

ALASKA CONSTITUTIONAL CONVENTION

December 19, 1955

FORTY-SECOND DAY

PRESIDENT EGAN: The Convention will come to order. We have with us this morning Reverend A. E. Purviance of the First Methodist Church. Reverend Purviance will give the daily invocation.

REVEREND PURVIANCE: Gracious God, our Heavenly Father, we praise Thy Name for bringing us back together and giving us rest over the weekend. We thank Thee now that we may call upon Thy Name for Thy guidance and Thy wisdom. We do not trust our own strength. We call upon Thee now to be with us during the sessions of this day and that if it be Thy will take us safely to our homes and bring us back together again that we may complete the work that is before us. May Thou hear us in this moment of Thy invocation, for we ask these things with humility of thought and in the Name of the Master of us all. Amen.

PRESIDENT EGAN: The Chief Clerk will call the roll.

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

CHIEF CLERK: Seven absent.

PRESIDENT EGAN: A quorum is present. Does the special Committee to read the journal have a report to make at this time? Mr. Knight.

KNIGHT: I have not had a chance to read it. I would like to suspend it.

PRESIDENT EGAN: Mr. Knight has not had a chance to read the journal and asks permission to suspend it. If there is no objection, the reading of the journal will be suspended until the Committee reports. Are there any memorials or communications from outside the Convention? Are there reports of standing committees? Mr. Smith.

SMITH: Mr. President, I understand that the Committee Proposal on Resources is now available for distribution. I wonder if we might have a minute's recess while they are distributed. I understand they are here.

PRESIDENT EGAN: Have they been distributed, Committee Proposal No. 9? It is available.

SMITH: I fail to see it on my desk.

PRESIDENT EGAN: Would the messenger please bring a copy of Proposal No. 9 to Mr. Smith. Mr. Johnson.

JOHNSON: No. 9 is the report of the Committee on Finance and Taxation.

PRESIDENT EGAN: The Chairman stands corrected. It is another number.

CHIEF CLERK: Yes, it is here. It has not been distributed.

BUCKALEW: Mr. President, I move for a two-minute recess.

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

RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. Smith, is it satisfactory with you if we pass your report until later and have it submitted at a later time?

SMITH: Perfectly satisfactory.

WHITE: Mr. President, in the absence of the Chairman of the Committee on Finance and Taxation, I would like to report that Committee Proposal No. 9 has been prepared and distributed to the delegates, and I ask that it be read for the first time.

PRESIDENT EGAN: If there is no objection, the Chief Clerk will read Committee Proposal No. 9 for the first time.

CHIEF CLERK: "Committee Proposal No. 9, introduced by the Committee on Finance and Taxation, ARTICLE ON FINANCE AND TAXATION."

PRESIDENT EGAN: The proposal is referred to the Rules Committee for assignment to the calendar. Mr. Riley.

RILEY: Mr. President, about a week ago the question of Rule 35 on the previous question was referred for study to the Rules Committee, and the Rules Committee has on a number of occasions discussed the matter and I am empowered to report that they have no recommendation to make.

PRESIDENT EGAN: The Rules Committee reports that they have no recommendation to make as to Rule No. 35. Are there other committee reports? Are there any proposals to be introduced at this time? Motions or resolutions? The Chair would feel at this time that it would be proper to take up the reports by the chairmen of the various committees, the summaries as to what the meaning of their reports are as we discussed the other day, and we agreed to have those brief summaries from the chairmen or members of the various committees at this time. Is it the wish of the body that this would be a proper time to consider that? Mr. Marston.

MARSTON: Mr. President, I think this is a good time to do that. I would like the suggestion very much. I move and ask unanimous consent that we proceed on that basis.

PRESIDENT EGAN: If there is no objection, we will proceed on that basis. And we might have the first report then come from the Chairman of the Preamble and Bill of Rights Committee, Committee No. V, if you would so desire, Miss Awes.

AWES: All right. I will not attempt to discuss the bill of rights provision section by section. There are about 19 of them, and each of them deal with a different subject. I will point out a few things about the bill of rights in general and then mention a few of the more controversial provisions. I may mention in the beginning that there were quite a number of proposals referred to our Committee, and in our forwarding letter we took up those proposals one by one and mentioned how we disposed of them and usually gave our reasons for our action, so I don't think I have to say anything more on those. The bill of rights - - we considered the various provisions. We usually also considered the pertinent provisions from the Federal Bill of Rights.

PRESIDENT EGAN: Would the people please let Miss Awes continue.

AWES: In some instances we felt that the Federal Bill of Rights, the particular provisions, as long as we have had it that it has served its purpose well and was suited to the needs of Alaska. Some of those provisions already apply to Alaska through the interpretation of the Supreme Court. In those cases we just used the federal provision, and in a report we have noted which of those provisions are identical with the Federal Constitution. Others were changed either because of the peculiar conditions of Alaska or because we felt due to conditions changing in the 150 years or so that we have had the Federal Constitution that some modification should be made. Usually we have noted the modification and often given our reason for it. There are a few provisions which are in addition to those which appeared in the federal bill. One of those is the Section 3, which is denominated to civil rights. That is one that took up quite a bit of time and consideration of the Committee. We finally decided that a general provision with an additional provision, "that the Legislature shall provide appropriate legislation", was the best way to handle it because we felt that it was just impossible to enumerate all the conditions and all the places where people should not be discriminated against because of race, color and origin. If we could do it today, by next year it would be out of date anyway. Section 7 which pertains to grand juries is also different from the Federal. We preserved the grand jury, but we changed the number of grand jurors from 23 to 12, and we also modified the use of it somewhat. We are not substituting something entirely new but something which has been tried in

other states and is found to be more efficient and economical without in any way taking away any protection which the people have or should have. The same is true of Sections 12 and 13 dealing with the juries in criminal and civil cases. Again we tried to provide a procedure which would protect the right to a jury but still to do it more economically and efficiently without sacrificing any rights of individuals, and again the provisions that we have adopted have been tried and found satisfactory in other jurisdictions. Section 18 is also something that does not appear in the Federal Constitution but appears in a number of state constitutions. An explanation of that, which should be sufficient, is found in the report which we submitted. I think perhaps I should mention too, matters which we considered and did not include in the bill of rights. One is wire tapping. That is quite controversial as shown by the fact that we reached a four to three decision and there is a minority report signed by three of the members. I think I can speak for the majority on saying that the reason we did not include it is that we feel that it is a matter that to a certain extent is prohibited by the Federal Constitution and our bill of rights as proposed, that to a certain extent, both due to the fact that perhaps there are circumstances when it should not be prohibited and the fact that science is making so many new developments in that particular area that it is perhaps impossible to treat it in the bill of rights and any additional legislation needed should be handled by the legislature rather than by the constitution. Then another controversial issue -- there is the correlated provision for the right-to-work. The Committee I believe was unanimous in the feeling that there should be no right-to-work provision. One of the members filed a minority report saying that he thought there should be a collective bargaining provision and another member tended that way but not sufficiently to sign a report on it. The other five were agreed that collective bargaining did not belong in the constitution that it is purely a matter of legislative consideration. I think I may point out in that connection, we had several letters from labor unions saying that they did not want a right-to-work provision but we had no communication at all which even intimated that they were interested in seeing a collective bargaining provision in it, which perhaps indicated labor organizations felt the way we do. There again we feel that collective bargaining is also you might say, in a state of evolution, and anything that we put in probably would not have any enduring value, and it is a matter that undoubtedly the legislature will take care of. We also submitted another article on health, welfare and education. The first section is on public education, and except for the last sentence, it is taken almost verbatim from the Enabling Act. We added the one sentence, "No money shall be paid from public funds for the direct benefit of any religious or other private institution." Sections 2 and 3 are just general sections giving the legislature the authority to take the necessary action with reference to public health and public welfare. At first glance

Section 4 may not appear to be necessary in a constitution. But we have found that in other states the courts have sometimes held that the legislature had no authority in the matter of slum clearance and low cost housing unless there was specific authority granted by the constitution. Section 4 grants that authority to the legislature.

PRESIDENT EGAN: Thank you, Miss Awes. Are there any questions that the delegates would like to ask of Miss Awes? If not, I wonder if there is someone present who could report on the report of the Committee on Suffrage, Election, and Apportionment? Mr. Cooper.

COOPER: I am vice chairman of that Committee. As you know, the elections have been through the mill on the floor, so I have nothing to report except on the apportionment. The apportionment of the house and senate was a job, a hard job, and it required a lot of work. The Apportionment Committee, until four days ago, had no concrete proposal. At that time all the delegates who had been to the meeting, as well as the delegates on the Committee, reached I might say almost unanimous decision on the following: "RESOLVED that the house shall be a 40-member house." The reapportionment of the house is set up in the schedule so that at the end of every decennial census within a limited period of time the governor shall appoint a reapportionment board and by mandamus shall act on the findings of that board. In addition to the membership of the house and the reapportionment, the membership of the senate was set at 20. To arrive at the areas which the house and senate districts would represent, your Committee, you might say, redistricted and reapportioned Alaska as of this date but using the 1950 census which were the only sure figures we had to work with. We have redistricted 24 election districts out of the Territory of Alaska. Of these 24 election districts, they are combined to make 12 senatorial districts, and in addition to that we have four senatorial regions which very closely bound the old judicial divisions but not exactly. I don't want to go into it too far because without a map it gets to be very misleading. We will have at the end of the recess a photostat copy of the districting map for every member. The apportionment board that is provided for in the act shall be a nonpartisan board of five members from the general public. They will be appointed by the governor and will act in an advisory capacity, and he is ordered within a limited period of time after their findings to reapportion Alaska which should give the State an up-to-date representation at all times in the house and the senate.

PRESIDENT EGAN: Thank you, Mr. Cooper. The Chair would like to note that we do not as yet have copies of that report. However, it will be available before the day is out. Mr. Davis.

DAVIS: I was going to ask a question about if that report would

be available before we went home.

PRESIDENT EGAN: It will be, Mr. Davis. Mr. Hurley.

HURLEY: I would like to ask a question. Will one of these reapportionment maps be available in the building, or is it now so that we could look at it?

COOPER: I don't know. The one man who has the map is not here this morning, and later on in the day I will find out if the map is upstairs.

PRESIDENT EGAN: Mr. Coghill is going to be here.

COOPER: Then the map will be available today.

GRAY: Along that line, I wonder as long as this is the last day, if the Vice-chairman could have the map placed on the wall or available down here so they can look over it, and any of the Committees would be very glad to answer any of the 10,000 questions on how we reached this map.

PRESIDENT EGAN: The map will be available and placed on the wall as quickly as possible. Mr. Cooper.

COOPER: The Committee through the aid of consultants really went into the redistricting of apportionment of Alaska. Every election district is an individual district within itself based on geographical, social economic basis of the people that live within that district, and I believe that it is a very fine job and that when the Convention as a whole sees this map they will agree, and as Mr. Davis said, the majority of the members are here and I know that the map does require some explanation, but during the day the Committee would be glad to answer some questions because this is a controversial issue that should be brought up during the public hearings.

PRESIDENT EGAN: Mr. Smith.

SMITH: Along that same line, I would like to ask if it would be possible to secure photostatic copies of the map in time to mail them to the delegates before the public hearings are held?

COOPER: We will also attempt to do that.

PRESIDENT EGAN: Would it be asking too much, Mr. Cooper, if you could attempt to see that those maps are mailed?

COOPER: No sir, that is not asking too much. We will do it as soon as we get the photostatic copies made and printed.

PRESIDENT EGAN: Thank you, Mr. Cooper. Mrs. Sweeney.

SWEENEY: I was wondering if we could be at ease so the class could come in and the last proposal may be passed out. They are ready here.

PRESIDENT EGAN: The Convention will be at ease so the school class can come in and the proposal will be passed out. The Convention will come to order. Mr. Cooper.

COOPER: Mr. President, in talking to the members of the Apportionment Committee, it was suggested that a very brief outline be given as to the method of obtaining the apportionment within the 24 election districts that Alaska now consists of. We used the method of equal proportionment. Mr. Gray seems to be an expert on that. It is a system used by the United States House of Representatives, the house consisting of the total population, civilian population of Alaska divided by a house consisting of 40 gives you a quotient, a minimum population. Any election district containing that population has one representative. Now to further guarantee various election districts, representation, we used the method of the major fraction of that quotient, the major fraction being the quotient divided by two plus one. Every election district within Alaska at this time has the minimum population for representation. In later years, as the population increases and the reapportionment board meets, any district falling below the minimum population will be joined to its nearest social economic district. Those two districts, then combined, will have the minimum population and still have their representation. I believe that was all.

GRAY: Additional districts, subdistricts --

PRESIDENT EGAN: Mr. Gray, would you like to talk?

GRAY: I was just going to carry on that these are economic areas. Some of them are rather large. We will just take for instance Skagway -- if it should have a project come in that puts in a population of five to ten thousand. Out of the election districts, if there is a sufficient number in there equal to this quotient, you can set up a district within a district assuring this smaller locale a full delegate in the house of representatives, the idea principally being in this method of equal proportions, the fact that the population divided by the house members, makes each member responsible to an exact number of people. We worked on a 1950 census. I believe the figure was 2,746, and any time that you have 2,746 people in an absolute geographic area they are entitled to one representative, and that was the principle we worked out on these election districts. Now in some places like your municipalities, like Anchorage and so one, they are lumped together. You have multiples of that quotient. Something like Anchorage would get eight because they are right within a district and Fairbanks would get five because those are multiples. Each representative

represents exactly that amount. In any case that you have, we will take Bristol Bay which is one district, but if the time should come where there is a quotient and this quotient varies with every dicennial, but we will say that Bristol Bay has 4,000 people on the north side of the Bay and 4,000 people on the south side of the Bay, each with sufficient number to have one exact representative, then you would subdivide your districts so that each locality that is entitled to a whole member in the house would get it or any multiple thereof. I have asked the boiler room to mimeograph a little typed sample of this that I hope to have this afternoon, so that you are able to study this problem and take it home with you.

PRESIDENT EGAN: Mrs. Sweeney.

SWEENEY: Mr. President, I would like to ask one question of Mr. Gray. You have 24 legislative districts then, and you have combined certain of these to make senatorial districts. If you split one of these legislative districts, are you going to have to count each sub as a unit in connection with your senatorial division?

GRAY: No, it is not my understanding of that. The house is based on population, absolutely on population. As your population varies, your representatives follow the population, but in the senate, whatever senate lines are drawn is in my opinion, your senate lines remain permanent regardless of population shift.

PRESIDENT EGAN: Mr. Marston.

MARSTON: I happen to be on this Committee. I don't want to underrate the IQ of this organization, but I do not believe we can all grasp it here without a map and a chart, and this a vital piece of this Convention is in this apportionment and reapportionment, and I think if Mr. Gray and Mr. Cooper, who is Vice-president of this Committee, should have their maps here, and this organization could well afford to give them a major part of an hour some time today. Otherwise, we will just be confused with this on the issue.

PRESIDENT EGAN: Mr. Marston, they have signified that they will have that map here, and we will give them the time if there is no objection. Mr. Smith.

SMITH: I should have waited until we were sure that we were through with the questions. If there are further questions, I would rather wait.

PRESIDENT EGAN: Are there further questions of Mr. Cooper and Mr. Gray? Mrs. Hermann.

HERMANN: Mr. President, I would like to know just what was the

basis for apportionment of senators. That is going to be a very important question in the area where I am going to hold hearings, and I would like to know what the thinking was in apportioning the senators.

PRESIDENT EGAN: Mr. Cooper.

COOPER: Mr. Chairman, Mr. Marston is exactly right. This will get so confusing without a map and without the figures to work from that I am afraid that the Committee will lose the support that we now have, and I would like to, if it is all right with Mrs. Hermann and the other delegates, to withhold until we have the map, and then we can explain it. The major way of choosing a senatorial district is to have your geographic location and yet contain in that limit your economic and social standards that would form a senatorial district. But we do have to have the map.

PRESIDENT EGAN: Is that satisfactory, Mrs. Hermann?

HERMANN: I just want to make sure it is not according to population.

COOPER: No, it is not.

PRESIDENT EGAN: Mr. Cooper will have that information this afternoon. Mr. McNees.

MCNEES: Another very important and contributing factor in this I think is Doug Gray's blackboard explanation of the method of equal apportionment. Would it be possible to have that blackboard down here at the same time?

GRAY: Yes.

PRESIDENT EGAN: The Chair would like to announce at this time that there is a part of the sophomore and part of the freshman class of the Fairbanks High School with us this morning. We are very happy to have you here. Also, we have two visitors from Nome, Mr. Frank Morris who is the district engineer for the Alaska Road Commission there and his wife. We are happy to have you here with us this morning, also. Mr. Smith.

SMITH: I would like to ask unanimous consent to revert to committee reports.

PRESIDENT EGAN: If there is no objection, the Convention will revert to introduction of committee reports at this time. Mr. Smith.

SMITH: I would like to present Committee Proposal No. 8 introduced by the Committee on Resources and ask unanimous consent that it be read for the first time and given a place on the

calendar.

PRESIDENT EGAN: If there is no objection Committee Proposal No. 8 will be read for the first time. The Chief Clerk may read the proposal.

CHIEF CLERK: "Committee Proposal No. 8, introduced by the Committee on Resources, STATE LANDS AND NATURAL RESOURCES."

PRESIDENT EGAN: The proposal is referred to the Rules Committee for assignment to the calendar. Mr. Victor Rivers.

V. RIVERS: Mr. President, while we are on this order of business, I would like to submit to the Convention, Committee Proposal No. 10 and ask it be read for the first time and placed on the calendar. It is the report of the Committee on the Executive Branch.

PRESIDENT EGAN: Mr. Victor Rivers requests that Committee Proposal No. 10 be read for the first time and placed on the calendar. Mr. Victor Rivers.

V. RIVERS: Mr. President, along that line, I have been advised that our Committee Reports No. 11 and No. 12 supplementing the article on the Executive are also ready, and I would like to have them included in my motion. They are passing them out now.

CHIEF CLERK: No. 11 and 12 have already been introduced. PRESIDENT EGAN: They were read for the first time, Mr. Rivers. V. RIVERS: That is right. Yes, thank you.

PRESIDENT EGAN: The Chief Clerk will read Proposal No. 10 for the first time.

CHIEF CLERK: "Committee Proposal No. 10, report of the Committee on the Executive Branch, ARTICLE ON THE EXECUTIVE."

PRESIDENT EGAN: The proposal is referred to the Rules Committee for assignment to the calendar. Are there other committee reports at this time? If not, we will proceed, and could we have a report from Committee No. VII, the Committee on the Legislative Branch. Would some member wish to summarize that proposal? Mrs. Sweeney.

SWEENEY: As vice Chairman I can go over it quickly. The legislature is going to be composed of 20 members in the senate, 40 in the house. Senators must be at least 25 years of age, representatives, 21. They are required to be in Alaska at least three years and in the legislative district from which

they file at least one year immediately preceding their filing. They shall be elected at a time to be specified and their term of office will begin on the fourth Monday of January. Representatives will serve for two years, senators for four years, half of them elected every two years. Vacancies will be filled in a manner to be prescribed or else by the governor. There is a provision which provides that no legislator or other elective or appointive officer can hold any other office or file for reelection except to some other office. There is also an immunity clause which provides a legislator will not be held liable for anything that he says during the session. He is also free from arrest on his way to and from the Convention. We have a salary provision which will say the salary of the legislature will be one-third of the salary of the governor, and the salary of the governor is to be set by the legislature. And also, there is a provision that the legislators may receive per diem so that is a matter that is left to the legislators. From this you will see that the legislators will be paid annually which means they can serve for maybe 60 days and come back and serve another session, but they will receive an annual salary, and there will not be additional pay for those extra sessions. Special sessions can be called either through a poll conducted by the Legislative Council or by the governor and there is also a provision stating that nothing can be brought up at the special session except those things listed by the governor or requested of him to introduce. There is also a provision for the Legislative Council and such other interim committees that the legislature may want to set up. We have a Legislative Council now, and in discussion in the Committee it was felt that it should be stated in the constitution so there won't be any questions later as to whether the Legislative Council was permitted or not. And the interim committees would be such committees as appropriation or finance committee or taxation committee that we want to study problems during an interim period. There is a provision for adoption of uniform rules which I think is not different than what it has been. And also a new provision that the legislature shall direct by law in what manner and what court suits might be brought against state or agencies thereof. We have an impeachment provision which is a little different than that found in other constitutions in that in this article it is proposed that the impeachment will be brought by the senate and heard in the house. And there will also be a justice of the supreme court presiding and two-thirds of the members of the house will be required to carry out the impeachment. Then all civil officers except the governor may be removed for causes other than those which fall in the impeachment bracket. We have a veto by the governor. This is a little different also. The bill is returned by the governor if vetoed to the house. Then the legislature sits as a body, as one body, and then it requires two-thirds of the total number of the legislators to override. There is a provision there dealing with the veto of general appropriation bills which would require three-fourths of the total number. Also,

the governor is given 15 days while the legislature is in session, 15 days time to either sign or veto the bill. If the legislature is not in session he has 20 days in which to either sign or veto the bill. Otherwise it will be law. There is a procedure for the enactment of bills which is not too difficult to understand and also the provision regarding time of taking effect. The time will run from the time the session ends, 90 days after the adjournment of the session rather than 90 days after the time the bill has been approved, which is the case at the present time. There is a section on local and special acts which are prohibited, and also a new section on the remission of taxes. This is prohibited. "No obligation or liability of any person, association, or corporation held or owned by the state or any municipal corporation therein, shall ever be exchanged, transferred, remitted, released or postponed or in any way diminished by the legislature, nor shall such liability or obligation be extinguished except by the payment thereof into the proper treasury." That is the main clause and we felt that should be in there. There is also a new section on referendum which states that any bill that fails of passage in the legislature can be put to the people through a referendum by the governor either in its original form or with some of the amendments that had been considered. Bills may also be put to referendum by the legislature by meeting certain requirements, so if they want they can do that. Then, we have a freedom of religion section, and the native land section is practically lifted from the Enabling Act. And the taxes on nonresidents I believe was also lifted from the Enabling Act, one that is required to be in there. And then we set up a board of apportionment which I think you will find not too hard to understand but which we felt should be in there. On the whole I think it is a fine bill and easy to understand.

PRESIDENT EGAN: Are there any questions? Mr. Gray.

GRAY: I would like to ask Mrs. Sweeney a question. We ran into somewhat similar groups. I want to call everyone's attention to it that there will be two apportionment sections and we will only use one.

PRESIDENT EGAN: Mrs. Sweeney.

SWEENEY: Mr. President, our Committee recognizes and I believe other committees recognize their proposals will contain sections which might be a duplication of a section in another proposal, and we felt that when the proposal comes on the floor, if it is not in the proper proposal the section will be lifted and put into some other proposal or it will be cut out entirely. We recognize that duplication and know that some parts will have to be lifted or eliminated.

GRAY: That explains it. I just wanted to call everybody's attention to the fact. They are practically the same except

there is a difference. How did the Legislative Committee arrive at the figures of 40 and 20?

SWEENEY: I believe that was decided at a meeting I was not able to attend. Perhaps Mr. McNees can tell you that.

MCNEES: I might state in that connection that roughly the old rule of thumb that the senate should be smaller than the house. There was some of the Committee felt that we should have a senate of 24, some a senate of 16, and I believe the figure 20 was more or less a compromise figure between those two extremes. It is rather interesting I think that Apportionment and Legislative both should have come up with the same figures. I was going to counter and ask Mr. Gray how his Committee arrived at theirs. Then, in the house we felt that 40 should be a maximum limit and not necessarily an arbitrary figure, and we are willing to give in to Apportionment though on their basis there, I think. We would have no quarrel with the figure "40" in the house being an arbitrary figure rather than an arbitrary maximum, so actually, Mr. Gray, in answer to your question, you might say that the senate figure of 20 was a compromise figure. The figure of 40 was set as a maximum figure.

PRESIDENT EGAN: Mr. Boswell.

BOSWELL: I would be interested in an explanation of the thinking of the changing of the impeachment process from what is normally used.

PRESIDENT EGAN: Mrs. Sweeney.

SWEENEY: Mr. Chairman, you will note that I have some sections I do not concur in, which I purposely did not mention or dwell on that, because I felt that was something that will come up in discussion on the bill at the time we have the bill in second reading. That is one of the things that I am opposed to and I hardly think it has a place here.

PRESIDENT EGAN: Mr. Cooper.

COOPER: Mr. President, inasmuch as Mrs. Sweeney has filed, in effect, a minority report pertaining to that particular section, it sort of puts her on the spot. I wonder if I might answer that for Mr. Boswell.

PRESIDENT EGAN: Mr. Cooper.

COOPER: The idea of the impeachment proceedings --

SWEENEY: I rise to a point of order. If Mr. Cooper is going to argue or tell why they think it should be in, then I would want to get up and argue the point. I hardly think this is the place or time for it.

BOSWELL: I withdraw my question.

PRESIDENT EGAN: The Convention will come to order. Mr. McNees.

MCNEES: May I call Mr. Boswell's attention to the explanatory article in our commentary relative to the section on impeachment. I think that will explain the situation and get us completely away from any controversy at the present time.

PRESIDENT EGAN: Are there other questions relative to the report of the legislative branch? Mr. Victor Rivers, as Chairman of the Executive Committee, would you like to give a summary of your particular proposal?

V. RIVERS: Yes, Mr. President. As I think all delegates have heard, the Executive Committee has worked on the theory of the strong executive. That was the intention throughout the article to centralize authority and responsibility for the administration of government, enforcement of laws, in a single elective official. Now there is the ideal which is set up by the model constitution. We have some variations on that. We have an elected governor and also an elected secretary of state. The procedure to be followed there would be to elect both of these officials on the same ballot as is done in the State of New York and as is done nationally. The governor's qualifications would be a minimum of 30 years of age, 20 years a citizen of the United States, seven years a resident of the Territory of Alaska. The term of the governor would be for four years, and he could hold office for two successive terms. At the end of that time he would have to have a four year break before he would again be eligible to run for the governorship. We have provided for the governor's replacement in case of a vacancy or in the case of his temporary absence from the state. His powers would be taken over by the secretary of state. We felt the second elected official was necessary in order that when there was a vacancy, an individual who was elected by all the voters of the whole Territory would still be eligible as his successor, both if a permanent vacancy occurred or if the absence was a temporary one. The secretary of state would not sit, under our proposal, as a president of the senate. He would have duties prescribed to him by law and by the legislature. The succession was one thing we had considerable discussion about. The succession would run from the governor to the secretary of state, to the president of the senate, to the speaker of the house, in that order. In the latter two, of course, they would be elected by a segment only of the electorate of the state. In regard to compensation for the governor, it was to be fixed by law. The governor would have the strong power, power of appointing all his department heads. They would also be removable at the governor's will. He would also make the appointments for the multiheaded boards in case there are such, and some there probably will be. The executive secretary of any of the regulatory or quasi-judicial boards

could not be removed by the governor but removed in a manner provided by law. The purpose of that is that in a regulatory board, regulating the power rates, telephone rates, etc., the power of removal might be the power to make the office ineffective so that removal would be prescribed by the legislature. There are set up a maximum of 20 single department heads. The major departments would be limited to 20. That is similar, in parallel to the Hawaiian situation. Those departments were not named, the departments would fall into the classification or in a category set up in an organization chart of the state government. We have covered some other clauses that have to do with related matters, such as a civil service establishment under the administrative department of the state government, and we have included the necessary qualifications for disqualification for disloyalty and for taking oath of office which are more or less mandatory and probably not controversial. I think that covers generally the approach we have made to the executive. I might say that our Committee is not in entire agreement on certain points, but on the major approach however the Committee is in agreement. The other points that we are in disagreement on will probably come out more than once on the floor during the time that our proposal is being studied.

PRESIDENT EGAN: Thank you, Mr. Rivers. Are there any questions? Mr. Davis.

DAVIS: Awhile ago Mr. Rivers mentioned some other portions of this Executive Article. I thought it was said they had been passed out, but I don't seem to have them.

PRESIDENT EGAN: On Saturday they were read for the first time.

DAVIS: I do remember something being done with them, but I don't have them here.

HERMANN: It was referred to the Committee on Ordinances, and the other to the Rules Committee.

PRESIDENT EGAN: That is right, but the copies should have been made available for the delegates. Would the messenger see that Proposals No. 11 and 12 are made available to the delegates, copies of them. Mr. Buckalew?

BUCKALEW: What is Proposal No. 6. I don't have it.

CHIEF CLERK: Local government.

PRESIDENT EGAN: Local government. It will be out in just a few minutes. If there are no further questions at this time on the Executive Branch, we will proceed with the report of the Chairman of the Resources Committee. Mr. Smith.

SMITH: Mr. President, I would like to say first that a letter

of transmittal accompanying the report was hurriedly drawn at 6 o'clock in the evening, and a corrected letter showing the disposal of delegate proposals referred to the Committee will be presented at a later date. I would like to suggest further that anyone who has a suggestion for change or an amendment to offer after the Christmas recess, get in touch with the Committee so that we can thrash that out before the matter comes on the floor. Now, in order to understand the problems with which this Committee has been confronted, in fact in order to be able to understand some of the provisions of the proposal, it is necessary to understand the provisions of the latest enabling act, House Resolution 2535 and Senate Bills 49 and 50. The lack of a general knowledge of these bills has led to some fantastic rumors. Apparently mining representatives throughout the Territory were not familiar with these provisions and had considered the suggested article which had appeared in the original staff paper as something dreamed up by a professor or something dreamed up here at this Convention. Comments of a like nature have come in from as far as California and Texas. In fact, one letter from Texas had it that Texas would oppose the formation of a state with state monopolies on all minerals. The facts are that the latest enabling acts have contained a clause granting to the State of Alaska all mineral rights on all lands granted to the state. This is in itself an unusual provision. During the years when the public land states of the West were being admitted into the Union it was the general policy of Congress to include only nonmineral lands within the grants customarily made to new states. In the case of the United States vs. Sweet in 1918, the Supreme Court said, "It has been the policy of the government at all times in disposition of public lands to reserve the mines for the use of the United States." A material change in this attitude was advanced in 1927 when Congress provided in effect that all grants of school lands should encompass lands that were mineral in character equally with nonmineral lands. The Act of 1927 provided that the states must preserve the mineral deposits from any disposition of title to the lands, that the mineral deposits should be subject to lease as the state legislature might direct, and that the income derived from the leasing of mineral deposits must be utilized for public school purposes only. The incorporation in the latest enabling bills of a provision identical to that contained in the Act of 1927 presumably reflected a desire on the part of Congress to achieve so far as practical, parity of treatment between Alaska and the existing states having congressional land grants. In other words, the thought was that Alaska should be allowed to obtain mineral rights on all its lands only if it would administer them in substantially the same manner that states now having mineral land grants are required to administer the lands obtained by them under grants from the United States. A decision by Congress not to earmark for public school purposes any of the land grants proposed for Alaska coupled with a desire to get the new state off to a flying start towards

self-support probably induced Congress to grant to Alaska mineral deposits on all its lands subject to the restrictions imposed by the Act of 1927, which are identical to the restrictions imposed in the latest enabling bill. This resulted in the inclusion of Section 205, subsection J of the present enabling bill, which reads as follows: "The grants of mineral lands to the State of Alaska under this section are made upon the express condition that all sales, grants, deeds or patents for any of the mineral lands shall be subject to and contain a reservation to the State of all the minerals in the lands so sold, granted, deeded or patented, together with the right to prospect for, mine and remove the same. Mineral deposits in such lands shall be subject to lease by the State as the state legislature may direct, provided that any lands or minerals hereafter disposed of contrary to the provisions of this section shall be forfeited to the United States." With this background your Committee could only proceed on the presumption that the Act admitting Alaska as a state would contain a provision of this kind. The problem then was to attempt to find a way in which the mining industry, including the small operator, the large operator and the prospector could continue to operate insofar as is possible under conditions at least equal to and in a manner closely paralleling those under which they now operate. In devising such a system it was necessary to consider the operations of those now operating under a leasing system, such as oil, gas, coal, etc. This attempt called for the devising of a completely new approach, something entirely different from anything ever attempted before. In devising this new approach your Committee was fortunate in having the assistance of a good many people, including of course, Professors Bartley and Ostrom and a goodly number of Alaskans to whom I feel the Committee will be forever grateful. The entire proposed article probably goes further than anything of a like nature in attempting to foresee future developments and to properly safeguard the public interest and in the natural resources of the future state. However, every general principle embodied in this proposed article has ample precedence. This proposal has been submitted in its initial stages to the scrutiny of such men as Mr. Greeley, Regional Forester for Alaska, Mr. Holdsworth, Commissioner of Mines, Mr. Brown, Commissioner of Agriculture, Mr. Barnes of Shell Oil Company, as well as to the scrutiny of a goodly number of other people. It is probably far too early to say just what their verdict will be, but the comment has so far been all favorable. Each of these people has been asked, "Do you see anything in this proposed article which might be unduly restrictive on private industry?" answer has been almost unanimously "no". The provisions of the enabling bills covering lands and resources have been summarized by the Senate Committee which has initiated and carried these provisions through the various enabling acts in the report of the Senate Committee on Interior and Insular affairs. Now this Senate Committee report is available in the library upstairs. Copies can be had by writing to Delegate Bartlett, House

Building, Washington, D. C. Now in explaining or commenting on the proposed article itself, I would like to call upon Mr. Burke Riley who has acted ably as the Secretary of this Committee. Mr. Riley, would you take over?

PRESIDENT EGAN: Mr. Riley.

RILEY: Mr. President, I don't think there is particular occasion to enlarge on Mr. Smith's remarks too fully. One thing we have is a detailed commentary which I trust every delegate will take with him and read over the recess. Mr. Smith remarked about a somewhat doctrinaire proposed article with which the Committee was once rather unpopularity tagged. It drew a great deal of fire and some interests were somewhat gun shy for good and sufficient reason, but I think to get the basic idea of our present article one need only refer to the first paragraph, a statement of purpose in the nature of a preamble which states, "It is the policy of the State to foster and encourage settlement and development through the maximum use and availability of its resources consistent with the public interest and the avoidance of waste and to that end it is the intent of this article to extend to all peoples the opportunity of participating in Alaska's heritage . The Committee has had to break new ground all the way on this, largely for the reason that this particular subject matter has had very little attention in constitutional coverage in the past. And for that reason the Committee has worked right up to this moment interviewing people and drafting and redrafting, and I am sure I express the view of the entire Committee when I suggest that we are not yet pleased with the content from the standpoint of style and full coverage. And no one has any pride of authorship here, and we hope to enlist the aid of anyone so disposed over the recess to assist in its perfection, so that a finished article may be put on the floor early after the recess. I will go down the commentary very briefly just to indicate what the main portions cover. The first section recites generally what the State's authority in the field is over natural resources, their utilization and development; and recites them by name as including game, fish, wildlife, fisheries, waters, lands, mineral rights, and other interests in the lands. The second section is a general statement that the sustained yield principle, not sustained yield by any limited usage or application of sustained yield but the sustained yield principle will be followed and will be the policy of the state as to all replenishable resources. The third section sets forth a general reservation to the people covering such matters as game, fish, wildlife, fisheries, and waters. That is amplified, or each of those is amplified in part throughout the article. The forest section is a general authorization for aid to users of the lands and other resources, aid in the nature of that provided by farm agents as to utilization of lands, by the forest service as to the best utilization of timber stands. The fifth section is one of uniform application which requires no comment at the time. The sixth

section is one taken from a delegate proposal or I believe from several, whereby the state is authorized to reserve scenic, historic, cultural or scientific sites of interest from those standpoints and to administer them. The seventh section is simply a definition of the state public domain, which would eliminate from that definition the sites just mentioned, put aside for historical, cultural, scenic, etc., purposes. It would also eliminate those random parcels of real estate around the country which might be held for strictly governmental purposes in the nature of office buildings, etc. This section also grants to the legislature, general authority for the selection of lands and their administration, those lands to be granted to the state by the United States in the enabling act. The eighth section covers generally a provision for leases, authorizes the leasing of state lands, and the ninth section, the same coverage on sales and grants. The tenth section is very brief. I think that has merit as compared with most state constitutions I have checked on this point, and it simply sets up safeguards for observing the public interests in the disposal of all the public domain. Such matters as advertising, sales, competitive auctions, competitive bidding, where the sales will be held and under what conditions, we believe can all be spelled out amply by the legislature without its enlarging this article in the constitution. Section 11 I think is perhaps one of the most important in the entire article. It touches on the one matter which has been highly controversial throughout the Convention to this point, and that was the attitude of the Committee and of the state to be with respect to mineral interests in the lands granted by the United States. As Mr. Smith has suggested, the Committee has been mindful throughout of the apparent Congressional directive we will be operating under should present language in the enabling bills be retained and contained in the final enabling act. That language reserving mineral rights in all granted lands to the state has been something of a poser, and we have met that in two ways. First, we have tried to set up a procedure parallel but on a leasing basis to the present disposal system under the Federal Mining Law, reserving patent but in all other respects maintaining the familiar concepts which all the mining industry and prospectors are accustomed to discovery, appropriations, filing of location notices, etc., right on through. That is one section, I might add, which I consider to be still imperfect, and I would certainly be pleased to have any comments over the recess and on our return in that respect. Section 12 has to do with water rights. It is spelled out that we shall use the appropriation system in the State of Alaska, the old concept of first in time, first in right. Section 13 has to do with access to navigable waters; Section 14, no exclusive right or special privilege of fishery. Section 15 is something of a poser. It is new ground for many of us, and it too may require some blue penciling and clarification. It has to do with the concept of beneficial use and also with concurrent use of lands. In short, we seek to authorize one piece of property as being

available for more than one purpose, if that may be done consistent with the primary use, and that is a point where a scale must be set up indicating orders of preference in beneficial use. Normally the highest beneficial use in water, for example, is considered to be domestic or industrial consumption. Others are irrigation, fisheries, and hydroelectric. I won't go further into that except to indicate that that is one of the matters which may be a departure from our thinking in the past and which I believe the delegates should familiarize themselves with insofar as possible in the next few days. Section 16 is an eminent domain section. Where the term, "private ways of necessity" is featured it has been lifted from other constitutions and appears in a number of them and is aimed at providing a means of access for the utilization in transportation of resources, forest products, or is an eminent domain section which may duplicate one elsewhere in the constitution, but is aimed at the resource field entirely. Section 17 is simply a restatement of the enabling Bill's boundary provision, and Section 18 is a statement, "Common place residual powers indicating that the coverage giving in the constitution is not necessarily a limitation on the legislature."

PRESIDENT EGAN: Are there any questions of Mr. Riley? Mr. Peratrovich.

PERATROVICH: I would like to ask one question on Section 2. I know this question is going to be asked of perhaps a few of the delegates that are interested in fisheries. Now this sustained yield, did the Committee take under consideration the conservation of fisheries, etc., under this section?

RILEY: That was certainly our purpose, Mr. Peratrovich, in tying this language to all replenishable resources. Perhaps one of our two specialists in that field on the Committee could give you a fuller statement, but it was very much in the Committee's mind.

PERATROVICH: Does this mean then it will be left to the State legislature to determine whether it will be a sustained yield program?

RILEY: It would seem to me the legislature would have to set up an administrative agency which in turn would conduct biological studies and meet with the fishermen in the establishment of regulations, seasons, and that sort of thing.

PRESIDENT EGAN: Mr. Lee.

LEE: May I ask a question, Mr. Riley? Mr. Riley, is the wording of this similar to Washington's and Oregon's constitutions as far as controlling the regulation of the fisheries?

RILEY: I can't answer that, I am sorry, Mr. Lee.

LEE: I was just wondering, for instance, in the matter of fish traps, I'll bring that up. It was necessary for Washington and Oregon to use the initiative in order to use that form of conservation. Does it appear to you that that may be the method necessary here?

RILEY: Don't let me suggest, but I can't answer that. When you first rose I thought I would have a direct question on that because theirs is provided by initiative, threw me off in your first question. The Committee has considered at length the matter of fish trap coverage in the constitution, or I should say, fish trap abolition. They had considered it on several occasions before Delegate Lee's proposal came in. I should therefore say there is unanimity in the Committee, all favoring vigorously Delegate Lee's proposal, but the feeling was after a rather searching consideration, that there was probably not occasion for its being given treatment in the constitution as such. Now this thought may be subject to change, but the Committee itself, in issuing a proposal, felt there were other and equally effective means that would be available just as soon as the constitution was enforced. In short, we could offer something in the constitution here which would have no more meaning than the first act of the first legislature might have, the first state legislature that is, and it was our rather, shall we say, high level thinking that there was no need to impose any economic sanctions in the constitution itself. It should not surprise me if the article as it comes out the other end of the horn will be a little different in that respect.

PRESIDENT EGAN: Are there any other questions? The Convention will be at ease. The Convention will come to order. Does the Vice President of the Committee on Finance have a summarizing report to make at this time? Mr. Barr.

BARR: The Committee on Finance and Taxation has a report ready, and a copy is on each member's desk. I will ask our Secretary, Mr. White, to go over the commentary for us.

WHITE: Mr. President, Committee Proposal No. 9, Article on Finance and Taxation. I think I will just run briefly through it section by section and preface it by saying that I believe as far as the Committee is concerned, the Committee feels that this is as brief and straightforward an article on finance and taxation we could arrive at. It is aimed to assure a sound system of finance and taxation and leave as much leeway to the state as possible and the sound practices to be carried out in the future. Section 1 is a rather routine statement that the power of taxation shall never be surrendered or contracted away. The reason for the division of the thought there and the addition of the words, "except as provided herein" is to remove doubt as to what we might mean later on down in the article by providing exceptions. Section 2 is a requirement

of the enabling act which the Committee felt belonged in the Article on Finance and Taxation. It is a standard provision. Section 3 is a provision for the legislature to provide the standards of assessments, uniform standards of assessment to be used throughout the state. This is not found in most constitutions, but the Committee felt that it would be to the interest of the state if some sort of standard of assessment could be set up essentially and be made available to the local taxing unit for their use, in that it would save cost and result in higher standards of assessment being used. Quite a bit of discretion is left to the legislature in setting that up, however. Section 4 deals with exemptions from taxation, most of it is pretty standard. The reason in the first sentence for the words, "with such exceptions as the legislature may direct" in referring to taxation of real and personal properties of the state and of its political subdivisions, is to leave to future legislatures the decision as to whether normally business enterprises of the state or political subdivision should or should not be taxable. The exemption given to religious, charitable, cemetery, or educational purposes is pretty standard. These are the only ones we have attempted to spell out here. And then in the last paragraph of that section it provides that other exemptions may be provided by general law. This would allow for, among other things, for a granting of tax incentives to new industries. Section 5 has come from the enabling act and it provides that no tax should be imposed upon the property of the United States except as allowed by federal law. The last two sentences in that section have been adopted almost verbatim from the enabling act. Section 6 gives to the state the power to tax lease holds, contracts, or other interests of land or property owned or held by the state. Sometimes that matter is in doubt if it is not spelled out. Section 7 is a standard provision of which I think needs no further explanation here. Section 8 states that all revenue shall be deposited in the state treasury without allocations for special purposes, with two exceptions. The Committee found it necessary to add the words, except where state participation in Federal programs would thereby be denied." Certain Federal programs of aid to states now demand that certain funds be earmarked for the purposes stated, and of course it is always possible that in the future, additional Federal laws might so state. The last sentence allows for the continuation of such earmarked funds as the Territory now has or will have upon the date of ratification. That is one place where there was some difference of opinion within the Committee, and this sentence represents the majority view. If I might digress for a moment, the Territory of Alaska now has approximately 27 per cent of its funds earmarked for special purposes, and those are the ones which would be continued or allowed to be continued under this section. The legislature could eliminate them in the future if they want to. As you all know, those are primarily the tobacco tax for school purposes, the motor fuel tax for roads, highways, airports and harbors. Section 9 deals with the

contraction of debt, and it is a provision that ordinary debt shall be for capital improvements and must be approved by the voters of the state by referendum with certain standard exceptions which are repelling invasion, suppressing insurrection, defending the state in war, meeting national catastrophes, or redeeming outstanding indebtedness of the state at the time the constitution becomes effective. Section 10 allows the state to borrow money in anticipation of the collection of the revenues for a period of one year without the referendum provision applying. Section 11 in its first part allows for refunding of debt by the calling of current bonds and issuing of new ones at lower interest rates without the referendum. And in the last part it provides that the public enterprise or public corporation may incur indebtedness and the only security for such indebtedness is the revenues of the enterprise or the public corporation, or indebtedness incurred under special improvement statutes when the only security for such indebtedness is the properties benefited or improved or the assessments thereon. There actually is no way of getting around this. Most states have found that with severe debt restrictions that they wind up with this kind of enterprise any way, and the courts hold that debts incurred by this type of enterprise do not come under the standard debt restrictions, so we have made this provision here to spell it out clearly and avoid litigation in court. Section 12 has a rather standard provision of requiring the governor to submit a budget to the legislature along with appropriation bills and bills covering revenue measures that the executive department might desire to cover later. Section 13 is a standard section providing that money shall not be withdrawn from the treasury except in accordance with appropriations made by law and providing in its last sentence for the recapture of unexpended funds which have been appropriated at intervals that can be specified by the legislature so as to enable the state to clean up its books periodically and start afresh. Section 14 provides for the appointment of a postaudit by the legislature and allows the legislature to prescribe its duties, provides that he will conduct a postaudit and report to the governor and legislature. We felt it unnecessary to go into any further detail than that because the legislature in hiring such an auditor should have full rein to prescribe its duties. Section 15 merely provides that the state shall assume the debts and liabilities of the Territory and the debts owed to the Territory and the assets of the Territory.

PRESIDENT EGAN: Thank you, Mr. White. Are there any questions? Mr. Cooper.

COOPER: Mr. President, I have a question I would like to ask. In your Section 4, right at the last of page 1, "All or any portion of property used exclusively for nonprofit religious, charitable, cemetery, or educational purposes as defined by law, is exempt from taxation." How was it taken into

consideration the fact that a charitable institution might own ten acres of revenue-producing ground in a locality other than the ground on which the institution itself existed?

WHITE: Mr. President, in answer to Mr. Cooper's question, the intent of the Committee here is to allow for tax exemptions on property used for religious, charitable, cemetery, or educational purposes, to be exempt from taxation, but to provide for taxation of income-producing property, and furthermore, to allow for proration of such income-producing property. For example, if a religious organization should own an office building, a part of which is rented out, a part of which is used for its own purposes, the intent here is to allow the taxation of the income-producing part of that office building and exemption on the non-income producing part.

JOHNSON: May I ask Mr. White a question please.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: Mr. White, in Section 9 and 10 there seems to be a limitation on the right of the state to borrow money. However, on just a cursory examination, I don't see anything spelled out about a debt limitation. Did the Committee consider that matter? For instance, the United States government, to use an example, has a debt limitation fixed periodically. Is anything of that nature contemplated by this section?

WHITE: Mr. President, as to Mr. Johnson's question, there is no dollar debt limitation set forth here. The Committee considered various dollar or percentage limitation, decided that it was undesirable to restrict the state in such a way, and furthermore that where such restrictions had been tried in other states they had not resulted in the intended purpose. In other words, the credit of most states where strict limitations are in effect is generally no better than the credit of states that have no debt limitations. The only limitations here are that ordinary debts be submitted to the voters for approval, that debt may be incurred without referendum by the people where the enterprise financed by the debt will be self-sustaining and that the state may borrow short terms of money one year on anticipation of revenues. We considered other limitations and discarded them.

PRESIDENT EGAN: Mr. Barr.

BARR: Mr. President, I might add to that a little bit. The Committee did consider for a time allowing the legislature to provide for a debt up to a certain limit, but that was decided against, so at the present time the only debt of the state now which can be allowed is a debt to be paid out of anticipated revenues, that is from year to year, except a debt which must be approved by the people on referendum. In other words, the people are the ones that put the limit on any public debt, any large amount.

PRESIDENT EGAN: Mr. Rosswog, do you have a report on the Committee on Local Government?

ROSSWOG: The proposed article has been distributed, and I would like to ask at this time to return to the introduction of committee proposals, and I ask unanimous consent.

PRESIDENT EGAN: If there is no objection, the Convention will revert to the order of business introduction of committee proposals. The Chief Clerk may read the proposal for the first time.

CHIEF CLERK: "Committee Proposal No. 6, introduced by the Committee on Local Government, LOCAL GOVERNMENT."

PRESIDENT EGAN: The proposal is referred to the Rules Committee for assignment to the calendar. Mr. Rosswog.

ROSSWOG: Mr. Chairman, the commentary on this proposal is not quite completed, and as some of the members in the Committee worked with Mr. Cooper yesterday to finish it up, and it will be distributed before this session is over today, but at this time I would like to make some explanation of our work on this proposal. Now when this problem of local government structure, where the State of Alaska was placed before the Local Government Committee, we first considered whether local government units as we have them in the Territory were sufficient to take care of our needs as a state. It was our conclusion that the three classes of cities and the service areas we have now were not sufficient. For a growing state the framework of some form of intermediate government was needed. Without this framework, the orderly creation of local government units, there was a great possibility that we could have a hodgepodge of different local units that would be almost impossible to untangle at some later date. Now, in our considerations we can do two things, we can simply state that we should have cities and then some other unit between the cities and the state, or we could outline a plan on which such units could be built. The Committee felt that the first possibility we would be shirking our responsibility. We felt that in drawing up a plan we should keep in mind that we should not disrupt the present local government units any more than it was just possible to do so. We approached the problem with three basic rules in mind, one, that the unit should have as much local home rule as possible. Second, that the overlapping of authority and taxing power should be held to a minimum, and third, that any form of local units should be adaptable to different sections of Alaska. If you will take the proposed article we will go to Section 1, and I believe that is self-explanatory. That states our purpose and also allows for liberal interpretation. Section 2 provides for two primary units of local government. These are the cities and the boroughs. The name "borough" was selected because it had a meaning of local government and still was broad enough to cover a large

area and also that it would be immediately recognized as pertaining to government and would not be confused with anything else. The city and the borough would be independent but also would be integrated. If each were a completely independent unit we would have the same problems and abuses as in most of the states who are divided into counties, parishes or townships. The difference between this unit and the county, as usually created, is that the county is usually set up to work from the upper level down and to handle functions that are sometimes handled by the state, such as police, the lower courts, the roads, and recordings, etc. Our purpose in creating this local unit was to build from below and up and give local home rule where these units could take on these duties, and up to the amount that the local people were able to carry. Section 3 provides that the borough or intermediate unit should be set up in three classes. The first would have almost complete home rule, the second would have limited home rule and the third would have only basic government or be unorganized. Section 5 sets up the governing body of the borough. We have put it in as an assembly composed of members of city councils and members from the rest of the area. Section 6 provides for service areas within the boundaries of the other units. Section 7 provides for the authority of the city and its governing body. Both the city and the borough can be municipal corporations. Section 8 establishes the jurisdiction of the two units and the separation of their functions. Section 9 establishes the taxing power of the two units and prohibits delegating this to other units. Sections 10 and 11 establish a principle of home rule, and Section 12 provides for operational forms of government to be set up by the legislature. Section 13 makes provisions for establishment and change of boundaries and the way they shall be determined. On boundaries we felt that the units should have assistance and supervision from the state level. Now, under ordinary home rule charters, the unit sets up its own boundaries and authority, but under our proposal the boundaries would be under a commission or agency established by the legislature and also a department or agency in the state government would provide assistance to the local unit. Articles 15, 16, 17 and 18 cover and review the setting up of special districts and financial burdens, etc. I think we have not too much comment to make on those, but I would like to say that this plan, as proposed, is new in lots of ways as far as the Territory is concerned, but it is based actually on experience in local government in not only the states but in other countries and also on the studies that have been made for combining the smaller local units, particularly in the states. We feel that it has a base and experience behind it.

PRESIDENT EGAN: Mr. Rosswog, did the Chair understand also that it is your intention when the Convention comes back from its hearings recess to call the proposal back for a brief time to rearrange certain sections?

ROSSWOG: We thought it might be necessary after our recess that this proposal should be put out, and we would be glad to receive any suggestions. The Committee will remain active and if necessary we may call the proposal back for any changes necessary, and we hope any of the delegates that have questions or suggestions will come to us in the meantime.

PRESIDENT EGAN: Thank you, Mr. Rosswog. At this time, the normal order of business, we would come back to Committee Proposal No. 3, the proposal relating to the question of initiative and referendum. Mr. Ralph Rivers.

R. RIVERS: Section 4, the last half of Section 4, has been submitted as an amendment which would be along very soon, and I thought we might take up Mr. McNealy's reconsideration.

PRESIDENT EGAN: The Chair would like to make a statement before we proceed at all, and that is that the Chief Clerk informed the Chair not long after the adjournment on Saturday night that an error had been made in totaling the roll call tabulation of the amendment, one of the last amendments that was offered to Committee Proposal No. 3. Others who had been totaling the particular amendment had caught it in their totals and the Chief Clerk also had caught that particular error. Would the Chief Clerk please explain that particular thing to the delegates at this time.

CHIEF CLERK: Well, I announced 25 yeas and 27 nays, and it should have been the other way around -- 27 yeas and 25 nays. It was striking all the matter after the word "governor" on line 20 and striking line 21. It was putting a period after the word "governor" actually.

PRESIDENT EGAN: The Chief Clerk read the totals, as the Chair understands it, as being 27 nays and 25 yeas. As a matter of fact it should have been just the other way around, and that error that was found by the Chief Clerk has been corroborated by others who were keeping a total at their desks at the time of the voting on the proposed amendment. Mrs. Sweeney.

SWEENEY: I think then it is in order that I move and ask unanimous consent that we rescind all action back to that point.

PRESIDENT EGAN: The Chair would feel that that would be probably the thing to do or to expunge it and possibly vote on whether the motion to expunge from the record or rescind would be better in this case? The Chair is not quite clear.

SWEENEY: Possibly "expunge" is correct.

PRESIDENT EGAN: Then take another vote on the particular amendment or just to have it read into the record differently?

SWEENEY: I think it is probably better to expunge it up to the point where the roll call is called again.

PRESIDENT EGAN: If there is no objection, the Convention will stand at recess for about one minute while we confer with the Chairman of the Rules Committee.

RECESS

PRESIDENT EGAN: The Convention will come to order. Mrs. Sweeney.

SWEENEY: Mr. President, I withdraw that previous motion that I made.

PRESIDENT EGAN: Mrs. Sweeney asks unanimous consent that she withdraw the previous motion she made. If there is no objection the previous motion is withdrawn. Mrs. Sweeney.

SWEENEY: Mr. President, I move and ask unanimous consent that we rescind our action on the amendment on line 20, page 2 which called to strike the words "amended or".

PRESIDENT EGAN: Mrs. Sweeney moves and asks unanimous consent that we rescind the action taken on line 20 which deletes the words "amended or". Now the reason she is asking that is that after this wrong total was reported to the Convention, another amendment was offered. The only other amendment we acted upon Saturday evening was offered to strike the words "amended or". Now, actually, that was all stricken in the previous amendment except that the majority was read as having been 27 nays instead of having been 27 ayes. So in adopting Mrs. Sweeney's unanimous consent amendment we would have then reverted back to the point where the Chair could correct the announcement that was made as to the vote on the previous amendment Saturday afternoon. Mrs. Hermann.

HERMANN: That would not rescind the vote?

PRESIDENT EGAN: This particular motion would rescind the vote on the amendment that followed that but not the original vote. Is there objection? Hearing no objection the action has been rescinded relative to striking the words "amended or" relative to that amendment. Mrs. Sweeney.

SWEENEY: Now Mr. President, I move and ask unanimous consent that we expunge from the record the President's announcement of the vote on the amendment which would have stricken all of the words on line 20 after the word "governor", which is the amendment that is in question now.

PRESIDENT EGAN: Mrs. Sweeney moves and asks unanimous consent that we expunge from the record that part of the record wherein

the President announced the vote on the particular amendment that we are now considering or that we are back to. Mr. Robertson.

ROBERTSON: Mr. President, I think Mrs. Sweeney should include in it line 21 -- she just said after the word "governor" in line 20.

PRESIDENT EGAN: Mr. Robertson, in the particular motion that Mrs. Sweeney made she was referring not to the amendment that we are back to now but to the amendment that followed that which did, as the Chair remembers it, only include those words "amended on line 20. But we have rescinded our action on that. Now we are back to the original announcement of the vote. Mr. Hurley.

HURLEY: Mr. Robertson I think is right. When she wanted to expunge the record she only made reference to line 20, but she meant also line 21.

SWEENEY: Yes, I just said that everything beyond the word "governor" on line 20, which would take on into line 21, the balance of the sentence.

PRESIDENT EGAN: Then the motion will stand as corrected, if there is no objection. Mr. Riley.

RILEY: Mr. President, I will object only for clarification. It occurs to me that if we expunge all this matter from the record after having rescinded, what meaning does that give our action? Does it show in the journal this morning?

PRESIDENT EGAN: That was what the Chair felt too, Mr. Riley, that the only thing we are expunging from the record is the announcement of the Chair as to what the voting result was and not anything with relation to lines 20 and 21 in this particular motion.

SWEENEY: That is right. I was just sort of clarifying my statement. I just wanted to expunge that part that says, "that the motion failed".

PRESIDENT EGAN: If we expunge this from the record then, it would be in order for the Chair to state that the result of the vote was 27 ayes and 25 nays. That would be the effect of the adoption of Mrs. Sweeney's unanimous consent request. It would then put the Chair in the position of being able to announce the correct vote. Does everyone have that clear? Is there objection to the motion to expunge from the record? Mr. Doogan.

DOOGAN: I object. It would appear to me, Mr. President, that if you are going to expunge that portion from the record, then you should expunge any reference to the amendment that followed,

because actually it was clear out of order.

PRESIDENT EGAN: We rescinded the action.

DOOGAN: It will show on the journal that you rescinded, so if you expunge the announcement of the vote as it was announced in error, then you should go on into the journal and it says that you rescinded your action and it would be kind of confusing would it not?

RILEY: Mr. President, that is what I am thinking of. The journal today I think speaks for itself.

SWEENEY: We have an objection. We have no motion before us. I suggest Mr. Riley start from scratch.

PRESIDENT EGAN: Do you so move?

SWEENEY: No, I don't move, so we don't have anything before us.

PRESIDENT EGAN: Mrs. Sweeney withdraws her unanimous consent request. Mr. Riley.

RILEY: Mr. President, if we may defer this, perhaps a few of us might get together at the first opportunity and consider various aspects of it from that point.

PRESIDENT EGAN: If there is no objection, the Convention will stand at recess for 15 minutes.

RECESS

PRESIDENT EGAN: The Convention will come to order. The Sergeant at arms has informed the Chair that when he went to get the blackboard that someone was there to get the blackboard to take it back to where it had originally been borrowed from, saying that they needed it again, but they left it. The engineer left it there and went back to find out how urgently it was needed, so that is still up in the air as far as the blackboard is concerned. Mr. Cooper.

COOPER: If two of us can be excused we could go up and get the information.

PRESIDENT EGAN: That seems that it might be considerable length of time, and with us having this question and motion hanging here it might be best to take up the subject we are on first. Mr. Riley.

RILEY: Mr. President, I move and ask unanimous consent that to expunge from Saturday's record the Chair's erroneous announcement covering the vote under consideration and show the corrected

announcement to reflect the vote, that we expunge all further reference in Saturday's journal to any remaining portions of that sentence since at that time there was no remainder.

PRESIDENT EGAN: You have heard Mr. Riley's motion. Did the Chief Clerk get the motion?

RILEY: I have it.

PRESIDENT EGAN: Is there objection to Mr. Riley's unanimous consent request? If there is no objection, it is so ordered, and that matter is all deleted up to the point where the amendment had been voted upon by the Convention. Mr. Riley.

RILEY: I would like to make a further motion and ask unanimous consent that the time for reconsideration be extended on that particular vote which was announced erroneously to the first Convention day following recess with the requirement, of course, that if reconsideration is desired that notice must be given today, this for the reason that --

PRESIDENT EGAN: The Chair first had better announce the vote. The Chair will announce the result of the vote. The result was 27 ayes and 25 nays, the result of the vote on the amendment and therefore the proposed amendment is ordered adopted. Now, Mr. Riley.

RILEY: Because of the possibility that those on the prevailing side were unaware of the fact that they were on the prevailing side and vice versa, it is possible someone has been denied the opportunity to reconsider who might otherwise have given notice that day. For that reason I ask that the rules be suspended and that anyone disposed to reconsider be allowed to give notice today and that reconsideration come up on the first day following recess.

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

KILCHER: I want more information. If so much time has elapsed on so many amendments, and I would like to have that particular roll call vote result read, if that is in order, by the Chief Clerk so that I may be able to recall exactly who voted how.

PRESIDENT EGAN: Will the Chief Clerk please read the proposed amendment and then the vote by "ayes" and "nays" on the particular amendment.

CHIEF CLERK: "Line 20, page 2, strike all matter after the word on line 20 and strike line 21." (The clerk read the "ayes" and "nays".)

KILCHER: Mr. President, I think that if the roll call had been

announced correctly this particular day I would have changed my vote in order to be on the prevailing side. Now can that still be done?

R. RIVERS: Mr. Riley has asked that the period for reconsideration be kept open now in view of this change, but it can only be by someone who voted on the prevailing side.

COOPER: Point of order. Does a man have to change his vote before the announcement is made?

PRESIDENT EGAN: That is right. It would take someone who voted "aye" to serve notice of a reconsideration, if there is one. Mr. Riley.

RILEY: I will renew my motion and ask unanimous consent, Mr. President.

PRESIDENT EGAN: There was no objection to it as the Chair remembers it, to the unanimous consent request. So if anyone who voted "aye" wishes to reconsider that vote he may do so at any time before we adjourn today. Mr. Collins.

COLLINS: In view of the discussion, we have consumed a great deal of time of this Convention expressing our own individual ideas in regard to this amendment. Now the Committee, in view of what has transpired, so many amendments to our report, the Committee met during the recess and we have about come to the conclusion that we can agree on a proposed amendment that might prevent a lot of discussion on other amendments and the question involving Section 4. First, we thought we would ask for a continuation of this after the recess, holding our same right on the calendar to be heard and not losing our right as it has been set. I think if we proceed, Mr. Davis might throw some solution on this. I think we have virtually agreed and met the objections. I think we can arrive at some conclusion and save time and finish this report.

PRESIDENT EGAN: You mean that during the dinner recess you can come together? Mr. Taylor.

TAYLOR: We did during the recess. A number of those who have been pro and con on this proposition met, and I think that it is possible some of us who are interested in getting this bill through, can during the noon recess, if we are given a little time, come up with an amendment that will properly resolve the differences suggested by those who are opposing the matter, so instead of putting it over until after our recess

PRESIDENT EGAN: Are you asking that it be held over until after our noon recess?

TAYLOR: Yes, sir.

PRESIDENT EGAN: If there is no objection, Committee Proposal No. 3 will be held for consideration until after the noon recess. Mr. Davis.

DAVIS: Mr. President, there is one thing hanging fire that will prevent any final work in connection with this and that is Mr. McNealy's motion for reconsideration. I think we ought to take that up before noon recess. It won't affect what the Committee is going to try to do.

PRESIDENT EGAN: Mr. McNealy.

MCNEALY: I move and ask unanimous consent that my reconsideration of last Saturday be voted upon at this time.

PRESIDENT EGAN: Mr. McNealy moves that his reconsideration be acted upon at this time. The motion in itself opens the proposed amendment to debate. Mr. Riley.

RILEY: Just to be consistent with the rule. I would ask unanimous consent that it may be allowed. It has been encountered before, as you recall.

MCLAUGHLIN: Could the question be fully stated prior to debate so we will know?

PRESIDENT EGAN: Do our rules say it is not debatable, Mr. Riley?

RILEY: It has to be under the suspension of the rules.

PRESIDENT EGAN: Then if there is no objection, it may be open to debate. Mr. McLaughlin?

MCLAUGHLIN: Mr. President, may the full question be stated so the delegates will know what it is about?

PRESIDENT EGAN: Would the Chief Clerk please read the proposed amendment?

CHIEF CLERK: I didn't bring it down but I think it was the one changing fifteen per cent to ten.

PRESIDENT EGAN: The proposed amendment that changed fifteen per cent of the voters to read "ten per cent of the number of votes."

CHIEF CLERK: No, it was to change "eight" to "fifteen".

PRESIDENT EGAN: No, it was changing "fifteen" to "ten".

TAYLOR: It was changed to "fifteen" and upon my amendment which carried it was reduced to "ten per cent". The question now is whether the ten per cent is going to remain or whether it goes

back up to fifteen per cent. I think we have had sufficient argument on this. I think I have pointed out several times, and others too, that due to our geographical circumstances that fifteen per cent would possibly be an undue burden upon the people who wanted to launch an initiative proposition and that ten per cent would be more in line with the proportion of the voters in the other states, some of them as low as five per cent and a great many eight per cent, and the fact that eight per cent seems to be the prevailing percentage in a great many of the states, that to practically double that would place, as I say, an undue burden upon the voters, and I feel that since the majority of the Convention yesterday felt that ten per cent was the proper amount, I believe that we should retain that figure.

PRESIDENT EGAN: Mr. McNealy.

MCNEALY: I won't take up time in debate on this. When we had it at fifteen per cent it removed largely any objections that I had, and several others that I talked to, it removed our objection to the initiative system because we felt it would not be misused. I think possibly I am going to vote to retain the fifteen per cent but possibly somewhere between ten and fifteen per cent would be common ground. I feel that ten per cent, however, is too low, and that the bill then, and with one or two other proposed amendments as to the dates of holding election, would make this one of the finest bills in the Convention. If we cut the requirement down too low it will not do us any particular good.

PRESIDENT EGAN: Mr. Marston.

MARSTON: I think if you hold that to where Mr. McNealy moves it, it removes the possibility of the law ever functioning. It is too high. Nineteen states have it averaged under eight per cent. We had one of our main parts taken out by the delegate on my left here and it threw it back to protect the legislature. The lady will have to stand responsible to the people for that and answer that question, why they took it away from the people. Now when you go into a bill before the legislature, and its vital corporations have a lobby which goes in and protects those corporations, the people do not have a lobby and cannot go down and work and defend their bills. I am for holding that at not one point above ten per cent. If you do, the law is practically unworkable, and I am on the side of the people and I am going to stay on the side of the people, and they are not going to take the laws away from the people too far. This initiative and referendum is important. It is a wholesome law, and the people should have it. And the amendments shoved in here have surprised me, and I am surprised at the people that would do that, attack a law of the people as viciously as they have and made it so difficult to work. I think the law should be workable. We should take up the pattern after the nineteen

states who have adopted them. I believe that men of good will toward the initiative and referendum by the people will keep that at ten per cent because they have no chance, the people have no chance to go down and lobby. They have not the money or the ability to do it; while big corporations can and others can go down and lobby and take care of themselves. I hope I never have to talk on this again.

BUACKALEW: I was going to suggest (this is no reflection on Colonel Marston) I was going to suggest that we get a record, "Battle Hymn of the Republic and we'll play it at this time. According to Delegate Marston anybody who votes for fifteen per cent are against the people. I am going to vote for fifteen per cent and I think I am protecting the people. I think I am protecting the people from a costly machine that is going to bog down and perhaps might even destroy the State of Alaska. Sometimes I think some of the delegates think maybe we ought to abolish the legislature and do everything by initiative. That would be one way to do it, and it might work. I am going to vote for fifteen per cent.

PRESIDENT EGAN: Mr. White.

WHITE: I was going to talk on much the same vein, so I'll be brief. I wish to point out that the delegates who supported most of these motions, amendments to the proposed article, do so because they think they are protecting the interests of the people, and I would like further to say that the motion made by the lady at Delegate Marston's left was concurred in by the majority of the Convention. I am one of the majority and I'll support it along with her.

PRESIDENT EGAN: Mr. Boswell.

BOSWELL: It seems to me one feature we have not considered in this percentage deal is the number that it is the percentage of. We are comparing a number of states that perhaps have several million voters. One per cent of that vote would be equivalent to fifteen per cent of our Alaskan vote. It does not seem to me that the argument holds just because nineteen other states' average is eight per cent that that is a valid reason for setting our figure at that percentage, because we are dealing with an entirely different figure. Fifteen per cent when Alaska gets several million people would certainly not be a good figure, but until we reach that time and I would think we should hold it at fifteen per cent, and when we have another Constitutional Convention if Alaska has three or four million people, then we would naturally lower it, but until that time I think it should remain somewhere between ten and fifteen per cent.

PRESIDENT EGAN: Mr. Victor Rivers.

V. RIVERS: Mr. President, along that line I might point out

that the states when they adopted their initiative and referendum in their constitutions many of them, seventeen states, had less population than Alaska has at this time. We have seen no drastic abuse with the safeguards we have in this act. I also want to point out that regardless of the thinness of our population, now requiring signatures from two-thirds of the districts would require that our people at a minimum cover an area of approximately 300,000 square miles, which is somewhat about three times of the area of the average state, which is in the neighborhood of 80,000 square miles. We have placed handicaps here in the matter of getting signatures so great that when the fifteen or even a lesser figure, I feel we have robbed the initiative and referendum of a good deal of its usefulness. I think ten should be an absolute maximum, and I feel also that it could well go below that and not be abused but a useful instrument in the hands of the voting populace.

PRESIDENT EGAN: Mr. Cooper.

COOPER: I do not concur that ten per cent is an absolute maximum. The percentage of people initiating an initiative or referendum on the fifteen per cent basis, based on the last general election, would be 2.12 per cent of the total population in Alaska. That is based on a figure of estimated population of 180,000. I have those figures from Mr. George Rogers who has served here as a consultant. The ten per cent would mean that seven-tenths of one per cent of the people, the total population of Alaska, could bring about legislation through an initiative or referendum, and I believe that the small percentage of people that could affect the over-all population should be at least 2.12 per cent, the fifteen per cent required.

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: If there is no further discussion, the question is, "Shall fifteen per cent be changed to read ten per cent?"

TAYLOR: I think you put that wrong. The vote passed and put it to ten per cent. Now Mr. McNealy is trying to get it changed.

PRESIDENT EGAN: That brings us back to the original question, Mr. Taylor. The question is to the delegates, Shall we change 'fifteen per cent' to read 'ten per cent'?" Mr. Harris.

HARRIS: Mr. President, I request a roll call.

PRESIDENT EGAN: The Chief Clerk will call the roll.

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

Yeas: 27 - Coghill, Collins, Davis, Doogan, Emberg, Harris, Hermann, Hilscher, Hinckel, Hurley, Kilcher, King, Knight, Lee, McLaughlin, McNees, Marston,

Metcalf, Nordale, Peratrovich, Riley, R. Rivers, V. Rivers, Smith, Stewart, Taylor, VanderLeest.

Nays: 23 - Armstrong, Awes, Barr, Boswell, Buckalew, Cooper, Cross, V. Fischer, Gray, Johnson, Laws, Londborg, McNealy, Nolan, Poulsen, Reader, Robertson, Rosswog, Sweeney, Walsh, White, Wien, Mr. President.

Absent: 5 - H. Fischer, Hellenthal, McCutcheon, Nerland, Sundborg.)

CHIEF CLERK: 27 yeas, 23 nays and 5 absent.

PRESIDENT EGAN: So the motion has carried and the amendment is ordered adopted. Are there other amendments? Mr. Hurley.

HURLEY: Mr. President, I would like to ask for a point of information, if I may. I am sorry to have to revert to this, but I did not have clearly in my mind. The matter was when we expunged the record and we subsequently adopted by unanimous consent an agreement whereby a person could move for reconsideration by announcing it today and following the recess -- I wonder what the Rules Committee had suggested, if anything, on the matter of announcing a motion to rescind the action?

RILEY: Mr. President, it is my memory that we have done nothing on that matter to rescind. Are you speaking of a prospective rescinding?

HURLEY: I wish to move to rescind the action and the difference between the two-thirds and the majority would be the difference on whether I announce it.

RILEY: I believe you would have no problem by filing notice today, it would automatically carry over to the next Convention day.

PRESIDENT EGAN: That is correct, Mr. Hurley, and if you serve notice, a notice to rescind the action today, it would be on the next Convention day it could be rescinded by a majority vote.

HURLEY: Would it be proper at this time to give such notice?

PRESIDENT EGAN: It would be proper I think. Mr. Peratrovich.

PERATROVICH: I would like to have a little information on that. Is it necessary to give notice?

PRESIDENT EGAN: If you wish to have it rescinded by less than a two-thirds majority vote.

PERATROVICH: Is that our own rules?

PRESIDENT EGAN: No, that is Robert's Rules. It is not mentioned in our own rules as the Chair recalls it. It is the Chair's recollection that it is not mentioned in our own rules. Mr. Peratrovich.

PERATROVICH: I was under the impression, Mr. Chairman, that the only time you give notice of such a motion is on a reconsideration. If it is rescinding it seems to me we have to act on it now.

PRESIDENT EGAN: No, Robert's Rules says on the motion to rescind also that you can take up the action right then, and it takes a two-thirds majority vote. If there is previous notice given, it takes a majority vote, much the same as notice of reconsideration, except on the notice of reconsideration, you don't necessarily wipe out the action taken. Mr. Hurley.

HURLEY: I was not so worried about the two-thirds vote. I understand they are going to reconsider the whole situation, and it may be that it would take care of the whole situation.

PRESIDENT EGAN: You can make that motion any time before we adjourn if you so choose to do so. Mr. Davis.

DAVIS: I move now that we recess until 1:30 today.

PRESIDENT EGAN: If there is no objection the Convention will stand at recess until 1:30 p.m. Is there objection? Objection is heard. There is nothing before us. Mrs. Sweeney.

SWEENEY: I am wondering if we can't go on to the discussion by the Apportionment Committee at this time and just finish that?

PRESIDENT EGAN: That might take hours.

R. RIVERS: I second the motion.

PRESIDENT EGAN: Mr. Ralph Rivers seconds Mr. Davis's motion to recess until 1:30 today. Mr. Rosswog.

ROSSWOG: I have a committee announcement. May I make it at this time? The Local Government Committee will meet at 1:15 upstairs.

PRESIDENT EGAN: The Local Government Committee will meet upstairs at 1:15 this afternoon. Mr. Boswell.

BOSWELL: I would like to call a meeting of the delegates who are going to remain in Fairbanks, immediately following adjournment, in the gallery to discuss for just a few minutes our plans.

PRESIDENT EGAN: Mr. Boswell announces a meeting of the delegates who are going to remain in Fairbanks in the gallery immediately following adjournment. Mr. Coghill.

COGHILL: Your Committee on Administration would like to meet in the regular committee room at 1 o'clock with the President of the Convention.

PRESIDENT EGAN: The President will meet with the Committee of the Administration Committee at 1 o'clock if he can. Mr. Robertson.

ROBERTSON: Saturday there was referred to the proposed letter of Delegate Marston to the recommendation of the Rules Committee, but we have not received the letter yet. I would ask our Chairman if he would hold a meeting on that letter immediately following the recess at that time.

PRESIDENT EGAN: Mr. Cross, is it your wish to hold such a meeting?

CROSS: Yes, I would like to call a meeting immediately after recess.

PRESIDENT EGAN: There will be a meeting of the Resolutions Committee immediately upon recess. Mr. Gray.

GRAY: This might be the last opportunity, but the hearings in Juneau, the Committee going back to Juneau, we will probably hold our meeting on the airplane ride, and we will be sure to conduct the meeting on a high plane.

AWES: Is there a meeting of the chairmen today?

PRESIDENT EGAN: No, not today. Mrs. Hermann.

HERMANN: I wanted to ask Mr. Riley if it is his intention to hold a regular meeting of the Rules Committee on recess?

RILEY: It would be my thought that the Rules Committee will set the next day's calendar perhaps that morning.

PRESIDENT EGAN: The next day's calendar will be set upon the return from the hearings recess. Mr. Barr.

BARR: It seemed that several committees want to meet briefly during the noon hour, so I move for recess until 2 o'clock this afternoon.

PRESIDENT EGAN: We have a motion before the Convention to recess until 1:30 this afternoon, Mr. Barr.

DAVIS: I will have no objection to changing it to 2 o'clock if

that is what the group wants.

PRESIDENT EGAN: If there is no objection then, the original motion shall be that the Convention stand at recess until 2 p.m. Those in favor of the Convention standing at recess until 2 o'clock this afternoon will signify by saying "aye", all opposed by saying "no". The "ayes" have it and the Convention is at recess.

RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. Coghill.

COGHILL: Mr. Chairman, your Committee on Administration met during the lunch hour and there were several problems that were brought up. One of them is the problem of having someone here or at the message center during the time of recess. For the information of all delegates, if they do need any of the committee proposals or individual proposals, any material that is here at the Convention Hall, they are to address their requests by wire or phone or letter to the Convention Hall, the secretariat at the Convention Hall, and they will receive attention to the matters which they are requesting. Another one of the matters that was brought up before the matter of Committee on Administration was the clearing of personal effects from the tables on the plenary session floor. This door cannot be locked and probably during the 15-day recess the University staff might wish to use this hall for certain activities, and it will be open to the public. So, therefore, if you will pile all of the stuff that you wish to leave here at Convention Hall, the Sergeant at Arms and the messengers and secretariat will remove personal effects to the Committee room upstairs and lock it up. Upon reconvening after recess the material will be back in the places on your desk.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: Point of information. When Mr. Coghill says personal effects, does he mean our working papers?

COGHILL: That is what I refer to, your own working material.

PRESIDENT EGAN: The Chair notes that in the gallery is a group of Fairbanks High School students. We are happy to have you with us, and we hope you enjoy the afternoon session. Mr. Davis, did you have something to bring before the Convention?

DAVIS: I think, Mr. President, the other day Mr. Rivers filed a proposed amendment to a portion of Committee Proposal No. 3. That amendment was proposed by Mr. Rivers, Mr. Hellenthal, Mr. Smith, Mr. Sundborg and myself, and we would now like to have that matter considered, if it is the pleasure of the Convention.

PRESIDENT EGAN: What is the pleasure of the Convention relating to the particular amendment as offered by Mr. Hellenthal, Smith, Davis and Ralph Rivers? Mr. Ralph Rivers.

R. RIVERS: I want to call attention to the fact that the mimeographed copy of that proposed amendment is on the desk of each delegate. It pertains to the last half of Section 4 of Proposal No. 3. Would the Chief Clerk please read the proposed amendment?

CHIEF CLERK: "Page 2, line 9. beginning with the word 'laws', to 17 ending with the word 'sure' should be stricken and the following substituted: "Laws proposed by the initiative shall be submitted to the voters by ballot title at the first statewide election which occurs more than one hundred twenty (120) days after adjournment of the legislative session following the filing of the initiative petition, unless the legislature at said session shall have enacted substantially the same measure. Questions on referendum shall also be submitted to the voters by ballot title at the first statewide election occurring more than one hundred twenty (120) days after adjournment of the legislature which passed the law being referred."

PRESIDENT EGAN: What is the pleasure of the Convention? Mr. Ralph Rivers.

R. RIVERS: Mr. President. I move the adoption of that amendment.

PRESIDENT EGAN: Mr. Ralph Rivers moves the adoption of the amendment.

DAVIS: I second the motion. I would like to point out that the effect of the proposed amendment would be to do away with the special elections for initiative or referendum matters, putting the matter on the ballot at the next statewide election whether it be a primary election, a general election or a statewide or a special election called for another purpose, which we feel would have the effect of doing away with the tremendous cost that could occur by reason of numerous special elections on these matters. We think that the amendment, if adopted, will keep the essence of the Committee's proposal but clear it up a little bit so that the election procedure would be more workable. I also would like to suggest that there is some wording in the proposed amendment that possibly is surplus, but we felt that rather than getting into an argument here over words that we would put it in the way we have it and let Style and Drafting go to work on clearing the language up to put it in better form than it now is.

KILCHER: I would like to address a question to Mr. Davis.

PRESIDENT EGAN: If there is no objection, Mr. Kilcher.

KILCHER: Could you tell me what maximum time should elapse between the start of an initiative that is not acted upon voluntarily then by the next legislature? If I understand correctly, 120 days after such legislature, when would the next general election be? How much time could possibly elapse at worst?

DAVIS: Mr. Kilcher, I have not read to this time the setup on state elections as proposed by the Legislative Committee. But assuming, for the purpose of argument, that they have elections only every two years, it would be possible, the longest time that would be possible would be two years less 180 days. On the other hand, if the primary elections are held, or if special elections are held for some other reason, it would be much sooner. I don't believe I can answer it any closer than that at this time.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: Could somebody from the Legislative Committee give me the additional information on what they have proposed so I will know where I stand on this amendment?

PRESIDENT EGAN: Mrs. Sweeney, could you answer that question?

SWEENEY: I don't believe there will be an election more often than once every two years, but special elections can be called by the governor or by the representatives themselves if they wish to initiate the procedure, and the poll would be made by the Legislative Council, but it is possible that with an annual session that the matter under consideration might be taken care of at an interim session.

PRESIDENT EGAN: Mr. Davis.

DAVIS: Mr. President, since I sat down Mr. Nolan has pointed out something to me that might partially answer this thing. The primary election is held substantially ahead of the general election. It works out to be a little bit over a year I believe and after the legislature adjourns, so if you would take 180 days off of that and it would probably be something under a year before the next election would occur.

KILCHER: In any case?

DAVIS: It would appear.

PRESIDENT EGAN: Is there further discussion? If there is no other discussion, the question is, "Shall the proposed amendment as offered by Mr. Hellenthal, Mr. Ralph Rivers, Mr. Smith. Mr. Davis and Mr. Sundborg be adopted by the Convention?" All those in favor of the adoption of the proposed amendment will signify by saying "aye", all opposed by saying "no". The "ayes"

have it and the proposed amendment is ordered adopted. Are there other amendments to Committee Proposal No. 3?

ROBERTSON: Are we now through Section 4?

PRESIDENT EGAN: At this moment we are, Mr. Robertson.

ROBERTSON: I would like to ask a question relative to Section 5, Mr. President, which one or two other members have the same doubt in their minds. It was amended I understand by changing line 24 so to put a comma after "public funds" and then inserting "in lieu of" instead of "or", so it reads "of earmarking of revenues", and what I am interested in knowing is whether or not that means now that funds can't be earmarked by either initiative or referendum, and I know some of the other delegates wonder if that is the thought of the language.

PRESIDENT EGAN: It probably was not the thought. Mr. Davis.

DAVIS: I put it in and what I had in mind was that earmarking the funds could not be done by initiative. That is what I had in mind.

PRESIDENT EGAN: Mr. White.

WHITE: Mr. President, I have on the Chief Clerk's desk an amendment to Section 5, which I think will clear this matter up. The sentence still leaves me in some doubt, and I would ask that it be read.

PRESIDENT EGAN: The Chief Clerk will please read the proposed amendment.

CHIEF CLERK: "Page 2, Section 5, line 22-25, strike the first sentence and insert in lieu thereof: 'The initiative and referendum may not be used as a means of earmarking revenues, for making or defeating appropriations of public funds, or for local or special legislation.

PRESIDENT EGAN: What is your pleasure? Mr. White.

WHITE: I move the adoption of the amendment.

BUCKALEW: I second it.

PRESIDENT EGAN: The proposed amendment is open for discussion. Mr. White.

WHITE: Mr. President, the reason for the amendment -- I discussed the matter with the Committee, and I understood their intent to be that the initiative could not be used as a means of initiating or earmarking of funds. As written now it is a little unclear, and it might possibly be construed to mean it

could not be used as a means of defeating earmarking of funds, which I think is not the intent of the Committee.

PRESIDENT EGAN: Mr. Smith.

SMITH: I concur in what Mr. White has said.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: I ask for unanimous consent.

PRESIDENT EGAN: Mr. Ralph Rivers asks unanimous consent.

DAVIS: I don't want to object, but I would like to have it read again.

PRESIDENT EGAN: The Chief Clerk will please read the amendment once more.

CHIEF CLERK: "Page 2, Section 5, lines 22-25, strike the first sentence and insert in lieu thereof: 'The initiative and referendum may not be used as a means of earmarking revenues, for making or defeating appropriations of public funds, or for local or special legislation.

PRESIDENT EGAN: Mr. Hurley.

HURLEY: I guess it would be in the nature of a question that I have. The thought occurs to me, and I could be wrong, but it is serious if I am right. Could that be interpreted as eliminating the possibility for an initiative on a local level, that last phrase there?

PRESIDENT EGAN: Mr. White.

WHITE: Not in my mind, but I have not changed the Committee's wording in that respect at all. I would refer you to the Committee.

PRESIDENT EGAN: Mr. Smith.

SMITH: I might say that it was not the intent of the Committee to prohibit the right of initiative to any local government. The Committee intent was to prevent the initiation of legislation affecting local areas wherein the people of the state as a whole would be allowed to vote on issues which concerned only one locality.

PRESIDENT EGAN: Mr. McLaughlin.

MCLAUGHLIN: Without even consulting with the Committee on Local Government, that word "local and special legislation" has a specific meaning in the law and in fact it is the expressed

intent of the local government article that no local laws, that is laws of special and local effect shall be passed, but only general laws applicable to all communities shall be passed, so it does not confuse or contradict any article.

PRESIDENT EGAN: Is there further discussion? Mr. Ralph Rivers asked unanimous consent for the adoption of this amendment. Mr. Barr?

BARR: I would like to ask Mr. White a question on this amendment. Maybe it is an oversight. The wording of this amendment says that the initiative shall not be used for earmarking funds", but it does not say anything about being used for defeating earmarking of funds which the original amendment did contain.

PRESIDENT EGAN: Mr. White.

WHITE: I feel this is entirely in keeping with my usual moment, and I would like to see the initiative left open for the defeating of earmarking of funds. I understand that was the Committee's intent. I just wanted to clear it up.

PRESIDENT EGAN: Mr. Gray.

GRAY: Going back to the original Committee, what they mean by "special legislation". It occurs to me that all legislation is special. I wonder if the Committee could report on that.

PRESIDENT EGAN: Mr. Hinckel.

HINCKEL: The same explanation that Mr. McLaughlin just gave on the other local legislation, answers the question. It is something that has already been established by law and defines exactly what we mean. Perhaps I had better let Mr. McLaughlin explain the legal definition, but it is used in every article on this subject and it is specific.

MCLAUGHLIN: The best example of special legislation which is usually prohibitive is one you find in our Organic Act prohibiting the legislature from granting a divorce, which was a common device many years ago. When I say special legislation I mean the granting of a specific divorce would be special legislation. Special legislation would also constitute the direct incorporation by legislative act of a corporation with special privileges. All of that is special legislation which is here denominated.

R. RIVERS: As a member of the Judiciary Committee, I would like to amplify what Mr. McLaughlin said, and this goes back to experience in the legislature when I was down there. If the legislature should appropriate 50,000 dollars for a school house at North Pole, that would not be legal because that is an appropriation of a general public fund for a specific locality.

If the legislature appropriates 50,000 dollars for the use of schools of the cities of the third class, and that money to be allotted by the Commissioner of Education as the need may arise, then any city of the third class, which happens to be North Pole, could get the 50,000 dollars. If you would say that if we had jurisdiction over fish traps that a particular fish trap at a certain cove shall be abolished or closed, as an act of the legislature, that would be special, but if you say all fish traps of a certain classification shall be closed, that is general legislation. So local and special laws have that particular meaning in all the books in all the constitutions.

PRESIDENT EGAN: Is there objection at this time to Mr. Ralph Rivers' unanimous consent request for the adoption of the proposed amendment? If there is no objection, the amendment is ordered adopted. Mrs. Wien.

WIEN: Mr. President, in the gallery is Mr. R. H. Derr, and at this time I would like to move and ask unanimous consent that he be given the privilege of the floor. He is Manager of the Fairbanks Chamber of Commerce.

PRESIDENT EGAN: Mrs. Wien moves and asks unanimous consent that Mr. Derr be granted the privilege of the floor. Mr. Gray.

GRAY: I object for a minute -- just as long as he does not tell that lemon-squeezing story. (Laughter)

PRESIDENT EGAN: The Convention will come to order. Mr. Derr, we are happy to have you with us. Will you come forward. (Applause)

MR. R. H. DERR: Members of this wonderful body. I would like to use a few minutes of your time for something very precious, a Christmas message. There is an old story of a new, rich American being shown about the Vatican gallery in Rome wherein is hung some of the most famous art treasures of the world. This American had never learned to appreciate or thrill to the messages of great paintings or thrill to their innate wonders. So he listened in bored silence to the ecstasies of his guide and finally said, "You may be right, but I would not give you ten dollars for a whole carload of them." The guide replied, "Sir, you are not judging these masterpieces, they are judging you." Of the last generation a very famous preacher was reading a criticism of one of his sermons by a newspaper reporter who did not understand and couldn't comprehend, and when he was asked to refute it he said, "I am sorry -- I could give him a careful statement of the case and a reasonable interpretation of the facts, but I could not give him the ability to understand it." It has been the world's misfortune, not the Christ child's, that it has never fully comprehended the light He brought into the world. If the world fully understood the vastness of His

message we would be rid of woe, bloodshed, hardship, strife, poverty, ignorance, and hunger. Every hearer listening to a thoughtful sermon is judged by that sermon; listening to great music, he is judged by the music; and reading a serious book, he is judged by the book. In a sense it can be said that any person is in a dangerous position who exposes himself to the light. He will forever after be judged by that light. To man and man alone has been given the power to become. The hummingbird that built a nest outside of your window last spring achieved something of a wonder. Rare indeed would be the man who could match it either in delicacy or in craftsmanship, but the important thing to note is that from time to time it builds other nests but never shows any improvement, either in its concept of what a nest should be or in its skill as a builder, but man made in the image of God is never satisfied with his building. He begins with a mud hut along a far stream or a cave far up in the mountains, and goes on from there to build either a cathedral of St. John the Divine or a Taj Mahal. Every generation of man undertakes to improve upon the works of its father. Every class graduating from our universities has been exposed to a little more light than his predecessor. You may be wondering how this is a Christmas message. So do we wonder how old is Christmas. Viewed as a festival it is only 1600 years old. Most of us would say that Christmas being the birthday of Jesus Christ dates from about 4 B.C. But its beginning may be calculated as one calculates the beginning of this new constitution you are writing. You might say it was on the day this building was first entered for organization, or the date you will affix your names to the completed document, or going further back, we may justifiably say that this constitution began when the first Alaskans felt the need for a new form of government. So it is with the age of Christmas. As a festival of worship it was entered in the fourth century, but the cornerstone was laid in a manger at Bethlehem and back at Bethlehem were the dreams of a Deliverer cherished by the people of Israel. Even the Greek philosopher, Plato, expected it when he wrote, "Only by way of some divine disclosure coming in to life from outside it could men find the way of truth and freedom." So to you wonderful people who would write a constitution for Alaska, who by your earnestness of purpose, your ability to labor hard and long, and above all, your willingness to being exposed to the light have endeared yourselves to the people of Fairbanks and all Alaska. We wish you a most enjoyable Christmas season, and may you return imbued with those gifts from the manger -- love beyond our love, wisdom beyond our wisdom, and a power beyond our power. The hinge of history is on the stable door at Bethlehem. God bless all of you. A merry Christmas and from your labors here will come a happy new year for all Alaska. Thank you very much.

PRESIDENT EGAN: The Convention will come to order. Mr. Ralph Rivers.

R. RIVERS: I yield to Mr. Londborg.

LONDBORG: I have an amendment here to the Rivers' amendment.

PRESIDENT EGAN: Would the Chief Clerk please read the amendment as offered by Mr. Londborg.

CHIEF CLERK: "Section 3, page 2, after the word 'signatures' in the next to the last sentence of the Rivers amendment, delete the rest of the sentence and substitute the following:" It's that mimeographed sheet, is that right?

PRESIDENT EGAN: The Convention will be at ease for a moment. It would be to Section 4, Mr. Londborg. Was it an amendment offered on Saturday? The Chief Clerk may read the proposed amendment.

CHIEF CLERK: "After the word 'signatures' in the next to the last sentence of the Rivers amendment, delete the rest of the sentence and substitute the following: 'from each of two thirds of the election districts of the state with signatures equaling not less than 3% of the number of voters casting ballots for governor in each such district in the preceding general election at which a governor was elected.

PRESIDENT EGAN: What is the pleasure of the Convention as regards Mr. Londborg's amendment?

LONDBORG: I move the adoption of the amendment.

WHITE: I object.

JOHNSON: I second the motion.

PRESIDENT EGAN: The motion is open for discussion.

R. RIVERS: May I have the privilege of the floor?

PRESIDENT EGAN: If there is no objection, Mr. Ralph Rivers, you may have the privilege of the floor.

R. RIVERS: I have discussed this with Mr. Collins and other members of the Committee that brought in Proposal No. 3 and various others of us who have worked on it, and we have thought that it would be well to keep Proposal No. 3 in second reading for all purposes until after the recess. This amendment presently introduced by Mr. Londborg is controversial. There are many members who should get away from here by about 3:30 this afternoon. There will be expressions from the public on the initiative and the referendum, and so my thought is that it would be well now if we agreed to leave the whole proposal in second reading for all purposes until after the recess and do no more with it until then.

BUCKALEW: Objection.

R. RIVERS: I won't make a motion. That is my thought.

DOOGAN: Question. I would like to ask Mr. Rivers, does that include the recall section too?

R. RIVERS: That would include the whole proposal in second reading.

PRESIDENT EGAN: Under his question of privilege, Mr. Rivers suggested perhaps that Proposal No. 3 remain in second reading until after the recess. Mr. Collins.

COLLINS: Amplifying, Mr. Rivers, at the recess, the Committee in conjunction with other members that were interested in the passing of this report agreed and thought it advisable to hold the matter over until after the recess in second reading and prevent it from getting into any controversial discussion here this afternoon when many other things have to be taken up.

PRESIDENT EGAN: We have, Mr. Collins, at this time a motion to adopt an amendment to this particular proposal. Are you requesting the author of that proposal or asking him whether or not he would accede to

COLLINS: I thought it was agreed on that we would do that and give them a chance after the recess and have a chance to come in then and give them time to think it over until we reconvene. I thought it was generally understood.

PRESIDENT EGAN: There is nothing before us except the particular motion relative to this amendment. Mr. Riley.

RILEY: I may be out of order. I had thought it was in the process of being withdrawn. I'll defer to Mr. Londborg.

HURLEY: I will second the motion.

PRESIDENT EGAN: The motion has been seconded. Mr. Johnson seconded Mr. Londborg's motion.

RILEY: It has been seconded? May I have the floor on a matter of personal privilege for a moment?

PRESIDENT EGAN: If there is no objection, Mr. Riley, you may have the floor on question of personal privilege.

RILEY: I should like to serve notice of reconsideration of the vote cast on the controversial matter this morning.

PRESIDENT EGAN: Pardon, Mr. Riley.

RILEY: I should like to serve notice of reconsideration concerning the matter of the vote cast on the controversial matter this morning, relating back to last Saturday's journal.

PRESIDENT EGAN: You don't do that under a motion of personal privilege.

RILEY: I am just indicating now I am going to do it.

PRESIDENT EGAN: Mr. Smith.

SMITH: If it is in order I would like to move that consideration of Mr. Londborg's amendment be postponed until January 4.

PRESIDENT EGAN: The Convention will be at ease for a moment or two. The Convention will come to order. Mr. Taylor.

TAYLOR: I rise to a point of order. I think Mr. Smith's proposal is out of order.

PRESIDENT EGAN: Mr. Taylor, whether it is out of order or not, the Chair was going to ask Mr. Smith if he would hold his motion inasmuch as Mr. Londborg has signified an intent of withdrawing the original motion for the time being.

TAYLOR: I would like to make a motion that it be laid on the table.

COGHILL: I will second the motion.

PRESIDENT EGAN: Mr. Taylor, did you offer a motion then?

TAYLOR: Yes, to lay on the table.

PRESIDENT EGAN: The question is, "Shall the motion as offered by Mr. Londborg be laid on the table?" All those in favor of saying the particular motion on the table will signify by saying "aye", all opposed by saying "no". The Chief Clerk will call the roll. Mr. Fischer.

V. FISCHER: Point of information.

PRESIDENT EGAN: What is your point of information?

V. FISCHER: If the amendment is laid on the table, does that lay the proposal on the table?

PRESIDENT EGAN: No, just that particular amendment, Mr. Fischer, not the proposal with it.

JOHNSON: Point of information, Mr. President. Mr. President, is the motion to lay on the table subject to an amendment to lay it on the table for a specific time?

PRESIDENT EGAN: Not at this time, Mr. Johnson, it is not. The Chief Clerk will please call the roll.

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

Yeas: 24 - Boswell, Coghill, Collins, Cross, Emberg, Gray, Hilscher, Hinckel, Hurley, King, Knight, Lee, McLaughlin, Marston, Metcalf, Nordale, Peratrovich, R. Rivers, V. Rivers, Smith, Stewart, Taylor, Wien, Mr. President.

Nays: 25 - Armstrong, Awes, Barr, Buckalew, Cooper, Davis, Doogan, V. Fischer, Harris, Hermann, Johnson, Kilcher, Laws, Londborg, McNealy, McNees, Nolan, Poulsen, Reader, Riley, Robertson, Rosswog, Sweeney, Walsh, White.

Absent: 6 - H. Fischer, Hellenthal, McCutcheon, Nerland, Sundborg, VanderLeest.)

CHIEF CLERK: 24 yeas, 25 nays and 6 absent.

PRESIDENT EGAN: So the motion has failed, and we still have the motion before us.

LONDBORG: Did you have a motion to hold it all over in second reading? If you don't have, I would like to have the privilege of withdrawing the motion for amendment until later date, and ask unanimous consent.

PRESIDENT EGAN: Mr. Londborg asks unanimous consent that his proposed amendment be withdrawn for submission at a later date. Mr. Riley.

RILEY: At this time I would like to serve notice that I should like to reconsider my vote. I recall that I was on the prevailing side considering a period after the word "governor" on line 20, page 2.

PRESIDENT EGAN: Mr. Riley serves notice that he will move a reconsideration of his vote on that particular amendment. The notice by Mr. Riley has the effect of keeping, will keep Proposal No. 3 before us until after the hearings' recess. Mr. Robertson.

ROBERTSON: Mr. President, I thought that we agreed by unanimous consent to expunge the Chair's erroneous ruling. I assume that is the matter that Mr. Riley is now referring to.

PRESIDENT EGAN: That question was expunged, Mr. Robertson, but it is not the particular thing that Mr. Riley is referring to. Later than that, if the Chair recalls correctly, Mr. Riley asked unanimous consent that a motion to reconsider on that particular

vote would be in order during the balance of today, and he has now served his notice that he will reconsider.

RILEY: For Mr. Robertson's information, there is no motivation in my earlier request of this morning. This was not anticipated.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: Point of information. Would a motion to forego any further action at this time on Proposal No. 3 and to have Proposal No. 3 retained in second reading for all purposes until after the recess call for a suspension of the rules?

PRESIDENT EGAN: The Chair -- whether that would call for a suspension of the rules or not -- a suspension of the rules, if you made such a motion now, yes, Mr. Rivers.

SWEENEY: I thought it could be settled by just moving for adjournment until January 3 at 9 o'clock.

PRESIDENT EGAN: That would settle it, Mrs. Sweeney. Mr. Ralph Rivers.

R. RIVERS: We have allotted time now for a briefing on this political subdivision question, and I move then that we forego any further action on Proposal No. 3 and go into the briefing on political subdivisions.

PRESIDENT EGAN: Mr. Ralph Rivers moves and asks unanimous consent that the Convention forego any further action on Committee Proposal No. 3 until after the hearings' recess and that Committee Proposal No. 3 be placed before the Convention in its present form for all purposes on January 4, 1956. Is there objection? Mr. Buckalew?

BUCKALEW: I wanted to ask a question. When he says "present form", does that mean the Chief Clerk will have a copy of Proposal No. 3 as it now stands with the amendments on our desk when we come back? Is that what Mr. Rivers means?

PRESIDENT EGAN: Mr. Ralph Rivers was probably hoping it would be possible to have all those amendments incorporated in some manner that it would be easier for delegates to see just what the present standing is. Whether that would be possible under the circumstances, with the help being pressed at this time

CHIEF CLERK: We can do it.

PRESIDENT EGAN: It will be possible and that is the way it will be.

BUCKALEW: I was going to say that unless it was in that form - I don't think there is any delegate including the people on the

Committee who know what form this Proposal No. 3 is in now.

PRESIDENT EGAN: The Chair agrees with you Mr. Buckalew. Mr. Coghill.

COGHILL: In order to keep in conformity, I move and ask unanimous consent that the Convention stand at recess until January 4, 1956.

PRESIDENT EGAN: Mr. Coghill moves and asks unanimous consent that the Convention stand at its hearings' recess until January 4, 1956, at 9 a.m. Is there objection? Mr. Davis.

DAVIS: I object. Mr. President, I would like to hear this briefing we have been talking about.

COGHILL: I so move.

V. RIVERS: I second the motion.

PRESIDENT EGAN: Mr. Coghill, it is not debatable.

COGHILL: May I make a statement?

PRESIDENT EGAN: If there is no objection Mr. Coghill may for information purposes make a statement.

COGHILL: The reason that we are not endeavoring to explain this map is because the schedule has not been mimeographed yet, and before it can be intelligently explained, each delegate should have the schedule before him.

JOHNSON: I request a roll call.

PRESIDENT EGAN: The question is, "Shall the Convention stand adjourned until 9 a.m., January 1956?" The Chief Clerk will call the roll.

ARMSTRONG: Before you announce the results, Mr. President, there is a matter I think that if we are going to adjourn that we as a body should give our vote of thanks and our greetings to those who have worked so faithfully in the boiler room and the secretariat. I think we all understand the tremendous job that they have done. They have been very capable, and I think we should be in position to extend that thanks to them.

PRESIDENT EGAN: Let the record show that.

BUCKALEW: Do you think we could let the record show that the body feels the same way about Mr. President?

MARSTON: Mr. President, the body feels the same way about the City of Fairbanks.

PRESIDENT EGAN: The Convention will come to order so the Chief Clerk can announce the roll.

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

Yeas: 28 - Awes, Barr, Coghill, Collins, Cross, Emberg, Hinckel, Hurley, Johnson, King, Knight, Laws, Londborg, McLaughlin, Marston, Nolan, Nordale, Poulsen, Reader, R. Rivers, V. Rivers, Robertson, Stewart, Sweeney, Taylor, Walsh, Wien, Mr. President.

Nays: 21 - Armstrong, Bosweil, Buckalew, Cooper, Davis, Doogan, V. Fischer, Gray, Harris, Hermann, Hilscher, Kilcher, Lee, McNealy, McNees, Metcalf, Peratrovich, Riley, Rosswog, Smith, White.

Absent: 6 - H. Fischer, Hellenthal. McCutcheon, Nerland, Sundborg, VanderLeest.)

CHIEF CLERK: 28 yeas, 21 nays and 6 absent.

PRESIDENT EGAN: So the Convention stands adjourned until 9 a.m. on January 4, 1956.