Branch, seven members", as in "k" it duplicates the "Committee on Finance and Taxation, seven members".

PRESIDENT EGAN: Are you asking unanimous consent, Mr. McNees?

MCNEES: I ask unanimous consent.

PRESIDENT EGAN: As it appears, it wouldn't just be a typographical error. How does your original copy read, Mr. Riley?

RILEY: Your point is well taken.

TAYLOR: Strike one and renumber.

MCNEES: Judiciary is omitted. No. 9 -- Judiciary Branch.

PRESIDENT EGAN: Mr. McNees asks unanimous consent that the words under litte "i" on Page 6, "Finance and Taxation", be

stricken and the words "Judiciary Branch" be inserted in their place. Is there objection? Mr. Emberg.

EMBERG: Mr. President, is the number of committee members the same in both cases?

PRESIDENT EGAN: The number of committee members, as the Chair understands it, remains at seven members. Hearing no objection, Mr. McNees's unanimous consent request is ordered adopted. Mr. Sundborg.

SUNDBORG: Mr. President, I ask unanimous consent that on Page 6, Roman numeral IV, which appears on the draft as "d", that we strike the comma after "ordinances". I might explain that in the original draft there was another word in there, "Resolutions" and we struck out the word "resolutions". We don't want the comma, and strike it also on Page 8, "d", where the duties of that committee are specified.

PRESIDENT EGAN: Mr. Sundborg, it might be best then where you go to other pages to ask unanimous consent for adoption of that amendment, page by page.

SUNDBORG: I first ask unanimous consent then for elimination of the comma in "Committee on Ordinances, and Transitional Measures." That is Roman numeral IV on Page 6, the first comma.

PRESIDENT EGAN: Is there objection to Mr. Sundborg's unanimous consent request? Hearing no objection, it is so ordered.

SUNDBORG: I now ask unanimous consent for the elimination of the comma on Page 8, subsection "d", the comma following the word "Ordinances".

PRESIDENT EGAN: Mr. Sundborg asks unanimous consent to eliminate the comma after the word "Ordinances" on the first line. Is there objection to Mr. Sundborg's request? Mr. Robertson.

ROBERTSON: Mr. President, does the word "Resolutions" include "proposals" on page 8, under "e"? "The Committee on Resolutions and Recommendations shall consider resolutions . . .?"

RILEY: "Resolutions" does not include "proposals" in the sense used in these rules.

PRESIDENT EGAN: Now we are back to Mr. Sundborg's unanimous consent request. Is there objection? Hearing no objection it is so ordered.

SUNDBORG: Mr. President, I wonder if we could hear from the Secretary or Chief Clerk the text of the amendment of Mr. White's that was adopted.

CHIEF CLERK: Add a comma on the second line after "ordinances"

and add the words "including those".

SUNDBORG: In view of that, Mr. President, I ask unanimous consent that on Page 8 "d", the fourth line, after "Convention", insert a comma. I might explain that. If we are starting that off by putting a comma after "ordinances" in the second line, the phrase following is in apposition and should be set off by a comma at the end of it. We can either have no commas or if we have one after "ordinances" we should have one after "Convention" too.

PRESIDENT EGAN: You have heard Mr. Sundborg's unanimous consent request.

MCNEALY: Point of order, Mr. President.

PRESIDENT EGAN: Your point of order, Mr. McNealy.

MCNEALY: I was wondering what disposition was made of Mr. Johnson's motion to adopt paragraph "d" on Page 8 which was amended, as I understood, by Mr. White.

PRESIDENT EGAN: The proposed amendment by Mr. White was adopted, Mr. McNealy.

MCNEALY: Was that an amendment to Mr. Johnson's motion?

JOHNSON: Mr. President, my motion was to adopt the entire chapter since the unanimous consent had been objected to.

PRESIDENT EGAN: These amendments we are making now are just amendments to that motion. Are there other proposed amendments? The Chair thought that the last unanimous consent request by Mr. Sundborg was adopted. Mr. Taylor?

TAYLOR: I move that the following words be added to the last sentence in Rule 19 --

PRESIDENT EGAN: Mr. Taylor, before proceeding, the Chair was of the opinion that Mr. Sundborg's last unanimous consent request was adopted. Does the Clerk's record show that it was? If not, then, is there objection to Mr. Sundborg's request for the insertion of the comma after the word "Convention" in the fourth line in little section "d"? Hearing no objection, it is ordered adopted. Mr. Taylor, you have the floor.

TAYLOR: Mr. President, I was going to move that the last sentence in Chapter 5, Rule 19, be amended by the addition of the words "except when in executive session."

PRESIDENT EGAN: Mr. Taylor, we're not on that. Your point of order, Mr. Barr?

BARR: Point of order, we are still on Rule 16, are we not?

PRESIDENT EGAN: Mr. Taylor is not in order because there is a motion on the floor for the adoption of the whole section. Was there not a motion to make Roman numerals in Rule 13? Mr. Taylor, you may proceed. Mr. Barr's point of order is not well taken at this time.

TAYLOR: I move to amend the last sentence in Chapter 5 by the addition of the words "except when in executive session".

SUNDBORG: I object.

PRESIDENT EGAN: Objection is heard. Is there a second to that motion?

BUCKALEW: I second it.

PRESIDENT EGAN: It has been moved and seconded that the words "except when in executive session" be added to the last sentence in Rule 19. Mr. Ralph Rivers?

R. RIVERS: Mr. President, that last sentence in Rule 19 says "All committee hearings shall be public." You don't have hearings in executive sessions. This does not say "all committee meetings" but "all committee hearings" shall be public. With that thought, Mr. Taylor, I think the matter should be left the way it is.

BUCKALEW: Mr. Taylor, would you give me permission to withdraw my second in view of that new intelligence?

TAYLOR: If that is the explanation of it I will withdraw it.

PRESIDENT EGAN: You ask unanimous consent for the withdrawal of your motion, Mr. Taylor? With the consent of your second, it is so ordered.

DAVIS: Mr. President I would like to call for the question on Mr. Johnson's motion to adopt the chapter.

PRESIDENT EGAN: Mr. Davis, before that is done, did the body adopt the Roman numeral change that was suggested? The Chair does not believe that that was ever adopted by the Convention.

RILEY: Mr. President, I suggested in reading it that reference would be by Roman numerals. I did not actually read the Roman numerals but it would be in Mr. Johnson's main motion I believe.

PRESIDENT EGAN: You meant that as you were reading it, that that change was made?

RILEY: Yes.

PRESIDENT EGAN: The question is -- Mr. Barr?

BARR: Mr. President, I have been trying to get the floor several times, I've practically worn my knees out.

PRESIDENT EGAN: Mr. Barr, you have the floor.

BARR: Rule 16, I believe it is, section "c", Committee on Style and Drafting, there are two things I would like to have cleared up for me -- perhaps by the Chairman of the Committee. It says the Committee on Style may "rephrase" or "regroup" proposed language of sections of the proposed constitution, but I think it is important that the whole constitution, once it is completed, should be edited and everything arranged properly, and I don't see that spelled out here.

HERMANN: It is later on.

RILEY: It will be, if I may advise, later in these rules, clarified. I believe it is implicit in the language that you refer to here, that power exists. That is the concept the Rules Committee has of the function of Style and Drafting. They are, in a sense, a coordinating committee from the standpoint of draftsmanship. Check with Rule 50, Mr. Barr, as to a complete recital of that function.

BARR: Well, I'll take your word for it if you say it spells it out somewhere.

RILEY: I will read that if it will help.

"After the Constitution has been framed and before final agreement thereon, the Convention shall refer the proposed Constitution to the Committee on Style and Drafting for final arrangement in proper order and form."

BARR: My second question, at the bottom of that page it says, "Where a proposal referred to the Committee appears inconsistent", etc., . . . the Committee shall undertake to resolve the inconsistency or conflict by reference to the committees concerned." I would like to see a close liaison between the originating committee and the Committee on Styling. Now there never was a reporter that didn't feel that the editor cut the heart right out of his copy and there was never an editor who didn't think that the reporter was too verbose and I believe that when the proposal is in this Committee on Styling that any member of the originating committee, especially the chairman, should be able to work with them so there will be no conflict, that the originating committee will not think that they have changed the meaning. There should be something spelled out there. The way this reads, when it comes out of the Styling Committee and goes on to the floor -- of course it can be debated there -- but then that is where the conflict

may arise.

RILEY: I wonder if there is not a misunderstanding there. "Where a proposal referred to the Committee appears inconsistent or in conflict with a proposal already acted upon favorably by the Convention at second reading, the Committee shall undertake to resolve the inconsistency or conflict by reference to the Committees concerned." Well, that in itself widens then to take the initiative on effective liaison between the committees concerned and in getting the committees concerned, you get to the source of the proposal, as I read it.

BARR: In the previous sentence it says: "The Committee shall also be empowered without reference back to the Convention to refer proposals submitted to it to other Committees which may have an interest in the proposal." If that word "other" was changed to "any" then it would read that it could be referred back to any committee including the originating committee and that could provide for closer cooperation.

RILEY: Is "any" broader than "other" in that usage?

BARR: Yes, you might interpret that "other" to mean any other committee than one which had already considered it. On Page 7, third from the bottom.

PRESIDENT EGAN: Mr. Barr would it be objectionable to you if the Chair declared a recess so you and Mr. Riley could get together. If there is no objection the Convention will stand at recess for about five minutes. The Convention is at recess.

AFTER RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. Barr?

BARR: Mr. President, I am going to make a motion which makes a slight change only for the purpose of clarity and to obviate the chance of misinterpretation. It really doesn't change the meaning very much. I move and ask unanimous consent that in Rule 16, section (c), page 7, third line from the bottom of the page, change "other" to "any" and that the following word, "Committees be changed to the singular, "Committee", so that the sentence will now read, "The Committee shall also be empowered without reference back to the Convention to refer proposals submitted to it to any Committee which may have an interest in the proposal."

PRESIDENT EGAN: Mr. Barr moves and asks unanimous consent that on the third line from the bottom the word "other" be deleted and that the word "any" be inserted and that the "s" be stricken on the word "Committees", leaving the word as "Committee." Is there objection to Mr. Barr's request? Hearing no objection it is so ordered and the amendment is adopted. Are there any

other amendments to Chapter 5 of the proposed Rules?

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: The question is, "Shall Chapter V of the proposed Rules be adopted as part of the permanent rules of the Convention?" All in favor say "aye", all opposed "no". The "ayes" have it, and Chapter V of the proposed rules is adopted as part of the permanent rules of the Convention. Mr. Riley, you may proceed with the reading of Chapter VI.

RILEY: Chapter VI,

Committee of the Whole

Rule 20. The Convention may upon motion resolve itself into a Committee of the Whole for the consideration of any matter. In forming the Committee of the Whole, the President shall appoint another Delegate as chairman to preside. A quorum of the Convention shall constitute a quorum for the Committee of the Whole.

Rule 21. All proposals, amendments, reports, resolutions, and other matters may be debated in the Committee of the Whole section by section, and recommendations with respect thereto shall be reported to the Convention.

Rule 22. The rules of the Convention shall be observed in the Committee of the Whole so far as they are applicable. Where there are no provisions, the proceedings shall be in accordance with Robert's Rules of Order, Revised.

Rule 23. A motion for the rising of the Committee of the Whole shall always be in order unless a member of the Committee is speaking or a vote is being taken, and shall be decided without debate."

Mr. President, I ask unanimous consent that Chapter VI as read be adopted as a permanent part of the rules of this Convention.

PRESIDENT EGAN: Mr. Riley asks unanimous consent that Chapter VI as read be adopted as a permanent part of the rules. Is there objection? Mr. Ralph Rivers?

R. RIVERS: Mr. President, on a typographical error, I would say that on the second line of Rule 21 there should be a comma after the word "Whole".

PRESIDENT EGAN: Do you ask unanimous consent that be adopted?

R. RIVERS: Yes I do, unless it would come under the head of "typographical". I think I will ask unanimous consent that a

comma be added after the word "Whole" in the second line.

RILEY: I so move that Chapter VI be adopted.

MCCUTCHEON: I second it.

PRESIDENT EGAN: Mr. Riley moves that Chapter VI be adopted, seconded by Mr. McCutcheon. Mr. Rivers asks that in the second line of Rule 21 a comma be inserted after the word "Whole". Is there objection to Mr. Rivers' request? If there is no objection it is so ordered.

MCCUTCHEON: Question.

PRESIDENT EGAN: The question is, "Shall Chapter VI of the proposed rules be adopted? All those in favor say "aye", all opposed "no". The ayes" have it and Chapter VI is adopted as a permanent part of the rules. Mr. Riley, you may proceed with Chapter VII.

RILEY: "Chapter VII,

Order of Business, and Roll Call

Rule 24. At meetings of the Convention the order of business shall be as follows (except at times set apart for the consideration of special orders)

1. Calling Convention to order
2. Prayer
3. Roll Call"

At this point we noted an omission. There was no provision made in the text for reading the journal of the preceding day. I shall insert that as "4" in your text.

- "4. Reading Journal of preceding day
5. Presentation of petitions, memorials and communications from outside the Convention
6. Reports of Standing Committees
7. Reports of Select Committees
8. Introduction and first reading of proposals
9. Reference of proposals
10. Motions and resolutions
11. Unfinished business
12. Special orders of the day
13. General orders of the day

Rule 25. The Secretary shall prepare for each Convention day a calendar of the general orders, setting forth the title of each matter for consideration. Consideration of the general orders of the day shall be in the following order:

1. Consideration by Committee of the Whole
2. Reports of the Committee of the Whole
3. Committee reports
4. Second reading and referral to the Committee on Style and Drafting
5. Action on reports of the Committee on Style and Drafting
6. Third reading and agreement.

Rule 26. If a matter is not considered in its order it shall lose its precedence for the day, but it shall appear on the calendar on the following Convention day in its regular order. Any matter may be made a special order of business for any particular day or time by a majority vote of the delegates present. Any matter having been made a special order for a particular day, and not having been reached on that day, shall be on the order of "Unfinished Business" on the next succeeding Convention day.

Rule 27. Except that the President's name shall always be called last on roll call votes, the names of Delegates shall be arranged alphabetically. At the first roll call of the Convention following adoption of this rule the roll shall be called starting with the first of such alphabetically arranged names. On each succeeding roll call the name next in order alphabetically shall be first called so as to rotate the order of voting through the entire list of Delegates.

Rule 28. In case of the absence of Delegates, the Delegates present shall take such measures as they shall deem necessary to secure the presence of absentees.

Rule 29. After a question has been stated by the President and the calling of the roll has begun, the President shall not recognize a Delegate for any purpose whatever until the call is completed; but nothing in this rule shall abridge the right of any Delegate to change or record his vote on any question previous to the announcement of the vote.

Rule 30. No member shall be entitled to abstain from voting on any roll call unless he shall have stated his intention to abstain before the voting starts. Upon any announcement of intention to abstain the Delegate making such announcement upon request of five Delegates may be required to state his reasons.

Mr. President, I ask unanimous consent for the adoption of Chapter VII as read.

PRESIDENT EGAN: Mr. Riley asks unanimous consent for the adoption of Chapter VII as read as a part of the permanent rules of the Convention.

JOHNSON: Point of information, Mr. President?

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: Is there any particular reason why the roll call should be rotated? It seems to me that it is just a cumbersome procedure and has no particular purpose.

RILEY: Well, in reply, I don't believe it would be cumbersome in the first place. The Secretary may merely note, or the Chief Clerk, on each succeeding roll call where to start the next time. The purpose of rotation is the same purpose served by rotating names on a ballot -- namely, in this case, that there be no crystallized form of voting. Everyone will have the same opportunity to be first on the list, as it were. That was the Committee's view, in response to your question.

JOHNSON: It seems to me this rotation of voting is all right in a secret ballot, but here we stand up and be counted, or we are supposed to be counted. I don't see that it makes any difference.

PRESIDENT EGAN: Mr. Hellenenthal?

HELLENTHAL: Along the same general lines Mr. Johnson mentioned, -- where we stand up and be counted -- I see no particular reason for the qualifying language in Rule 30. It would appear to me that it would be a very adequate move if it just read: "no member shall be entitled to abstain from voting on any roll call". The rest is unusual. The last sentence I think is not only unusual, it is impractical. The mechanics of it are kind of silly, so I throw this out I think everyone should vote, and I can't think of any sound reason why someone should abstain from voting on anything. If they don't want to vote they can go out in the hall and hide. Why should we go through that falderal?

RILEY: I think your suggestion, Mr. Hellenenthal, that there be a period after the word "voting" and the rest stricken makes it altogether too rigid. Conceivably there will be circumstances when personal interests will virtually oblige members to abstain from voting and your Committee felt that that should be recognized, by making it a little less rigid than you suggest.

PRESIDENT EGAN: Is there further discussion?

MCCUTCHEON: Question.

SWEENEY: Mr. President?

PRESIDENT EGAN: Mrs. Sweeney.

SWEENEY: Point of information. Rule 26 says "If a matter is not considered in its order it shall lose its precedence for the day, but it shall appear on the calendar on the following Convention day in its regular order." According to the next sentence a majority vote could still put it on the calendar for say, today. Is that right?

PRESIDENT EGAN: That is correct, Mrs. Sweeney. Mr. Victor Rivers?

V. RIVERS: Question, Mr. President. Under general orders of the day -- does it entitle announcements of committee meetings shall fall under that particular item of order or should there be a special announcement of committee meetings item on the calendar?

PRESIDENT EGAN: Mr. Riley, would you care to answer that question?

RILEY: Well I would say it is up to the body. . It could be either way. Normally of course they are made before recess or adjournment. An amendment could go in.

ARMSTRONG: Mr. President, that could come under your "Committee Reports." That may be all you would have for the order of the day, a report of your meeting time.

HELLENTHAL: Mr. Riley, what personal reason would prevent one of us from voting on a question properly before this body?

RILEY: Do I hear a reply coming from a member of the Committee?

PRESIDENT EGAN: Mr. Sundborg?

SUNDBORG: Mr. Riley, I will say what Mildred said in our Committee meeting. In our Committee meeting Mrs. Hermann pointed out for example, she felt it would have been embarrassing perhaps for her to have voted on the first day of the Convention on the election of the President pro tem. She asked to abstain and that permission was granted because she was one of the candidates.

HELLENTHAL: Can you think of anything other than preliminary organization?

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: Mr. President. I might be a big oil man and we might be voting on a subject in regard to oil resources and how they were to be controlled. It might be very controversial so I might decide it would be nice if I did not vote.

HELLENTHAL: I do not think that is a valid reason. I think we

should stand up and be counted. We were elected for that purpose. We were not elected to win a popularity contest.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: Mr. President, just to give another example of where I might want to abstain from voting. If for instance, the issue of waiving the rule adopted the other day, I came before the Convention to say, hire my grandmother or someone related to me, I should certainly abstain from voting on that issue. So I think there are lots of things that might come up, so I think the rule that states it is proper.

HELLENTHAL: If you want your grandmother hired, say so.

PRESIDENT EGAN: The Convention will come to order. Mr. McCutcheon has been trying to get the floor.

MCCUTCHEON: Mr. Chairman, in the Committee on Rules it was my opinion that every member should be forced to vote because we were sent here by the people who elected us for a specific purpose and that our vote should be recorded. However, after hearing the arguments of the various other committee members I deferred to this type of a rule. In the second place, it appears to me that we would be unable to force a person to vote if they did not wish to. The only action that we could take that might force them to vote would be to suspend or expel them from this group. I am not clear whether we could or not. So if a person chose not to vote, how could we force them to vote? We felt, however, on the other hand, that if five members of the Convention desired to hear the reasons for a person's desire to abstain from voting, that five members should be sufficient cross section, and that the person desiring not to vote should give some sort of reasonable answer. And in the view of that answer I am sure this body would permit a person to abstain from voting.

PRESIDENT EGAN: Is there further discussion?

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: The question is, "Shall Chapter VII of the proposed rules be adopted as a portion of the standing rules of the Convention?" All in favor say "aye", all opposed "no". The "ayes" have it and Chapter VII is adopted as a part of the permanent rules of the Convention. Mr. Riley, you may proceed with Chapter VIII.

RILEY: Chapter VIII,

Motions

Rule 31. When a motion is made it shall be stated by the

President, or, if in writing, it shall be read aloud before debate.

Rule 32. A motion may be withdrawn by the maker with consent of the second at any time before amendment or decision.

Rule 33. When a question is under consideration by the Convention only the following motions shall be received, which motions shall have precedence in the order stated:

Motion to, or for:

- | | | |
|--|---|------------------------------|
| (a) Adjourn |) | |
| (b) Recess |) | Not amendable or |
| (c) Call of the Convention |) | debatable except |
| (d) Lay on the table |) | as hereinafter |
| (e) Previous question |) | provided. |
| (f) Postpone indefinitely. |) | Not amendable, but debatable |
| (g) Postpone to a certain time. |) | Amendable and debatable |
| (h) Go into Committee of the Whole. |) | " " " |
| (i) Commit (or recommit) to
Committee of the Whole |) | " " " |
| (j) Commit (or recommit) to a
Standing Committee, or to a
Select Committee |) | Amendable and debatable |
| (k) Close debate at a specified
time |) | Amendable but not debatable |
| (l) Amend |) | Amendable and debatable. |

Motions "g" through "k" inclusive, preclude debate on the main question. A motion to adjourn, to take a recess, and to adjourn for a longer period than one Convention day shall always be in order. A motion to adjourn for a longer period than one Convention day shall be amendable and debatable. Calls for information, for division of a divisible question, for the yeas and nays, for a standing vote, for a vote by a show of hands, and a motion for reconsideration shall always be in order, but shall not be amendable or debatable.

Rule 34. An appeal from the decision of the chair must be taken at the time the ruling is made.

Rule 35. The previous question shall be put by the President in this form, "Shall the main question be now put?" It shall be admitted when demanded by a majority of the Delegates present, and its effect shall be, if decided affirmatively, to end debate and bring the Convention to a vote upon pending amendments, if any, to the main question, and then upon the main question. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

Rule 36. Notice of intention to move reconsideration of any vote must be stated on the day such vote is taken. A motion to reconsider must be made before the end of the first Convention day after the day on which such vote was taken and by a Delegate who voted in the majority. The same majority shall be required to adopt a motion to reconsider as was required to take the original action. When a motion for reconsideration is decided, that decision shall not be reconsidered. No question shall be twice reconsidered. No vote shall be reconsidered upon any of the following motions:

- (a) To adjourn;
- (b) To lay on the table;
- (c) To take from the table; or
- (d) For the previous question.

Rule 37. Any Delegate may call for the division of a question which is in its nature divisible. A motion to strike out and insert shall be deemed indivisible. A motion to strike having been lost, motion to amend or a motion to strike out and insert shall not be precluded.

Rule 38. No Delegate shall speak more than twice on one question, or longer than fifteen minutes the first, or longer than five minutes the second time, or more than once until other Delegates who have not spoken shall speak if they so desire, without first obtaining leave of the Convention. The mover of the proposition shall have the right to close the debate, provided that the person in charge of a proposal on third reading and final agreement shall have the right, if he desires, to close the debate and he may announce such desire at any time before the commencement of the vote on the question."

Mr. President, I ask unanimous consent that Chapter VIII be adopted as read.

PRESIDENT EGAN: Mr. Riley asks unanimous consent for the adoption of Chapter VIII. Mrs. Hermann?

HERMANN: I am going to object temporarily.

EGAN: Mrs. Hermann's objection is heard.

HERMANN: I think at the time these rules were considered in Committee we had added to Rule 36 a statement that we consider a motion to reconsider could not be considered during the last three days of the Convention. And I do not see that in there and think it is very highly important that it appear. I think it is an oversight in getting the copy organized but until that is added or until we have taken some decision so that whether or not it is added I am going to object.

PRESIDENT EGAN: Do you so move then Mr. Riley, to get this

question on the floor? Do you move for the adoption of Chapter VIII?

RILEY: I so move.

SUNDBORG: I second the motion.

PRESIDENT EGAN: Mr. Riley moves that the Chapter be adopted and Mr. Sundborg seconds the motion. Mr. Johnson?

JOHNSON: In reference to Mrs. Hermann's inquiry it occurs to me that it would be rather difficult to include that type of provision in our rules since we do not know when we will adjourn other than the 75th day. It is conceivable that we could adjourn any time less than that and without knowing definitely, how could you have such a rule that would be effective?

PRESIDENT EGAN: Is there further discussion on the motion? Mr. Barr?

BARR: On Page 14, the fourth line from the bottom, it says: "The mover of a proposition shall have the right to close the debate, provided that the person in charge of a proposal . ." Just what does that mean, the person in charge of a proposal"? Does that mean the chairman of the committee?

RILEY: In that case it would be. "Proposal" is used in the sense employed here of being a constitutional proposal. The . person in charge would be the chairman or the spokesman for the committee.

BARR: I see on Page 13 where a comma should go in. I am not going to make a motion. Perhaps the original motion could be amended to include it, Page 13, A motion to adjourn, "Calls for 6information for division of a divisible question, for the yeas and nays," after the word "information" there should be a comma.

PRESIDENT EGAN: Is there objection to Mr. Barr's request?

HERMANN: Mr. Chairman, I could argue its grammatical significance. I don't think a comma belongs there. That is a series of statements there and "Calls for information for division of a divisible question" is one. Then we have a comma for the "yeas and nays" and then a comma for "for a standing vote" down to we get to "and a motion for reconsideration". That is a grammatical series and I do not think a comma is indicated.

PRESIDENT EGAN: Mrs. Hermann, the Chair would feel that suppose you rise from the floor on a question of Information, well, you are in order when you state that. If you left the comma out then it does not say that. It would not have that meaning.

It would say calls for information for the division of a divisible question would be the only thing you could rise on. The Chair would hold that the comma would be in order. Is there further objection to Mr. Barr's unanimous consent request to insert a comma after the word "information"? Hearing no objection it is so ordered. Mr. White?

WHITE: Mr. President. I should like to ask a question of Mr.

Riley. In this same section I am not sure whether the Committee intends that one delegate may call for the "yeas" and "nays", or whether it will require a majority vote. I am on Page 13, Section 33, in the sentence that starts "Calls for information, for division of a divisible question, for the yeas and nays," etc.

RILEY: It certainly is silent on the point. I would feel whereas in other deliberative bodies the percentage is often stated for requiring a roll call vote, it would appear to me that one member could here do so.

PRESIDENT EGAN: The reading of the rule would allow any one member to make those calls. Is there further discussion? Mr. Hellenthal?

HELLENTHAL: I don't understand the last sentence of Rule 38.

PRESIDENT EGAN: Rule 38, the last sentence. Mr. Riley, could you attempt to explain that sentence?

RILEY: Well, I think that Mr. Hellenthal has the same question in mind as Mr. Barr raised a moment ago. Am I right?

HELLENTHAL: No, I have another. The words, "The mover of the proposition", I don't know who that means. Who is that?

RILEY: The maker of the motion perhaps.

HELLENTHAL: What motion?

RILEY: Any motion.

PRESIDENT EGAN: Mr. Riley, it appears to the Chair that the question in Mr. Hellenthal's mind is that who other than the mover would be in charge of the proposition?

RILEY: I would say that in approaching the matter with reference to both the mover of the proposition and the person in charge of the proposal you have covered every conceivable handler of a given proposition. It may be a little superfluous to add this passage about the person in charge of the proposal, but by the same token, a committee spokesman who might be charged with the conduct of that proposal on the floor need not always be the mover of a proposition, in this

respect. There might be other intermediate actions taken. Now, if it is desired to recess on that point I think we can get together with Mr. Hellenthal.

PRESIDENT EGAN: Mr. McCutcheon.

MCCUTCHEON: Before we go into recess, I would like to make one point clear. The rules as we probably will adopt them provide that the mover of a proposition in other terminology it is the person who submits a resolution to a body. The resolution is then referred to its appropriate committee. It may lose its identity in that committee, but the person who originally submitted that resolution may have under these rules, the opportunity to close the debate on it. He may argue that the text of his resolution has been so changed that it precludes his original thought. Then it would be the decision of the house as to whether or not the man or woman who originally introduced the resolution would have the opportunity to close the debate or whether the person in charge of the resolution, which would be the chairman of the committee who returned it to the house for consideration, would close the debate on the matter.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: Mr. President, I also have an inquiry with reference to this rule which might be considered during the recess. It appears in the first part of Rule 38 that the debate is limited to any one member to 20 minutes -- not longer than 15 minutes on the first occasion on which he speaks and not longer than five minutes on the last occasion. Now, if a person were in the position of being the mover and would want to close the debate, it would seem to me that he might very well wish to reserve the longer portion of his debate time in rebuttal after everyone else had been given an opportunity to speak. He might not be able to answer in five minutes, and I would think that that first part could be changed perhaps to permit anyone to use the time allotted as they saw fit, either in the beginning or on the end of their argument. I don't know whether that is feasible or not.

PRESIDENT EGAN: Mr. Marston.

MARSTON: Mr. President, that is a subject I would like to talk on a bit. I can well conceive that 15 minutes of time won't be enough sometime for a man to present a program properly to this body -- not that he should do it more than once in the Convention, but I think he should have an opportunity to do that. I don't like that 15-minute limitation there. I think some men who use a lot of time here maybe should be scotched on that, but I think men who save their time up should have more time than 15 minutes on one occasion in this Convention at least.

NORDALE: Mr. President.

PRESIDENT EGAN: Mrs. Nordale.

NORDALE: It seems to me that the last phrase takes care of any possible contingency. It says: ". . . without first obtaining leave of the Convention." and the Convention might be so disposed to let someone talk a half an hour if he had an important enough contribution.

PRESIDENT EGAN: Mr. Barr.

BARR: Mr. President, I do believe that 15 or 20 minutes is sufficient. I am sure I could tell all I know in 15 minutes, but I agree with Mr. Johnson that a man may present a proposition to the floor and then so many people talk on it and bring up additional questions or arguments against that he can't answer those arguments in five minutes. It seems to me he could talk longer in closing the debate.

PRESIDENT EGAN: Mr. Victor Rivers.

V. RIVERS: Mr. President, I feel the same way about this. This rule automatically establishes a standing rule closing or limiting debate. I feel that on many subjects, this body may desire to adopt a limit of debate motion, but I'm not in favor of making it a standing rule limiting the time. I feel that if a limiting of debate would be desired by this body that was getting too lengthy, we could well adopt it at the time we are going to act on it, and that is the procedure followed, I believe, in your national Congress and many other state legislatures. Limitation of debate should not be a standing rule in my opinion.

PRESIDENT EGAN: Mr. Peratrovich.

PERATROVICH: Mr. Chairman, I think I support Mr. Rivers in his views on this. There is no question in my mind as to sometime in the future some of these propositions will be received on the floor and be very controversial, and I don't think it is a good policy to set a limit on debate. There will be other times when we will have minor problems when we won't need so much time. We have provisions in Robert's Rules of Order to take care of all this, and if it comes to a time where we feel that a debate should be limited, there are provisions for that also. We can do it by a two-thirds vote. I don't think we should tie our hands because some of it is going to require more time than the other. We should allow all the time that we possibly can to arrive at something that will be acceptable to the people that we are going to submit this proposition to in the end.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Mr. President, I make the point of order that there is nothing before us, and I ask unanimous consent for a five-minute recess.

SWEENEY: I object for just one moment.

PRESIDENT EGAN: Objection is heard. Was the motion first made to adopt Chapter VIII by Mr. Riley? That motion is before us. Mrs. Sweeney has the floor.

SWEENEY: I want to bring up one thing that bothers me a little. Rule 36 -- under the first two sentences the way it is constructed now, it appears that if I were in the minority I would have a right to give notice of reconsideration of my vote, provided I could get somebody from the majority to move it the next day and I don't think that is the intent at all. I think in order to give notice of intention to move reconsideration, you also have to be on the majority. Is that right?

PRESIDENT EGAN: It says that Mrs. Sweeney.

SWEENEY: Well it says that on the motion but not for the notice of reconsideration.

PRESIDENT EGAN: You are probably right. Perhaps that could be taken up during the recess. Mr. Riley, how long a recess did you call for? Mr. Sundborg?

SUNDBORG: I would like to renew my request for unanimous consent for a five-minute recess.

PRESIDENT EGAN: Mr. Sundborg asks unanimous consent that the Convention stand at recess for five minutes. Mr. Smith?

SMITH: Mr. President, I would like to object for just a moment to perhaps get a little more clarification on Rule 38. I think there has been some misunderstanding of the meaning where it says that the mover of the proposition shall have the right to close the debate. Some people have understood that to mean that the mover of the proposition shall have the right to shut off debate or preclude further debate. If it were clarified that the mover of the proposition shall have the right to present the last argument, you might say, I think that might clear up some of the misunderstanding and I would like to ask Mr. Riley to possibly clarify that.

RILEY: I think that is a proper matter to consider during recess, Mr. Smith. I might ask if we recess that the Rules Committee reassemble at the customary spot in the rear of the hall.

HERMANN: I would like to amend the motion to take at least ten minutes.

PRESIDENT EGAN: Is there objection to Mrs. Hermann's request?

SUNDBORG: I will accept your amendment, Mrs. Hermann.

PRESIDENT EGAN: Unanimous consent is asked. Mr. Londborg?

LONDBORG: I would like to get some information from the Rules Committee as to why Rule 36 has been changed from the original draft of Rule 34, "A motion to reconsider must be made before the end of the first Convention day after the day on which such vote was taken . ." and as I understand it the other draft is on the same day. Is that correct?

RILEY: That is correct. The change was suggested Mr. Londborg, by the Rules Committee simply to make each day current, shall we say. Otherwise, every action taken would be in a sense tentative until the period had passed for reconsideration a day or two later.

PRESIDENT EGAN: It might be well at this time before we recess that the Chair inform all delegates that they are free to attend committee meetings at any time and they are free to request the chairman of any committee to be heard on any subject at any time. If anyone has any questions, that is the answer to your question. If there is no objection the Convention will be at recess for ten minutes. The Convention is at recess.

AFTER RECESS

PRESIDENT EGAN: The Convention will come to order. It seems to be the consensus among many of the delegates that inasmuch as the Rules Committee still has these questions under advisement and haven't completed their work, it might be wise and proper to recess for lunch at this time. If there is discussion of that proposition -- Mr. Victor Rivers?

V. RIVERS: I move and ask unanimous consent that we recess until 1:30.

PRESIDENT EGAN: Mr. Victor Rivers asks unanimous consent that the Convention stand at recess until 1:30. Mr. Coghill, your point of information?

COGHILL: Point of information, Mr. President, I would like to announce a committee meeting of the Committee on Administration to meet at 1 o'clock.

PRESIDENT EGAN: Mr. Coghill announces a meeting of the Committee on Administration to meet at 1 o'clock. Where, Mr. Coghill?

COGHILL: In the same committee room as we have been meeting in

Before.

PRESIDENT EGAN: The Chair would like to announce that there are post office boxes upstairs in the message center and that there is evidently some mail for some of the delegates that has been there for a few days. That is on the third floor and everyone might take a look up there and see whether or not they have any mail. It will always be delivered to the message center. The question is "Shall the Convention stand at recess until 1:30?" Is there objection? If there is no objection the Convention will stand at recess until 1:30. The Convention is at recess. (12:06 p.m.)

AFTER RECESS

PRESIDENT EGAN: The Convention will come to order (1:40 p.m.). Mr. Riley?

RILEY: Mr. President, during the recess the Rules Committee has had the benefit of the views of a good many of the members and accordingly would like to submit Chapter VIII again in its entirety, and to pave the way for that, I wish to withdraw my earlier motion that Chapter VIII as read be accepted.

PRESIDENT EGAN: Is there objection to Mr. Riley's unanimous consent request that his motion to withdraw the earlier motion relative to Chapter VIII that his earlier motion be withdrawn? Is there objection? Hearing none it is so ordered. Mr. Riley, you may proceed and read Chapter VIII of the Rules.

RILEY: I won't burden the Convention with the preliminary portion which appears on Page 12 but will start on Page 13 with the word "Motions", which I note is misspelled about one-third of the way down the page.

"Motions "g" through "k" inclusive, preclude debate on the main question. A motion to adjourn, to take a recess, and to adjourn for a longer period than one Convention day shall always be in order;" Now here is new material: provided, however, that before a motion to adjourn is put to a vote, opportunity shall be given for announcements of notice of intention to move reconsideration as hereafter provided. A motion to adjourn for a longer period than one Convention day shall be amendable and debatable. Calls for information, for division of a divisible question, for the yeas and nays, for a standing vote, for a vote by a show of hands, and a motion for reconsideration shall always be in order, but shall not be amendable or debatable."

Now, there has been no further change proposed by the Rules Committee for Rule 34 or 35 which we will submit as read earlier. Rule 36, it comes to mind that we had a preliminary statement there.

DAVIS: "A motion for reconsideration may be made only by a delegate who voted on the prevailing side."

RILEY: Thank you. "Notice of intention to move reconsideration of any vote must be stated on the day such vote is taken. A motion to reconsider must be made before the end of the first Plenary Session day after the day on which such vote was taken. The same majority shall be required to adopt a motion to reconsider as was required to take the original action. When a motion for reconsideration is decided, that decision shall not be reconsidered. No question shall be twice reconsidered. No motion for reconsideration shall be in order after the 72nd Convention day. No vote shall be reconsidered upon any of the following motions:

- (a) To adjourn;
- (b) To lay on the table;
- (c) To take from the table; or
- (d) For the previous question."

SWEENEY: Will you repeat the reading of the first line?

RILEY: "A motion for reconsideration may be made only by a delegate who voted on the prevailing side." That was responsive to your suggestion, Mrs. Sweeney.

SWEENEY: Well the motion to reconsider is stated on the second line there is perfectly all right. It is the question regarding the notice of reconsideration which you can make today. For instance, you give notice of reconsideration today and you might make the motion tomorrow and if I'm not on the prevailing side, according to the way that it is written, I could still make it and have a motion made by somebody on the majority side.

RILEY: You don't feel that this clarifies that point?

SWEENEY: I think it should read ". . notice of reconsideration may be made by . ." -- not a motion but a notice. The motion is made after the notice.

RILEY: I see your point -- either notice or the succeeding motion.

PRESIDENT EGAN: Mrs. Sweeney, the first sentence though says, "Notice of intention to move reconsideration of any vote must be stated on the day such vote is taken." Doesn't that take care of it? That is in line with the accepted procedure.

SWEENEY: That is right, Mr. President. My point this morning was that it does not state that the one giving notice must be on the prevailing side. The motion which is made tomorrow must be by one on the prevailing side.

HERMANN: Mr. Chairman, does the motion have to be made by the one who gives the notice?

RILEY: It would seem implicit even though it doesn't state it. That is your point isn't it?

SWEENEY: I understand how it is supposed to be done but I am just wondering if we got into a hassle here some day and if I were on the minority side, I could move reconsideration today and hope that I could get somebody on the majority side to make the motion tomorrow.

RILEY: Would you accept "neither notice of intention nor motion of reconsideration"?

DAVIS: It should have to be "either" rather than "neither".

SWEENEY: Yes.

PRESIDENT EGAN: Mr. Riley, do you have that?

RILEY: Without objection from the Rules Committee or any of its members, "Notice of intention for reconsideration and motion for reconsideration may be made only by a delegate who voted on the prevailing side."

DAVIS: Would you repeat that please?

RILEY: "Notice of intention for reconsideration and motion for reconsideration may be made only by a delegate who voted on the prevailing side." Now to review that -- the next change in that rule was a substitution of "plenary session" for the word "Convention" in the third line of the printed text and to strike in that same sentence everything after the word "taken" and then to insert just before the last sentence in the rule "No motion for reconsideration shall be in order after the 72nd Convention day." Rule 37 will be submitted by the Committee as earlier read as appears in your text.

STEWART: Mr. Riley, I would suggest that you reread Rule 36.

RILEY: Yes, indeed. "Rule 36. Notice of intention for reconsideration and a motion for reconsideration, may be made only by a delegate who voted on the prevailing side. Notice of intention to move reconsideration of any vote must be stated on the day such vote is taken. A motion to reconsider must be made before the end of the first plenary session day after the day on which such vote was taken. The same majority shall be required to adopt a motion to reconsider as was required to take the original action. When a motion for reconsideration is decided, that decision shall not be reconsidered. No question shall be twice reconsidered. No motion for reconsideration shall be in order after the 72nd Convention day."

No vote shall be reconsidered upon any of the following motions:

- (a) To adjourn;
- (b) To lay on the table;
- (c) To take from the table; or
- (d) For the previous question"

Rule 37 is unchanged from its former reading from your text.

"Rule 38. No Delegate shall speak more than twice on one motion, or more than once until other Delegates who have not spoken shall speak if they so desire, without first obtaining leave of the Convention. The mover of the proposition shall have the right to speak last, provided that the person in charge of a proposal on third reading and final agreement shall have the right, if he desires to speak last and he may announce such desire at any time before the commencement of the vote on the question."

Mr. President, I ask unanimous consent that Chapter VIII of the proposed rules be adopted as Chapter VIII of the permanent rules.

PRESIDENT EGAN: Mr. Sundborg?

SUNDBORG: I don't wish to object to unanimous consent, but I wonder, Mr. Riley, if I might have your consent to change very slightly some of the language which we've just inserted here. I would like to propose that at the beginning of Rule 36 instead of saying "Notice of intention for reconsideration and a motion for reconsideration", etc., which seems to me to be a little awkward, I would propose to say "A motion for reconsideration, as well as the preliminary notice thereof, may be made only by a delegate who voted on the prevailing side."

RILEY: I will accept that without any objection from members of the Rules Committee.

PRESIDENT EGAN: If there is no objection we will assume that was the manner in which the rule was read in the first place. We have before us Mr. Riley's unanimous consent request that Chapter V III of the proposed rules be adopted as Chapter VIII of the permanent rules of the Convention. Is there objection? Mr. Hellenthal?

HELLENTHAL: Mr. President, as a point of order, could all of those changes be dictated to us so that we could make our copies conform? I missed completely, as I know others did, the change in Rule 33, and I think this new suggestion of Mr. Sundborg's should likewise be dictated, as well as the changes in Rule 38.

PRESIDENT EGAN: If there is no objection we will hold up the unanimous consent request and, Mr. Riley, would you dictate very slowly again each and every proposed changes in Chapter VIII?

RILEY: On Rule 33 the first change occurs after the word "order" on Page 13, on the left margin, the first word in line 4 of the solid text, semicolon follows "order" and here is new matter: "provided. however, that before a motion to adjourn is put to a vote opportunity shall be given for announcements of notice of intention to move reconsideration as hereinafter provided." I will ask Mr. Sundborg to dictate his change.

SUNDBORG: Page 14, first line after "Rule 36.", a new sentence, "A motion for reconsideration, as well as the preliminary notice thereof, may be made only by a delegate who voted on the prevailing side."

JOHNSON: Gentlemen, is the word "preliminary" necessary?

SUNDBORG: I am willing to dispense with it if Mr. Riley is.

RILEY: Yes.

SUNDBORG: Strike the word "preliminary" then it will read, starting again, "Rule 36. A motion for reconsideration, as well as notice thereof, may be made only by a delegate who voted on the prevailing side." That is all inserted ahead of the first sentence in your mimeographed text which begins "Notice of intention", and the next sentence remains just as it was in the mimeographed text.

RILEY: Barring one substitution -- the next change occurs in the second sentence of the mimeographed text, line 3, strike the word "Convention" and substitute the words "Plenary Session", so it reads "first Plenary Session day." On the next line a period goes after the word "taken" and the rest of the sentence as originally written is omitted. The words "and by a Delegate who voted in the majority" are stricken, and then the printed text continues down to the last line. As an insert before the last sentence, this sentence is proposed, "No motion for reconsideration shall be in order after the 72nd Convention day." The last sentence of Rule 36 remains the same as shown on your draft copies. There is no change in Rule 37. Rule 38 reads as follows: "No delegate shall speak more than twice on one motion or more than once until other delegates who have not spoken shall speak if they so desire, without first obtaining leave of the Convention."

UNIDENTIFIED DELEGATE: Will you go a little slower on that new matter?

RILEY: That is not new matter. We have stricken all of line 2 of Rule 38, is out, and the first four words on line 3 of Rule 38 are now stricken. The next sentence reads as follows: "The mover of the proposition shall have the right to speak last." The words "close the debate" have been stricken -- provided the person in charge of the proposal on third reading and final agreement shall have the right, if he desires, to speak last" -- same change.

PRESIDENT EGAN: So we have before us Mr. Riley's unanimous consent request that Chapter VIII of the proposed rules become Chapter VIII of the permanent rules of the Convention. Is there further objection?

KILCHER: Point of clarification. Rule 38, line 2 and 3, that is stricken or proposed to be stricken? It looks on the surface as if we are getting five minutes there to speak on any matter. Actually, we are curtailing our time by striking these two lines.

PRESIDENT EGAN: Mr. Kilcher, it is the Chair's feeling that Robert's Rules of Order does not limit debate. Robert's Rules of Order I believe leaves it up to the particular assembly that question. There is no restriction as the Chair understands it or remembers it on debate in Robert's Rules of Order.

KILCHER: I accept the information as such.

PRESIDENT EGAN: Is there further question on this request of Mr. Riley's to adopt the proposed rules, proposed chapter No. VIII of the rules as the Chapter No. VIII of the permanent rules of the Convention? If there is no further discussion or objection the question is, "Shall Mr. Riley's request be adopted? All those in favor of adopting Chapter VIII as the permanent Chapter VIII of the Convention Rules say "aye"; all opposed say no". The motion has carried and Chapter VIII has become Chapter VIII of the permanent rules of the Convention. Mr. Riley, you may proceed with Chapter IX.

RILEY: "Chapter IX.

Procedure for Drafting Constitution

Rule 39. Any subject matter to be incorporated in the Constitution shall be by proposal. A proposal shall be introduced only by one or more delegates or by a Standing Committee.

Rule 40. Each proposal shall be typewritten on white paper which is 8 1/2" wide and 11" long with one original copy and five carbon copies thereof, and shall be dated and signed by the introducer(s) or by the Chairman of the Committee

introducing it.

RULE 41. The caption of each proposal shall be:

'Constitutional Convention of Alaska

PROPOSAL

Introduced by

(Name of Delegates(s) or

Name of Committee)'"

Now, at this point, it was called to my attention to make this caption consistent with the text immediately above we should insert in parenthesis "date" in the upper right corner so that the files show the chronology of proposal introduction. "Each proposal shall contain a short title stating concisely the general nature of its subject matter. Thereafter the proposal shall state:

"RESOLVED, that the following be agreed upon as part of the Alaska State Constitution."

Rule 42. Each proposal upon introduction shall be delivered to the Secretary, who shall number all proposals as presented. At each session of the Convention the Secretary shall read the number and title of each new proposal, which shall constitute the first reading of the proposal.

Rule 43. Each proposal shall receive three separate readings in the Convention previous to being agreed upon, but no proposal shall be read twice on the same day. Except on the first reading all proposals shall be read in their entirety. Amendment of any proposal may be made only in second reading.

Rule 44. The regular order to be taken by proposals shall be as follows:

1. Introduction and first reading.
2. Reference to a Standing Committee by the President.
3. Report by Standing Committee.
4. Placed on the general orders on the following day.
5. Second reading and action on proposed amendments.
6. Reference to Committee on Style and Drafting.
7. Report by Committee on Style and Drafting.
8. Action on report of Committee on Style and Drafting, and action on amendments as to phraseology only.
9. Third reading and agreement.
10. Reference to the Committee on Style and Drafting for arrangement and numbering of sections and articles and for form.

Rule 45. The President shall refer each proposal introduced

to the appropriate Standing Committee. Where a proposal embraces subject matter which falls within the proper consideration of two or more Standing Committees, the President may divide the proposal or he may refer it to one Standing Committee with instructions to consult with other Standing Committees.

Rule 46. The Convention may set a date after which no proposal shall be introduced, except by a Committee.

Rule 47. Each Standing Committee report recommending any matter for incorporation in the Constitution shall be accompanied by a Committee proposal containing a complete article or other appropriate subdivision or group of articles or subdivisions of the Constitution.

Rule 48. A report shall be made by the Standing Committee as to each proposal referred to it. Such report shall state whether the proposal has been:

- (a) adopted in whole or in part in a Committee proposal;
- (b) disapproved;
- (c) disposed of otherwise.

Rule 49. On the question of the agreement upon 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 twenty-eight Delegates shall have voted in favor of its adoption.

Rule 50. After the Constitution has been framed and before final agreement thereon, the Convention shall refer the proposed Constitution to the Committee on Style and Drafting for final arrangement in proper order and form. After the report of said Committee, the Convention shall by the affirmative vote of at least twenty-eight Delegates agree upon the final form of the Constitution.

Rule 51. When the Convention shall have agreed upon the final form of the Constitution, the original and at least four copies thereof shall be signed by the President and by the Delegates and attested by the Secretary. Facsimile copies shall then be prepared and certified by the President and delivered to each Delegate."

Mr. President, I ask unanimous consent that Chapter IX of the proposed rules as read be adopted.

V. RIVERS: Question, Mr. President.

PRESIDENT EGAN: Mr. Victor Rivers.

V. RIVERS: I would like to ask the Chairman of the Rules

Committee, if he -- as a proposal is submitted and receives a number, is the identity of the introducer then dropped? If so, does it say so in the rules?

RILEY: It receives a number -- and I am wondering where that coverage is. Mr. Rivers, there again I will correct myself. It was the feeling of the Committee that the numbering need not be spelled out. We had it in the original draft. I may have to look to some of the Committee members for correction on this. We had a Rule 44 touching on numbering which was stricken altogether. I believe that to retain some mention of the Secretary's numbering documents as they come in -- I would like to hear from any of the Committee members that have a clearer recollection than I.

JOHNSON: It is in Rule 42.

RILEY: Oh yes, Rule 42. Each proposal and I think we will find the same thing about resolutions later, but Rule 44 on your original draft, if you were referring to that, has been stricken in its entirety as being just an administrative process.

V. RIVERS: Do I understand that under the rule now the name of the committee introducing or individuals introducing, will carry along with the number all the way through the handling of the proposal?

RILEY: The identity is lost on a matter introduced by an individual.

V. RIVERS: As long as the records show that, I am satisfied.

PRESIDENT EGAN: Mr. Riley asks unanimous consent that proposed Chapter IX become Chapter IX of the permanent rules of the Convention. Is there objection? Mr. Stewart?

STEWART: No objection, just a suggestion. On Rule 45, the rule that the President shall refer each proposal introduced to the appropriate standing committee-- I think it would be clearer if stated this way: "The President shall refer to the appropriate standing committee each proposal introduced." Otherwise it might read that you are introducing a proposal through the standing committee.

RILEY: Without objection on the part of the Committee I shall accept that suggestion.

PRESIDENT EGAN: Mr. Riley states that he is agreeable to accepting that suggestion of Mr. Stewart's with the consent of the Committee. It is just a grammatical rephrasing.

SMITH: Mr. President and Mr. Riley, referring to the last

Sentence of Rule 50 I would like to ask if in your opinion this would allow amendment in substance of the provisions of the constitution up to that point?

RILEY: It is open to amendment in second reading. That would be Point 5 under Rule 44, and then it goes back under your succeeding steps to Style and Drafting for action on amendments as to phrasing only. I would say that no substitute amendment could be made at the point described in Rule 50.

SMITH: Well, Mr. President, I will then enter an objection to unanimous consent.

PRESIDENT EGAN: Mr. Smith objects to the unanimous consent request.

RILEY: Let me say this in further reply. You will see that the Committee on Style and Drafting must report back to the body, and acts on amendments as to phraseology only. Rule 50 is descriptive of that process as I read it.

PRESIDENT EGAN: There is nothing before us then.

RILEY: I move adoption.

SUNDBORG: I second it.

PRESIDENT EGAN: Mr. Riley moves the adoption of the proposed Chapter IX to become the permanent rules of the Convention, seconded by Mr. Sundborg. The motion is open for discussion.

SMITH: Mr. President, I would like to offer an amendment to Rule 50 and the amendment is in the form of an addition and will read as follows: "Every provision of the Constitution shall be open to amendment in substance until such time as the Convention shall have agreed upon the final form of the Constitution. Provided that any amendment provision shall be referred to the Committee on Style and Drafting for proper wording."

PRESIDENT EGAN: Do you so move the adoption of that amendment, Mr. Smith?

SMITH: I do move the adoption.

KILCHER: I second it.

PRESIDENT EGAN: Mr. McCutcheon.

MCCUTCHEON: Mr. President, Rule No. 50 does not preclude at any time the referral of the complete constitution back into second reading for the purpose of specific amendment. It never precludes that possibility. So until the time the final vote is taken after approval in final form it can always be referred

to the committee for the purpose of putting in the amendments. Consequently, it would appear to me that your additions there are already taken care of in the formal procedure of the rule.

SUNDBORG: Our Rule 43 says in its final sentence, Page 16, "Amendment of any proposal may be made only in second reading." If we adopt Mr. Smith's amendment we would be permitting amendment in third reading. I believe it is a most orderly process to return a portion of the constitution to second reading which may be done by the body at any time if it appears an amendment is in order and that we should not permit amendment of portions of the constitution in third reading.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: Mr. President, it occurs to me that that is correct procedure, and I certainly believe that if we adopt this amendment we never will get a constitution. We will be amending it all the time.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: Mr. President, if Mr. Smith also desires to, I should like to have a couple minutes of recess to discuss the matter with him.

PRESIDENT EGAN: If there is no objection the Convention is at recess for a few minutes.

AFTER RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. Smith, did you have the floor?

SMITH: Mr. President, I still am not convinced that the amendment does not have merit, unless someone can show me where the action explained by Mr. McCutcheon can be taken by a simple majority vote.

PRESIDENT EGAN: Mr. Smith, you are raising a question there to return to second reading for specific amendment would take a two-third majority vote of the Convention? That is the question that is in your mind? Mr. Nolan?

NOLAN: Mr. President, we have been following the majority rule all the way through here and that was my intention. I think it would be a good time to clear it up and move it be referred to the Rules Committee.

PRESIDENT EGAN: Mr. Nolan asks unanimous consent that this question be referred to the Rules Committee. Is there objection? Hearing no objection, the Convention stands at recess while the Rules Committee considers this question. The

Convention is at recess.

AFTER RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. Riley?

RILEY: Mr. President, the Rules Committee, or the Chairman speaking for the Rules Committee, renews its request that Chapter IX as read be adopted by unanimous consent as a part of the permanent rules.

PRESIDENT EGAN: We still have before us Mr. Smith's motion, Mr. Riley, to amend Rule No. 50, adding a new sentence at the end of that rule. Is that not correct?

RILEY: You are right.

PRESIDENT EGAN: Mr. Smith's motion is the matter of business before us at this time. Is there further discussion of the motion by Mr. Smith? Mr. Smith.

SMITH: Mr. President, I would like to ask first that the proposed amendment be read. I handed my copy to the Secretary I believe.

PRESIDENT EGAN: The Secretary will read the proposed amendment as submitted by Mr. Smith.

CHIEF CLERK: Is this sentence to be added at the end of the paragraph? "Every provision of the Constitution shall be open to amendment in substance until such time as the Convention shall have agreed upon the final form of the Constitution. Provided that any amendment provision shall be referred to the Committee on Style and Drafting for proper wording."

PRESIDENT EGAN: You have heard the reading of the motion. Is there discussion of the motion? Mr. Smith?

SMITH: Mr. President, to be frank with all of you, I am not nearly so sure as I was before of the necessity of this amendment, although there is still a strong doubt in my mind whether it is proper to leave Rule 50 as it now stands. I have tried to explain my feelings here several times, and I don't know whether I have at any time succeeded in making my thoughts clear. But my thoughts again are this: We are going to have to consider the provisions of this constitution in a piecemeal or haphazard manner. In other words, the provisions will come in as individual provisions and they will be considered as such, and my thought is that after the provision has been adopted, that under Rule 50, it is no longer subject to change. That means that if this provision is not in conflict with another provision, but if it is such that a change in a later provision might be to the advantage, might strengthen the

Constitution, that change would not be possible under Rule 50. And I think to give the Convention a chance to decide this question on its merits that I will ask that the amendment be adopted.

PRESIDENT EGAN: That motion has already been made by yourself, Mr. Smith. Mr. Ralph Rivers?

R. RIVERS: For the members who were not sitting in on the Rules Committee the issue might be obscure. The way Rule 50 is written, it does not provide that the entire document when it is finally put together by the Committee on Style and Drafting shall be put through a second reading. It simply says that all portions of the constitution which have been adopted and which have been debated and thereafter put together are brought back to us in a final form as one final document. Now the Rules Committee is confronted with this. If someone wants to offer an amendment to any part of this final document, then a motion would be in order to put that particular portion back into second reading for specific amendment. That takes a two-third majority vote. The author of this proposed amendment here thinks that that should be done by a plain majority vote. In other words, in effect Mr. Smith, supported by Mr. Kilcher, would favor putting the whole document through a second reading at which time the amendatory process could be invoked as a matter of right. Now the Committee then discussed this, we have controversial points as we go along section by section, article by article. We debate those We resolve them. If you will throw the entire document open to the amendatory process by putting the entire document through a second reading, those same arguments can be debated step by step all over again and you begin to wonder whether we will ever get a constitution written or not. The only other alternative is, if the people who want to amend the final document without putting it through a second reading can get the support necessary they will move to suspend the rules to put the particular portion back into second reading for specific amendment and that will take a two-thirds vote. That is the issue before us. I personally subscribe, after thinking it over, although I recognize the points that Mr. Smith has, I think that it would not be advisable to put the whole document through a second reading and fight the whole battle all over again. If there is real merit to a desire for a change of a particular provision or a specific point, then there will be no trouble getting a two-thirds majority to suspend the rule to put that particular point back into the second reading.

PRESIDENT EGAN: Mr. Hellenenthal.

HELLENTHAL: Mr. President, I subscribe to Mr. Smith's amendment at this time. I feel that until the need for the more stringent rule is manifest that we should at this time resolve the doubts in favor of easy amendments, amendments that can be

Made quickly and expeditiously. The argument of those who take the opposite side seems to me that it might be predicated upon the assumption that some in this body are going to use obstructionist or dilatory tactics, and that we should take out insurance at this time to avoid that. I see no indication of such an eventuality or possibility, so at this time let us take the more liberal approach, the easy approach. Then if the necessity develops for a more limited rule then I have enough faith in this body to think that we will adopt it without any trouble at all, but not now.

PRESIDENT EGAN: Is there further discussion on the motion? Mr. Barr?

BARR: Mr. President, I believe that any proposal should be amended at any time that it can be improved. However, I am in favor of the two-thirds vote because under that rule it will not be returned to second reading unless it is necessary, and if it is necessary it can be returned to second reading. If it is returned to second reading by a simple majority vote we actually won't have any rule. Practically anyone can do as he pleases. It is like sitting in on a poker game and making your own rules as you go along or doing things when you want to, not when they are supposed to. I believe we should have a rule like that to expedite business and to keep too many people from wanting to make unnecessary amendments. If an amendment is necessary I am sure we can get a two-thirds vote to return to second reading.

PRESIDENT EGAN: Is there further discussion on the proposed amendment? Mr. Kilcher?

KILCHER: Mr. President, I think it is fair to present my and Mr. Smith's point of view further on the floor. We all assume the element of good faith present. It has existed so far and we hope to see it in the future and the remarks that were made with regard to having to hash the whole thing over again item for item, I think was not really meant the way it sounded because we are not hashing things through now I think. We are working through them as best as we can. I for one will be more than glad if 95 percent, 98 percent of all the committee work done will stay done. However, the possible two or three percent that it may be desirable to change may not be desirable to a two-thirds majority necessarily. It may be desirable to a 51 percent majority. It may be desirable to change a matter of substance in the final draft as much as a same item may be desirable to change when it goes through committee but as it goes through committee we have not got all the facts available in certain matters. As Mr. Smith said, we are forced by circumstances, we have adopted committee suggestions on these matters, we are forced to treat them to some extent haphazard. Even if we establish an order as much as we can foresee, consecutive order, delays and so forth will come out, like a

horse race -- one horse will go ahead of the other one. We can't foresee that, so we will necessarily have a certain amount of disorder in our subject matter. I can very well see that a subject will come up and with the very best of intentions, I will vote with the possible 51 percent majority for a certain proposal pertaining to the powers of the executive. It will go through all the committee readings, will be accepted as final, as far as 50 percent voting it is final. However, three weeks later, when local government or apportionment or some other committee comes with another part of the picture that we have not foreseen -- we are not prophets that will throw a new light on the whole situation. I maybe have given my consent to the executive having more power than I feel now is good in view of the fact that local government is not given enough power, or vice versa, so I receive the same 50 percent majority right to change in substance that which I was not able to decide properly three weeks ago. And I consider that in essence committee reports should be tentative, although we hope and I am confident that 90 some percent of their reports will be final. The matter is one of philosophy in that respect. Shall we have a final document the last two days and assume that the committees are infallible or shall the committees, all of us, do the best work in the committees and then reconsider in the light of the final report possible adjustments in substance. I adhere to this latter school of thought, and I owe it to my constituents to give this matter some thought.

PRESIDENT EGAN: Is there further discussion? Mr. Marston?

MARSTON: For information, following the line of Delegate Hellenthal here, can we at a later date, if we want to keep this open on only a majority vote now for discussion, tighten up on these rules and put this rule in effect without too much difficulty?

PRESIDENT EGAN: Mr. Marston, you are asking if this rule is adopted now, can we at a later date with a majority vote change that rule?

MARSTON: No. If it is not adopted now and becomes necessary to make a provision which this rule calls for a two-thirds vote, can we then invoke that two-thirds vote?

PRESIDENT EGAN: It would mean that you would be changing the rules and it would take a two-thirds majority vote at that time.

MARSTON: But it could be done?

PRESIDENT EGAN: With a two-thirds majority vote, yes. Mr. Kilcher?

KILCHER: Commenting on Mr. Marston's remarks, I would further state that in case undue advantage should be taken of the proposed amendment, then I do not doubt at all that a two-thirds vote to change the rule to throw it back on the two-thirds majority would easily be obtained for undue taking advantage. I would agree myself, I would vote for it myself, to tighten the rules up then after I had been shown on the floor that undue advantage had been taken.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Mr. President, writing this constitution is going to be a very slow and a very painful process which is going to be safeguarded every step of the way by these rules which I think are just right the way they are now written. There will be many subjects come up which will be controversial in nature. They will be considered not only by the committees but on the floor of this Convention and they will be resolved by a simple majority vote. I believe that after they have been resolved they should not again later be opened up to jeopardy when there may have been some log-rolling in the interval -- you vote to change this provision and I will vote to change that one", where there may have been some lobbying in the interval, with people coming down here and exerting pressure in cases where it would take only one or two changes of votes in order to completely change the earlier decision of the Convention on any subject. I believe that once we have decided a question before this Convention substantively, that should be it and that later, if there is a good reason for changing it, when we see the final document all in order before us, we could then very easily muster a two-thirds vote to put back in second reading the portions of the proposed constitution which the delegates would like to change, but I would not like at that point to be able to do so by a simple majority vote because I don't think we would ever finish with the constitution under those circumstances.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: Mr. President, I move the previous question.

PRESIDENT EGAN: Mr. Johnson moves the previous question.

MCCUTCHEON: Second the motion.

PRESIDENT EGAN: It has been moved and seconded that the previous question be ordered. All those in favor of ordering the previous question say "aye", all opposed "no". The "ayes" have it and the previous question is ordered. The question is, "Shall Mr. Smith's motion amending Rule 50 be adopted by the Convention?" All those in favor of Mr. Smith's motion signify by saying "aye", all opposed by saying "no". The "noes" have it and Mr. Smith's motion has failed. The question now

is Mr. Riley's motion to adopt the proposed Chapter IX as the permanent Chapter IX of the standing rules of the Convention. Is there further discussion on that motion?

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: If there is no further discussion, the question is to adopt Chapter IX which is Rule 39 through Rule 51.

KILCHER: I object.

PRESIDENT EGAN: Objection is heard from Mr. Kilcher. It is open for discussion.

DAVIS: Has there been a second to Mr. Riley's motion?

PRESIDENT EGAN: It was moved and seconded previously Mr. Davis, but it is still open for discussion until we call for the vote, Mr. Kilcher. You may discuss it.

KILCHER: If I make another amendment?

PRESIDENT EGAN: It is still open for amendment.

KILCHER: Well, I move to amend -- let's see, it's not an amendment -- I would like to have this particular motion on this particular rule tabled until later, tomorrow for further consideration and thought and study.

PRESIDENT EGAN: That is your wish, Mr. Kilcher? You should move then that Mr. Riley's motion be laid on the table and the Chair will help you in stating the motion if that seems to be your desire to make that motion, that is the way you do it.

KILCHER: Can I state the reasons for it?

PRESIDENT EGAN: No, the motion is undebatable. If you want to make the motion that is up to you.

KILCHER: Well, I herewith make that motion to table that decision on this rule and the first order tomorrow.

PRESIDENT EGAN: Mr. Kilcher moves that Mr. Riley's motion be laid on the table until tomorrow. Is there a second to the motion? Hearing no second, the motion of Mr. Kilcher dies for lack of a second.

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: If there is no further discussion the question is on whether or not the Convention will adopt the proposed Chapter IX as the permanent Chapter IX of the Convention rules.

All in favor of the motion will signify by saying "aye", all opposed by saying "no". Mr. Riley's motion has carried and Chapter IX of the proposed rules has now become Chapter IX of the standing rules of the Convention. Mr. Riley you may proceed with Chapter X.

RILEY: "Chapter X,

Resolutions and Ordinances

Rule 52. Consideration of ordinances required by the Act establishing the Constitutional Convention or otherwise as introduced by Delegates or Standing Committees shall follow the same procedure as is provided by these rules for proposals.

Rule 53. Resolutions relating to the business of the Convention may be introduced as provided by these rules and their consideration shall follow the same procedure as is provided by these rules for motions."

Mr. President, I ask unanimous consent that Chapter X as read be adopted and incorporated in the permanent rules.

PRESIDENT EGAN: Mr. Riley moves and asks unanimous consent that the proposed Chapter X of the rules become Chapter X of the permanent rules of the Convention. Is there objection or discussion? Hearing no objection, Mr. Riley's request has carried and Chapter X has become the permanent Chapter X of the permanent rules of the Convention. Mr. Riley, you may proceed with Chapter XI.

RILEY: "Chapter XI,

General Provisions

Rule 54. When a motion to adjourn, or for recess, shall be carried, no delegate or officer shall leave his place until the adjournment or recess shall be declared by the President.

Rule 55. Any delegate may at any time rise and speak to a question of personal privilege.

Rule 56. No delegate rising to speak shall proceed until he shall have addressed the President and been recognized by him as entitled to the floor.

Rule 57. While the President is putting a question or a count is being had, no delegate shall speak or leave his place. While a member is speaking no delegate shall engage in any private discourse or pass between the speaker and the chair.

Rule 58. Only Delegates and Officers of the Convention shall be admitted to the floor of the Convention, except that the

President shall designate, by name, representatives of the press, staff assistants, or others that may be admitted. Privileges of the floor may be extended by unanimous consent to other persons.

Rule 59. Any rule of the Convention may be suspended, repealed or amended, by a vote of at least two-thirds of the membership to which the Convention is entitled.

Rule 60. The rules of parliamentary practice set forth in Robert's Rules of Order, Revised shall apply in all cases which are not covered by or are not inconsistent with the rules of the Convention."

Mr. President, I ask unanimous consent that Chapter XI as read be adopted.

PRESIDENT EGAN: Mr. Riley asks unanimous consent that Chapter XI as read of the proposed rules be adopted as Chapter XI of the permanent rules of the Convention. Is there objection?

SUNDBORG: I have no objection, Mr. President, but I would like to point out what is an obvious punctuation error on Page 19, Rule 59. In the second line there should be no apostrophe in the word "thirds". That should be eliminated. I ask unanimous consent to include that in Mr. Riley's unanimous consent request.

PRESIDENT EGAN: If there is no objection Mr. Riley, that will be included in your unanimous consent request. Mr. Stewart?

STEWART: In Rule 54, as I understood the reading, ". . no delegate or officer shall leave his place until the adjournment or recess . ." My copy reads "be declared" and I understood the reading to have been, "or recess shall have been declared".

RILEY: "shall be declared" is how it appears in the text.

PRESIDENT EGAN: You have heard the unanimous consent request of Mr. Riley. Mr. Robertson?

ROBERTSON: I would like to ask a question of Mr. Riley.

PRESIDENT EGAN: You may ask the question.

ROBERTSON: Why is it considered necessary in Rule 58 that ". .privileges of the floor may be extended by unanimous consent.. ." Wouldn't the two-thirds rule protect the Convention?

RILEY: I know of no reason Mr. Robertson, why unanimous consent is necessary but that was the position taken by the

Committee. It has been my observation in the past that unanimous consent is ordinarily the procedure adopted for granting the privilege of the floor.

ROBERTSON: I am content with the explanation.

PRESIDENT EGAN: Is there any objection to the unanimous consent request of Mr. Riley for the adoption of the proposed Chapter XI as the permanent Chapter XI of the Convention rules? Hearing no objection Chapter XI of the proposed rules is ordered adopted as Chapter XI of the permanent rules of the Convention.

RILEY: Mr. President, I would like to refer back to Page 3 of this particular draft of the rules to another matter which has been discussed in one of the Rules Committee recesses today. It has to do with paragraph "b" on Page 3 concerning appeals from the Chair. Now this particular rule was adopted this morning. This rule as adopted is identical to the draft which was submitted by the PAS through the Statehood Committee. However, it is more stringent and perhaps more time consuming than any previous rule adopted by deliberative bodies in Alaska on this particular point, and the Rules Committee would like to supplement its earlier report on this particular subdivision in order to propose it to the body in the following form: "He", (meaning the President), shall decide all questions of order, subject to appeal to the Convention". In short, that intermediate appeal to the Rules Committee is removed. The rest of the subparagraph remains the same. I should like to ask unanimous consent at this time that this particular paragraph be adopted superseding that adopted this morning as paragraph "b" under that particular rule.

PRESIDENT EGAN: Mr. Riley, if the Chair may, now in that proposed amendment that you offered, did you strike the words on the second line in little subsection u , the words "and thereafter to the Convention" also?

RILEY: No. I struck "to the Rules Committee and thereafter". "He shall decide all questions of order, subject to appeal to the Convention."

PRESIDENT EGAN: And then you strike all words after that? If you didn't how would it read then?

RILEY: "On every appeal he shall have the right, in his place, to assign his reason for his decision. In the case of such appeal no member shall speak more than once."

PRESIDENT EGAN: The reason the Chair is asking that, it would seem to the Chair that it will now read, "He shall decide all questions of order subject to appeal to the Convention and thereafter to the Convention."

RILEY: No, that was not my purpose. It may not have been clear but it was just taking out the intermediate step.

PRESIDENT EGAN: You ask unanimous consent that the amendment to subsection "b" of Rule No. 6 be adopted?

RILEY: Rule 6, subdivision "b", yes.

PRESIDENT EGAN: Is there objection to Mr. Riley's unanimous consent request? Hearing no objection it is so ordered and the amendment is adopted.

RILEY: In line with our remarks this morning I should like now to ask, Mr. President, for unanimous consent to the adoption of this body of rules as adopted rule by rule throughout the day to be the permanent rules of this Convention, and to supercede all previous action taken.

PRESIDENT EGAN: Mr. Hellenthal?

HELLENTHAL: As long as we are being quite particular about commas and wording, I should like to propose that on Page 7, subsection "c", in the second line, that the word, and I shall spell it, "w-o-r-d" be substituted for the word "edit", the reason being that the word "edit" has an accepted definition which is change in substance, and I am sure that that is not the intent of the rule because the qualifying language so indicates, but if we are going to be precise I think we should avoid the use of that word in the most important rule.

PRESIDENT EGAN: Do you ask unanimous consent for the adoption of that amendment, Mr. Hellenthal?

HELLENTHAL: I ask unanimous consent.

PRESIDENT EGAN: Is there objection?

JOHNSON: I object.

PRESIDENT EGAN: Objection is heard. We have nothing before us. Is there a motion?

HELLENTHAL: I so move, Mr. President.

PRESIDENT EGAN: Mr. Hellenthal so moves.

SMITH: I second the motion.

PRESIDENT EGAN: Mr. Smith seconds the motion. The subject is open for discussion. Mr. Johnson?

JOHNSON: Mr. President, it occurs to me that if you change that word "edit" for the word, "word" you change the intent

and meaning of the section, because by using the word "word" you have given to the Committee on Style and Drafting the power to add or take away the substance of the proposal, whereas their job is to "edit" it, and it seems to me that the word is correctly used.

PRESIDENT EGAN: Is there further discussion. Mr. Smith?

SMITH: I am of the opinion that Mr. Johnson has it backwards. Maybe I have it backwards, but the word "edit" to me would connote to me the right to change in substance, and that the Committee on Style and Drafting is precluded from doing by the rules, so I think the word, "word" is correct.

HERMANN: I would rather use the word "phrase".

HELLENTHAL: I have no objection to the word "phrase" as Mrs. Hermann suggests, and I amend my motion accordingly with the consent of my second.

PRESIDENT EGAN: Mr. Hellenthal then with the consent of his second, asks unanimous consent that on the second line of subsection "c" on Page 7, the word "edit" be deleted and the word "phrase" be inserted in its place. Is there objection?

BARR: I object.

PRESIDENT EGAN: Mr. Barr objects.

HELLENTHAL: I so move.

PRESIDENT EGAN: Mr. Hellenthal so moves.

SUNDBORG: I second the motion.

PRESIDENT EGAN: Mr. Sundborg seconds the motion. Mr. Barr?

BARR: Mr. President, we seem to disagree on what the word "edit" means. I agree if you "edit" something you can't change the meaning but also it means more than that. It means changing the punctuation and a lot of minor things. Now if we leave the word "edit" in there, it means they can do all that, but down here in the next sentence it specifically prohibits them from changing the meaning. Therefore, you can edit it completely with the exception of changing the meaning. If you put the word "word" there, that prohibits them from doing anything except changing the word, so I think we should leave it the way it is. Under this rule they cannot change the meaning.

PRESIDENT EGAN: Is there further discussion of the proposed amendment? Mr. Ralph Rivers?

R. RIVERS: Mr. President, Delegate Barr's statement sounds rather clear and convincing to me.

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: If there is no further discussion the question is, "Shall Mr. Hellenthal's amendment be adopted?" All those in favor of the adoption of the amendment say "aye", all opposed say "no". The noes have it and the amendment has failed. Are there other amendments to the proposed standing rules of the Convention?

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: Mr. Riley, your motion was a unanimous consent request, was it?

RILEY: The motion now I believe was that the rules as of now adopted individually or by chapter be in their entirety adopted, and supersede earlier adopted temporary rules, any earlier adopted rules as the permanent rules of this Convention.

PRESIDENT EGAN: Mr. Riley, you ask unanimous consent, is that right?

RILEY: I do.

PRESIDENT EGAN: You have heard Mr. Riley's request. Is there objection? Hearing no objection then the rules as they have been adopted here have become the standing rules of the Convention and supersede any previous rules that have been adopted. Mr. Sundborg?

SUNDBORG: Mr. President, I move and ask unanimous consent that the Secretary be instructed to prepare a complete copy of the rules as adopted and furnish one copy to each delegate.

PRESIDENT EGAN: Mr. Sundborg moves and asks unanimous consent that the Secretary be instructed to have a copy of the rules as adopted available for each delegate. Is there objection? Hearing no objection it is so ordered. Mr. Sundborg?

SUNDBORG: Mr. President, I move and ask unanimous consent that the Secretary be instructed to write a letter to the Fairbanks Chamber of Commerce expressing the appreciation of the Convention for the souvenir booklet, which were prepared under its direction, for the work it has done in helping to house the delegates, for the invitation it has extended to us to attend a social function Wednesday evening and for the work of its hospitality committee generally.

PRESIDENT EGAN: You have heard Mr. Sundborg's unanimous consent request. Is there objection? Hearing no objection it is

so ordered and the letter will be written by the Chief Clerk to the Fairbanks Chamber of Commerce. Mr. Robertson?

ROBERTSON: Mr. President, I move that it is the policy and intent of this Convention that the constitution should be a document of fundamental principles of basic law, and contain only the framework for state government, with all the details to be ordained in the discretion of future legislatures, and I ask unanimous consent.

PRESIDENT EGAN: You have heard Mr. Robertson's request. He asks unanimous consent that the resolution be adopted as a policy of the Convention. Is there objection?

SMITH: Mr. President, I would like to object to the use of the word "all". It might be construed to prevent "any".

ROBERTSON: I so move.

PRESIDENT EGAN: Mr. Robertson so moves.

JOHNSON: I second the motion.

PRESIDENT EGAN: Mr. Johnson seconds the motion. The matter is open for discussion.

SUNDBORG: Mr. President, I move to amend the motion to provide that Mr. Robertson's proposal be referred to the Rules Committee for report.

HERMANN: I second that.

PRESIDENT EGAN: Mr. Sundborg moves and Mrs. Hermann seconds that the proposal by Mr. Robertson be amended so that the proposal will be sent to the Rules Committee for its consideration and report. The subject of the amendment to Mr. Robertson's motion is open for discussion. Mr. Robertson?

ROBERTSON: Mr. President. I don't think my motion is anything more than a simple motion. It is not a proposal within the terms of a defined proposal as just set out in the rules that we just recently adopted, and my thought is that that is the sentiment, generally of the members of the Convention and I thought it appropriate to put something on record just before the committees go out to commence their work so they might know that we are going to try to keep it fundamental and basic law instead of trying to get statutes, that is, having people bring in statutes, and that is the reason for my motion.

PRESIDENT EGAN: Is there any discussion on the amendment to the motion? Mr. Sundborg?

SUNDBORG: Mr. President, I certainly don't oppose the sentiment

expressed by Mr. Robertson's statement but I feel it would be an orderly process on anything as fundamental as this which purports to express the policy of this Convention, that it should go through a committee for study before it comes before this body for action on the floor and that was the purpose of my motion.

JOHNSON: Point of order, Mr. President. We have just adopted a rule on resolutions which says that they shall be treated in the same manner as motions. It would appear then that it is not necessary for any committee reference.

PRESIDENT EGAN: Ordinarily it would not be, Mr. Johnson, but it would be up to the wish of the Convention so long as someone asks that it be done.

JOHNSON: I did not understand that Mr. Sundborg's motion was a suspension of the rules. If it is, that is different.

PRESIDENT EGAN: Mr. Victor Rivers.

V. RIVERS: Mr. President, I want to comment on this resolution in view of the possibility it may not be referred to committee. If it is going to be referred to committee I will comment on it after it comes out. Now what is the thought on that? What is your ruling on that?

PRESIDENT EGAN: Under those circumstances Mr. Rivers, the Chair believes it should possibly wait until after the vote on this proposed amendment as has been consummated by the delegates.

V. RIVERS: I would like to speak on it if the floor is open for discussion. I feel that the intent of this resolution is a good one, the idea being that I think practically all of us have expressed the intention that we shall try to confine the constitution to fundamentals. However, for us to start circumscribing the authority that lies within this body, as a final body by a resolution establishing policy now, to my way of thinking, could be at least, very limiting in our final action. It is something that could enter into every debate. It is something that could enter into every expression of opinion or proposal brought on to this floor and it could extend to a great degree the debate that might occur on this floor during the discussion of any proposal and that of course would all rest around the concept of what was fundamental law and what was legislative or constitutional law. So I feel that I would, for one, have to oppose this blanket expression of policy by this group, that would have a tendency to limit the power and circumscribe the action of this group in anyway whatsoever.

PRESIDENT EGAN: Is there further discussion? Mr. Robertson?

ROBERTSON: Mr. President, with the consent of my second I will withdraw the words "policy" and just leave it as the "intent".

JOHNSON: I will consent to the amendment.

PRESIDENT EGAN: Mr. Johnson consents to the amendment. Is there objection to Mr. Robertson's request? The Chair realizes an amendment to the particular motion is also before us. Do you object, Mr. Sundborg, to changing it?

SUNDBORG: I would like to make an inquiry of the Chair -- whether he intends to treat Mr. Robertson's in the manner specified by our rules for the handling of resolutions? In other words, it has to be introduced on a certain size piece of paper, it has to carry a particular heading, it has to be handed to the Secretary who shall give it a number, it shall then be referred to certain committees and to the Committee on Style and Drafting, all before it is adopted, If that is going to happen I have no objection to Mr. Robertson bringing in his resolution, but if we are going to vote on it here and now I certainly do object.

PRESIDENT EGAN: Under Rule 53, Mr. Sundborg, it states resolutions relating to the business of the Convention may be introduced as provided by these rules and their consideration shall follow the same procedure as provided by these rules for motions, which, unless there is another rule, is possibly contradictory to other provisions that are contained previously in the rules. Mr. Sundborg?

SUNDBORG: I wonder if someone would then read to us what is the procedure as outlined in these rules for motions? What rule covers that?

RILEY: Rule 31.

PRESIDENT EGAN: "When a motion is made it shall be stated by the President or, if in writing, it shall be read aloud before debate."

SUNDBORG: Mr. President, I would then like to move to amend Mr. Robertson's motion to provide that his resolution shall be referred to the Committee on Rules for a report.

PRESIDENT EGAN: Mr. Sundborg, your motion is already pending on that particular question.

SUNDBORG: He changed his original motion didn't he, which I thought carried my amendment?

PRESIDENT EGAN: No. It hasn't been changed yet, Mr. Sundborg. If no one objects to Mr. Robertson changing the word "policy"

to read "intent" in the original motion, if you as the maker of the proposed amendment do not object and the second does not object, then the Chair will declare that in the original resolution that the motion has relation to, will carry the word "intent" instead of "policy". Mr. Robertson?

ROBERTSON: Mr. President, I might say that I have no objection to my simple motion being referred to the Committee on Rules if that is what Mr. Sundborg desires, that is entirely agreeable to me.

PRESIDENT EGAN: Is there any objection to the resolution, to the motion relating to the resolution by Mr. Robertson being referred to the Committee on Rules? Is there objection? Mr. Victor Rivers?

V. RIVERS: Mr. President, I am wondering why the resolution should be referred to the Committee on Rules when we have a Committee on Ordinances and Resolutions.

PRESIDENT EGAN: Mr. Rivers, your point is pretty well taken.

SUNDBORG: With the consent of my second I will amend my motion, amending Mr. Robertson's motion, to provide that it shall be referred to the Committee on Resolutions and Recommendations.

PRESIDENT EGAN: You have heard the unanimous consent request. Your point of order, Mr. McCutcheon.

MCCUTCHEON: Point of order. As I understood it, the matter was a motion rather than a resolution. Is that true?

PRESIDENT EGAN: Mr. McCutcheon, the position the Chair is in, is this. Mr. Robertson read, as the Chair understands it, read the particular matter in question as if it were a resolution.

ROBERTSON: I beg to differ with you. I just moved.

PRESIDENT EGAN: Then the Chair stands corrected. Then it is just a motion.

MCCUTCHEON: My point of order, Mr. President is, if it is just a motion then we have no right to try to refer it to a committee. It should be acted upon on the floor. If it is a resolution, then it properly goes to a committee.

PRESIDENT EGAN: That was the position the Chair was holding on. If it is not a resolution then it is a matter to be acted upon on the floor. You are correct, Mr. McCutcheon. Mr. Victor Rivers?

V. RIVERS: Mr. President, I dislike taking up more time on

this, but as I recall it, it said, "Be it resolved" is that not the first word? May I have the motion read?

PRESIDENT EGAN: Will the Chief Clerk read the particular subject to us.

CHIEF CLERK: "I move that it is the policy and intent of this Convention that the constitution should be a document of fundamental principles of basic law, and contain only the framework for state government, with all the details to be ordained in the discretion of future legislatures."

HERMANN: I don't think the fact that that begins with the words "I move" changes it from being a resolution. You don't move a policy, you move to do something.

PRESIDENT EGAN: Mr. Hellenenthal has the floor.

HELLENTHAL: My point is along Mrs. Hermann's lines. The label does not determine whether a matter is a motion or a resolution but it is the content that determines it. Matters of a permanent important nature of lasting duration are commonly referred to as resolutions. Matters of a transitory nature are handled by motions. The label is unimportant the substance is what counts. Now I could move that the senate of the state of Alaska be composed of 77 members. I would certainly feel that my motion should be referred to the Legislative Committee.

PRESIDENT EGAN: Then, if there is no objection, the Chair the motion as amended will be referred to the Committee on Resolutions. Mr. Coghill?

COGHILL: Mr. President, are you still on the order of committee reports?

PRESIDENT EGAN: That is the position we are in right now Mr. Coghill.

COGHILL: Does the Chair wish to recognize the Committee on Administration for Report No. 1?

PRESIDENT EGAN: If you have Report No. 1, you are recognized.

COGHILL: I would like to request a two-minute "at ease" for the Convention in order to distribute mimeographed copies of the reports to all the Convention delegates.

PRESIDENT EGAN: If there is no objection the Convention will be at ease for two minutes. The Convention is at ease. The Convention will come to order. Mr. Coghill, you can proceed with the reading of the Committee report.

COGHILL: Mr. President, your Committee on Convention Administration respectfully submits the following report, Report No. 1 which was read to you yesterday, and you all have a copy. I might interject here, Mr. President, do you wish to have these adopted as subsections or do you wish to have the whole report read?

PRESIDENT EGAN: The Chair feels you should go through at least to Page 3.

COGHILL: "For purposes of planning the balanced and coordinated use of the Convention appropriations so as to carry out the intent of Chapter 46, SLA 1955, your committee has prepared a tentative allocation of the funds available to the Convention. This allocation is predicated on the possibility of the Convention's lasting the full period of 75 days and therefore indicates the maximum liabilities which might be incurred. The budget is not intended to restrict the later adjustment of particular items, should necessities demand changes, and does not by this allocation authorize any expenditure of funds, without the approval of the Convention. The tentative allocation is as follows:

TENTATIVE ESTIMATE OF COSTS

<u>APPROPRIATION FOR CONVENTION</u>	\$300,000.
Less: Estimated election expenses	<u>38,000.</u>
	\$262,000.

ESTIMATED CONVENTION COSTS

A. DELEGATES

1. Salary @ \$15.00 per day for 75 days	\$ 61,325.
2. Per Diem @ \$20.00 per day for 79 days	86,900.
3. Travel of Delegates (1 round trip)	6,000.
4. Social Security contribution	1,247.

Estimated Total Expenses of Delegates	\$155,472.
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B. SECRETARIAT

1. Personal Service of Administrative Staff	
1 Chief Clerk @ \$30.00 per day	2,400.
1 Assistant Chief Clerk @ \$24.00 per day	1,920.
1 Sergeant-at-Arms @ \$21.00 per day	1,680.
4 Stenographers @ \$22.00 per day	7,040.
3 Clerk-Typists @ \$21.00 per day	3,360.
1 Mimeograph Operator @ \$21.00 per day	1,680.
1 Doorkeeper @ \$18.00 per day	1,440.
1 Messenger @ \$18.00 per day	1,440.

1 Message Center Chief @ \$21.00 per day	\$ 1,680.
1 Recording Clerk @ \$25.00 per day	2,000.
1 Librarian - Research Assistant @ \$25.00 per day	2,000.
2. Salary of Secretary @ \$31.66 per day plus \$12.00 per diem	3,493.
Total Personal Services	\$ 30,133.
3. Other Staff Expenses, including Travel and Social Security	3,500.
4. Technical and Consulting Services	25,000.
5. Equipment	1,500.
6. Supplies and Postage	3,500.
7. Recording	8,000.
8. Postage for Delegates	<u>1,375.</u>
Total Secretariat Expenses	\$ 73,008.

C. OTHER CONVENTION COSTS

1. Printing of Constitution	6,000.
Miscellaneous	<u>27,520.</u>

GRANT TOTAL:

Estimated Convention Costs: \$262,000."

I might interject here, Mr. President, there was an error made on that and it should be \$27,000 instead of \$28,000. This is on item 2 under C so will you correct that on your copy?

PRESIDENT EGAN: Mr. Coghill, the Chair feels that at this point that before we go on to the explanation of allocations that anyone who desires to bring up any question on the sections that have been previously read, it would be in order. Mrs. Hermann?

HERMANN: I would like to ask Mr. Coghill if that correction he made has to do with the salaries of the three clerk-typists at \$21.00 a day, which I get to be \$5,040 instead of \$3,360.

COGHILL: There is a \$1,000 error if I remember correctly, in the addition of it. That would raise it and diminish that other.

PRESIDENT EGAN: If there is no objection, the Convention may be at ease for a few moments. The Convention is at ease. The Convention will come to order. Mr. Coghill.

COGHILL: It was probably an oversight in getting the draft worked up here. The clerk-typists would read \$5,040. The total personnel services would be \$31,813. Your miscellaneous item would then be reduced to \$25,840. Your miscellaneous is actually a balancing fund of what we have left in our \$262,000. It is the total amount of money that your Committee is endowed with.

PRESIDENT EGAN: Mr. White.

WHITE: Mr. President, may I address a question to Mr. Coghill? Is it not possible that rather than the monetary figure being incorrect, your number of clerk-typists is incorrect? If that had been two instead of three your sum of \$3,360 would have been correct.

PRESIDENT EGAN: It is supposed to be three, Mr. White. Mr. Stewart said three is correct. Is there other discussion on the salaries or other expenses so far? Mr. Fischer?

V. FISCHER: I would like to ask a question. Has any estimate been made on the cost of the approval of the constitution, on the referendum?

COGHILL: On the election itself -- no we have not. The ratification election will be incorporated into that \$25,840, one of the items that we have considered, but we haven't come out with an allocation yet because it will take a little study to figure just what proportion we will have to pay if it is put on the primary election basis.

PRESIDENT EGAN: Is there further questioning? If there are no further questions, Mr. Coghill, you may proceed with the "Explanation of Allocations.

COGHILL: "EXPLANATION OF ALLOCATIONS

APPROPRIATIONS FOR CONVENTION: The appropriation of \$300,000 was initially diminished approximately \$38,000 by the expenses of the election of Delegates, and there is now available to the Convention \$262,000.

ESTIMATED CONVENTION COSTS:

A. DELEGATES: The costs indicated in this item are fixed by the terms of Chapter 46, SLA 1955. 79 days are shown to include four extra days for travel to and from the Convention."

You will notice that is on the per diem only as amended on my report on Saturday. This is at the end of "Convention" at the end of "A " under "Estimated Convention Costs".

"B. SECRETARIAT:

1. This item is recommended as the table of organization of permanently assigned staff personnel with salary figures as shown. The salary scale is based on the schedule used by the 1955 Alaska Legislature for similar positions, plus a 15% increase. This increased scale is recommended because of the temporary and specialized nature of the work, and the increase is commensurate with that allowed to teachers in the Second and Fourth Divisions as compared to teachers in the First Division. The Committee recommends that the employment and discharge of staff employees be placed in the discretion of the Secretary. It is contemplated that some of the positions indicated may not be filled until the work load increases, and recommendations for additional part-time personnel may be later made. The salaries indicated would be paid for each calendar day during the full session of the Convention except for any recess called pursuant to Section 1 of Chapter 46, SLA 1955. No overtime salaries will be paid, but the personnel will be engaged with the understanding that overtime work necessary is compensated for by the regular salary.

2. Salary of the Secretary: The Committee recommends that the salary of the Secretary, as stated in the estimate of costs, which is the same amount received in his capacity as Executive Officer of the Alaska Statehood Committee be continued together with the regular Territorial per diem of \$12.00; and it further recommends that this salary be paid by reimbursing the Statehood Committee for such salary and per diem for the period commencing November 8, 1955, to the time of final adjournment of the Convention.

3. The item for other staff expenses is intended to cover any contingent expenses that may arise and be authorized for payment by the Committee on Administration.

4. The item tentatively allocated for technical and consulting services is shown in the same amount as was budgeted in the report of the Statehood and Federal Relations Committees of the 1955 Legislature to the full Legislature in recommending the appropriation of \$300,000. When technical and consulting services may be requested by the Convention, this

amount will be available.

5. The item tentatively allocated for equipment is to cover the obtaining of typewriters, mimeograph machines and such other equipment and furniture as may be necessary.

6. The item tentatively allocated for supplies and postage is to cover the purchase of stationary supplies of all kinds, including letterhead stationary for the Convention for the use of Delegates bearing the names of all Delegates on a margin, postage for official mail of the Convention, and other necessary supplies.

7. The recording item is allocated for the possibility of the making of a tape recording of the plenary sessions.

8. The item for postage is allocated as an allowance of \$25.00 for each Delegate.

C. OTHER CONVENTION COSTS:

1. The item for printing of the Constitution is intended to provide for the printing of copies of the Constitution as finally drafted.

2. The item for miscellaneous expenses is the otherwise unallocated balance of available convention funds.

OTHER MATTERS

It was further determined to recommend as follows:

1. Weekly pay: That all employees and Delegates be paid weekly.

2. Committee Rooms: That the recommendations of the Secretary as to committee room locations be accepted and the Secretary asked to report said room locations to committee chairmen.

3. Lockers for Delegates: That lockers be provided for each Delegate without cost to the body except for drayage.

4. Bus Transportation: That the Secretary make recommendations to the committee as to daily bus transportation for Delegates and for administrative and technical staff, at the expense of Delegates and staff.

5. Privacy of Convention Floor: That the floor of the Convention Hall be appropriately designated by ropes across posts.

6. Expenditure of Funds: That the Secretary be authorized to incur obligations for the purposes budgeted for the period November 8, 1955 to date of final adjournment, provided that approval of the Committee of Administration is first obtained as to any one item exceeding one hundred dollars in cost.

7. Reports and Records: That the secretary maintain such records and render such reports on financial matters as may be requested by the Committee.

8. Flags: That suitable Alaskan and American flags be procured for the Convention Hall.

9. Desks and Chairs: That the matter of desks and chairs for Delegates be explored.

10. Daily Prayers: That henceforth prayers imporing the assistance of Almighty God and His blessings upon our deliberations be held in the Assembly every morning before undertaking the daily business of the body, and that one or more of the clergy of the area be invited to officiate in that service and that the Secretary be requested to make the necessary arrangements."

PRESIDENT DEGAN: Is there discussion of this report?

COGHILL: I move and ask unanimous consent that the report be adopted as read.

BUCKALEW: Object.

NOLAN: I raise a question on Page 7.

COGHILL: I so move.

BARR: I second it.

PRESIDENT EGAN: It has been moved by Mr. Coghill and seconded by Mr. Barr that the report of the Committee on Administration be adopted.

NOLAN: I would like to raise a question on Page 7, subsection 6. That looks to me like he is kcut off from I curring any indebtedness after that date, and it will be necessary in the clostig up of the work of the Convention for him to incure certain expenses in order to wind it all up, and I think it should be reworted there. There will be obligations coming

up, Mr. Sundborg?

SUNDBORG: Mr. President, I would move then to amend item 6,

Page 7, in its third line by striking after "1955j" the words "to date of final adjournment" and inserting in lieu thereof "until the work of the Convention and its secretariat may be completed," and I ask unanimous consent.

HERMANN: Mr. President..

PRESIDENT EGAN: Mr. Sundborg asks unanimous consent for the adoption of that amendment. Mrs. Hermann?

HERMANN: On Page 4, section 2, that same statement appears -- "to the time of final adjournment of the Convention," and I think the amendment might cover both of those.

PRESIDENT EGAN: Would you accede to that suggestion, Mr. Sundborg?

SUNDBORG: Is that in the section dealing with the salary of the Secretary? I think that we should probably tie down somehow, how long after the adjournment of the Convention the secretariat could continue to work. I think it is a little different problem than the one brought up on Page 7. Conceivably the Secretary could continue to work on matters of this Convention for the next ten years.

HERMANN: I think that might be true.

SUNDBORG: I will just confine my unanimous consent request to the language outlined on Page 7 for this time.

PRESIDENT EGAN: Mr. Sundborg offers an amendment on Page 7, section 6, line 3, striking the words "to date of final adjournment" and inserting in lieu thereof the words "until the work of the Convention and its secretariat may be completed." Is there objection? Mr. Londborg?

LONDBORG: Mr. President, as I read it here the day of the final adjournment will be somewhat simultaneous with the discharge of the administration. If he works beyond the Convention who will he appeal to if he wants to spend over one hundred dollars for any one item?

NOLAN: The President will probably have to stay here for a while and he is authorized, I think, to sign the vouchers.

PRESIDENT EGAN: Mr. McNealy.

MCNEALY: Mr. President, I was wondering if there was any conflict, I was thinking about the election after the Convention. Of course, that is the big duty of the President of

the Convention to certify the vouchers there. I believe under the Act -- I raise this point for discussion, of course. The money that is expended by the Secretary will first have to be disbursed to him by the President in order to comply with the terms of the law.

PRESIDENT EGAN: This is only to incur the obligation, Mr. McNealy.

COGHILL: I might add that the thought of the Committee was there to allow the Secretary leeway on a working fund so that the President of the Convention and the Committee on Administration would not be bothered with signing the voucher for a box of thumb tacks or such other items, and that is why the allowance was made there. That was the intent of the Committee.

PRESIDENT EGAN: You have before you then the unanimous consent request of Mr. Sundborg to make that change on line 3 of Page 7, lines 3 and 4. Is there objection? Is there objection to adopting the unanimous consent request of Mr. Sundborg? If not, the request is adopted by the Convention and so ordered.

SUNDBORG: Mr. President, I would like to move further to amend the motion of the Chairman of the Committee on Administration. On Page 4, the last sentence in Subsection 1, strike the entire sentence. It now reads as follows: "No overtime salaries will be paid, but the personnel will be engaged with the understanding that overtime work necessary is compensated for by the regular salary." I believe we are bound by Territorial law on this subject. We cannot legislate in that. We would be in conformity with the law if we strike that out and in violation of the law if we leave it in. So I ask unanimous consent.

HELLENTHAL: I object.

SUNDBORG: I so move.

COOPER: I second the motion.

PRESIDENT EGAN: It has been moved by Mr. Sundborg, seconded by Mr. Cooper, that the amendment be adopted. Mr. Helleenthal?

HELLENTHAL: Mr. President, I was a member of the Committee when this was adopted and careful consideration was given to it, and the Committee was of the opinion that Territorial law did not preclude the recommendation as it is made. This is merely what the Territorial Legislature does with its employees and it was felt that the same rules that applied to the employees of the Legislature applied to the employees of this body. It is not practical otherwise to pay overtime, and I would not recommend the base pay contained in this report if I thought overtime would be superimposed upon that base pay.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Mr. President, I am not arguing that we should pay overtime. I think I agree with Mr. Hellenthal, but we are bound by the Territorial law in the matter in any event. Since we are, why state here what we should do? These people are all Territorial employees and they are going to be covered by the general provisions of Territorial law. I think that we should not state here something which is gratuitous and meaningless and that what would probably be offensive to some people in the politics of Alaska.

PRESIDENT EGAN: Is there further discussion on the motion? Mr. Ralph Rivers?

R. RIVERS: Mr. President, I am not clear what Territorial law Delegate Sundborg is referring to. In the last session the legislature passed an act providing wages and hours for people comparable to interstate wages, but it did not bind the Territory to be bound by any wages and hours law; with a 40-hour week and time and one-half and double time, we are not bound by that. The Territory was legislating for society not for the Territory. So, therefore, I think as a matter of clear statement of our purpose it is a good idea to tell these people and for us all to know that you are not going to be paying overtime and that you don't have a base week of 40 hours. Now what it amounts to is this, ladies and gentlemen. „ As it happens in the legislature, the first few weeks the going is not too tough; the staff people have their Sundays off along with us. They are paid seven days a week just like we are. When the pressure mounts we work Saturdays, Sundays, and some nights. Now they don't get docked for Sundays the first part of the session and they don't get paid double time for Sundays the latter days of the session. It all balances out. Tell them all they are not going to get overtime.

PRESIDENT EGAN: Mr. Cooper.

COOPER: Mr. President, I would like to point out that this could go on. However, you state to no end on this overtime business. You state in here that no overtime salaries will be paid. You commit yourself to overtime work and that every person is entitled theoretically by federal law. Apparently Territorial employees are an exception. However, every person is entitled to an overtime rate after performing duties of a certain number of hours per week. That is your 40-hour work week, I would suggest that some advice be sought In this case and hire on a contract labor basis, that you hire for a total lump sum for so many days or a daily rate so that when they are hired, they may be working one day for \$22 or one hour for \$22, or the work may entail 20 hours. You are going to run into overtime difficulties in working over 40 hours in one week.

SUNDBORG: The Territorial law to which I refer is not one to which Delegate Rivers referred. That one sets up a 40-hour week generally for industry within the Territory, except Territorial employees. There is a separate Territorial law which provides that no overtime will be paid if the employees work a greater number of hours than that. It goes on to say that Territorial employees will, insofar as it may be possible, be granted compensatory time over another period. I believe that is the provision which is going to govern here because it is the Territorial law,

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: Mr. President, this Constitutional Convention is vested with inherent powers to spend this \$300,000 to accomplish our purpose. We are no more bound by that 40-hour week than the Alaska legislature is.

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: If there is no further discussion we have before us the amendment by Mr. Sundborg. Does everyone understand the amendment striking that portion that says "No overtime salaries will be paid but the personnel will be compensated for by the regular salary." All in favor of the amendment signify by saying "aye", all opposed by saying "no". The "noe's" have it, and the amendment has failed. Mrs. Hermann?

HERMANN: Mr. President, I still think we should do something

about the tenure of office for the Secretary as shown on page 4, Section 2, when we take it to the time of final adjournment, because he certainly cannot walk out of here at the same time, and I would like to propose an amendment, "until such time as the Convention may determine" to replace "to the time of final adjournment".

PRESIDENT EGAN: Mr. Victor Rivers.

V. RIVERS: Mr. President, I have written a line here which might fulfill the need. That was instead of saying "to the time of final adjournment of the Convention" say "to the time of completion of his duties as determined by the President." The President will be here and can sign the vouchers for the release of funds. I will ask unanimous consent to amend page 4, Section 2, the last line strike "final adjournment of the Convention" and insert "completion of his duties as determined by the President." I ask unanimous consent.

PRESIDENT EGAN: Unanimous consent is asked by Mr. Victor

Rivers for the adoption of the proposed amendment. Is there objection? If there is no objection it is so ordered and the amendment is adopted. Mr. Fischer?

V. FISCHER: Mr. President, I would like to have an explanation of two statements, one of them being on Page 7 In subsection 6. Under the expenditure of funds it provides that the Secretary is authorized to incur obligations, etc., "provided that approval of the Committee on Administration is first obtained as to any one item exceeding one hundred dollars in cost." On the first page of the report in the latter part of the main paragraph we have a sentence, "The budget is not intended to restrict the later adjustment of particular items, should necessities demand changes, and does not by this allocation authorize any expenditure of funds, without the approval of the Convention." There is some question in my mind as to exactly what we will be doing when we approve this report. Are we approving a budget and authorizing the Secretary to go ahead or are we approving the first part and all of us would have to approve the expenditure of money?

COGHILL: The only part of this report that is binding to the Convention or to the Committee is that of the Secretariat that you adopted the other day. The rest of it is all tentative allocations, and it is spelled out in the explanation of allocations as being tentative. We had to form a basis where the money might have to be spent, such as the \$25,000 for technical consultant services. We don't know whether we will even tap any of that. It is just a matter of having that set up on an estimated figure.

PRESIDENT EGAN: Mr. Victor Fischer.

V. FISCHER: Mr. President, my question still remains. Can the Secretary go ahead on the basis of this tentative budget and make the expenditures specified in subsection 6 on Page 7?

PRESIDENT EGAN: Mr. Coghill, what Mr. Fischer means is that that sentence on Page 1 states In effect that the Convention, that the approval of the Convention would infer that the Convention itself would have to approve all those expenditures of funds, a contradiction there.

HELLENTHAL: I think It is poorly worded and perhaps Mr.

Fischer's good objection could be handled by Inserting the words "except for any one item under \$100" on the first page.

PRESIDENT EGAN: Mr. Helleenthal, that would not cure the parti-

cular defect that Mr. Fischer states because it probably should not have the words "of the approval of the Convention" inasmuch as the other parts of the report gives that authority to the President and the Committee on Administration. Mr. Victor Rivers?

V. RIVERS: Mr. President, the suggestion was that we put a period after the words, "should necessity demand changes" and strike the balance of that line. That would then set this

up as a budget which could then later be adjusted should there be a demand. It would also take out this fact that it could not be expended without the approval of the Convention. Strike the balance of the sentence down to the colon, rather to the period. I would ask unanimous consent that that part be stricken. That puts us in position of not being contradictory.

SWEENEY: I object. Without the approval of the Convention on the first page it simply means that none of this money can be spent. For instance, we can't tape record, we can't authorize the printing of the Constitution, we can't go on with the hiring of technical consultants without the approval of this body. Then Mr. Stewart cannot spend any of that money without the approval of the Committee if it is over \$100, so I think it is poor, that it should stay as it is. If you delete "without the approval of the Convention" here, this Convention could go ahead and spend all the money it wants on machinery and a few other things.

PRESIDENT EGAN: Mr. Knight.

KNIGHT: Mr. President, I think it should read on the last line of that paragraph instead of, "of the Convention" it should be "of the Committee." I so move and ask unanimous consent.

PRESIDENT EGAN: Now we have a unanimous consent request before us at the present time. Objection was made by Mrs. Sweeney.

V. RIVERS: I will so move.

PRESIDENT EGAN: Mr. Victor Rivers moves that his proposed amendment be adopted.

JOHNSON: I second it.

PRESIDENT EGAN: Seconded by Mr. Johnson. The motion is open for discussion at this time. The motion was that a period be inserted on Page 1 on the third line next to the bottom of the first paragraph, insert a period, and delete the rest of the sentence down through the word "Convention" including the period - starting with the word "and" - "and does not by this allocation authorize any expenditure of funds, without the approval of the Convention." Mr. Victor Fischer?

V. FISCHER: Mr. President, I don't want to make an issue of this. It seems rather minor, but we still don't free the Committee to go ahead with the expenditure of funds even removing that because this is only a tentative estimate, and actually what I meant to bring up originally is that at one point we have a budget upon which the Administration Committee can

spend funds -

PRESIDENT EGAN: Under other provisions in this report it gives that authority.

MCCUTCHEON: Point of information, Mr. President.

PRESIDENT EGAN: Mr. McCutcheon.

MCCUTCHEON: It would appear to me under Rule 16 we have already adopted, subsection B, Page 7, "The Committee on Administration shall generally oversee the administrative or business affairs of the Convention, including finances, personnel, printing, physical arrangements for the Convention, and related matters." It would appear to me that under Mr. Rivers' proposed amendment subsection B would fully apply.

PRESIDENT EGAN: It would appear that way to the Chair. Is there any further discussion on the motion for the adoption of Mr. Rivers' amendment? If not, the question is, "Shall the amendment offered by Mr. Victor Rivers be adopted?" All those in favor of adopting the amendment signify by saying "aye", all opposed "no". The "ayes" have it and the amendment is ordered adopted. Are there other proposed amendments to the report on Administration? Mr. Buckalew?

BUCKALEW: Mr. President, I am looking at Page 2 of the report, the section that deals with the secretariat. Now I am assuming that all of the personnel listed under there are permanent employees of this body, and I renew my objection as I don't see the wisdom of paying the Secretary a per diem when he is a permanent employee of this body just like Mrs. Alexander.

Now if we are going to be consistent we ought to pay Mrs. Alexander a per diem too, and I doubt very much if the Secretary of the Territory of Alaska will honor that. I offer this amendment that the salary of the Secretary be \$37.00 per day and strike "\$12.00 per diem."

JOHNSON: Mr. President, is that motion in order when the matter was already voted on yesterday?

PRESIDENT EGAN: It would be in order for the reason it is a different motion than was before us before. It involves a different sum of money. Mr. Johnson, the Chair would declare it in order,

SUNDBORG: I second the motion for the purpose of making an inquiry. I wonder if the point of order on this should not be we had already adopted all of this yesterday.

PRESIDENT EGAN: This is the portion, if the point of order is on that ground...

SUNDBORG: Mr. Buckalew should move that he wants to rescind what we did yesterday, to the extent of deleting the Item of \$12 per day and raising the salary to \$37 a day.

PRESIDENT EGAN: You are right, Mr. Sundborg. This particular portion of the report is not before us at this time because it was permanently adopted yesterday. You are out of order,

Mr. Buckalew. There is a motion on the floor of Mr. Coghill's.

A motion to rescind the action would be out of order at this time because we have a motion on the floor to adopt the portions of this report which have not yet been adopted. So at the present time the objection raised by Mr. Johnson will have to be sustained by the Chair, and we will proceed with the motion on the floor.

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: Mr. White.

WHITE: Mr. Chairman, I feel that first of all I am not sure what we are being asked to do by Mr. Coghill. But in any event I feel that a number of these sums set out here are still subject to question and so subject to change. I feel that the matter of ratification and election was crossed over rather quickly when if this Convention does not adjourn at an early date it will not be possible to hold the ratification on the same date as the primary election. I feel it may very well be a good use to which to put some of the money saved out of this Convention, and for those reasons move that further debate on this section be postponed until tomorrow morning.

PRESIDENT EGAN: Mr. White moves that further debate and consideration of this motion at this time be postponed until tomorrow.

RILEY: I second it.

PRESIDENT EGAN: The question is, "Shall the motion of Mr. Coghill for the adoption of this tentative report be laid over until tomorrow?" Mr. Victor Fischer?

V. FISCHER: Mr. Chairman, I would like to suggest to the mover of the postponement that he incorporate a request that estimates on the election for ratification be obtained.

WHITE: I am willing to so amend the motion with the consent of my second.

PRESIDENT EGAN: The motion is ordered amended to read that way.

COGHILL: Mr. Chairman, by tomorrow morning?

PRESIDENT EGAN: By tomorrow morning if possible, evidently.

WHITE: That was a request for an attempt only.

PRESIDENT EGAN: The question is, "Shall the motion that was made by Mr. Coghill for the report to be held over until tomorrow be adopted?" Mr. Harris?

HARRIS: Mr. President, I rise to a point of information. We are now postponing again. Was not this adopted?

PRESIDENT EGAN: Mr. Harris, the section we are postponing is only the sections that were not adopted yesterday. We can't postpone anything we have already adopted. The question is, 'Shall the motion be held over until tomorrow? Shall the Convention hold over this question of approval of this report until tomorrow?' All in favor of the motion say "aye", all opposed say "no." The Chief Clerk will call the roll.

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

Ayes: 18 - Awes, Buckalew, Collins, Cross, Emberg, V.
Fischer, Gray, Hinckel, Laws, Marston, Nordale,
Riley, R. Rivers, Rosswog, Sundborg, Walsh, White,
Mr. President.

Nays: 36 - Armstrong, Barr, Boswell, Coghill, Cooper,
Davis, Doogan, H. Fischer, Harris, Hellenthal,
Hermann, Hilscher, Hurley, Johnson, Kilcher, King,
Knight, Lee, Londborg, McCutcheon, McLaughlin,
McNealy, McNees, Metcalf, Nerland, Nolan,
Peratrovich, Poulsen, Reader, V. Rivers,
Robertson, Smith, Stewart, Sweeney, VanderLeest,
Wien.

Absent: 1 - Taylor.)

PRESIDENT EGAN: So the motion has failed and Mr. Coghill's motion is now before us. Will the Chief Clerk read that motion again as stated by Mr. Coghill?

CHIEF CLERK: Mr. Coghill moved and asked unanimous consent for the adoption of the report.

PRESIDENT EGAN: Mr. Barr.

BARR: Mr. President, I understand that this is a tentative report, in other words there is nothing definite about the figures, and the motion is to adopt it. Can't we resolve the situation by accepting it and adopting a definite report later on?

PRESIDENT EGAN: You may have a point there, Mr. Barr.

COGHILL: Mr. President, on our report we also have other matters which relate to pay of the delegates and the assignment of the committee rooms, the lockers for delegates, bus transportation, privacy of the Convention floor, expenditure of funds for recording records, flags, desk and chairs and other matters that if we don't have the acceptance of this report by the Convention, our Committee can't go ahead with its work.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Mr. President, I would just like to make an inquiry. If we now adopt the motion before us, is not the Committee and the Secretary, are they not empowered to go ahead and spend this money?

PRESIDENT EGAN: That would certainly be the feeling of the Chair.

SUNDBORG: That would be the last chance that this Convention would have to vote upon any item here unless it should again be brought up under the provision saying that should necessity demand changes, later adjustment of particular items might be made.

PRESIDENT EGAN: Or if at a later date someone desires to move to rescind some particular action, and it would be the wish of the Convention to do so.

SUNDBORG: What vote is needed on a motion to rescind?

PRESIDENT EGAN: A simple majority. Mr. McCutcheon?

MCCUTCHEON: Mr. President, could not the matter be reopened on an amendment, the original action, which would require only a majority?

PRESIDENT EGAN: That could be done, Mr. McCutcheon. Mr. Coghill?

COGHILL: I don't believe it is the Committee's intent at all to set itself up as an agency to spend these \$262,000, and if it is the wish of the Chair we shall bring that out in our next report, if that is sufficient to speed things on the floor.

PRESIDENT EGAN: The Chair feels you have brought it all out here, Mr. Coghill. Mr. Hurley?

HURLEY: I would like a point of information. I would like to ask a question as to whether this item concerned with salary schedules has or has not been adopted by this Convention.

PRESIDENT EGAN: It is the Chair's understanding that that was one of the portions that was adopted yesterday, Mr. Hurley.

HURLEY: Why are we discussing it today?

PRESIDENT EGAN: We did not have all of it on there, I don't believe yesterday.

HURLEY: It is different than what we adopted yesterday?

PRESIDENT EGAN: That is right, Mr. Hurley, there are additions on there,

DAVIS: Might I inquire, Mr. President, as to what portions we did adopt. Unless I am mistaken it was B1 and B2, that was all we adopted.

COGHILL: The Committee report Mr. Chairman, has not been changed in that portion, if it has it has just been changed on that error of \$5,040.

PRESIDENT EGAN: The Chair thought that you added another stenographer.

COGHILL: No, because the report I read off was the report which went up to the mimeograph room. The objection was on the floor yesterday was that it was a lengthy report and should be in the hands of each delegate before they acted on the full report and our Committee requested that the secretariat part be accepted so as to get our working staff in order.

PRESIDENT EGAN: Mr. Hurley, then we would just be adopting those portions of the report other than B1 and B2.

HURLEY: Mr. President, I would like to make a statement. I think there is a motion on the floor and it's under discussion. I think the very nature of the material we are considering here is something that a final result could never be brought to the floor of the Convention. I think it is a type of thing in which this Convention must place its trust within the limits as prescribed in the Committee which you have appointed. With the amendments that have been proposed which have clarified the item, that we can do well to accept it now and still not be bound by a committee of highbinders who might run off with all our money.

PRESIDENT EGAN: Mr. Victor Rivers.

V. RIVERS: Mr. Chairman, I gathered from what the Chairman said there that I would like to ask are we or are we not voting on the matter under "Other Matters"? The heading under "Other Matters" seems to have one item authorizing funds and the rest are of a more or less different nature. I am perfectly willing to vote on item 6. The rest of them might bear some future discussion.

PRESIDENT EGAN: Mr. Rivers., it is the Chair's understanding that Mr. Coghill's motion incorporated all that part of this report that was not adopted by this Convention yesterday. Mr. Hellenthal?

HELLENTHAL: Mr. President, practically speaking, perhaps the only item that might worry some of the delegates is Item 4, technical and consulting services, which is considerable, \$25,000, and I call the body's attention to the fact that paragraph 4 on page 5 says 'when technical and consulting services may be requested by the Convention this amount will be available.' So that \$25,000 item is still under the control of the Convention, and as to the other items of possible expenditure, none of them are of any significance.

PRESIDENT EGAN: Mr. White?

WHITE: Mr. Chairman, I don't wish to hold this up forever or be an obstructionist. I like to be conservative with expenditures but my purpose is not too quibble over every penny. If I understand the motion correctly, in approving this report we are allocating certain sums to certain classifications. We are authorizing the expenditures of those sums. I have every confidence in the Committee and the Secretary. I know how difficult it is when sums for expenditures have been authorized, how difficult it is to withstand pressures to spend those sums, and I feel by approving allocation of money to certain classifications in this report we are precluding their expenditures on what may be other classifications. Without going too far afield, though I could, I will merely repeat an example of the possible necessity of holding a ratification of this constitution at some time other than in conjunction with another election and they had to pay for it. You have here under "miscellaneous", \$25,840. Perhaps that could be allotted for that purpose, perhaps it couldn't be. In any event, I doubt very much it is sufficient. How, if you adopt this sum, you can spend close to \$25,000 for technical and consulting services for a matter of conducting elections, I'm sure I don't know. I was merely in my previous motion trying to avoid what I know is going to happen if this is not gone over in some more detail and that is, objecting to items 3, 4, 5, 6, 7 and 8 and some others - perhaps, one motion after another asking to rescind action taken yesterday. There is one on the floor already - I'm quite sure there will be more. For that reason I will have to vote against it.

KILCHER: Mr. Chairman?

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: I think I could put Mr. White at rest with the possible item that might come up with election for ratification of the constitution. That would only happen in the event that

the Convention will come to a close very early and that will save more money than the possible cost of ratification will amount to so that will take care of itself.

PRESIDENT EGAN: Mr. Armstrong.

ARMSTRONG: Mr. President, it seems to me that if we as a group have placed confidence in you to appoint a committee, as Mr. Hurley has stated, we certainly feel they will bring to us as their committee reports repeated statements on finances. If at any time we want to call them and question them we have the power through rules to call them out on to the floor and give us an adequate statement of these expenditures. I for one feel we should give a vote of confidence for a committee in saying this is the best that can be done. They have done a good job. Let's tell them to get to work. I will vote in favor of this proposition.

PRESIDENT EGAN: Mr. McLaughlin has been trying to get the floor.

MCLAUGHLIN: Mr. President, I move the previous question.

JOHNSON: I second it.

MCLAUGHLIN: I request the President adhere to Rule 35.

PRESIDENT EGAN: The question is, "Shall the previous question be ordered?" All those in favor -

MCLAUGHLIN: Point of order, Mr. President.

PRESIDENT EGAN: State your point of order, Mr. McLaughlin.

MCLAUGHLIN: I requested the President to adhere to Rule 35.

PRESIDENT EGAN: Mr. McLaughlin, will you give the President time to look it up? "Shall the main question be now put?" All those in favor of having the main question now put say "aye". All those opposed to having the main question now put say "no". The main question will now be put. The question is, "Shall the Convention adopt this report of the Committee on Administration?" All those in favor of adopting the report say "aye", all those opposed say "no". The motion has carried and the report has been adopted.

WHITE: Mr. Chairman, I voted with the affirmative..

PRESIDENT EGAN: Your point of order, Mr. Johnson?

JOHNSON: Point of order. Is a notice of reconsideration good on anything but a roll call vote?

PRESIDENT EGAN: Your point of order is well taken. A notice of reconsideration can only be given on a roll call vote, Mr. Barr?

BARR: Mr. President, I move that subject to committee announcements we now adjourn until 9:30 tomorrow morning.

STEWART: I second it.

EMBERG: Mr. President, have we taken any action today regarding yesterday's journal?

PRESIDENT EGAN: Would someone wish at this time to make a motion regarding the reading of yesterday's minutes,

JOHNSON: I don't know whether it is in order when there's a motion to adjourn on the floor.

BARR: I momentarily withdraw my motion.

JOHNSON: Mr. President, I move that the journal of the last plenary session of this Convention be considered read and approved.

DOOGAN: I second the motion.

PRESIDENT EGAN: Is there objection? Hearing no objection, the journal of the previous session has been considered read and approved. Mr. Barr?

BARR: Mr. President, I renew my motion to adjourn until 9:30 a.m. tomorrow morning and ask unanimous consent.

PRESIDENT EGAN: Mr. Barr renews his motion. Are there committee announcements? Mr. Sundborg.

SUNDBORG: Mr. President, the Committee on Style and Drafting will meet at the committee table at the rear of the audience chamber immediately following adjournment for a brief committee session.

AWES: Has the bus been called to come out tonight?

PRESIDENT EGAN: The bus was just called. The Chair would like to have a meeting of all committee chairmen as soon after adjournment as possible. The Chair would also like to announce before adjournment that it has been brought to the attention of the Chair that the Rotarians meet on Thursday, the Lions on Wednesday, the Kiwanis on Monday, so if there are any members in this group of delegates they can remember that and remember the days when they might have an opportunity to attend those meetings. Are there other committee announcements? If not, the question is, "Shall the Convention

stand adjourned until 9:30 tomorrow morning?" Is there objection?
Hearing no objection it is so ordered and the Convention is adjourned
until 9:30 tomorrow morning.