

ALASKA CONSTITUTIONAL CONVENTION

January 30, 1956

SIXTY-NINTH DAY

PRESIDENT EGAN: The Convention will come to order. We have with us this morning Chaplain Shaner of the Air Force of Ladd Air Force Base. Chaplain Shaner will give our daily invocation.

CHAPLAIN SHANER: Almighty and eternal God, we lift our hearts and our voices to Thee this day for all of Thy blessings and all of Thy privileges, and for the riches of Thy grace which Thou hast bestowed upon us in the past, and with the promise that Thou will continue to bestow it upon us in a special way this day in the few remaining days that lie before this Convention and these Thy servants. We invoke Thy blessings upon them. Give them continued strength, courage, and devotion; that the things which they have done in the past and will do today and they will do tomorrow may be to the glory of Thy holy name, and for guidance and for the direction not only of we of this generation but of the generations that will follow. And may there come from these halls that document which shall give to mankind that freedom and that right and that justice and that peace which we, Thy children, do greatly long for, and which has been instilled into us by Thy great love. And grant, O God, that this great land of ours may have unity and solidarity and that we may be fortified by Thy great power and those truths and those precepts that alone Thou dost give to us. Ever keep us in Thy grace. In Thy Name we humbly pray. Amen.

PRESIDENT EGAN: The Chief Clerk will call the roll.

(The Chief Clerk called the roll.)

CHIEF CLERK: Five absent.

PRESIDENT EGAN: A quorum is present. The Convention will proceed with its regular order of business. Does the Special Committee to read the Journal have a report to make at this time? Mr. Knight.

KNIGHT: Reading the Journal of the 63rd day, Tuesday, January

24, I make the following correction in the fourth line from the bottom: The word "Mirth" should be M-y-r-t-h instead of M-i-r-t-h. With that correction, I ask unanimous consent that the Journal be approved and passed unanimously -- the Journal for the 63rd day.

PRESIDENT EGAN: Mr. Knight asks unanimous consent that the Journal for the 63rd Convention Day be approved with the correction as noted by the Special Committee to read the Journal.

Is there objection? If there is no objection, the Journal for the 63rd day is ordered approved. Are there reports of standing committees? Of select committees? Mr. Sundborg.

SUNDBORG: Your Committee on Style and Drafting reports back to the Convention its redraft of the Article on Local Government. Copies will be down from the boiler room shortly. Mr. Boswell.

BOSWELL: Your Committee to prepare a reply to the communications of sportsmen has prepared a statement, which, together with the enrolled copy of the Resources Article, has been sent out under a covering letter by the President, and there will be copies of this statement for the delegates later in the day.

PRESIDENT EGAN: Are there other reports of Committees? If not, are there communications or petitions from outside the Convention? Are there any motions or resolutions to come before us at this time? Mr. Poulsen.

POULSEN: Mr. President, yesterday afternoon we turned over the Tennessee Plan to the Style and Drafting Committee and I tried to put a motion before this body to change the name to Alaska instead of Tennessee. I wonder if I am out of order to put in a new motion and add "Alaska-Tennessee Plan" instead at this time.

PRESIDENT EGAN: Mr. Poulsen, at this time the Tennessee Plan, the Proposal No. 17/c, Revised, has been referred to the Style and Drafting Committee. The only thing that could possibly be in order would be that, if unanimous consent was granted to -- if your motion included a unanimous consent request that the Committee be instructed to do such a thing -- Mr. Hurley?

HURLEY: I want to ask consent of the body to allow Mr. Poulsen to present his motion at this time.

PRESIDENT EGAN: Is there objection? Unanimous consent is asked that Mr. Poulsen be allowed to present his motion at this time, which would in effect instruct the Style and Drafting Committee to make that change if the motion were adopted. Is there objection to the unanimous consent request? If there is no objection, then, Mr. Poulsen, you have the permission of the body to make such a motion at this time.

POULSEN: Mr. President, I then move that the words "Alaska-Tennessee Plan" be adopted and ask unanimous consent.

PRESIDENT EGAN: Mr. Poulsen moves and asks unanimous consent that the words "Alaska-" be inserted before the word "Tennessee" wherever it might appear in the proposal. Is there objection?

R. RIVERS: I object.

PRESIDENT EGAN: Objection is heard. Do you so move, Mr. Poulsen?

POULSEN: I so move.

PRESIDENT EGAN: Seconded by Mr. White. The motion is open for discussion. Mr. Poulsen.

R. RIVERS: May I ask a question?

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

R. RIVERS: Mr. Poulsen, we are relying on the precedent that Tennessee has given us, and I know that, having been followed by other states and now having been followed by Alaska, is what puts us in a fairly strong position -- by using Tennessee Plan. Is it going to help at the polls when we try to sell the plan at the polls, in regard to the publicity, to call it the "Alaska-Tennessee Plan"? Or would we be better off just to call it the "Tennessee Plan"?

POULSEN: Yesterday I asked to strike "Tennessee Plan", possibly not thinking it through too clearly. It is true the Tennessee Plan in the last two or three months had quite a bit of publicity. But, on the other hand, the word "Alaska" means a lot to us and it really is an Alaskan plan. This goes back maybe as much as 150 years when this first was adopted, and the last time it was used was maybe a little less than 100 years ago, and I think the old-timers -- if you had the word Alaska ahead of it would be a tremendous so-called sales plan, maybe, to get it over.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: I withdraw my objection.

PRESIDENT EGAN: Is there objection to the unanimous consent request of Mr. Poulsen? Hearing no objection...

METCALF: Yes, I object.

PRESIDENT EGAN: Mr. Metcalf objects. Then the motion is open for discussion. Mr. Marston.

MARSTON: I think Mr. Poulsen has a good idea here. I don't think it will hurt us at all to put "Alaska-Tennessee Plan" as a title on here. We will gain all Tennessee has for us and we will gain what Alaska has for us. I am going to vote for Mr. Poulsen's plan to call it the "Alaska-Tennessee Plan".

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: I would just like to point out to the members here that, when most of us came to the Convention, we had heard of this idea; we had discussed it ourselves; but nobody to my knowledge called it the Tennessee Plan in those days. The name caught on within the last five or six weeks.

PRESIDENT EGAN: Is there further discussion? If not -- Mr. Barr?

BARR: I had heard it called the Tennessee Plan before I came here and I had objected yesterday to dispensing with that name because it had already received immense publicity. However, in adopting Mr. Poulsen's name "Alaska-Tennessee", we are not dispensing with it; we are just saying we approve of it and are a part of it. Now, actually it is more descriptive because we are using about 50% of the Tennessee Plan, and I believe it would be a good idea to call it the "Alaska-Tennessee Plan". And I would like to point out that it has been so long since it has been used and it has been revised, I think that the proper name is "Alaska-Tennessee".

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: A number of people still don't know how I feel about it. I am for "Alaska-Tennessee".

PRESIDENT EGAN: The question is -- Do you ask for a roll call. Mr. Robertson? The question is, Mr. Robertson, we have before us a motion by Mr. Poulsen to change, or to add the words "Alaska-Tennessee Plan" to the proposal wherever "Tennessee Plan" might appear. And the question is: "Shall the motion presented by Mr. Poulsen be adopted by the Convention?" The Chief Clerk will call the roll.

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

Yeas: 50 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Collins, Cross, Davis, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien.

Nays: 1 - Mr. President.

Absent: 4 - Cooper, Doogan, Hilscher, McCutcheon.)

CHIEF CLERK: 50 ayes, 1 nay, and 4 absent.

PRESIDENT EGAN: So the Ayes have it and the amendment is ordered adopted by the Style and Drafting Committee. Mr. Sundborg, at this time we have nothing before us -- Mr. Riley.

RILEY: Mr. President, after a hasty consultation with Style and Drafting this morning, the calendar has gone to the boiler room. Perhaps, if we could have a few minutes recess ...

PRESIDENT EGAN: The Convention will be at recess.

RECESS

PRESIDENT EGAN: The Convention will come to order. Is it the desire of the Convention that we take up Committee Proposal No. 17/a, the ordinance that has to do with fish traps, and other matters at this time? Mr. Sundborg.

SUNDBORG: I don't see Mr. Riley, but I was told by him that that was the recommendation of the Rules Committee.

PRESIDENT EGAN: If there is no objection, we now have before us in second reading Committee Proposal No. 17/a. Mr. Buckalew.

BUCKALEW: The Committee had another amendment -- I think it was

PRESIDENT EGAN: Well, we have, Mr. Buckalew, Mr. McNees's reconsideration. He could bring it up if he so desired -- the vote on the proposed amendment, Committee Proposal 17/a. Mr. McNees.

McNEES: There is the probability, Mr. President, or at least the possibility that a committee amendment might be submitted and not make necessary my reconsideration.

PRESIDENT EGAN: Do you desire to wait, Mr. McNees?

McNEES: I would just as soon.

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: Mr. President, I move then, that the provisions pertaining to violations be stricken in its entirety -- "Violations of this section shall be punishable by", etc., be stricken, and ask unanimous consent.

PRESIDENT EGAN: Mr. Buckalew asks unanimous consent. Is there objection? Mr. Hellenthal.

HELLENTHAL: To which copy is the motion directed?

PRESIDENT EGAN: To which copy, Mr. Buckalew?

BUCKALEW: I have half a dozen here. The one I have in my hand -- is it 17/b?

CHIEF CLERK: No, it is 17/a. the January 25 amendment.

BUCKALEW: 17/a.

CHIEF CLERK: The last sentence. January 25. You changed yours, Mr. Hellenthal, to the 26th, but it is actually dated the 25th.

PRESIDENT EGAN: The one I have is dated the 24th.

BUCKALEW: If there is no objection then --

PRESIDENT EGAN: Mr. Buckalew, many of the delegates evidently haven't found their copy dated the 25th. There have been several amendments adopted as the Chair recalls the situation. Now where does your proposed amendment come in at?

BUCKALEW: Mr. President, looking at the first page, starting with the line next to the bottom, strike "violations", strike the bottom line, and then strike the rest of the sentence on the following page, page 2.

PRESIDENT EGAN: Mr. Buckalew moves the adoption of the amendment. Is there a second? Seconded by Mr. Knight. Unanimous consent is asked that the proposed amendment be adopted. Mr. Davis.

DAVIS: As I remember it, we have already stricken the second sentence on page 2 as well. Is that right?

PRESIDENT EGAN: That is correct, Mr. Davis. Mr. Fischer.

V. FISCHER: The other time when this -- a similar motion was made by Mr. Kilcher, I asked a question which I don't think was very thoroughly answered as to what does this leave in the ordinance to make it enforceable.

PRESIDENT EGAN: If this amendment is adopted? Mr. Buckalew, can you answer that?

BUCKALEW: Mr. President, we felt that it would be enforceable in the courts; if there would be a violation they would have to go by some civil action, by injunction. But, from the lawyers around here, we felt that the state, during that interim period, could probably turn an injunction out, and in that sense it would still be enforceable and serve its purpose.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: I would also like to ask Mr. Buckalew whether it would not be desirable then to provide a specific directive to the Governor to enforce this particular provision?

BUCKALEW: I think, Mr. Fischer, that the elected Governor would certainly see that the provisions were enforced, and he would have the authority without writing it in. It would be his duty, and he would discharge his duty.

PRESIDENT EGAN: The question is: shall the proposed amendment be adopted? All those in favor of adopting the proposed amendment will signify by saying Aye; all opposed by saying No. The Ayes have it and the motion -- the amendment is ordered adopted. Mr. Hellenthal.

HELLENTHAL: Point of information. I have before me this amendment to Committee Proposal No. 17/a, dated January 25. Am I right in assuming that the words "pending the establishment of the first state legislature" have already been stricken?

BUCKALEW: You are right, Mr. Hellenenthal.

HELLENTHAL: And further, that the words, "until otherwise provided by law", and then everything following the use of the words, "until otherwise provided by law"? Have there been others? Is the word "accepted" changed to "ratified" in the ...

PRESIDENT EGAN: Mr. Hellenenthal, if the Chief Clerk would read the proposed amendment as it has already been amended --

CHIEF CLERK: "Section 24. If this Constitution shall be accepted by the electors and a majority of all the votes cast for and against the ordinance to abolish fish traps shall be cast for adoption of the ordinance, then the following shall become effective upon the entry into force of this constitution: 'As a matter of immediate public necessity, to relieve economic distress among individual fishermen and those dependent upon them for a livelihood, to conserve the rapidly dwindling supply of salmon in Alaska, to ensure fair competition among those engaged in commercial fishing, and to make manifest the will of the people of Alaska, the use of fish traps for the taking of salmon for commercial purposes is hereby prohibited in all the coastal waters of the State'. Sec. 25. Each qualified voter who offers to vote upon this Constitution shall be given a ballot by the election judges which in substance shall contain the following proposition: Shall the constitutional ordinance prohibiting the use of fish traps for the taking of salmon for commercial purposes be adopted?"

PRESIDENT EGAN: Mr. Hellenenthal.

HELLENTHAL: Could the Clerk read just the amendments in the first four lines?

CHIEF CLERK: Change "proposition" to "ordinance" in lines 3 and 4, and after "effective" add "upon the entry into force of this Constitution".

PRESIDENT EGAN: Mrs. Nordale.

NORDALE: There was another amendment, "ratified by the voters". Did that fail? Instead of "accepted by the electors".

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: I have a note on my copy saying that was offered, and then the person who made the motion asked unanimous consent that it be suggested to the Style and Drafting Committee that they

make the change, but it wasn't officially changed.

PRESIDENT EGAN: Are there other amendments to be proposed for Secs. 24 or 25? Mr. Sundborg.

SUNDBORG: My copy indicates that, at the end of Section 25 in the question, that the language "upon the entry into force of this Constitution" was added. I believe that it was a motion of Mr. Taylors; I'm not sure. Perhaps I put it in the wrong place.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: Could I ask whether in Sec. 25, just before the colon, whether "proposition" was also changed to "ordinance"?

CHIEF CLERK: No, it wasn't. I have it in the question, but I don't have it in Section 25.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: I ask unanimous consent that in line 3 of Sec. 25, "proposition" be changed to "ordinance".

JOHNSON: I object.

V. FISCHER: I withdraw my request.

PRESIDENT EGAN: The request is withdrawn.

BUCKALEW: Maybe I am mistaken, but I thought in the words "shall the proposed constitutional ordinance", I thought the word "constitutional" was stricken. I ask unanimous consent that the word "constitutional" be stricken, so then it would read "shall the ordinance prohibiting the use of fish traps" etc.

PRESIDENT EGAN: Mr. Buckalew moves and asks unanimous consent that the word "constitutional" be stricken in the provision that would provide for the referendum. Is there objection? Is there objection to the adoption of the proposed amendment? If there is no objection, the amendment is ordered adopted. Are there other amendments to be offered. Mr. Robertson.

ROBERTSON: We adopted -- in the question we struck out the word "proposed" -- we changed the word "provision" to "ordinance", we struck out the last two lines and said "be adopted".

CHIEF CLERK: That is the way I read it.

PRESIDENT EGAN: Are there other proposed amendments? Mr. McNees. Mr. Ralph Rivers.

R. RIVERS: I am unhappy about the expression "upon the entry into force of the Constitution". That sounds about as awkward, and out of the usual legislative expressions as I have heard and

I would -- does this take unanimous consent or, I should say, a suspension of the rules at this stage of the game?

PRESIDENT EGAN: No, it does not, Mr. Ralph Rivers.

R. RIVERS: I move that on the line, next to the bottom line of Sec. 24, the word "effective" be changed to the word "operative" and that the words "effective date" be substituted for "entry into force".

PRESIDENT EGAN: Will the Chief Clerk please read back the proposed amendment.

CHIEF CLERK: In Section 24, line 4, change the word "effective" to "operative" and change "entry into force" to "effective date".

R. RIVERS: May it be read as it would read?

PRESIDENT EGAN: Would the Chief Clerk please read that part of the Section as it would read if the amendment were adopted?

CHIEF CLERK: "The following shall become operative upon the effective date of this Constitution."

R. RIVERS: I so move.

PRESIDENT EGAN: Mr. Ralph Rivers moves the adoption of the amendment. Is there a second.

GRAY: I second it.

PRESIDENT EGAN: Delegate Gray seconds the motion. Is there further discussion?

R. RIVERS: I ask unanimous consent.

PRESIDENT EGAN: Unanimous consent is asked that the amendment be adopted. Mr. Johnson.

JOHNSON: I don't think I'll object, but as I recall it, Mr. Ralph Rivers offered the original amendment which he now seeks to correct.

R. RIVERS: Point of order. I certainly never even dreamed of such a thing.

PRESIDENT EGAN: Mr. Taylor.

TAYLOR: I rise to my own defense. Mr. Sundborg said that I had offered that amendment. I had never heard those words. In fact I objected to them at the time.

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: I will take full responsibility for that language. I have seen it in many other constitutions. It may seem strange to Delegate Rivers, but it is a very common expression.

PRESIDENT EGAN: The question is: "Shall the proposed amendment as offered by Mr. Ralph Rivers be adopted by the Convention?" All those in favor of adopting the proposed amendment signify by saying Aye; all opposed by saying No. The Ayes have it and the amendment is ordered adopted. Mr. McNees.

MCNEES: Mr. President, at this time I would like to have the reconsideration of my vote taken.

PRESIDENT EGAN: Mr. McNees moves the reconsideration of his vote on the amendment that had been offered by Mr. Boswell. Is there a second to the motion?

DOOGAN: I second the motion.

PRESIDENT EGAN: Seconded by Mr. Doogan. The question is open for discussion; the amendment is open for discussion. The Chief Clerk will read the proposed amendment that had been offered by Mr. Boswell.

CHIEF CLERK: Strike Sections 24 and 25.

MCNEES: The amendment, which was a motion to strike the Article, came up quite early in the assemblage and was voted down by a vote of 19 to 30 with 6 absent. During the course of the voting much hesitancy in the vote was noticeable on the floor. There are many other ramifications of this. There isn't a person on this floor, and very few people in Alaska who are Alaskans, who feel that fish traps should not be abolished at the earliest possible date. I do not feel seriously that it belongs in the Constitution, this particular Committee proposal. Neither do I feel that it will do any good particularly nor speed the abolishment of fish traps. There are many many other ramifications of this problem. I was in strong hopes that the amending process to strike, to strike, to strike, would go on and on to where I wouldn't have to bring up my reconsideration. But I feel obliged to do so after talking to many on the floor here and in informal discussions at numerous times since the 26th, and would like to hear further debate from the assemblage before the amendment is again put to a vote.

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

DAVIS: Mr President, I am somewhat confused. At the time we voted on Mr. Boswell's amendment, we had two full sections. They have now been substantially amended, and I am quite certain that my vote now would be considerably different from what it might have been at the time the amendment was first offered. Now, voting on this reconsideration, are we talking about the

section as it existed at the time Mr. Boswell's motion was made or as it now exists?

PRESIDENT EGAN: That is correct, Mr. Davis. As the Chair recollects, Mr. McNees served his notice for reconsideration right near the end of the session that day. Now after that, we had adopted several other amendments, but what would happen to the amendments that had been made in between -- the Convention will be at recess for two or three minutes.

RECESS

PRESIDENT EGAN: The Convention will come to order. If there is no objection, the Convention will now take its regular recess for other work that might be done. The Convention is at recess until ten minutes to eleven.

RECESS

PRESIDENT EGAN: The Convention will come to order. The Chief Clerk may read the communications that are before us at this time.

(The Chief Clerk thereupon read letters from Governors William G. Stratton of Illinois, Goodwin J. Knight of California, and Arthur B. Langlie of Washington, expressing thanks for the invitation to attend the closing ceremonies and regretting that they would not be able to attend. Such communications were ordered filed with Convention records.)

PRESIDENT EGAN: The communications will be filed. Mr. McNees, with relation to your move for reconsideration, there are obstacles in that we have gone ahead and adopted other amendments to that -- those particular sections of the proposal. Now, if there could be unanimous agreement that the motion for reconsideration would be on the question of these sections as they now appear before us, then it could be accomplished without too much difficulty. Mr. Hurley.

HURLEY: I would so move and ask unanimous consent that, if Mr. McNees' motion fails, that the material now before us be still before us.

PRESIDENT EGAN: Mr. Hurley moves and asks unanimous consent that, if the move for reconsideration fails, that we would then have before us the proposed amendment as it now appears, as amended. Mr. McNees.

MCNEES: I would have no objection to that. The statement I would like to make in that connection is this, however. My feeling relative to the present sections as they have been amended finally are just as strong as they were to the original sections.

PRESIDENT EGAN: Mr. Davis.

DAVIS: Mr. President, it seems to me we might take care of this matter by having Mr. McNees withdraw his motion for reconsideration and letting somebody move to strike the sections as they now stand. It seems to me we would be getting to exactly the same place.

PRESIDENT EGAN: That could be accomplished in that manner if Mr. McNees would so agree. Mr. Buckalew.

BUCKALEW: I would go along with Mr. Davis' suggestion. I would like to get this matter out of the way and on to matters of the Convention. I think somebody should make a new motion and we will get it over with.

PRESIDENT EGAN: Mr. McNees.

MCNEES: I will withdraw my motion momentarily, but ...

PRESIDENT EGAN: Mr. McNees will withdraw his motion temporarily, at least.

JOHNSON: Point of order. Unless the motion to reconsider is withdrawn, completely, no further action could be taken on this.

PRESIDENT EGAN: Mr. Johnson, your point of order would be well taken. We have arrived at this point in parliamentary red tape because of the fact that we allowed amendments after Mr. McNees served notice that he was going to reconsider his vote.

MCNEES: I will go a bit further then. I will place my trust in the floor with full confidence that such a motion will be made.

R. RIVERS: Point of information.

PRESIDENT EGAN: Your point of information, Mr. Rivers?

R. RIVERS: If Mr. McNees withdrew his motion for reconsideration, could he not himself make a motion to strike the paragraph as it now stands?

PRESIDENT EGAN: That is right. He certainly could.

R. RIVERS: There is no trust required, Mr. McNees. You might be the one who would like to strike this particular amendment.

PRESIDENT EGAN: Mr. Victor Rivers -- you withdrew your motion, Mr. McNees, with the understanding that another motion would be made to strike this section? Mr. Victor Rivers, is this a proposed amendment to accomplish what -- the Chief Clerk will please read the proposed amendment.

CHIEF CLERK: Strike Sections 24 and 25 and insert in lieu thereof the following: "Section 24. Provision shall be made for the elimination of commercial fish traps operated in the coastal waters of the state by the first state legislature prior to its adjournment".

PRESIDENT EGAN: Mr. Victor Rivers.

V. RIVERS: I move the adoption of the amendment.

PRESIDENT EGAN: Mr. Victor Rivers moves the adoption of the amendment; seconded by Mr. Metcalf. Mr. Davis.

DAVIS: I would like to know if that meets Mr. McNees' objections.

PRESIDENT EGAN: Mr. McNees assented to the move. The question is -- Mr. Victor Rivers.

V. RIVERS: This motion to amend goes straight to the heart of what I mentioned the other day. I do not think, by establishing within the Constitution itself, either by ordinance or provision, a direct mandate having the force of law and immediate operation, that the Congressmen would accept such a proposal or proposition. I do not believe that it would accomplish the purpose that this would accomplish. This is a mandate for the first Territorial Legislature that before they adjourn they shall abolish or eliminate fish traps, commercial fish traps, fishing in the coastal waters. I think it expresses the intent of this body to do away with fish traps as quickly as possible and in an orderly manner. It is my fixed conviction that, if we put in the Constitution, either as an ordinance or a section, the outright and immediate abolition of fish traps, that the least Congress will do will be to eliminate that from the section. I can foresee that they might do other things including substantial delay to getting statehood. I do not believe that, by putting the provision that is now before us, not the amendment but the unamended section, into the Constitution, that we will gain any time in the elimination of fish traps. I think we have a very good chance of losing substantially in the matter of time and in the matter of consideration of statehood by Congress. That is my firm opinion. I know there are others who do not agree with my thinking on that, but I cannot escape the idea that Congress is going to insist upon an orderly performance of our duties of government.

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: I am somewhat bewildered by the position that Delegate Rivers has taken. I mean, there is nothing disorderly about a function of government by cutting off fish traps instantly, because the law is well-settled that there is no property right in the fish traps. It is an annual right, it's renewable each year.

And my second objection is that it is an improper method to approach the problem, because we don't have any authority. All that is is a referendum; that's outside the scope of our authority; that is not a constitutional function. In the first place, I think they can strike that referendum from the ballot. I don't believe -- and I am certain that they can't strike the ordinance in the form it is in because there is a reason for it; it's a proper subject. We are allowing people to vote on the ordinance to abolish traps. There is a reason for that. We don't have the authority to set out a referendum, and there is all kinds of precedents for similar ordinances. We have had them for prohibition and you have had them for women's voting, and they have all stood up, but I have never seen a constitutional convention that has been convened like this one that has the authority for a single referendum. Now, that's all that is. Now I would ask all of you to vote that down because it's meaningless. How could you enforce it? Can you mandamus the First Legislature to abolish fish traps? You cannot. You might as well forget it. You might as well do it by a memorial. It has the same effect -- none. You couldn't enforce legislation to do anything with a memorial. You can't force them to do anything with this proposal. We are wasting our time. We are either going to take a legal step and give the courts something to work on -- traps are abolished; the people vote on it; they exercise their sovereignty; and it's a proper subject. And I ask that this amendment be voted down. Now, Mr. Rivers said a couple of days ago that he didn't think traps were a proper subject in the Constitution. Well, the way he has it now they are certainly improper; there is no reason for it.

PRESIDENT EGAN: Mr. McNees.

McNEES: Mr. President, I would like to ask Mr. Buckalew a question.

PRESIDENT EGAN: There is no objection, Mr. McNees.

McNEES: Mr. Buckalew, is there any thinking, possibly, in your mind, that any legislature that would be elected by the people of Alaska would not put at least among the very first items taken up, and abolish them directly?

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: I was hoping you wouldn't ask me that question directly. I haven't had much experience in Alaska; I was in one legislature. And I know that, when you get any legislation that has to do with fish traps and send it to the Senate, it's like sending a stick of dynamite with a short fuse. I am not convinced the First Legislature would abolish them.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: I believe it would be wholly undignified to instruct the Legislature what they should do. Legislators, when they are elected and sent to the capital to serve in the Legislature have to vote on each question that comes before them in accordance with their own conscience and belief at the time, and, if we elect a bunch of people who do not believe in abolishing fish traps, how could they abolish them and vote to do it? They couldn't do it. So I agree with Mr. Buckalew that this is meaningless and is not the way to approach the problem.

PRESIDENT EGAN: Mrs. Awes.

AWES: I also agree with Mr. Buckalew. I think fish traps are one of the things which the Alaskan people feel most strongly about, and I don't think it is something we should straddle the fence on. Either we should state that it is not within our province and leave it alone, or we should do something that has some effect, and I think Mr. Rivers' resolution would not be effective because you couldn't force the Legislature to take action. And, as I said before, I think it is straddling the fence and I think it's an improper way to handle this problem.

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

LEE: I would like to address a question to Mr. Rivers.

PRESIDENT EGAN: There is no objection, Mr. Lee.

LEE: You used the expression, I believe, "in the orderly performance of government". I was wondering how he feels about the calling of this session here, for a constitutional convention. and I was also wondering how he feels about the Tennessee Plan.

V. RIVERS: I think the record speaks plainly about how I feel about both. I think this is not pertinent to the question. I really feel -- I notice that Mr. Buckalew referred to my motion as a referendum, and I also notice that Miss Awes referred to it as a resolution. It is neither. It is an ordinance. We have a number of mandatory provisions in the Constitution mandating the Legislature to do certain things. This is another mandate from this body. And as far as how I feel about the orderly process of government, I think I have demonstrated how I feel about it. I would like to see it done in an orderly manner based on good judgment.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: I have a question of Mr. Rivers. Perhaps I didn't hear the reading of the resolution too correctly, but is this a resolution, Mr. Rivers?

V. RIVERS: This would be an ordinance to go in the transitory provisions, or it could go in the body of the Constitution; it

wouldn't matter. It is a mandate to the First Territorial Legislature that before adjournment they shall take action to eliminate fish traps.

HELLENTHAL: And you propose it either as an ordinance or provision of the Constitution?

V. RIVERS: I don't care which, where it goes. I proposed it as an ordinance to Section 24.

HELLENTHAL: Then, how do you propose that there be a referendum on the ordinance?

V. RIVERS: Not a referendum; this is a mandate without a referendum. A referendum would merely be a mandate anyway.

PRESIDENT EGAN: Mr. Peratrovich.

PERATROVICH: I would like to speak against Mr. Rivers' position. As I stated before on this question, it is not a matter we can take very lightly, and I think it deserves a very careful, honest consideration, because I don't have to repeat here what others have stated already. It concerns the livelihood of people and I think it deserves fair consideration. For that reason, I think the ordinance that we have amended on the floor here takes care of the situation adequately, and I don't think my friend Mr. Rivers' amendment is the answer to it, because he said the Legislature will take care of it, and we have no guarantee that may pass a law to abolish traps, we don't know. The point is, the problem is here and it is very serious, and we have an opportunity to express our opinion in behalf of the people who are concerned, and I don't think we should pass up that opportunity. I am against the amendment, and I hope you folks vote it down.

PRESIDENT EGAN: Mr. Riley.

RILEY: It occurs to me, just on hearing the words "final adjournment" in the ordinance of Mr. Victor Fischer's [Rivers'], that the one advantage remaining in Mr. Buckalew's proposition is the 30-day feature which Mrs. Hermann touched on the other day. There is some certainty that there will be a thirty-day advantage under the Buckalew proposal. This refers to the Ordinance, Committee Proposal No. 17/a. Mrs. Hermann pointed out that that thirty days may come in the middle of winter, but, on the other hand, it may occur in the middle of the salmon fishing season. It might occur at the outset of the fishing season and be most effective. Now, in the ordinance just proposed, final adjournment would mean there is a 90-day lapse over the Buckalew proposal. In the one case, we are certain that action would be had immediately on attainment of statehood, thirty days prior to the Legislature's convening. The Legislature, it has been stated here by many, would probably consider the matter early in the

game, but it would not be obliged to, even though that ordinance obliged it to, do anything until the 60th day. So, for that reason, just a mechanical operation alone, the 90-day advantage enjoyed by the Buckalew amendment, I shall vote against the pending one.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: I had intended to speak along the same vein as Mr. Riley did, and I have to correct some of his figures. By carefully going over the schedule here, section by section, I have arrived at entirely different figures, figures much more substantial than Mr. Riley has indicated. Within 30 days after approval, the Territorial Governor may call a primary election. These elections will be held within 40 to 90 days; that is, 30 and 90 at the outmost. Within 90 days, there may be general elections. The results would be in within 30 days and within 30 days after the certification of results, than the Legislature will convene, and the Legislature may well not pass a fisheries act for 2 or 3 or 4 or 5 months. So you would have a time lag of possibly 12 or 14 months after attainment of statehood before the necessary steps might be taken. That is taking a dimmer view, but all maximum figures are used. If you used the shortest possible figure, assuming that we might obtain statehood early in late winter and Congress convenes in D. C., let's say, February or March, the deal might go through, it still will be within 30 days after approval of the ballots or call for the primary election. Let's say after 10 days, 10 days instead of 30. Now within 40 to 90 days primary elections would be held. Let's take the minimum of 40. Already we have 50 days and then within 60, within 90 days, general elections will be held. You can safely assume there will be 60 days, two months. Yesterday we heard about the mechanics of elections. It is very improbable that it could possibly be done in less than two months. The general election has lagged 110 days and then the results couldn't be cut to less than a month. That would be 140 days, and then, if the Governor called the Legislature within 30 days, the Governor's call of the Legislature, let's say within 10 days instead of 30; it's the shortest possible term, and you get a minimum of five months elapsed by that time. And if we should attain statehood in May or June, the traps would be in that season; and if we take it longer, the longer possible terms, 12 to 14 months, they will be in two more seasons, and for certain one season -- a substantial difference. So, whether it is one or the other, I want you to be aware of the impact of these figures.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: I haven't spoken on this. Mr. Kilcher, as I listened to your figures, to your time schedule, it occurred to me you were under the impression that the Constitution would become effective at the time Congress passes the enabling act. Is that your understanding?

KILCHER: No.

SUNDBORG: When do you think it becomes effective?

KILCHER: If this ordinance, this proposal as it is now were passed, the fish traps would be declared illegal the day the Constitution is approved by the President.

SUNDBORG: When is that, Mr. Kilcher?

KILCHER: I am no prophet, Mr. Sundborg.

SUNDBORG: Hasn't every enabling act always said that the Constitution becomes effective and statehood is granted only after we have elected all of our state officials and the First State Legislature? The answer is "yes".

HELLENTHAL: Point of order. I think it is a bit strange to ask questions and then answer them yourself.

SUNDBORG: May I address a question to Mr. Riley?

PRESIDENT EGAN: There is no objection, Mr. Sundborg.

SUNDBORG: Mr. Riley, you spoke of the 60 days of the session. Is there any provision in the Constitution for that?

RILEY: I stand corrected on that; I was pleased to stand corrected by Mr. Kilcher as a matter of fact.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: Mr. President, I had planned to speak on this before, but after Mr. Peratrovich spoke, I felt that everything had been very well expressed. However, in discussing amendments, Mr. Riley referred to "Mr. Victor Fischer's amendment". I want to disown and disavow any connection with it. I am very much opposed to it. I think fish traps are one of the most important things in our fight for statehood. This means a tremendous amount to the people of Alaska. I think we can be honest about it; I think we can tackle the problem directly. I feel that this ordinance does that in part. I would go a step farther. I think the fish trap problem has been of such proportions in Alaska that I think it should be put into the body of the Constitution, because it is an expression of the people as to why they want statehood. I think it is important to have it become effective.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: Point of order, Mr. President. Is Mr. Fischer discussing this thing on the floor now?

PRESIDENT EGAN: I believe Mr. Fischer is discussing it. He is explaining why he is supporting this proposed amendment, I believe.

V. FISCHER: I feel that we should vote this motion down, and I hope then we will face this issue squarely and put the provision in one sentence into the Constitution itself.

PRESIDENT EGAN: Mr. Hilscher.

HILSCHER: If I remember correctly, and being on the Ordinance Committee, this whole matter started out on December 5 with Proposal No. 33 from Mr. Eldor Lee, and that proposal reads as follows: "Resolved that the following is agreed upon as a part of Alaska's State Constitution. The use of fish traps for the taking of fish for commercial purposes is hereby prohibited in the waters of the State of Alaska." We then come on to Mr. Buckalew's amendment. Am I correct, Mr. Buckalew? May I ask Mr. Buckalew a question? Do I understand, Mr. Buckalew, that you have removed the violations clause of your proposed amendment?

BUCKALEW: Sometimes I think I might be an effective delegate, but I don't have the authority to remove anything once it has been submitted. The Convention voted to remove the violations section and I voted in favor of it.

HILSCHER: Both for the \$5,000 and the confiscation of fish traps?

BUCKALEW: The Convention did, yes.

HILSCHER: Thank you. Now I have before me here a proposed amendment which has been signed by a considerable section of this group.

LONDBORG: Point of order. I believe that that is not before us at all. I believe there is another proposed amendment before us.

PRESIDENT EGAN: Mr. Barr.

BARR: Mr. President, I am against putting anything in the Constitution regarding fish traps. I might say, in order not to confuse you, however, that I am against fish traps. In one place in our Resources Committee Article, it says we will manage our resources on the principle of conservation, and in another place it says we will manage our natural resources on the principle of conservation, and in another place it says we will manage our resources on the principle of sustained yield. In another place it says that all of the people shall have a common right to our resources. Now those three things cover fish traps. I think -- I know that the First Legislature will abolish fish traps, probably the first thing they do. I have been in several sessions of the Legislature and I am sure they will. The Senate has always had that feeling with the exception of perhaps one or two members, although the Senate never has become hysterical about anything, which doesn't agree with some people. They believe in

going about it in an orderly manner and, if it will help Mr. Buckalew any, I will give him my solemn promise that if I am there at that time I will vote for the immediate abolishment of fish traps, but I do not believe it has any place in our Constitution, that there is no need for a referendum whatever. We know how the people feel, and I do not believe we should have an ordinance here affecting fish traps. We want to become a state because by becoming a state we can correct a long list of grievances. Fish traps is one injustice under which we have suffered and when we become a state we can correct it immediately. If we go ahead and put it in the Constitution or enact an ordinance here to abolish fish traps even before we become a state, some people will think the only reason we want to be a state is to abolish fish traps. That is not correct. Now, when we were considering sport fishing or wildlife, there were certain people in the Territory concerned with those matters who wanted us to put it in the Constitution the way they wanted it, and have a commission to administer the affairs of sport fishing, and most of us didn't believe it had a proper place in the Constitution. The fishermen, as much as I sympathize with them, are another group of people, and I cannot blame them. If I were a fisherman, I would want it in the Constitution too; but they are another group of people, a little more important to them and to us, because it is an industry and a means of livelihood, for that matter. But it is still one group of people who want a better safeguard put in the Constitution, and it is a legislative matter. It is a matter which I believe the First Legislature will take care of and take care of in an orderly manner. I believe in first things first and last things last. First we must become a state and then we will immediately correct all these injustices.

PRESIDENT EGAN: Mr. Lee.

LEE: May I address a question to Mr. Barr.

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

LEE: The only reason I had risen before was to address a question. Mr Barr, in our Constitution we have one statement saying that debtors -- well, there will be no imprisonment for debt except in the case of absconding debtors. Do you think people will feel that is the only reason we want statehood -- to take care of that? And, also, we have the statement that the Legislature shall control lobbying. We have that in the Constitution. Do you feel that people will think the only reason we want statehood is to control lobbying?

BARR: No, I don't. I don't think so because that comes under the Bill of Rights, and that is the main reason for the Constitution, to protect the rights of the people, and in our Resources proposal we protect the rights of the people as far as fish are concerned, when we say all of the people will have a common right to fish.

PRESIDENT EGAN: Is there any further discussion? Does anyone wish the floor at this time? The question is: "Shall the proposed amendment as offered by Mr. Victor Rivers be adopted by the Convention?" The Chief Clerk will call the roll. The Chief Clerk will please read the proposed amendment.

CHIEF CLERK: "Strike Sections 24 and 25 and insert in lieu thereof the following: Section 24. Provision shall be made for the elimination of commercial fish traps operated in the Coastal waters of the State by the first State legislature prior to its adjournment."

PRESIDENT EGAN: The Chief Clerk will call the roll on the adoption of the amendment.

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

Yeas: 12 - Barr, Boswell, Collins, Cross, Hilscher, Johnson, McNealy, McNees, Reader, R. Rivers, V. Rivers, Robertson.

Nays: 42 - Armstrong, Awes, Buckalew, Coghill, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hinckel, Hurley, Kilcher, King, Knight. Laws, Lee, Londborg, McCutcheon, McLaughlin, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Riley, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, Mr. President.

Absent: 1 - Cooper.)

CHIEF CLERK: 12 yeas, 42 nays, and 1 absent.

PRESIDENT EGAN: So the Nays have it and the proposed amendment has failed of adoption. Are there other amendments to be proposed for Sections 24 or 25?

CHIEF CLERK: There is one from Mr. White.

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

CHIEF CLERK: Strike Sections 24 and 25 as amended.

PRESIDENT EGAN: Is there a second?

SUNDBORG: I second it.

PRESIDENT EGAN: Seconded by Mr. Sundborg. Mr. White.

WHITE: I approach this with the greatest reluctance. I have a feeling that perhaps it is something I cannot afford to do, but then I had the greater feeling that those who said we should face this issue squarely are right, and I think the issue before us is whether or not we should treat this matter in any way, shape or form in the Constitution, and, if we feel we should not, to have done with it; and, if we feel we should, to do it in the strongest way possible. The vote the other day was certainly the most reluctant vote that was taken, in any opinion, during the entire session. I voted the other day against striking this section, and I have been sorry ever since. I think we have faced this kind of problem time and time again during this Convention and, in my opinion, have solved it the right way in each instance. I think we come to it again here in its most serious form, because there is no question but what the fish trap question is very emotionally involved with all of us. It is probably Alaska's greatest grievance against the Territorial form of government, and it is a most difficult one for us to consider objectively because of those reasons. But I firmly feel that in taking an action here, which I really believe a large number of us feel is not a Constitutional matter, we do ourselves more harm than those we are trying to get at. Now I don't know if anyone in this body is for fish traps or not, but I do know it is next door to impossible to be for immediate statehood and the Tennessee Plan, and be for fish traps at the same time, and I think, if we leave the matter alone, we cannot be misunderstood by the Alaskan people. I think very few of us came here with any mandates from the people to write anything concerning abolishment of fish traps into the Constitution. The Resources Committee had this before it for a couple of months and after calm and deliberate consideration, the Resources Committee decided unanimously, as I recall it, with possibly one exception, against including this matter in the Constitution itself, and unanimously, I believe, with one exception, against treating it as an ordinance, and finally decided perhaps the best way to handle it was to treat it as a resolution to the First State Legislature. Now I agree with those who have said a resolution is a poor way out. I don't think that is facing the issue squarely, but I think, since it has come on the floor, it has become more difficult to decide; but if we had a chance to go through the same calm orderly process of reasoning on this matter as in others, we would eventually come to the same decision as the Resources Committee did. We have had advice more than once from prominent Alaskans, who have every reason to be as violently opposed to fish traps as any one of us here, that it would be better left unsaid as far as the Constitution is concerned. I would agree with Mr. Barr that this is only one of many grievances that the people of Alaska have against the Territorial form of government. It happens to be probably the most emotionally charged one. I think we do damage to ourselves by submitting in this case to our emotions. I don't know what more I can say, but I do feel strongly that we would be strictly in line with the kind of thinking and kind of action

that took place in this body over the past months. I do feel strongly that no single one of us here would be misunderstood by the Alaskan people.

PRESIDENT EGAN: Mr. Davis.

DAVIS: Mr. President, I am among those who voted in favor of Mr. Boswell's amendment the other day. I voted in favor of that amendment not because I was in favor of fish traps, but because I felt the provision as it was was not the way to handle it. However, we have now spent considerable time in amending that provision and, so far as I am concerned, we now have it at a point that is, to my notion, workable, and to me it is acceptable. I am going to vote against Mr. White's amendment. Mr. White's motion to strike, and that doesn't mean I am in favor of fish traps. I think they should be abolished, and I believe the overwhelming majority of Alaskans feel the same way. It is just a matter of how to get at it. And, so far as I am concerned, I think the proper way to handle it is by constitutional ordinance and not by placing it in the body of the Constitution.

PRESIDENT EGAN: The Chair would like to state at this time, before further discussion, that this is the third time that the Chair has been placed in the position of allowing the body, through their -- if this question is put -- through their willingness to act on the policy that the Convention wants to put such a question. Now when Mr. Boswell offered the amendment striking these sections, on Saturday, I believe it was, or Friday, it was indicated at that time that the body wished an expression of what the policy of this Convention was going to be, and in the mind of the Chair, striking these sections without -- and not offering amendments or new sections in their place, was, from a parliamentary standpoint, was out of order in that it completely kills the proposal. Yesterday, when Mr. McLaughlin offered his amendment to the other proposal, 17/c, Revised, it was definitely the understanding of the Chair that it was the wish of the body that at that time they be allowed to vote on the policy as to whether we desired some type of Tennessee Plan. Now we are in the same position again. From a parliamentary standpoint, it is not in order to completely destroy an Article or proposal in second reading. Amendments can be offered substantially changing the meaning, but you cannot kill a proposal in second reading unless by suspension of all rules of procedure, it can be done and that, in the two previous instances, was indicated was what the body wanted to do. They wanted a statement of policy at that time. The Chair makes that statement only to let the body know that this has been allowed in these two instances previous to this time because it seemed to be, without objection, the wish of the body that they desired to make that as a statement of policy. Mr. Fischer.

V. FISCHER. Mr. White referred to the deliberations of one Committee. I think we are 55 members here who have all been thinking in

terms of fish traps. We have been discussing this matter for days. I don't think it is right to imply that if we act on this now it would not be on our considered judgment, if we do include something in the Constitution, even though one Committee early in the session felt it should not be included. I personally know that many members of that Committee now feel otherwise. I would further like to refer to just one other statement Mr. White made. He referred to this as probably the most emotionally charged grievance that we have. It probably is, and that in itself makes it worth including in the Constitution. We have a good example of similar action. Take a look at the United States Constitution. There are items in there which were included because those were grievances at the time this Nation was founded. Let me read you just one -- "No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law". At that time that was a real grievance. That was included in Article III in the Bill of Rights. I think we have the same right to include statements like this in our Constitution.

PRESIDENT EGAN: Mr. Hilscher, are you asking a question? Have you spoken before?

HILSCHER: Yes, I didn't speak before. I spoke on the previous amendment.

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

HILSCHER: I believe that this body should be entirely aware and cognizant of some points which Mr. Lehleitner pointed out to us -- where the cells of opposition to Alaskan statehood come from, and the bearing that highly controversial issues such as this will have on the possible effect of our statehood aspirations in Congress. He pointed out that 25% of the control of Congress is in the South; that, between the southern Senators and Representatives and those from New England, there are two hard cores that we are going to have a hard time to bust. We know that a good deal of the financial interest of canneries -- of the industry -- comes out of New England and, with the effective lobby we have seen in Congress for the past 25 years or longer, and if we place this in the Constitution, we are just adding fuel to the anti-statehood fires. I am just as much opposed to statehood (laughter) as the fishermen represented here or anyone else.

McCUTCHEON: If Mr. Hilscher is opposed to statehood, I think he should resign from the Convention. (laughter)

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

HILSCHER: I am just as much opposed to fish traps as is everyone in this entire organization and I just hate to see something go in here which can be handled in an orderly manner. I hate to see it go in, because it is going to add fuel to those who oppose our efforts.

PRESIDENT EGAN: Miss Awes.

AWES: I'd like to ask a question. You said that it was the purpose of this amendment or motion to give the body a chance to vote on policy. I don't know who I should ask, but I would like to know what particular policy we are voting on. Are we voting against fish traps or are we voting against handling it in this way?

PRESIDENT EGAN: Miss Awes, it would be -- the only way such an amendment could be considered, is if there is, without objection, it is handled in the vein that it is an attempt of the body to determine whether it shall be the policy to handle the fish trap question through an ordinance of this Convention, would be the feeling of the Chair. Mr. Fischer.

V. FISCHER: Well, our policy in the past has been to approve Articles as a whole in third reading. Therefore, unless we do have the possibility of striking individual sections as we go along in second reading, we would never have a chance to strike again, and it seems to me this would be the proper time to strike sections.

PRESIDENT EGAN: Mr. Armstrong.

ARMSTRONG: I voted with Mr. Boswell the other day on his amendment to strike the section. I think I explained as we amended the Article why I voted the way I did. I have seen the abuses. Some of you who have not lived close to the water are not aware of how serious some of these abuses may be. But I believe this is no time in the white heat of something that seems to be one that you can get some great support on to place this in the Constitution. It isn't that any one of us are fudging on it. It's a case that we feel we are marking a milestone here of having clear heads, and I ask that everyone of us will approach it from that basis. This is highly emotional, and you can go on record if that is what you want. You can have your name down as being against fish traps, but that doesn't make for a good Constitution, and I feel that it's an injustice to the total program we are pursuing here to keep this in, and so I will vote with Mr. White. I hope you will remember that, too, Mr. White.

PRESIDENT EGAN: In answering Mr. Fischer's suggestion, the Chair realizes the Chair has this committee amendment before it known as i7/a. However, there are other sections relating to many different things in the Proposal 17/a. In particular, the Chair has been worried about this all morning, thinking the Chair had been allowing something that wasn't right to go on here, on the floor, but the Chair forgot that this was merely a portion of the ordinance that includes many, many things and which is not an Article. If this were completely deleted, then the motion is in order and an objection would not take the motion off the floor. The Chair stands corrected. Miss Awes.

AWES: Mr. Davis, in your opinion, now that all reference to the enforcement provision has been stricken from this section, do you think this ordinance is enforceable by injunction or any other way?

PRESIDENT EGAN: Mr. Davis.

DAVIS: Mr. President, in my opinion, it is. I think it can certainly be supplemented by the Legislature if anything further is needed. So far as I am concerned, I do have some doubts as to whether we even ought to have an ordinance, but, if we are going to have anything at all, I think an ordinance is the proper way to do it, and I intend to vote against Mr. White's amendment.

AWES: Do you think it is enforceable as it stands right now?

DAVIS: I feel it is.

PRESIDENT EGAN: Mr. Robertson.

ROBERTSON: Mr. President, I don't agree with apparently the majority of the members of this body. As far as I am concerned, I favor fish traps. I think fish traps have been one of the greatest sources of our tax money for many years. There has been a fight on fish traps, to my personal knowledge, since the First Session of the Legislature in 1913, and I think, as a matter of fact, that it would be just as successful to put in an ordinance of prohibition against mobile power boats that are ruining the industry down in Cook Inlet. They are ruining the industry in Bristol Bay because there are too many of them. They are too mobile and they can come up, as I stated the other day, in spite of Delegate Peratrovich's statement, the boats coming up from Puget Sound and the coast of California are one of the most serious menaces to our fishing industry there is. It isn't the fish trap. I presume I have been involved in more fish trap litigation, or as much as any lawyer in Alaska. I attended the hearings that were held in Hydaburg, Klawock, and Kake in the fall of 1944 before Judge Hanna. I submit it didn't show that fish traps were destroying the salmon at all. Mr. Taylor spoke of 400 traps in the waters of Alaska. I have known when there were over 800 traps, and even after we had 800 traps our total catch totaled eight million cases. In fact, we produced regularly in the First Division for years over several million cases, and the fish traps have been lowered all the time. They are diminishing. The Secretary of the Interior right now has some kind of a new proposition before him to cut them down another 50 per cent. And that doesn't restore the salmon. The fact is that the salmon being used today -- the greater part of the salmon that is being used today are being used for fresh fish purposes. Much of it is being shipped out frozen. It is being taken by the freezer ships and canned down in the States. Now you ought to have a prohibition against all of those. I submit to you that Mr. Victor Rivers suggestion and my view of this is it ought to be left to the

Legislature. I have no doubt what the Legislature will do -- I probably wouldn't be a member of it -- but I realize the Legislature will probably immediately abolish fish traps. But they will make some provision so that, if it is in the middle of the season and a person is operating a fish trap, there will be some definite date; it will either be cut off before the commencement of the season or at the end of the season and not under this provision. As I understand the proponents of it, they would say that, if we became a state on the first of August of this year, or next year, that the minute you put a fish trap in, you should have taken cognizance of this threat here, and not knowing when we would become a state, and not put in your trap and I submit we ought to support Mr. Barrie White's amendment.

PRESIDENT EGAN: Mr. McCutcheon.

MCCUTCHEON: I would like to direct a question to Mr. Robertson through the Chair.

PRESIDENT EGAN: If no objection, you may.

MCCUTCHEON: As a matter of fact, Mr. Robertson, the year we packed over eight million cases, isn't it a fact that there were over five million packed in Bristol Bay and there are no fish traps in Bristol Bay?

ROBERTSON: There have been no fish traps in Bristol Bay since 1912, it is my recollection, but they do have staked gill nets along the shore.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: I move the previous question.

BUCKALEW: I second.

PRESIDENT EGAN: Mr. Hellenthal moves the previous question, seconded by Mr. Buckalew. The question is: "Shall the previous question be ordered?"

BUCKALEW: I'd like to withdraw my second, I forgot that Mr. White hadn't an opportunity to close.

HINCKEL: I second the motion.

PRESIDENT EGAN: Mr. Hinckel seconds the motion.

V. FISCHER: I move and ask unanimous consent that Mr. White be permitted to close.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: I think this motion is out of order. It's actually the same motion as putting the previous question.

PRESIDENT EGAN: The question is at this time: "Shall the previous question be ordered?" The Chief Clerk will call the roll.

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

Yeas: 16 - Awes, Barr, Coghill, Gray, Hellenthal, Hinckel, King, Lee, McCutcheon, McLaughlin, Metcalf, Peratrovich, Poulsen, Sundborg, Taylor, and White.

Nays: 38 - Armstrong, Boswell, Buckalew, Collins, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Harris, Hermann, Hilscher, Hurley, Johnson, Kilcher, Knight, Laws, Londborg, McNealy, McNees, Marston, Nerland, Nolan, Nordale, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sweeney, VanderLeest, Walsh, Wien, and Mr. President.

Absent: 1 - Cooper.)

CHIEF CLERK: 16 yeas, 38 nays, and 1 absent.

PRESIDENT EGAN: So the Nays have it and the previous question has not been ordered. Is there anyone else -- Mr. Peratrovich has been attempting to get the floor. Mr. Peratrovich.

PERATROVICH: I just wanted to clarify a statement -- a reference Mr. Robertson made about the boats coming to Alaska. I think he stated that there were boats coming up, but they don't find it profitable for the simple reason our fish are depleted to the point where they can do better down on the Sound. That is my answer. And his explanation implied that we had an over-run of boats coming up, and I don't want that opinion conveyed to the delegates. Now, there has been mention made here of the taxation angle, that we have to lose should we eliminate fish traps. But I would like to remind those of you that share that opinion that the individuals and families of those that are involved are also taxpayers. Some of them own property. They have boats and seines they have to pay taxes on and, if you don't give them an opportunity by replenishing this resource, you are going to lose that tax also, and perhaps the families, perhaps. They'll move elsewhere. Now that is the thing you have to consider. As far as having a fear that we may have dissenting votes on our proposed Constitution on account of our language regarding the traps, I have no fear of that. I was under the impression when I was elected to this Convention that one of the more important subjects would be our resources. I still feel that way. I felt that way about mining and timber and I certainly put the fisheries question in that classification. I don't feel that we should

try to evade this question and, as I stated before, the problem is here. You know the people that are involved and it is up to the delegates to do something in our Constitution so we can remedy this. That's my opinion and that is the reason I am supporting an expression from this Convention. At the present time our Delegate has a bill pending in Congress -- I understand it is in Committee now -- that seeks to eliminate fish traps, and -- this is my own opinion -- perhaps an expression from this Convention would strengthen his position. I don't know, but that certainly is my opinion, and I am going to use that for an argument. And, furthermore, it is the first time in the history of the question of traps that we have some sort of expression from one agency of our National Government. It is not very favorable, but, nevertheless, it is an expression recognizing the fact that there is a serious problem. In the past they always told us the only concern the Department had was the conservation of fisheries. On that grounds they didn't want to air any question, any hearing, on any traps at all. The minute you invoked the economic side of it, you were ruled out of order. I am very much impressed now that they finally recognized the fact that that angle has to be considered. It seems to me we are going to lose an opportune time to have an expression from the body of this sort if we were to pass it up and disregard even the mention of the traps. For that reason I think this ordinance will cover the thing, and I am sure it will be satisfactory, and I don't think any real Alaskan will vote against our Constitution on that grounds.

PRESIDENT EGAN: Mr. Smith.

SMITH: Mr. President, I am going to vote against Mr. White's amendment, but I want to say I know Mr. White is sincere in his feelings on this subject. As he said, it was discussed in Committee and, again, I know that there was a dissenting vote within the Committee. The main thing I wanted to call attention to was, in contrast to the eight million case pack referred to by Mr. Robertson, I noticed just the day before yesterday in one of the newspapers that the salmon pack on the entire Pacific Coast during the past year was the smallest in 50 years. That includes all fish packed in freezer ships in Alaska and Puget Sound and everywhere else, and actually that is all I have to say.

PRESIDENT EGAN: Mr. Emberg.

EMBERG: I am against Delegate White's motion; and I would like to make a remark in regard to the Bristol Bay situation, which was mentioned by Delegate Robertson. In 1946 an Assistant Secretary of the Interior, a Mr. Gardner, appeared before the House Insular Affairs Committee on Merchant Marine and Fisheries, reported in H.R. 38, part 1, and he made the following statement in regard to Bristol Bay: "There are valuable salmon runs and

real conservation problems in that area. The system that has grown up there is very nearly equivalent to the trap system". I have been shutting my eyes to it because I have had the feeling it is perhaps more than I could swallow now. Certainly, mobile gear has contributed to the problem of conservation in Bristol Bay. But I will point out this: that in Bristol Bay it was these large fleets operated by these same corporations that are operating the large trap aggregates and in other areas that have led to the depletion of the fish. No one here has said that this trap abolition is going to be the sole answer, but we have to start somewhere on the problem of conservation of our fisheries, and that is the place to start. I don't believe we can afford to or should be silent on the matter by striking this section. Not only in regard to our problems here in Alaska, but presently there are two bills now pending in Congress, one for the abolition of fish traps, and one for the transfer of the fisheries to Alaska. Both of those are tied up with the trap question and the question of trap regulation. If we are silent on this matter, what if this Constitution doesn't go into effect for 10 or 15 or 20 years? I think this is the time to talk across these thousands of miles to Congress and tell them that as Alaskans we want fish traps abolished, and that is why I think in this Constitution, whether by ordinance or in the body, it is perfectly proper that we deal with it.

PRESIDENT EGAN: Mr. Boswell.

BOSWELL: I just have a few thoughts to leave with the delegates. In my estimation, one of the important things of this Convention is to prove to the United States, to the Congress, that we are politically mature. I think they are looking at that very thing. I believe this is one of the first immature actions that has been taken, and it has been taken because the voting has been on an emotional basis and for expediency. I would like to have everyone to consider the effects that the inclusion of anything in our Constitution may have in regard to statehood. We have heard Mr. Hilscher's comments on this. We know he is a public relations man. It is his business to analyze the impact of this sort of thing, and I think he has hit the nail squarely on the head when he says this may very materially delay statehood. And I would say to the people from the fishing districts, who are close to this problem, that they should realize we are not going to get rid of fish traps until we get statehood, and anything that we do here that will delay statehood is going to delay the abolition of fish traps. I would much rather see Mr. Buckalew's ordinance than something in the body of the Constitution, but I would much rather see nothing said about it, and I will support Mr. White's amendment.

PRESIDENT EGAN: Mr. Johnson

JOHNSON: May I direct a question to Mr. Emberg through the Chair?

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

JOHNSON: Mr. Emberg, you referred to a report of some Committee hearing before the Congress, I believe, and read from that report. Do you believe from what you have read and what you stated afterward that it would be also advisable for this Convention to take some action on the mobile gear situation that exists in Bristol Bay?

EMBERG: I would be perfectly willing, if this Convention were willing, to establish a basis of industrial regulation in the Constitution to deal with the situation. In answer to that question I may go a little afield. It has been said here that the Territory -- the people of the Territory have lots of grievances against the federal administration, against the Territorial setup. I believe that it is true. But most of the discrimination has some basis in law. We are excluded from certain benefits under the Merchant Marine and Fisheries Act because it has been held by the courts that the Congress of the United States can discriminate against the Territory. Therefore, it's legal. But the basic thing about fisheries is that they are open to all, and under underlying philosophy should be that no one should have a greater right to reduce these fish from the status of public property to private property than any other citizen. That is what we are getting into here, and that is why I believe it is a matter of philosophy that we can treat with here. If you had a parallel case in the game court that you have in the commercial fisheries, you'd have a setup or a set of regulations about moose hunting that said that I could hunt moose with a BB gun and someone else could use a 50-calibre machine gun and a tank if they wished. That is the thing we are getting at. You are getting at something that is definitely un-American; it's a perversion of the law. Actually, the way I feel about it, and I don't care whether I am speaking with any immunity here as a delegate, I feel it is a question of fraud. That is what I believe. I don't believe this system of regulation that we have is American. I don't think it's even legal under the delegation of authority to the Secretary of the Interior and the Department of the Interior to regulate these things. Two years ago, in 1954, in Bristol Bay again, the Fish and Wildlife Service, the administrator, Mr. Farley, met with the operators of the canneries in Bristol Bay, in Seattle, and they divided up the amount of gear that was going to go into the fisheries in Bristol Bay for that season. They decided on 350 units or boats for the Naknek-Kvichak. The companies divided that quota up among themselves, and they brought in nonresidents from the coast of the United States to fish them. I personally know of over 100 resident fishermen, Natives most of them, from the Iliamna area who, when they came down to fish that season in a fishery in the maritime public domain where the right of fishing was supposed to be extended to every citizen of the United States, and they were told by these companies, "We don't want your fish at any price". I

tell you, the manipulation that is going on in fisheries is something that we will have to get away from and eliminate as soon as possible. I think we are on the right track to start here on the elimination of fish traps.

BARR: Point of order.

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

BARR: Actually, Mr. Emberg hasn't been debating the question here; he has been debating fish traps. The reason I didn't interrupt him was because I agree with him, but I don't believe we should have any more debate on the matter.

PRESIDENT EGAN: Mr. Emberg was answering a question. Mr. Johnson.

JOHNSON: I haven't spoken on the matter before. May I have the floor? I just wanted to point out that there seems to me to be a little bit of inconsistency in the arguments that have been presented, particularly on the question of whether or not the subject before us is a matter of legislative concern and whether or not it is properly included in the Constitution. I note that a statement was issued this morning by the Resources Committee concerning what should properly be included in the Constitution, and they start out by saying that the Constitution shall be a document of basic principles and fundamental law, and go on to support their position that any mention of commissions to regulate the fisheries thereby was not properly included in the Constitution. Now, I believe that argument applies just as well to the question before us. Now, I am not trying to cry in my beer, so to speak, because I happen to support that fisheries commission amendment, but I would like to say that not only on that occasion but on one other occasion when I suggested that we ought to have something in the Local Government Article about protecting the present school system and school districts, and I recall very clearly at that time, the amendment which I had offered was overwhelmingly defeated, and I took it to mean that the people in this Convention felt that it was a matter for the Legislature. Well, I feel the same way about this fish trap business. I think it is strictly a matter for the Legislature, and certainly, for that reason alone, I am in favor of Mr. White's amendment. I do feel, however, that, if there is any attempt later to include this prohibition in the body of the Constitution, that that would be a complete about-face on the part of the members of this organization who have heretofore ruled out such matters as fish commissions and school districts, because then we would certainly be taking an anomalous position to what we have in the past. I believe if we are going to handle the situation at all, as Mr. Davis has said, it is best handled by way of ordinance, but I believe it should not be mentioned at all and, therefore, I feel that Mr. White's motion is good.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: There has been mention of emotionalism here, and it often comes up when we are faced with a problem with which one does not agree, or secondly, a difficult problem. It's immediately characterized as a problem that we cannot consider except on an emotional basis, and, therefore, whatever one is opposed to should be voted down. Now, life is emotional. When some of the gentlemen who cast disparaging remarks about emotions chose their wives, I imagine they did it on an objective basis. They look at their children somewhat emotionally. I see nothing wrong with living with our emotions. Like Mr. Fischer suggests, I would hate to read a Constitution that did not have some emotional consideration in it. It would be a pretty dull document. I know people that get pretty emotional about the price of gold, and about the freezing of production, some war production orders during the war, and I don't think we, let alone any human beings, can just divorce these disagreeable emotions from our consideration. I think Mr. Davis, who believes that this ordinance should be passed and that the referendum should be held, has solved this proposition soundly, logically, and perhaps somewhat emotionally, but sensibly.

PRESIDENT EGAN: Mr. Marston.

MARSTON: I am talking now because I made an understanding with a group of people awhile ago and I want to get it clear now. I don't want to go along with that agreement I made here on the floor -- a group of us. All great documents that have been written in the world met the problems of the day; they met the issues; they divided the people. We are now up against a problem of the day. The ills of the people of Alaska are right here and now, and I want to tell the gentlemen here who have gotten along so fine together that we are coming to the crossroads, that we either put it in the body of the Constitution or put it as an ordinance and leave it up to the people, and I think your voting should be governed on that basis now. We are coming to it, and I don't see anything wrong about meeting the problems of the day by putting it up to the people, and I prefer to go along with this ordinance the way it is written now, the so-called Buckalew or Committee Proposal, and I am going along with that because I see it as the better way of the two.

PRESIDENT EGAN: Mr. McCutcheon.

MCCUTCHEON: I am going to raise the point of order that this motion to strike is not valid, and I predicate my remarks on the fact that the arguments that have been presented so far this morning have been in exact point to the arguments that were made several days ago on the same matter. Consequently, I feel that, while there have been a couple of amendments to this matter, we are arguing on the same point that was brought to issue previously.

PRESIDENT EGAN: Mr. McCutcheon, you have a point, and the Chair will leave that ruling to the Rules Committee, even though there have been amendments made to these sections. The Convention will be at recess until 1:30 p.m. Mr. Sundborg, you may make a committee announcement.

SUNDBORG: Committee on Style and Drafting immediately upon recess at the rear of the gallery.

PRESIDENT EGAN: Committee on Style and Drafting will meet immediately upon recess at the rear of the gallery.

WHITE: Point of order on a subject for reconsideration by the Rules Committee.

PRESIDENT EGAN: A point of order on the subject that you would like to have the Rules Committee consider, Mr. White?

WHITE: Yes.

PRESIDENT EGAN: Well, it is the duty of the Chair when a point of order is raised to have that point of order determined. Mr. White.

WHITE: My point of order, Mr. President, is that Mr. McNees gave notice of reconsideration of his vote the other day at the proper time and in the proper manner. By general consent the reconsideration was carried along until this Article came before us again. When the situation arose this morning as to what situation we were in because amendments had been allowed subsequent to his notice of reconsideration, general agreement was granted Mr. McNees that he would be allowed, if he withdraw his motion --

MCCUTCHEON: Point of order.

WHITE: I have a point of order and I am not through.

PRESIDENT EGAN: The Chair will have to rule that Mr. McCutcheon raised the point of order. If there are other points of order, Mr. White, you will be allowed to present another point of order, but it is the duty of the Chair to have the original point of order determined, and the Chair thought that you were raising an additional point of order on this question to be determined to be presented to the Rules Committee. Any member may appear before the Rules Committee when they have this particular point of order under discussion.

MCCUTCHEON: The question of privilege is this: a motion has been made for recess, and Mr. White's point of order is not a valid consideration predicated on the motion for recess.

PRESIDENT EGAN: Well, Mr. McCutcheon, it is the remembrance of the Chair that someone asked unanimous consent that the Convention stand at recess until 1:30 p.m. Are there Committee announcements? Mr. Hellenthal.

HELLENTHAL: Would Mr. Rivers have any objection to changing his motion to recess to 1:00 rather than 1:30?

WHITE: I object to a unanimous consent to recess and raise a point of order.

PRESIDENT EGAN: Mr. White, a point of order is already on the floor. It is the duty of the Chair to have that point of order resolved before any other business can come before the Chair. Mr. Rosswog.

ROSSWOG: Local Government Committee will meet exactly at 1:00 in the rear of the gallery.

PRESIDENT EGAN: Local Government at exactly 1:00. Mr. Riley.

RILEY: Rules Committee will meet immediately upon recess.

RECESS

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

RILEY: According to the Rules Committee in respect to the matter referred to it, the point of order raised by Mr. McCutcheon, it is the view of the Rules Committee that the point of order was not well-taken in view of the fact that the matter sought to be stricken by Mr. White's amendment has changed substantially over that in consideration last week.

PRESIDENT EGAN: The ruling of the Rules Committee will be the ruling of the Chair. We have before us Committee Proposal No. 17/a, Sections 24 and 25, an amendment seeking to delete those sections from the proposal. If there is no further discussion -- is there anyone else? Mr. Buckalew.

BUCKALEW: What is the effect of -- what's the interpretation of the ruling now?

PRESIDENT EGAN: That the amendment is in order, the proposed amendment as it is now before us, the amendment we have been debating.

BUCKALEW: Then this will settle the question once and for all?

PRESIDENT EGAN: Mr. Knight.

KNIGHT: I would like to say a few words on this question. In 1938 the salmon pack for Alaska was roughly nine million cases; in 1955 it had decreased to less than three million cases. I can recall in 1923 at Ketchikan when large scows came up the coast and about 12 inches of crushed ice would be put on the floor of the scows, and truck tenders would come up and unload their fish, probably three feet deep, and an additional 12 or 18 inches of ice would be placed on top of the fish, and they moved up to the cannery site waiting to unload. In 1941 at Sitka, I can recall the 12 seine boats operating at that time for the canneries were ordered to take their gear ashore, as the story went, because the traps were supplying the canneries with more fish than they could handle. In 1954, I have been told, that there were 11 million fish caught in the Fraser River where there are no traps. Now, I also have been told that in the last 5 years about two hundred people have been compelled to leave Petersburg because they could not make a living fishing; also that some families have been compelled to leave Ketchikan and Metlakatla for the same reason. The families have gone to Seattle and the Puget Sound country where they do have a chance to make a living. So, there is no doubt in my mind that this is a very serious economic condition we have to face, so I am compelled to vote against Mr. White's amendment.

METCALF: May I speak a little on this subject?

PRESIDENT EGAN: You may, Mr. Metcalf.

METCALF: I believe the fish trap subject is a very important one, very important, and just as important to us and to large segments of our population as the subject of quartering troops during the revolution in private homes. I believe, therefore, that something should be put into the Constitution. I believe that it is a cancer upon our economy and because it deprives the small fellow of a chance of making a living, it creates a monopoly with the assistance of the government, whereas the big operator competes on unfair terms with the little fellow, and I think again that something should be put into our Constitution. Now referring back to the Declaration of Rights, in this first paragraph, your inherent rights -- it talks about the rights of the people. Now, whether this is a declaration or something to be talked about just on patriotic occasions, I don't know, but let's read it over and especially the last section. It says, "...all persons are equal and entitled to equal rights...". Now, if you give a fish trap to every fisherman, I am all for it, but if you can't, why, just cut them out. It says, "...all persons are equal and entitled to equal rights, opportunities, and protection under the law; and that all persons have corresponding obligations to the people and to the State". I feel this is a serious problem, especially to a large segment of our population, and some mention should be made of it in our Constitution, especially in the matter of eliminating traps.

PRESIDENT EGAN: Mr. Barr, have you had the floor on this question yet?

BARR: Mr. President, we have been talking on this so long I can't remember. I would like to ask Mr. Metcalf a question.

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

BARR: Mr. Metcalf, you quoted from the Constitution there. Don't you believe that quotation covers fish traps, and that, if we carry out that provision in the Constitution, we will abolish fish traps?

METCALF: It doesn't work that way though, Mr. Barr. Only a few have fish traps.

BARR: We haven't had this Constitution in effect though. I mean that, when this Constitution goes into effect, there is sufficient in it so that it will be mandatory upon the Legislature to abolish fish traps?

METCALF: No, I don't think so, Mr. Barr. I don't like to take a chance on it.

PRESIDENT EGAN: Mr. McNees.

MCNEES: May I ask Mr. Metcalf a question through the Chair? You do not fear that the Legislature, when established, will not abolish fish traps, do you, Mr. Metcalf?

METCALF: I like to deal in certainties. I would like to have it in the Constitution. This is a serious cancer on our economy. Just remember, it not only affects the little fellow who fishes out in the bay; it affects the little business man up here in the country, too, you know. It affects the Welfare Department we all have to support.

MCNEES: One other question, Mr. President, if I may. Do you not feel there might be some general jeopardization to the Constitution itself if we make an issue of this in the Constitution and thereby forestall the opportunity of abolishing them at an earlier date even yet?

METCALF: It might, a little, but, if you have a serious ailment, you might as well tell people about it.

PRESIDENT EGAN: Is there anyone else who hasn't been heard on this amendment? Mr. Victor Rivers.

V. RIVERS: I have just two observations. I have stated in essence before that I feel that, if this is included in the Constitution, we have a very good chance of having it stricken

by Congress, and if it should come back to us, we would then have to strike it ourselves and would have to again resubmit it to amendment -- I mean resubmit it to the people for ratification. As I said, I can see a possibility, a great possibility of a major delay. Now, we realize, and I agree with the previous speaker, that we have a cancer, a malignant growth on our economy here. The only question in my mind is whether we should use a meat axe, as we are doing here, or a scalpel on it.

PRESIDENT EGAN: Is there anyone else who has not been heard as yet? Mr. Buckalew.

BUCKALEW: I haven't been heard on it this time. I want to bring to the body's attention -- I have a letter dated October 7, 1955, and signed by Douglas McKay, Secretary of the Interior, and the letter is written to the Honorable Herbert C. Bonner, Chairman of the Committee on Merchant Marine and Fisheries. Now, I will read from the letter. In the body of his letter he says, "For example, it is sometimes argued that the traps should be abolished as a conservation measure. Years of experience give no support to this argument. The basic conservation problem is one of permitting escapement of sufficient salmon to maintain runs" and so forth. Then, he says the reason he thinks that fish traps should be abolished is an economic argument. It is an unreasonable burden to force the Alaska fishermen to compete with traps. Later on in his letter he says that the situation is critical and that we have had relief areas, emergency areas, and emergencies declared; but later on he says we ought to extend the life of the traps ten years. We'll let them suffer along for ten years. Then, I have a letter signed by Mr. McKay on the third of January, 1956, and in this letter he takes this position, "As you know we have had very fine cooperation under our program of conservation by which many of the trap owners in the interests of conservation have voluntarily closed down many of their traps for the last year or more". Now we see the position that the Secretary takes and it is an inconsistent position. I believe that the ordinance is a proper ordinance and citizen Peratrovich, Delegate Emberg, Delegate Smith, and Delegate Lee have convinced me this is a real emergency and, if this ordinance will eliminate the traps 30 days -- if it only eliminates them during a 30-day period -- if we can get at them 30 days sooner, we have a duty to do it. Now, these gentlemen tell me that even that 30 days might mean the difference between not having a salmon industry or having a salmon industry. For that reason, I think that the amendment should be voted down, and we should stick by this thing; adopt it and send it out and let the people vote on it.

PRESIDENT EGAN: Is there anyone else who wishes to be heard before Mr. White closes the argument? Mr. Taylor.

TAYLOR: I just wanted to comment on some of the comparisons that have been made here, particularly one by Mr. Robertson, who,

I think he said something about he was in favor of abolishing fish traps although he felt the failure of the salmon run was entirely caused by other fishermen, men with big boats coming up, and also he mentioned, I believe, that the set nets on Bristol Bay, which are usually a net out a hundred feet or more in the Bay and usually tended by one woman who goes along the net after the tide goes out and picks the fish out -- that they have depleted the run to the point where it is now an emergency in Alaska! I think we all realize the problem, and, as Mr. Victor Rivers says, it is a question of whether we are going to use a meat axe or a scalpel to cure this festering sore. I don't believe that that comparison is well-taken because the matter before us attempts to ignore the existence of an emergency. Now, Mr. White's amendment would more or less give us the ostrich's view of the situation. We can't see it because it's buried in the sand -- our heads are buried in the sand. But I think from the remarks of all of the members here that talked on this matter are cognizant of the situation that exists throughout the entire coastal area of Alaska, and it is something we can't stick our heads in the sand and ignore. We have got to bring it out in the open, and I think the way it is out in the open now and in the Constitution as an ordinance is the only way for us to recognize the problem and also to make that problem known to every person that reads the Constitution, and I believe we should not make any changes in that ordinance and should vote Mr. White's amendment down.

PRESIDENT EGAN: Is there anyone else who wishes to be heard before Mr. White closes the argument? Mr. White, you may close.

WHITE: Mr. President, if I were an ostrich with my head buried in the sand, and couldn't see the problem, I also couldn't hear it, and I have heard quite a bit about it in the last couple of hours. One thing I haven't heard, Mr. Taylor, is one single letter, telegram, or any other communication to this body suggesting that this action be taken. I think the issues here pretty well outlined by Mr. Armstrong, Mr. Boswell, and other people. I would like to say to Mr. Armstrong that I am glad to have his support on this amendment, but I have never felt at any time that we were operating on other than the same team. I can't claim any first-hand acquaintance with the problem; I haven't been a fisherman or lived in a fishing community; but I think I understand the problem and sympathize with it. But I think the issue here transcends whether it is a problem or not, or whether we can correct it or not, and whether this is the time and place to correct it. And, I think that there is a greater issue here than just the correction of one problem. Moreover, taking the action of putting in this ordinance does not solve the whole problem. Mr. Emberg's problem in Bristol Bay is entirely outside of the issue. There are no fish traps in Bristol Bay and there haven't been for a long time. Mr. Poulsen is connected with the fishing industry and pointed out that there are other problems this ordinance wouldn't correct.

It just goes to one part of the problem. I just can't conceive of the first Legislature doing anything other than taking proper action to correct the over-all problem and get Alaska on its way towards reasonable management of its fisheries in all its phases. The situation is going to exist in the first Legislature. For the first time they will have the opportunity to do something about it. I can't conceive of a majority, or anything close to a majority, in any first State Legislature doing anything other than correcting the problem as it exists because their political lives would be at stake, and if the problem is not corrected they will never get elected to office again. Moreover, I think the Resources Article, contrary to Mr. Metcalf's opinion, as it stands now provides every needed basis for abolishing fish traps and correcting any other problem that may occur, and I think the framers of that Article will bear me out. Now, I wanted so badly the other day to put my name on record as opposing fish traps that I voted against the motion to strike. Since then, I wrestled with the problem, and I have decided in this instance that it is more important for me to be able to live with myself than it is to vote on the popular side of this particular question. Now, I don't intimate or suggest for one moment that anyone who votes against my amendment would be doing so for reasons other than those of deep conviction. But I do suggest that, if you feel that this action might bring this Convention and this Constitution down off the high plane on which it has been to date, if you feel that this is not the time nor the place to correct the problem, and if you feel this action does not correct both problems, we have done with it here and now.

PRESIDENT EGAN: The question is: shall the proposed amendment as offered by Mr. White be adopted by the Convention. The Chief Clerk will call the roll.

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

Yeas: 16 - Armstrong, Barr, Boswell, Collins, Cross, Harris, Hilscher, Johnson, Laws, McNees, Reader, R. Rivers, V. Rivers, Robertson, Stewart, White.

Nays: 38 - Awes, Buckalew, Coghill, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Hellenthal, Hermann, Hinckel, Hurley, Kilcher, King, Knight, Lee, Londborg, McCutcheon, McLaughlin, McNealy, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Riley, Rosswog, Smith, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, Wien, Mr. President.

Absent: 1 - Cooper.)

CHIEF CLERK: 16 yeas, 38 nays, and 1 absent.

PRESIDENT EGAN: The Nays have it and the proposed amendment has failed of adoption. Are there other amendments? Mr. Fischer.

V. FISCHER: Mr. President, I would like the privilege of the floor for a few minutes.

PRESIDENT EGAN: If there is no objection, Mr. Fischer, you are granted the privilege of the floor.

(Mr. Fischer spoke on a point of personal privilege.)

PRESIDENT EGAN: The Convention will come to order. The Chair would like to announce that there is a photographer who will be here around 2:00 p.m. He would like to have pictures of all the Committees and all the employees of the Convention. Does that meet with the approval of the Convention that that be taken care of at this time -- that those photos be taken? Mr. Hellenthal.

HELLENTHAL: Could we take one Committee at a time and continue with the debate?

PRESIDENT EGAN: Well, it would be pretty hard, Mr. Hellenthal, to take a whole Committee out and continue with the debate, but it all depends on whether the delegates desire to have pictures of the delegates in committees at this time. Mr. Johnson.

JOHNSON: I move and ask unanimous consent that we follow the suggestion you have just made.

PRESIDENT EGAN: Mr. Johnson moves and asks unanimous consent that we arrange at this time to have the committee pictures taken, and also that the employees get together in order that their photographs may be taken. It might be well if each Committee Chairman would see that his committee members are available for those pictures after each photograph has been taken. Mr. Sundborg.

SUNDBORG: There will be a meeting of the Style and Drafting Committee at the rear of the gallery, and I ask you to leave us till last and as you need members of our Committee...

PRESIDENT EGAN: Well, Mr. Sundborg, would you watch the photographer then, and see that your members come each time? Of course, that would be pretty hard --

SUNDBORG: I wonder if some other member of the Convention would do that?

PRESIDENT EGAN: The Sergeant at Arms could do that. Mr. Coghill.

COGHILL: It might be well to suggest that the Committees be taken by number; that way you wouldn't be missing out on any Committees in order for their pictures to be taken by number.

PRESIDENT EGAN: First, then, you might arrange to have the Rules Committee be the first on the list, and Style and Drafting Committee next, Preamble and Bill of Rights, Legislative, Administration, Ordinances, Suffrage, Executive, Judiciary, Finance, Direct Legislation, Resources, Local Government, and then Resolutions. The President will stand out then and call the name of the Committee after each photograph is taken. The Convention will be at recess.

RECESS

PRESIDENT EGAN: The convention will come to order. Mr. Hilscher.

HILSCHER: I believe that the members of the Constitutional Convention would be pleased to meet Mr. Lawrence Davies of the New Your Times, who is here to cover the remaining days of the Convention, and his stories will appear in the New York Times, as well as other newspapers covering it. Mr. Davies.

PRESIDENT EGAN: Mr. Davies, we are pleased to meet you and happy to have you with us. We have before us Committee Proposal No. 17/a. Are there other amendments to be proposed for Committee Proposal No. 17/a? Mr. Riley?

RILEY: I believe I anticipated the Chair.

PRESIDENT EGAN: If there are no other amendments for Committee Proposal No. 17/a. it will be referred to the Committee on Engrossment and Enrollment; and if no amendment, it is referred to the Committee on Engrossment and Enrollment. We now have the -- Mr. Hilscher.

HILSCHER: I would like to rise to a point of personal privilege and just say one word about 17/a...

PRESIDENT EGAN: Mr. Riley.

RILEY: Not as a point of order, but I think the reference is a little premature. It's just out of second reading.

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: The subcommittee on fish traps has been firing grapeshot for three days now. (laughter)

PRESIDENT EGAN: The Convention will come to order. We have

before us Committee Proposal No. 10, the report of the Style and Drafting Committee on the Proposal relating to Local Government. Mr. Peratrovich, would you take the Chair at this time.

FIRST VICE PRESIDENT: We have the Committee Report on No. 10 before us. Would the Chief Clerk please read it?

(The Chief Clerk read the report, dated January 30, 1956.)

FIRST VICE PRESIDENT: Does the Chairman of the Style and Drafting Committee have a statement?

SUNDBORG: This Committee redraft was prepared initially by a subcommittee consisting of Mr. McLaughlin, Mrs. Nordale, and Mr. Johnson. We have asked Mr. McLaughlin to explain it to you and to answer any questions by the delegates.

FIRST VICE PRESIDENT: Mr. Hellenthal.

HELLENTHAL: Point of information. Mr. President. I ask that a Committee of three or five with plenary powers be appointed to look into the matter of arranging for a present for the President of the Convention.

FIRST VICE PRESIDENT: Mr. Victor Rivers.

V. RIVERS: I believe the suggestion is a very good one and I believe we should authorize the Administration Committee to take care of it.

FIRST VICE PRESIDENT: You would have to do that in the form of a motion.

(The Convention unanimously agreed that further action in regard to the matter just preceding be not included in the record.)

FIRST VICE PRESIDENT: Mr. Sundborg.

SUNDBORG: Mr. McLaughlin was about to seek recognition, Mr. President.

McLAUGHLIN: Mr. President, I would like to -- if the members of the Convention would pick up their copies, I would like to make certain insertions which will expedite this proceeding and I will explain them as I go along. First, I request that at the end of Section 6, bottom of page 2, that you insert, subject to your objections later, the following words: "It may exercise any powers or functions in an unorganized borough which the assembly may exercise in an organized borough". So that you have an additional sentence now to Section 6 which reads, "It

may exercise any powers or functions in an unorganized borough which the assembly may exercise in an organized borough." I request, additionally, that on page 3, line 3, the first word "borough", that one "r" be stricken. I request that on line 5 of page 3, after the word "classified", a comma be inserted and the word "reclassified comma", so that the line will read, "They may be merged, consolidated, classified, reclassified, or dissolved in the manner provided by law." On page 5, I request on line 1, that the words "At the time a borough is organized", be stricken. Then, on line 2, the words "performing local functions" be stricken. Then, on line 2, capitalize the first letter of "special", we're starting a new sentence, and substitute for the stricken words "performing local functions", "existing at the time a borough is organized", so that section now reads, "Special service districts existing at the time a borough is organized shall be integrated with the government of the borough as provided by law." And on page 1, Section 3, line 12, at the end of line 12, after "economy comma", add the word "population comma". Mr. Chairman, prior to the asking of questions on the sections, I desire to point out what are substantive changes, whence they came, and what may not be substantive changes but might be subject to that interpretation. What may be, although the Committee says no, a substantive change, are the words we have just added to Section 6 at the bottom of page 2. Those may be: the Committee says no. The reason Style and Drafting presents them is in order to expedite the discussion, and the debate if there should be any. That is the sentence which I have just added, at the end of Section 6 on page 2. There is a substantive change on page 4, commencing on line 5. We have inserted a sentence which is a substantive change: "The change shall become effective 45 days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house." I think the necessity for the change is patent. It arose on another matter. It became necessary, since we may have year-long sessions, to make the proposed changes effective some time possibly before the termination of the session. So we have substituted, with the consent of the Local Government Committee, those words. Section 15 -- I shall read you the original Section 15 from the enrolled copy so you may determine whether or not it is a substantive change. The original language in Section 15 as it was enrolled reads, "The Legislature shall provide for the integration, consistent with the provisions of this article, of special districts performing local government functions with the government of a borough at the time a borough is organized." The credit for the punctuation, Mr. Chairman, although never mentioned by or overlooked by the Chairman of Style and Drafting, and the work that is done on these, is attributable to those people in the boiler room, Mrs. Betty Jean Miles, Carolyn Oakley, Louise Gooch, Charlotte Taylor, Bernice Black, Sherry Hoopes, Doris Ann Bartlett, and Willou Bickel. They haven't received recognition

for the work they have done. All of the changes in here which may have been substantive and the style changes have been consented to by the Local Government Committee in full.

FIRST VICE PRESIDENT: Mr. Johnson.

JOHNSON: I should like to point out, I think Mr. McLaughlin meant to do it but he hasn't, that as a member of the Style and Drafting Committee, while I signed the report, I did not concur in the changes in Section 15, on the grounds that they were substantive.

FIRST VICE PRESIDENT: Mr. McLaughlin.

McLAUGHLIN: Mr. Johnson's statement is correct. As a matter of fact, Style and Drafting did not author any substantive changes insofar as is known, but they put them in there, approved them only as to style, not as to substance. Do you desire that we go down section by section? Do you want me to call the sections?

FIRST VICE PRESIDENT: You may proceed right along, Mr. McLaughlin.

McLAUGHLIN: Are there any questions on Section 1? Section 2? Section 3? Section 4? Section 5? Section 6? Section 7? Section 8? Section 9? Section 10? Section 11? Section 12? Section 13?

HERMANN: Section 12, I'd like to ask a question.

FIRST VICE PRESIDENT: You may ask the question, Mrs. Hermann.

HERMANN: Line 9, the last part of the word at the end of the sentence, does that have to appear in the Constitution with a hyphen after the double "m"? If it does, I want to object. I move that the hyphen appear after the first "m".

McLAUGHLIN: And where do you desire the hyphen, Mrs. ...

HERMANN: After the first "m" instead of the second.

McLAUGHLIN: After what, Mrs. Hermann?

HERMANN: After the first "m" in the word "commission".

FIRST VICE PRESIDENT: The second word in the last sentence in that paragraph.

McLAUGHLIN: Line 9, the hyphen after the "c-o-m-m"?

HERMAN: That is what I am objecting to; after the "c-o-m" I want it.

McLAUGHLIN: I am sure that by unanimous consent, Mr. Chairman, that the Convention will consent to the deletion of the hyphen. Something tells me that this is going to be reprinted and that "commission" will be made whole again.

FIRST VICE PRESIDENT: Hearing no objections, the request will be granted.

BUCKALEW: Mr. President, I don't think Mr. McLaughlin has the point yet, have you, George?

McLAUGHLIN: I don't know what the point is.

HERMANN: The point is that the syllable should be c-o-m and you don't put a hyphen in the middle of a syllable; you put it after a syllable.

McLAUGHLIN: Mr. President, I am sure the Convention consents to inserting the hyphen, moving the last "m" down from line 9 to line 10, and inserting the hyphen after the first "m".

TAYLOR: May I rise to a point of information? Now, in the printed copy of this, if "commission" happened to be in the middle of the line, would they leave the hyphen in there?

FIRST VICE PRESIDENT: Mr. McLaughlin, would you care to answer this question?

McLAUGHLIN: I am sure that the Committee on Style and Drafting will pick up such a notable error at the time we review the whole Constitution.

UNIDENTIFIED DELEGATE: The Committee on Local Government has no objection. (laughter)

FIRST VICE PRESIDENT: Are there any other questions? You may proceed.

McLAUGHLIN: Section 14?

FIRST VICE PRESIDENT: Mr. Smith.

SMITH: In reading the first sentence in Section 14, just previously here, it says, "An agency shall be established by law in the executive branch of the state government." Of course, if you go on and read the rest of the section, then you get the idea, but by setting this sentence apart don't you think that "an agency" might feel just a little lonesome, Mr. McLaughlin?

McLAUGHLIN: That is in terms of style that you feel that we should combine the first and second sentences?

SMITH: It just occurred to me that it would make the meaning a little more clear merely in the matter of style, and I merely raise the question and call it to the attention of the Committee Chairman.

FIRST VICE PRESIDENT: Mr. McLaughlin, could you answer that question?

McLAUGHLIN: It's purely a matter of taste Mr. Smith, I agree, and possibly yours is superior to mine, but if you would yield on that one point, I think it would expedite the passage of this. Do you feel it's grammatically bad?

FIRST VICE PRESIDENT: Mr. Armstrong.

ARMSTRONG: I just wanted to call attention to Section 12 -- we have the same situation and I thought that Style and Drafting had made Section 14...

McLAUGHLIN: We had in the past, Mr. Smith. It is true we had the establishment of these two agencies and we conformed the language; that is Section 12 sets up the local boundary commission or board which shall be established by law in the executive branch of the state government, and we carried on down the form at least down to Section 14 and we added the words "of the state government" for fear there might be some confusion with the executive branch of the local government or some such thing.

SMITH: I am completely satisfied, Mr. President.

FIRST VICE PRESIDENT: Mr. Sundborg.

SUNDBORG: I would like to say I think there is a slight difference at least between the first sentence of Section 14 and the first sentence of Section 12. Looking at the one in Section 12 it makes pretty good sense, "A local boundary commission or board shall be established by law in the executive branch of the state government". There is some description of what it is all about. In Section 14 it says "an agency shall be established by law" and there is no reference within that sentence as to what kind of agency. I would ask unanimous consent that in line 21 after "government" strike the period, strike the word "it"; on line 22, strike the first word "shall" and in its place insert the word "to".

V. FISCHER: Mr. President, may we have a two-minute recess.

FIRST VICE PRESIDENT: Without objection, it is so ordered.

RECESS

FIRST VICE PRESIDENT: The Convention will come to order. Mr. Sundborg.

SUNDBORG: If I had the floor -- I am making the same unanimous consent request, which I renew, and add to it the following: on line 22 change the comma to a period after the word "government" and insert after it "It shall" starting a new sentence. The section then would read: "An agency shall be established by law in the executive branch of the state government to advise and assist local governments. It shall review their activities, collect and publish local government information and perform other duties prescribed by law". I ask unanimous consent.

FIRST VICE PRESIDENT: Do I hear any objections; if not, it is so ordered.

McLAUGHLIN: Are there any further questions now, as to Section 14? Are there questions as to Section 15?

FIRST VICE PRESIDENT: Mr. Coghill.

COGHILL: May I ask Mr. McLaughlin a question?

McLAUGHLIN: May I inquire of Mr. Coghill whether this is a question as to existing style or a change in substance.

COGHILL: That was the question I was going to ask you. What do you consider a substantive change in that section?

McLAUGHLIN: I have not said, Mr. Coghill, that there is a substantive change. I have pointed it out as a possible substantive change. If, through the Chair, you will withhold your question, I am prepared to ask an acceptance of the report of the Style and Drafting Committee, so that the necessary amendments or remarks addressed to the Chairman of the Local Government Committee Chairman would be in order. I would like to inquire if there are any questions as to style on Section 15, Mr. Chairman, since there are no further questions, I ask unanimous consent that the report of the Style and Drafting Committee be accepted as to style only.

FIRST VICE PRESIDENT: Did you ask unanimous consent?

McLAUGHLIN: I do.

FIRST VICE PRESIDENT: You have heard the request; do I hear any objections? If not, it is so ordered.

BUCKALEW: Mr. President, is this the proper time for amendments.

FIRST VICE PRESIDENT: It depends on what type of amendment it is. I understand one is by two-thirds, the other is by majority.

BUCKALEW: I don't know whether this is -- I think it is an amendment to form probably.

FIRST VICE PRESIDENT: You may offer your amendment and determination will be made.

BUCKALEW: That is just a rough guess. Will the Clerk be kind enough to read it?

CHIEF CLERK: Change "borough" wherever it appears in the article and insert the word "county".

DOOGAN: Point of order. This has already been decided.

JOHNSON: Point of order.

FIRST VICE PRESIDENT: Mr. Johnson, would you state your point of order, please.

JOHNSON: Under suspension of the rules it would be perfectly proper.

BUCKALEW: Is it proper now to ask that the rules be suspended? I ask unanimous consent that the rules be suspended for that particular amendment.

FIRST VICE PRESIDENT: You have heard the motion for the suspension of the rules. All in favor signify by saying Aye...

HERMANN: Point of order.

FIRST VICE PRESIDENT: What is your point of order?

HERMANN: My point of order is that you can't suspend the rules by a voice vote.

FIRST VICE PRESIDENT: Sometimes that is left to the Chair, Mrs. Hermann. In this case we will order it. Will you call the roll, please.

(The roll was called with the following result:

- Yeas: 20 - Barr, Buckalew, Coghill, Collins, Cooper, Emberg, H. Fischer, Gray, Harris, Johnson, Kilcher, King, Laws, Londborg, Metcalf, Nolan, Peratrovich, Poulsen, Reader, Wien.
- Nays: 31 - Armstrong, Awes, Boswell, Cross, Davis, Doogan, V. Fischer, Hellenthal, Hermann, Hinckel, Hurley, Knight, Lee, McCutcheon, McLaughlin, McNees, Marston, Nerland, Nordale, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White.
- Absent: 4 - Hilscher, McNealy, Riley, and Mr. President.)

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CHIEF CLERK: 20 yeas, 31 nays, and 4 absent.

FIRST VICE PRESIDENT: The motion has been lost. Are there other amendments? Mr. Kilcher.

KILCHER: I move that we stand at recess until five minutes to four.

FIRST VICE PRESIDENT: Is there a second to that?

COGHILL: I second the motion.

SUNDBORG: Mr. President, if we do recess, I want to announce a meeting of the Style and Drafting Committee immediately at the rear of the gallery.

FIRST VICE PRESIDENT: Are there any other announcements? All in favor of recessing say Aye; contrary? We stand at recess until ten to four.

RECESS

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

BARR: May I have the privilege of the floor, not a personal privilege, for a moment. An amendment has just failed changing the word "borough" to "county" in your absence. I would like to say on this subject: during the hearings it was brought out by the people in some places that they disapproved of the word "borough" and I, in speaking to my friends around Fairbanks, have never known anyone who favored it except those on this floor. Now, we took a vote the other day and the word "borough" got the highest number of votes, but I still don't think it is really indicative of what this body wishes and for this reason. There were several words offered and the vote was divided. The word "county" came second and I know there were lots of people who had a second choice second to the choice of "county", and who thoroughly detested the word "borough". The vote on borough was 27, which is not a majority in this body. Now I am going to submit another amendment. I don't know whether it will pass, in fact, I doubt it very much, but I am willing to go to any length to keep from living in a "borough" the rest of my life; and I am sure my constituents who sent me here, if this should succeed, will figure I earned my money for the entire Convention if I can get that passed because they don't want to live in a "borough" either. This word "borough" is foreign to Alaska; it has no connection with Alaska. It is used as a division of a big city; it is used in England. It has nothing to do with Alaska; and I am going to ask for a suspension of the rules and submit the word "Division", because that is Alaskan and that is a simple word that everybody knows and it doesn't conflict with anything like District does. District conflicts with election

district and so on, but Division is a good word and I think a lot of people who voted for county would vote for that. Now I would like to ask a question of the Chair. When we change the name "borough" to something else, it seems to me it is merely a change in styling because we are not changing the form of government or anything else. We are changing the word to describe it so it should only take a majority vote. I should like to have a ruling of the Chair on it.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: I make a point of order in reference to that. We have already had an amendment that submitted the word "District" or "Division" or whatever it was, and we voted it down, so it is subject to that point of order.

PRESIDENT EGAN: Mr. Barr.

BARR: That name was one of several that were submitted and was not voted on according to this system. In other words, the votes were badly divided at that time; now we would be voting between two names.

PRESIDENT EGAN: Mr. Barr, the Chair does not -- it is not entirely clear in the Chair's mind whether changing the name would be a matter of substance or a matter of phraseology, but the point raised by Mr. Sundborg, that we have voted as individual delegates on every one of these names, if a new name were submitted, then, different than the ones we had actually voted upon, the Chair would be in a position that it would have to rule one way or the other on the substance or phraseology, but we have already voted on county, district, borough, province, and division. We actually voted on those names, Mr. Barr, the Chair could not go along with seeing that an amendment offering one of those names would be in order.

SUNDBORG: I raise another point of order and that is that we, I think by unanimous consent or at least nearly that, adopted a special rule which provided the manner of choosing the name of this unit of government, and it would require a suspension of that rule by a two-thirds vote to choose any other name since we have made our decision.

PRESIDENT EGAN: Mr. Barr.

BARR: That is correct, Mr. President. That special rule applied to that vote. We have passed that point and are in another stage of the game, and it doesn't apply any more.

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

RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. Barr, the Chair has no other alternative but to rule that, in any event, the Convention has already voted on using the word "Division" that you offer, and it would take a suspension of the rules in order to offer that amendment because we have already voted upon it.

BARR: If a different word was submitted which had not been submitted before, is it then a style and drafting matter?

PRESIDENT EGAN: Well the Chair would have to hold that, if an amendment proposing that a different word be used, that it wouldn't be substance; it would be phraseology; and the Chair understands from the record that the phraseology changes or the substantive changes have not as yet been adopted; so a phraseology change would take a majority vote, yes.

BARR: I would now relinquish the floor on my privilege, and I would like to move an amendment which is simply this: strike the word "borough" wherever it may appear in the Article and substitute therefore the word "area". I ask unanimous consent.

PRESIDENT EGAN: Mr. Barr moves and asks unanimous consent that the word "area" be inserted wherever the word borough appears in the Article. Is there objection? Objection is heard. Is there a second?

KILCHER: I second.

PRESIDENT EGAN: Seconded by Mr. Kilcher that the word "area" be used wherever the word "borough" appears.

HERMANN: Musn't we ask for suspension of the rules?

PRESIDENT EGAN: Mrs. Hermann, the report of the Style and Drafting Committee has not yet been adopted. It has been accepted, but has not been adopted by the Convention.

HERMANN: That is a style amendment then?

PRESIDENT EGAN: The Chair cannot see that it is possible to rule otherwise, because it doesn't change the make-up of the particular entity of government. Miss Awes.

AWES: Mr. President, I think it is, and under these circumstances a change in substance -- it is not just picking the best word for the purpose. The Committee, and then the Convention worked on a name. It is not just a word; it's a name for a unit. Logically, if it were just a matter of style, then it would have been up to the Style and Drafting Committee, and I can imagine how that Committee would have liked it if it had all been left up to that one Committee without our say-so. I think it is a matter of substance, because I think it is a name and not just a word or phrase.

PRESIDENT EGAN: The Chair cannot see where it is a matter of substance and has so ruled. Mr. Fischer.

V. FISCHER: I would like to point out further -- I happen to have the Style and Drafting report open to page 2 -- and the first sentence I looked at would read, "Service areas to provide special services within an organized area may be established". What would it mean?

PRESIDENT EGAN: Mr. Fischer, what was your question?

V. FISCHER: What I am trying to point out is the substitution of the word "area" could very well disrupt the operation of the whole Article.

PRESIDENT EGAN: In using that particular word, you mean?

V. FISCHER: That is right. Therefore, it can be a substantive change.

PRESIDENT EGAN: Because of the particular word. Mr. Barr.

BARR: This word "area" I believe is a good one to apply here. A "division", for instance, as we now have it in Alaska means a particular division of the government, or the area of the country. Of course, the word "division" in its broader sense means just a part of anything as the word "area" Mr. Fischer is speaking of means. It means any area. But if we used this word "Area" capitalized in this Article, we would know what we were speaking of as we use the word Judicial Division capitalized at the present time. An "Area" wouldn't be confused with any other division of government, and it is well-known what area means. It would be applied, say, to the "Juneau Area" and "Fairbanks Area". We would not be saying "Eagle Borough" or "Beaver Borough", and the people outside of Alaska, when they come here, they will know it is an area of Alaska -- a certain area -- whereas, if we speak of "borough", they don't know whether it is south Fairbanks we are speaking of or a larger political subdivision. They are used several ways. And they might think they were back in jolly old England for that matter.

PRESIDENT EGAN: Mr. Barr, the Chair is not withdrawing from the ruling that a proper wording change would be a substance change. However, Mr. Fischer has raised a point of order with relation to the particular word that you have chosen -- that because of the particular word you have chosen, a very serious difficulty could be encountered. Now, for that reason, the Chair could see that using that particular word that you have offered could become a matter of substance, because it could conflict throughout the Article with any mention of other service areas by using that word.

BARR: Mr. President, if the word I am using were capitalized wherever it was used in the Article, wouldn't it be the same as

the word "Division" now, when it is capitalized? It doesn't mean anything else.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: I might say that the style we have adopted and used consistently throughout this Constitution with reference to capitalization is that nothing in this Constitution is capitalized except the first letters of first words in a sentence, the word "God", the word "State", and the words "United States". We don't capitalize "congress"; we don't capitalize "legislature"; we don't capitalize "governor"; we don't capitalize anything, and I would certainly resist capitalizing the word "area". I have a couple of other dandy things that would happen if we were to use this. It would say, "An entire area of the state shall be divided into areas", and "Each area shall embrace an area".

BARR: You wouldn't say that Mr. President. You would say, "The entire area of the State will be divided into political subdivisions called areas".

PRESIDENT EGAN: Mr. Barr, the Chair would have to rule that that particular amendment that you offer as of now is out of order because that particular word would create confusion and cause undoubtedly substantive difficulties.

BARR: Mr. President, I don't exactly agree with the Chair. It seems to me instead of a ruling, that is part of the debate. However, I ask for unanimous consent for the withdrawal of the amendment.

PRESIDENT EGAN: If there is no objection, you may withdraw it.

PRESIDENT EGAN: Are there other amendments to be proposed for Sections 1 or 2? Mr. Barr.

BARR: Mr. President, I have an amendment, but it will take just a little while to write it out.

PRESIDENT EGAN: If there is no objection, the Convention will be at recess for a little while.

RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. Barr, if it is all right with you, we will proceed with other amendments which might be proposed...

BARR: That is all right, but first I would like to make a motion that we rescind our action when we voted for the word "borough", and ask unanimous consent.

PRESIDENT EGAN: Mr. Borough -- Barr (laughter) -- Mr. Barr moves and asks unanimous consent that the Convention rescind the

action taken in voting upon the motion that eventuated the use of the word "borough" throughout this Article. Is there a second to the amendment?

KNIGHT: I second the motion.

PRESIDENT EGAN: Mr. Knight seconds the proposed motion. Mr. Barr.

BARR: The reason I believe we should rescind this is because a lot of us would like to change our selection from the word -from the one word that we voted for and that failed at that time to a second choice. Since the word "borough" only passed by a vote of 27, we may very well vote for a different word the next time.

PRESIDENT EGAN: The question is: "Shall the Convention rescind its action taken in adopting the word 'borough' throughout this Article?" The Chief Clerk will call the roll. Now if you vote "yes" you will be voting to rescind the action taken with relation to the word "borough", and would then throw before the Convention a vote on the same question we had at that time; that is, whether or not it should be "borough", "county", "division", "province", and so forth. If you vote "No", you are voting to retain the word "borough" throughout the Article. Mr. Cooper.

COOPER: May I ask a question before we vote on this? In the event the action were rescinded and the names put before us again for a vote, would the Chair give us a ruling as to a person who has voted for a particular name getting up and changing his vote to another name, without going through another vote, such as happened last time? I do not think that that was exactly what was intended in the beginning.

PRESIDENT EGAN: Mr. Cooper, anyone may change his or her vote prior to the time the vote is announced. That is the right of any delegate or any person in any assembly, that prior to the time the vote is announced, they may change their vote if they so desire.

COOPER: I realize that, but on this particular vote it was not really a vote "aye" or "nay"; it was a vote for a name, and the change -- of course I understand the name would be in a sense a vote, but the change of their vote was a change from a name to another name.

PRESIDENT EGAN: The Chair cannot see that there would be a difference. Mr. Boswell.

BOSWELL: I questioned that voting the other day, too, because we drew up some rules that we would follow a certain order and drop off the low name each time and continue on. And it seemed to me at the time that we didn't follow our rule as we laid it out.

PRESIDENT EGAN: Mr. Boswell, on the other hand, the rule is that anyone has a right to change before it is announced. If it had been announced, then after that no one could have legally changed the manner in which they voted. Actually, their vote is not counted or tallied until it is announced by the Chief Clerk, and it takes some time to tally any ballot. The question is: "Shall the Convention rescind its action?"

(The roll was called with the following result:

Yeas: 20 - Barr, Boswell, Coghill, Collins, Cooper, H. Fischer, Johnson, Kilcher, Knight, Laws, Londborg, Metcalf, Nolan, Poulsen, Reader, Wien.

Nays: 35 - Armstrong, Awes, Cross, Davis, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hinckel, Hurley, King, Lee, McCutcheon, McLaughlin, McNees, Marston, Nerland, Nordale, Peratrovich, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Mr. President.

Absent: 4 - Buckalew, Hilscher, McNealy, and Robertson.)

CHIEF CLERK: 16 yeas, 35 nays, and 4 absent.

PRESIDENT EGAN: So the nays have it and the Convention has failed to rescind its action. Are there other amendments? Mr. Barr.

BARR: I still would like to put in an amendment, but, as I say, it will take a little time to write it out. I suggest the house continue with its business and that I be allowed to submit it a little later.

PRESIDENT EGAN: Are there proposed amendments to Sections 1 or 2? Mr. Londborg.

LONDBORG: In Section 2 we have a reference here to the name we have just been voting on. How would you put in an amendment as to pronunciation?

PRESIDENT EGAN: Mr. Londborg, in the opinion of the Chair it isn't necessary to put in such an amendment.

LONDBORG: I was just wondering, because remember when the proposal was before us, it was said the official pronunciation was bor-o, or something, Now I have this letter before me and it's very confusing. "Borough" has gone out in newspapers all over the world, no doubt, and now we have this as official. I thought Mr. Doogan was certain about it, and now he has this letter and

I am wondering if it shouldn't be officially changed to what it should be.

PRESIDENT EGAN: In the opinion of the Chair, the majority or plurality had the right idea when they called it "burro". (laughter) The Convention will come to order. Are there amendments to be offered for Sections 1 or 2? Section 3? Are there amendments to be proposed for Section 4? Or for Section 5? Mr. Ralph Rivers.

R. RIVERS: May I ask Mr. McLaughlin a question regarding Section 4? He got a little ahead of me. Section 3, at the top of page 2, line 2. Here we again refer to boroughs organized, incorporated, merged, consolidated, dissolved, or classified. Do you want to get the word "reclassified" in there?

McLAUGHLIN: Mr. Rivers, just to expedite the amendment, I am sure the Committee would have no objection if you struck the word "merged" and left merely "consolidated", and I am sure the Convention would unanimously consent to removal of the duplication.

PRESIDENT EGAN: Mr. Londborg.

LONDBORG: I believe we went over that in Committee, and "merged" has a definite meaning in there. It's different from "consolidated".

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: I withdraw. I overlooked the fact that on line 1 the legislature classifies them in the first place, and classify doesn't have to be in on lines 2 or 3, so I back up.

PRESIDENT EGAN: Are there any questions with relation to Sections 3 or 4? If not, are there questions relating to Section 5 or amendments to be offered? Are there amendments for Section 6? Mr. Hinckel.

HINCKEL: I have a question I would like to ask before I make an amendment. It states here that the Legislature shall provide funds for services in unorganized boroughs. Before this was rewritten, it stated that the Legislature shall provide those services deemed necessary. To me that makes a difference. It looks to me now as though people in unorganized boroughs could demand services such as garbage collection and so on that might be rather expensive, whereas before, it was discretionary on the part of the Legislature whether they would furnish these services.

PRESIDENT EGAN: Mr. McLaughlin.

McLAUGHLIN: The Committee did strike "it deems necessary or advisable" -
- "The legislature shall provide for the performance

of services it deems necessary or advisable in unorganized boroughs". It was believed by the Committee when we struck that, that the Legislature in its wisdom could determine what was necessary or what was advisable. As I understand it, your objection is it makes it mandatory that they provide all services...

HINCKEL: I thought possibly it would be all right to strike the words they did -- but I think we could possibly substitute "may" for "shall", so there would be some discretion permitted.

McLAUGHLIN: I am sure the Committee would have no objection to striking the word "shall" and substituting the word "may", subject to objections from the Committee.

PRESIDENT EGAN: Mr. Taylor.

TAYLOR: Mr. McLaughlin, isn't it a fact that that would possibly mean that the legislature would provide a manner in which unorganized boroughs could provide their people in that borough with these certain services? The legislature is not going to provide the services or performance of services, are they?

McLAUGHLIN: When they say they "shall provide for the performance of services", it means they shall make provision for them.

TAYLOR: Then in an unorganized borough then, if they were in need of garbage services, the legislature would hire garbage men? Is that right?

McLAUGHLIN: It doesn't necessarily mean that. There are two possible meanings. If we said the legislature "shall" provide the services, that would be one thing; but if we say the legislature shall provide for the performance of services, I think that that means another thing. That is, they can set up the rules and conditions and circumstances under which the services will be provided.

TAYLOR: Would that mean there is some way in which the unorganized boroughs could enter into a contract for the building of a power plant or light plant, or garbage service, or whatever was needed in the line of a public utility?

McLAUGHLIN: No, I don't think it does mean that.

TAYLOR: You gave two different meanings you could impute to it. Which one are we adopting?

McLAUGHLIN: You are adopting the one which is before you; that is, "The legislature shall provide for the performance of services in unorganized boroughs, allowing for maximum local participation and responsibility".

TAYLOR: Well, your definition a few moments ago was that you could impute two meanings to that. Which one do we have here?

McLAUGHLIN: The same meaning that they had in the enrolled copy, because the language is identical.

PRESIDENT EGAN: Mr. McLaughlin and Mr. Taylor, Mr. Rosswog has been attempting to get the floor. As Chairman of the Committee, do you have the answer, Mr. Rosswog?

ROSSWOG: Well, maybe I can clarify it a little bit. It wasn't our intention that the unorganized boroughs could demand services of the State, but that the State could supply those services. If they were unorganized, they would not have an organization to demand it. But that is one of the reasons we wanted to go on and make the addition to that paragraph, so that it would be possible for the State to allow the setting up of special service areas. But the first sentence there as it was in the copy, I don't think it would make much difference whether it was qualified by putting "necessary services" or not in there. There would be no way to demand services if you were an unorganized area.

PRESIDENT EGAN: Mr. McLaughlin.

McLAUGHLIN: Mr. Rosswog, in the Style and Drafting Committee proposal, Section 6, line 23, do you know whether your Committee would have any objection to substituting the word may" for "shall"?

PRESIDENT EGAN: Mr. Rosswog, could you answer that?

ROSSWOG: I believe we did discuss that in the Committee. We -- it may change the meaning of it there a little. We felt it would be necessary in an unorganized area, such as outside of a city today, the Territory has to supply some services, and if we placed it "may", it might leave it that they would supply none at all.

PRESIDENT EGAN: Mr. McLaughlin.

McLAUGHLIN: Mr. President, unless possibly Mr. Taylor might possibly want to amend and insert the word "necessary" before services on line 24, then he would raise the issue as to whether or not this was a substantial change by Style and Drafting -- a change in intent.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: I think I am about to propose an amendment. I think our trouble stems from the fact that the words "it deems necessary or advisable" were stricken. Mr. Rosswog says if you simply say "may", you are leaving a void as to whether or not

the Territory or State government will perform any services. Presently the Territory performs -- renders school -- complete school services outside of organized districts, the state Health Department exercises some jurisdiction in regard to health control, and in regard to highways and things like that. We should leave the word "shall" if we don't want to change the meaning, but then we don't want to say "services" without any modification, because we don't know what kind of services are being referred to or how detailed the services would be. We are saying "shall" so we have to limit what it is we're telling them that they shall do. So I move the restoration of the words on line 24, Section 2, after the word services, "it deems necessary or advisable".

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

CHIEF CLERK: Insert the words "it deems necessary or advisable" after "services" on line 24.

PRESIDENT EGAN: Is there a second to the motion?

McLAUGHLIN: I ask unanimous consent.

PRESIDENT EGAN: Unanimous consent is asked for the adoption of the amendment. Is there objection?

DAVIS: I object.

PRESIDENT EGAN: Objection is heard. Seconded by Mr. White. Is there further discussion? Mr. Coghill.

COGHILL: I would like to ask a question of the Style and Drafting subcommittee on this. Would it not take care of it in the amendment you just offered a while ago where it says it "may exercise any powers"? Wouldn't that be within the scope of the legislature then?

McLAUGHLIN: I think that Mr. Rivers' language and the Committee's original language -- this is my personal opinion -- is better; that "it deems necessary or advisable" will put the intent unquestionably exactly where it was when we first approved this when it was enrolled. That is the only reason why I do it, to clarify any question.

PRESIDENT EGAN: The question is: "Shall the proposed amendment as offered by Mr. Ralph Rivers be adopted by the Convention?" All those in favor of adopting the proposed amendment will signify by saying "Aye"; all opposed, by saying "No". The Ayes have it and the amendment is ordered adopted. Are there other amendments to be proposed for Section 5 or 6? Mr. Coghill.

COGHILL: Mr. President, may I ask a question of the Local Government Committee? Mr. Rosswog, in going over the report of the Style and Drafting Committee, I haven't found where the intent of the Committee lies as far as organized taxing authority not within organized boroughs. Would you point that out to me, where that language is, whether a health district or a school district could be organized and have taxing powers outside of an organized borough?

ROSSWOG: I believe that would be shown in the amendment that we have for Section 6. Mr. McLaughlin, were you going to propose that amendment?

McLAUGHLIN: Yes. I was prepared to propose one. I inserted for convenience in the sentence following Section 6 on page 2, "It may exercise any powers or functions in an unorganized borough which the assembly may exercise in an organized borough". Is that the one?

ROSSWOG: Yes, that is the one.

McLAUGHLIN: Mr. Chairman, I move the addition of the sentence quoted to Section 6.

PRESIDENT EGAN: It is moved, seconded by Mr. Doogan, that the amendment be adopted. Is there discussion? Mr. Rosswog.

ROSSWOG: This amendment has the approval of the Local Government Committee. It clarifies this section, and I would like to ask unanimous consent.

PRESIDENT EGAN: Unanimous consent is asked that the amendment be adopted. Is there objection? Hearing no objection, it is so ordered, and the amendment has been adopted. Are there other amendments to be proposed for these sections? Mr. Coghill.

COGHILL: No amendment, but another question. It is still not clear in my mind that this would extend taxing powers to a service area inside of an organized borough.

PRESIDENT EGAN: Mr. Rosswog.

ROSSWOG: Maybe I can answer that. It is felt here that all powers of local government are established in organized boroughs and cities, and stating here that the legislature may exercise any powers or functions in an unorganized borough which the assembly may exercise in an organized borough would place it right there.

COGHILL: If I may carry on the question -- this allows the legislature to do it, but we don't want the legislature to do the taxing, or we don't want the new state to do the administering of this particular special district. Now let's

just take for an example a health district set up in an unorganized borough. They should have some sort of fiscal and administrative values to their organization and that wouldn't do it; that would be providing that the legislature would do it for them.

PRESIDENT EGAN: Mr. Londborg.

LONDBORG: Mr. President, if you will look at this section, at the last sentence, and insert the word "legislature" for assembly, you would have it, that they would authorize the levying of taxes. They can give that power then to a service area as I understand.

PRESIDENT EGAN: Are there amendments to be offered for Sections 5 or 6? Mr. Victor Rivers.

V. RIVERS: The answer to Mr. Coghill's question in part. I think will be found in Article 17/c, a provision there for transitory activities of existing districts of which you speak.

PRESIDENT EGAN: Mr. Coghill.

COGHILL: I don't wish to continue this on. I thought there might have been an intent here that I had not interpreted. It's not my concern with the districts we now have, Mr. President, it's the districts that might be formed in an unorganized area. It's not provided for in this article as far as I can see, and I thought we had provided for it. Mr. Fischer might be able to enlighten me on it.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: All I can do is restate what Mr. Londborg just said that by putting the legislature in the same position as the assembly in Section 5, they could establish service areas or provide for the establishment of such service areas and grant them taxing powers.

COGHILL: That is not in the Article right now.

V. FISCHER: Yes it is. It is on page 2, line 20.

COGHILL: Yes, but that says the assembly may. The assembly is not the legislature; the assembly is the governing body of the borough.

V. FISCHER: Well, we are saying in the sentence that was just unanimously added that it, the legislature, may exercise any powers or functions in an unorganized borough which the assembly may exercise in an organized borough.

PRESIDENT EGAN: That is an amendment that has been adopted. Maybe you don't have that written down.

COGHILL: I have it written down, but it seems to me it is kind of backwards. You are allowing the legislature to do something which the local government could do. I see the intent now.

PRESIDENT EGAN: Are there other questions or proposed amendments to those two sections? If not, are there amendments or questions relating to Section 7 or Section 8? If there are no other amendments to Sections 7 or 8, are there amendments to be proposed for Section 9? For Sections 10 or 11? Are there amendments for Section 12? Mr. Rosswog.

ROSSWOG: I wonder if it was ruled under the Style and Drafting that the change shall become effective within 45 days, if it was accepted, or would that be a new amendment?

PRESIDENT EGAN: Mr. McLaughlin.

McLAUGHLIN: To clarify that, I move that the assembly adopt the substantive change made by the Style and Drafting Committee, commencing on line 5 of page 4, and reading "The change shall become effective 45 days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house". I so move, and ask unanimous consent.

PRESIDENT EGAN: Mr. McLaughlin moves and asks unanimous consent that the change made by the Style and Drafting Committee be adopted. Mr. Taylor.

TAYLOR: I am going to make an objection for the time being.

PRESIDENT EGAN: Is there a second?

DOOGAN: I second.

TAYLOR: I guess I will withdraw this. There is a question I wanted to ask, but I assume they mean that the presentation -- I see. I will withdraw my objection.

PRESIDENT EGAN: Is there objection to the unanimous consent request? Hearing no objection, the change is ordered adopted. Are there other questions or amendments for Section 12. Are there amendments for Section 13? Section 14? Mr. Hinckel.

HINCKEL: I have a question. Section 14 originally stated that provision shall be made by law for an agency in the executive branch of the government to render assistance and advice to local governments and charter drafting agencies. During the discussion it was particularly brought out that cities or boroughs would probably need assistance in charter drafting. It was expressly stated that they would be able to get that assistance, and I just wonder if Style and Drafting feels that their language covers that fully so that there will be no question about their being able to get that assistance.

McLAUGHLIN: That specific question arose, and we consulted with the Local Government Committee and it was the consensus of the Committee, with no one objecting that there was no point in mentioning any specific agency of the local government, such as a charter drafting agency, and that the advice and assistance would automatically be advice and assistance to any subordinate boards, commissions, or agencies of the cities.

HINCKEL: Just as long as it is in the record, then, I am satisfied.

PRESIDENT EGAN: Are there other questions relating to Section 14, or amendments? Are there amendments to be proposed for Section 15? Mr. Johnson.

JOHNSON: I move that the original language reported by the Style and Drafting Committee as to Section 15 be restored.

PRESIDENT EGAN: The original language as reported by the Local Government Committee, you mean, Mr. Johnson?

JOHNSON: No. I meant as it appeared in Section 15 of the Style and Drafting Committee report. There was a change made.

PRESIDENT EGAN: You move that the...

JOHNSON: I move that Section 15 be changed to read: "At the time a borough is organized special service districts performing local functions shall be integrated with the government of the borough as provided by law".

PRESIDENT EGAN: It would only take a majority vote to reject the Committee's report as to that section. Is there a second to the motion?

COGHILL: I second the motion.

PRESIDENT EGAN: Seconded by Mr. Coghill; moved by Mr. Johnson. Mr. White.

WHITE: Point of order, Mr. Chairman. I don't think we have adopted that change in Section 15.

JOHNSON: It was adopted as to style but...

PRESIDENT EGAN: It has been accepted...

WHITE: There is some question. We have been using the words, "accept the report of the Committee on Style and Drafting and adopt the changes". That language has not been used here today. There is a question in the minds of some of us as to just where we stand. We have so far only accepted the report of the Committee on Style and Drafting.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: I wonder if Mr. Johnson would consent to withdraw his motion while I put the usual motion that the changes be adopted.

PRESIDENT EGAN: Probably, Mr. Sundborg, that would be proper, inasmuch as Mr. McLaughlin has offered some of the other Committee proposals -- already offered the amendments -- the adoption individually, that Mr. Johnson withdraw his motion, and then Mr. Sundborg move that this Committee change be adopted.

JOHNSON: I will withdraw.

PRESIDENT EGAN: Then it wouldn't create any confusion in the minds of the delegates. If there is no objection, Mr. Johnson's amendment is withdrawn.

SUNDBORG: It is understood then that Mr. Johnson's amendment would still be subject only to a majority vote? Is that correct?

PRESIDENT EGAN: That is correct.

SUNDBORG: I move now, then, Mr. President, that the amendments or changes represented in the report of the Style and Drafting Committee on the Article on Local Government be adopted. I ask unanimous consent.

PRESIDENT EGAN: Mr. Sundborg, that isn't what the Chair meant. The Chair meant that now we have already adopted some of those changes by individual motions. It would be better if you would ask that this particular substantive change asked for in Section 15 be adopted at this time -- that alone.

SUNDBORG: Mr. President, there are probably a thousand or more changes which have been made since the enrolled copy was passed upon by the Convention, and usually what happens here is that a motion is made at the proper time that the report of the Committee be accepted, and that the changes represented in that report be adopted, and then the Convention takes on the work from there.

PRESIDENT EGAN: Mr. Sundborg, the Chair erred a moment ago when you asked a question, would it then only take a majority vote. If we adopt your motion now, any changes after that would take a two-thirds vote. So the Chair didn't realize that that's what you were asking -- for the adoption of the entire report of the Style and Drafting Committee.

SUNDBORG: Mr. President, I ask unanimous consent to withdraw the motion I just made, and I will ask that the changes in language --

PRESIDENT EGAN: If there is no objection, the motion is withdrawn.

SUNDBORG: ...the changes in language noted by Mr. McLaughlin when he was presenting this Article, in Section 15, be adopted by the Convention. I ask unanimous consent.

PRESIDENT EGAN: Mr. Sundborg asks unanimous consent.

JOHNSON: I object.

SUNDBORG: I so move.

PRESIDENT EGAN: It is so moved by Mr. Sundborg, seconded by Mrs. Hermann. The motion is open for discussion. Mr. Johnson.

JOHNSON: I don't wish to belabor the point too much, but I feel a decided substantive change has been made by this proposed language, because as the section read originally, not only the enrolled copy, but Section 15 as originally proposed by the Style and Drafting Committee, the special service districts performing local functions should be integrated with the government. Now, it is conceivable there might be within a borough, an organized borough, special service districts which were performing state functions, and if you change the language to read as they want to "existing at the time a borough is organized", instead of "special service districts performing local functions", you are changing the meaning, the original intent, and I feel it should be left as it was when it went off the floor after second reading, and that only special service districts performing local functions should be integrated with the government of the borough as provided by law.

PRESIDENT EGAN: Mr. Doogan.

DOOGAN: We approved this change as it has been proposed because it plugged a loophole which the Committee originally intended to plug, but we found we didn't have exactly the right language. The argument that could be construed if we left the language as it is: Is a school district a local function or isn't it? And our purpose was that all districts be under the jurisdiction of a borough. So that was the reason for the change, and that's the reason we approved it.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: I should state here that this change, while offered by the Style and Drafting Committee, was not the invention of the Style and Drafting Committee. It was proposed to us and urged by the substantive committee, the Committee on Local Government. We reviewed it as to language and phraseology only and agreed to offer it in connection with our report, but it is their suggestion and not our suggestion, and I have no feelings about it myself and I am sure no member of the Style and Drafting Committee does.

PRESIDENT EGAN: Mr. Sundborg, it will be necessary to carry your motion that it be carried by a two-thirds vote, because it is a substantive change.

SUNDBORG: And you rule then, that it is a matter of substance?

PRESIDENT EGAN: It seems to the Chair that it is a matter of substance. Would the Chief Clerk please read the proposed amendment again?

CHIEF CLERK: "Delete 'at the time a borough is organized', and start the sentence with 'Special' on line 2, 'Special service districts', and insert 'existing at the time a borough is organized, shall be integrated with the government of the borough as provided by law'."

PRESIDENT EGAN: Of course, it originally would have meant that any borough, regardless of when it came into existence, would come under this section. Now, it means just those boroughs that existed at the time. Mr. Doogan.

DOOGAN: I am going to raise a point of order on the question. It was the intention of the substantive committee and it was explained on the floor that any districts existing at the time a borough was organized would come under the jurisdiction of the borough, and I think if you will look in the record you will find that that is so. So I maintain it is not a substantive change. It is a change in wording to carry out the intent of this body.

PRESIDENT EGAN: Mr. Doogan, if we can go back to the record -- now the Chair does not recall, naturally, exactly what was stated for the record on this proposal. If it was made clear at that time and is on the record, then it could be classified as a clarifying phrase, but in the absence of the record, it is, in this wording, a change in meaning if the delegates feel that there is a change -- the Chair can see by reading the section that there is a definite change in meaning, right off-hand. Unless you ask that we go back to the record, the Chair would have to rule that it is a substantive change. Mr. Sundborg.

SUNDBORG: If that is the ruling of the Chair, then I will withdraw my motion, and the motion should be phrased, "I move to suspend the rules and to submit an amendment which would be as has already been read by the Chief Clerk".

PRESIDENT EGAN: Mr. Sundborg moves that the rules be suspended -- unanimous consent is asked that the rules be suspended for the purpose of submitting this proposed amendment. Is there objection?

COGHILL: I object.

PRESIDENT EGAN: Objection is heard. Mr. Sundborg so moves, seconded by Mr. White, that the rules be suspended. Mr. Smith.

SMITH: Would it be possible to ask a question of the Chairman of the Local Government Committee before this vote is taken?

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

SMITH: I just wanted to know whether special service districts includes school districts.

ROSSWOG: We did feel that special service districts would cover all special districts, and that the wording "performing local functions" -- it was our intention, I believe, to cover all districts. We felt they were doing local functions and should be covered, but in reading it, why -- it may limit or be a question there, and so we thought those words should be deleted and rewritten.

SMITH: The question in my mind, Mr. Rosswog, was that even with the new wording where you say "special service districts", do you mean school districts along with all the other service districts?

ROSSWOG: Yes, we do. We mean school districts, health districts, or anything along that line.

PRESIDENT EGAN: Mr. Gray.

GRAY: My understanding is this article is on local government, and to me this isn't a change in substance. It is exactly the same thing. It's a change in phraseology. Local functions is local government functions; it is not city. It is rural functions.

JOHNSON: Point of order. There is a motion before the house that is not debatable.

PRESIDENT EGAN: The question is: "Shall the rules be suspended?" The Chief Clerk will call the roll.

(The roll was called with the following result:

Yeas: 43 - Armstrong, Awes, Barr, Boswell, Collins, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Kilcher, King, Knight, Londborg, McCutcheon, McLaughlin, Metcalf, Nerland, Nolan, Nordale, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, and Mr. President.

Nays: 8 - Coghill, Cooper, Hurley, Johnson, Laws, Lee, Marston and Peratrovich.

Absent: 4 - Buckalew, McNealy, McNees, and Robertson.)

CHIEF CLERK: 43 yeas, 8 nays, and 4 absent.

PRESIDENT EGAN: The Yeas have it and the rules are ordered suspended. Mr. Sundborg.

SUNDBORG: I now move the adoption of the amendment.

GRAY: I second the motion.

PRESIDENT EGAN: Mr Sundborg moves the adoption of the amendment, seconded by Mr. Gray. The question is: "Shall the proposed amendment as offered by Mr. Sundborg be adopted by the Convention?" Mr. Johnson.

JOHNSON: Mr. President, reference has been made to what transpired before. My notes indicate that when Section 15 was considered by the Convention before, the only amendment that was offered and passed had reference to the addition of some wording which says, "consistent with the provisions of this Article". Those words were added to the original Committee report. Otherwise it remained unchanged, and I have no recollection that the point as raised now by the Local Government Committee was ever considered at any time. I believe that the language as adopted in the original instance and as was reported by the Style and Drafting Committee is the proper language in this section, and that this motion should be defeated.

PRESIDENT EGAN: The question is: "Shall the proposed amendment be adopted?" All those in favor of adopting the amendment as offered by Mr. Sundborg will signify by saying "Aye"; all opposed by saying "No". The Chief Clerk will call the roll.

(The roll was called with the following result:

Yeas: 36 - Awes, Barr, Collins, Cross, Doogan, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Kilcher, King, Knight, Lee, McCutcheon, McLaughlin, Metcalf, Nerland, Nordale, Poulsen, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, Mr. President.

Nays: 15 - Armstrong, Boswell, Coghill, Cooper, Davis, Emberg, Hurley, Johnson, Laws, Londborg, Marston, Nolan, Peratrovich, Reader, Stewart.

Absent: 4 - Buckalew, McNealy, McNees, and Robertson.)

CHIEF CLERK: 36 yeas, 15 nays, and 4 absent.

PRESIDENT EGAN: The Yeas have it and the amendment is ordered adopted. Are there other amendments for Section 15? Mr. Coghill.

COGHILL: Could I ask a question on Section No. 14 of the Committee Chairman? In the agency to be established by law in the executive branch of the state government to assist and advise the local governments, would that include the unorganized boroughs, the unorganized cities, the unorganized districts that wish to become organized?

PRESIDENT EGAN: Mr. Rosswog.

ROSSWOG: I believe it could come under that. It states, "and can perform other duties prescribed by law".

COGHILL: It would be "yes", wouldn't it?

ROSSWOG: Yes.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: I now ask unanimous consent that the amendments and changes made by the Style and Drafting Committee in the Article on Local Government in connection with this report back to the Convention, so far as they pertain to phraseology, be adopted.

BARR: Point of order. I have an amendment to make which was put off so that the business could be carried on. I would like to submit that.

PRESIDENT EGAN: This morning it was more or less the general feeling that Mr. Barr, rather than having us recess, would be working on any amendment he might have.

SUNDBORG: If it is not an amendment of substance, this is the time for it; if it is an amendment of substance, I would like to have my motion acted on first.

PRESIDENT EGAN: If it is an amendment of substance, it doesn't make any difference, Mr. Barr.

BARR: It is not an amendment of substance.

SUNDBORG: I then defer my motion.

BARR: The Secretary has my motion.

PRESIDENT EGAN: Would the secretary please read the amendment, that Mr. Barr would offer?

CHIEF CLERK: "Section 2, page 1, line 7, strike the word 'borough' and substitute therefor the word 'section', and take like action wherever the word 'borough' may appear throughout the Article."

BARR: Mr. President, I move the adoption of the amendment.

SUNDBORG: I second the motion.

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

BARR: Mr. President, this word "section" doesn't conflict with anything. It is recognized political subdivision. The dictionary gives it as "a division or part of a people or political division". It is used throughout the United States, usually to designate an area of the countryside, a section of land. All states of the Union, 47 of them, use county. I don't know why we have such antipathy here toward the word county, although some of us don't like the government. Louisiana, of course, uses the word "parish" to designate its political subdivisions. To this point we have adopted "borough". New York City is divided into boroughs, and I suppose maybe some other cities. I don't know which ones they are. Most of them are divided into wards. There is no reason we shouldn't have adopted the word "ward". Now, I will admit that New York City has some points, but really, as far as I am concerned, it's just a big overgrown stone prison that is overcrowded and noisy. I never did go there, although I have been in New York State, because I don't like to be in that kind of place. That is why I came to Alaska. Alaska is just the opposite; it's the opposite in every way, so I don't see why we have to adopt New York City's boroughs. "Section" is easily understandable and there is no mistake in what it means. It is a good solid American word and won't give us any trouble at all. I propose that we adopt the word "section". It will sound good; we will be speaking of the Fairbanks Section, Anchorage Section, and the Klawock Section, and when we say that, we will know what we mean.

PRESIDENT EGAN: Mr. Davis.

DAVIS: the first time this matter came up I voted for county. I was overwhelmingly voted down. It's true that some of the other folks changed over to borough, and we finally got the name of borough. Now, this is the fourth time, I think, this afternoon that we have taken this matter up on different names, and I think there are several thousand names in the dictionary, a good many of which could be applied. I want to know how long we are going to go on offering different names and bringing up this same question.

PRESIDENT EGAN: Mr. Victor Rivers.

V. RIVERS: I want to call to the attention of the body that the word section is a term very generally used in the rectangular system of surveys used by the United States Survey and Land Office. There are 36 sections in a township, and a section is six miles square, and it is a very common term used in land descriptions, and would be very confusing to find that you had Section 36 in Township 13 North, Range 2 West, lying in the

Section of Anchorage or the Section of Fairbanks. It's part of the problem that the committee ran into. Both of the words that the delegate has submitted, both area and section -- both came into drastic conflict with other very common uses.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: I would like to congratulate Mr. Barr on his ingenuity in groping for a word to describe local government -- just any old word, as long as it isn't borough; but I think there is another score against section, and that is that it is a word that is used throughout our Constitution, referring to a part of the Constitution. We say, "As used in this section", or "In referring to Section so and so". I think it would be most confusing if we used it to describe a unit of local government.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: I would confuse it with the Caesarean section. (laughter)

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

BARR: That was just my point, Mr. President. You can find arguments against anything if you look long enough, but the arguments against borough are better than any of these that have been brought up. It is true that there are many words in the dictionary that could be adopted, and any one of them would be better than borough. That's my point. (laughter)

PRESIDENT EGAN: The Convention will come to order.

BARR: I am trying to get rid of the word "borough" because I want to be able to walk down the streets without having people throw rocks at me. I am not the only one who doesn't want to live in a borough. There are nine-tenths of them here. If people wonder why I am sticking to this and trying to get something else adopted, that is the reason. I think it is important to the people what we call these political subdivisions. It seems that a great many of you here don't think it is important, but the people in Alaska do. I doubt that this will pass. I am beginning to have my doubts, but it is a more serious problem than most of you think, and you will hear of it when you get home.

PRESIDENT EGAN: The question is: "Shall the proposed amendment as offered by Mr. Barr be adopted by the Convention? All those in favor of adopting the proposed amendment will signify by saying "Aye"; all opposed, by "No". The Noes have it and the amendment has failed of adoption. Are there other amendments for Article No. 10? Mr. Kilcher.

KILCHER: I have a very small amendment and will make it orally. It is the same subject and might have a chance to go through. I suggest that as a last compromise, a small compromise with the bigger ones we have made, that we at least change the spelling of this borough to b-o-r-o. I don't see any reason at all why we should stick to this u-g-h spelling. It hasn't changed since Chaucer used it. It has a nostalgic reference looking back towards New York and further beyond the ocean towards England. The spelling of b-o-r-o is commonly used in connection with and affixed to town names. I don't want to reiterate --

SUNDBORG: Point of order.

KILCHER: I am making a motion, Mr. President.

PRESIDENT EGAN: Did you move and ask unanimous consent?

KILCHER: Yes.

BUCKALEW: I second the motion.

PRESIDENT EGAN: Moved by Mr. Kilcher, seconded by Mr. Buckalew, that the amendment be adopted. The Convention will come to order. Mr. Kilcher.

KILCHER: Mr. President, I realize that this matter has been stretched out slightly too much. And nonetheless, I am sure the problem is a little more serious than it appears, and I am sorry that "borough" has been actually adopted. It is a stop gap probably, from the Committee, and has been handed along as a dark horse choice, and there we are, we have it, and in order to alleviate the school children's spelling in the future, and in order to some extent undo the damage that we have done by adopting this "borough", a change of spelling I think would be welcome. It is George Bernard Shaw himself who said that if all the u-g-h's in the English language were cut out, the amount of secretarial work, print, ink, and paper that would be saved would amount to half of the English war debt in ten years. Of course, the problem is not as great with us, but certainly we could be modern in this respect. America has always been modern in changing the English spelling wherever it could, and this little amendment I think would clear up the air to some extent and it wouldn't harm nobody, and...

PRESIDENT EGAN: The question is: "Shall the proposed amendment as offered by Mr. Kilcher be adopted by the Convention?" All those in favor of adopting it will signify by saying "Aye"; opposed by saying "No".

PRESIDENT EGAN: The Noes have it and the amendment has failed of adoption. Mr. Sundborg.

SUNDBORG: I move that the rules be suspended and that there be no further consideration given to the names of the local government units as given in the local government article.

PRESIDENT EGAN: Mr. Sundborg moves that the rules be suspended. Is unanimous consent asked?

LONDBORG: How can that be possible? We can always reach it by a two-thirds vote later. (laughter)

PRESIDENT EGAN: The Convention will come to order. Is there objection to the suspension of the rules in order that no more amendments can be offered on this subject.

PRESIDENT EGAN: Objection is heard. The question is: "Shall the rules be suspended in order that no more amendments can be offered upon this subject of the change in name of the Government entity?" The Chief Clerk will call the roll.

(The roll was called with the following result:

Yeas: 18 - Awes, Barr, Boswell, Davis, V. Fischer, Hilscher, Hinckel, Hurley, Lee, McCutcheon, McLaughlin, Marston, Nerland, Nordale, Rosswog, Sundborg, Taylor, and Mr. President.

Nays: 34 - Armstrong, Buckalew, Coghill, Collins, Cooper, Cross, Doogan, Emberg, H. Fischer, Gray, Harris, Hellenthal, Hermann, Johnson, Kilcher, King, Knight, Laws, Londborg, Metcalf, Nolan, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Smith, Stewart, Sweeney, VanderLeest, Walsh, White, and Wien.

Absent: 3 - McNealy, McNees, and Robertson.)

CHIEF CLERK: 18 yeas, 34 nays, and 3 absent.

PRESIDENT EGAN: So the Nays have it and the rules have not been suspended. But on a question like this, the Chair does not feel it necessary to ask for a suspension of the rules and then -- what would be the question after that? Because it would take -- you would carry the meaning with your suspension of the rules and it isn't necessary -- it isn't a compound motion in a sense, but a compound motion is meant. Mr. Doogan.

DOOGAN: I move that the report of the Style and Drafting Committee as we have it before us now, be accepted, be adopted.

PRESIDENT EGAN: Mr. Doogan moves and asks unanimous consent that Article X, the Article on Local Government, the report of the Committee on Style and Drafting with relation to that Article, be adopted. Mr. White.

WHITE: I object, but only for a question.

PRESIDENT EGAN: Your question, Mr. White, if there is no objection.

WHITE: Mr. McLaughlin, you pointed out only one change in substance in the mimeographed copy, that is on page 4. Is that the only change of substance made by the Committee on Style and Drafting in the mimeographed material?

McLAUGHLIN: That, to my knowledge, is the only change of substance made by the Style and Drafting Committee.

WHITE: Mr. President, I remove my objection.

PRESIDENT EGAN: Is there objection to adopting the report of the Committee on Style and Drafting with relation to Article X on Local Government?

V. RIVERS: I second the motion.

PRESIDENT EGAN: Mr. Doogan moves, seconded by Mr. Victor Rivers, that the report of the Committee on Style and Drafting in relation to Article X, the Article on Local Government, be adopted. The Chief Clerk will call the roll.

(The roll was called with the following result:

Yeas: 49 - Armstrong, Awes, Boswell, Buckalew, Coghill, Collins, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Kilcher, King, Knight, Lee, Londborg, McCutcheon, McLaughlin, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, and Mr. President.

Nays: 3 - Barr, Johnson, and Laws.

Absent: 3 - McNealy, McNees, and Robertson.)

CHIEF CLERK: 49 yeas, 3 nays, and 3 absent.

PRESIDENT EGAN: So the report of the Committee on Style and Drafting on Article X has been adopted. Mr. Sundborg.

SUNDBORG: Mr. President, I move and ask unanimous consent that the rules be suspended, that Article X be advanced to third reading, be read by title only, and placed on final passage.

JOHNSON: I object.

DOOGAN: I second the motion.

PRESIDENT EGAN: Mr. Sundborg moves, seconded by Mr. Doogan, that the rules be suspended, that Article X, the Article on Local Government, be advanced to third reading, read the third time by title only, and placed upon final passage. The Chief Clerk will call the roll.

(The roll was called with the following result:

Yeas: 47 - Armstrong, Awes, Boswell, Buckalew, Collins, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Kilcher, King, Knight, Lee, McCutcheon, McLaughlin, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, and Mr. President.

Nays: 5 - Barr, Coghill, Johnson, Laws, and Londborg.

Absent: 3 - McNealy, McNees, and Robertson.)

CHIEF CLERK: 47 yeas, 5 nays, and 3 absent.

PRESIDENT EGAN: So the Yeas have it, the rules have been suspended, and Article X, the Article on Local Government, is now before us in third reading and up for final passage. The Chief Clerk will read the title of the Article.

CHIEF CLERK: Article X, Local Government.

PRESIDENT EGAN: Mr Barr.

BARR: I would like to explain my vote. I believe that the system of government as outlined in this Article is very good. I believe the Committee did very good work. I voted "No" because I believe that the people who sent me here -- it is not acceptable to them with that word "borough" in it. Now, that may not be very important, but I believe it is important to them, and I just wanted it on record that I voted no. Perhaps you think I am stubborn. I will agree with you.

PRESIDENT EGAN: Is there further debate or discussion of Article X, the Article on Local Government? Mr. Coghill.

COGHILL: I also believe that the Local Government Committee did a wonderful job here. However, I will be constrained to vote

against the Article because the provisions outlined do not provide for an equitable system of fiscal school operation within the Territory, and I believe, as it has been stated on the floor before, that our biggest resource is our children, and that we should provide for them through a system that will be nondiscriminate upon the administrators of that system. Therefore, I will be constrained to vote against this Article.

PRESIDENT EGAN: Is there further discussion? If not, the question is: "Shall Article X, the Article on Local Government, be adopted as a part of Alaska's State Constitution? The Chief Clerk will call the roll.

(The roll was called with the following result:

Yeas: 47 - Armstrong, Awes, Boswell, Buckalew, Collins, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Kilcher, King, Knight, Lee, Londborg, McCutcheon, McLaughlin, Marston, Metcalf, Nerland, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, and Mr. President.

Nays: 5 - Barr, Coghill, Johnson, Laws, and Nolan.

Absent: 3 - McNealy, McNees, and Robertson.)

CHIEF CLERK: 47 yeas, 5 nays, and 3 absent.

PRESIDENT EGAN: The Yeas have it, and Article X, the Article on Local Government, has been adopted as a part of Alaska's State Constitution. Mr. Doogan.

DOOGAN: Mr. President, I move and ask unanimous consent that we stand at recess until 7:00.

PRESIDENT EGAN: Mr. Doogan moves and asks unanimous consent that we stand at recess until 7:00. Are there Committee announcements? Mr. Sundborg.

SUNDBORG: The Committee on Style and Drafting will meet immediately upon recess at the rear of the gallery.

PRESIDENT EGAN: The Committee on Style and Drafting immediately upon recess at the rear of the gallery. Mr. Hellenthal.

HELLENTHAL: Point of information. I wonder if the President of the Rules Committee, or the Chairman or someone informed, could tell us what work is ready for us to work on tonight so we will

have an idea whether we will be able to work tonight, or whether we will have to wait tonight?

PRESIDENT EGAN: We have the calendar -- the Chair has lost its calendar. Mr. Riley.

RILEY: I think an expression from the Style and Drafting Committee would perhaps be appropriate as to what is out or soon will be out of the boiler room.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Mr. President, I believe that by 7:00, the Article on Natural Resources will be out of the boiler room and on your desks so we can consider it tonight, and that, I think, will be the only one which we will have for tonight.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: I seem to be in some doubt. There is a long calendar in front of us. Isn't there some of this material?

PRESIDENT EGAN: It's in the making, Mr. Ralph Rivers, and whether or not some more of that might be completed by the time we might possibly complete the Article on Natural Resources -- if there is no objection the Convention will stand at recess until 7:00 p.m.

RECESS

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

SWEENEY: Your Committee on Engrossment and Enrollment to whom were referred Committee Proposals No. 14 and 17/b have compared the same with the original and find them correctly engrossed. On the first enrolled copy of Committee Proposal No. 14, there was one error by the Engrossing Committee we did not catch, and that correction has been made in ink rather than running it over again. It is a simple word. As concerns Committee Proposal No. 17/b, I hope the delegates will understand that the sections will necessarily have to be renumbered when all the sections are considered as a whole, so that they won't be too worried about the wrong numbers on there. Mr. President, I ask unanimous consent that the report of the Committee be adopted.

PRESIDENT EGAN: Mrs. Sweeney asks unanimous consent that the report of the Committee on Engrossment and Enrollment with relation to Committee Proposal No. 14 and Committee Proposal No. 17/b be adopted by the Convention -- supplemental 14 -- be adopted by the Convention. Is there objection? Hearing no objection, the report is ordered adopted. Mr. Sundborg.

SUNDBORG: Mr. President, we have already, I believe -- no, I guess we have not. I would now like to report from the Style

and Drafting Committee the return to the Convention of the Article on Natural Resources, Article VIII, copies of which have been distributed to delegates. Although this is not according to our calendar the next order of business, it is the next one which we have ready for consideration by the Convention, and I ask unanimous consent that it be considered at this time.

PRESIDENT EGAN: Hearing no objection, Article No. VIII, the Article on Natural Resources, will be -- the report of the Committee on Style and Drafting with relation to Article VIII, will be considered at this time. The Chief Clerk will please read the report of the Style and Drafting Committee.

(The Chief Clerk read Article VIII in its entirety.)

PRESIDENT EGAN: Would the Sergeant at Arms please determine whether there are any other delegates in the building? Mr. Sundborg, does your Committee have a report to make in explanation of any changes that might have been made by your Committee?

SUNDBORG: Mr. President, we believe that no substantive changes have been made in this report. It was worked over, first of all by a subcommittee of our Committee, which consisted of Mr. Hurley, Mrs. Hermann, and Mr. Armstrong. It has been discussed with and reviewed by members of the Committee on Resources, and I believe that they agree with us that no substantive changes have been made. We have asked Mr. Hurley to explain the changes incorporated in the Article and to answer the questions of delegates.

PRESIDENT EGAN: Mr. Hurley.

HURLEY: Mr. President, I would like first to call attention, which you probably already noted, to a typographical error on line 15, page 2, in which "of" should be "or"; line 15, page 2.

PRESIDENT EGAN: Is that "recreational or scientific"; is that right?

HURLEY: Yes, Mr. President.

PRESIDENT EGAN: You ask that unanimous consent be given that that change be made at this time?

HURLEY: I do, Mr. President.

PRESIDENT EGAN: Is there objection to the unanimous consent request that the word "of" be changed to "or"? Hearing no objection, the change is ordered. Mr. Hurley.

HURLEY: Mr. President, I also call attention to line 7 on that same page and the first word in line 8, we have an extra "the"

in there. One of them may be stricken. It's immaterial to me which one you strike.

PRESIDENT EGAN: You ask unanimous consent to strike the last word on line 7?

HURLEY: I do, Mr. President.

PRESIDENT EGAN: Is there objection? Hearing no objection, it is so ordered.

HURLEY: To the best of my knowledge, Mr. President, that is all the typographical errors I have found. I would like, however, to call your attention to an exception to the statement by our chairman, which is sort of in between a substantive change and not a substantive change, and that is the matter on line 3 of page 4, which reads as follows: "necessary for the extraction and basic processing of mineral deposits." That change was not made as a substantive change, but was made at the request of the members of the committee who were working with us who indicated that that was what they intended for it to be. However, it may be that their minds have been changed in the meantime, so I would call that to their attention in case they wish to make some change in that particular item. It is no particular concern as far as style is concerned. Very few changes were necessary in this Article. I might say that very few changes in style could be made because of the predominance of technical terms in the article, and it was very difficult to try to make them readable to a person who was not conversant with the terms. In fact, we felt it impossible so we did not even try after a while. There was some change in the arrangement of the sections, which may necessitate the delegates going from one part to the other in following us, but it was felt they were more logically grouped the way we have them. I will start out with the report of the Style and Drafting Committee and, in going through the sections, tell you where a particular section came from. Section 1 is a condensation of the preamble which was not labeled as such but what amounted to such in the enrolled copy. We think we have clarified it without changing the substance or leaving out any item which was part of it. It follows our general policy of not having preambles to articles in the Constitution, and it did seem to us to say something of sufficient importance to incorporate it in a section. Section 2 is the same as Section 2 of the enrolled copy. The only change was the state to the legislature. Section 3 of the report comes from Section 4 of the enrolled copy and again is worded practically identically with the other one. The words "administered, utilized and maintained" have been "utilized, developed and conserved" in line with previous sections where they have used those words in the same context. Section 5 came from Section 5 of the enrolled copy; it is practically identical. Section 6 came from Section 8 of the enrolled copy. It is the same except for the last paragraph,

which has been shortened some to cut down repetition. If I am going too fast, someone can stop me; if I am not going fast enough, I will be glad to go faster. Section 7 of the report came from Section 7 of the enrolled copy. Section 8 came from Section 9 of the enrolled copy. There was some change in wording of the last half of that, but we agreed it says the same thing. Section 9 came from Section 10 of the enrolled copy. Section 10 came from Section 11, and Section 11 of the report comes from Section 12 of the enrolled copy down through line 9 on page 4 of the enrolled copy. There are considerable changes in phrasing but no changes in substance.

PRESIDENT EGAN: Mrs. Nordale.

NORDALE: Mr. President, may I ask a question. Line 22, page 3, Mr. Hurley, does the word "transferable" refer both to licenses and leases, or is it...

HURLEY: It did not in the enrolled copy. It only referred to licenses.

NORDALE: Leases are not transferable?

HURLEY: I would have to refer that to the substantive committee. It was my thought, anyway.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: May I inquire, Mr. Hurley, if you, don't think that, without the comma after the word "licenses", that the transfer both modifies licenses and leases?

HURLEY: You please me no end, because I had a comma in there and my Committee struck it out.

R. RIVERS: Your Committee changed the meaning then. I submit without the comma that the word "transferable modifies "leases" as well as "licenses".

HURLEY: I think that possibly the leases, too, would be transferable, so I submit the question to Mr. Riley, if he would care to answer it.

PRESIDENT EGAN: Mr. Riley, could you answer the question?

RILEY: Subject to correction from any of the Committee, I would say that "transferable licenses" went in as a committee amendment, perhaps, in which the Committee had gone along with a floor suggestion. Earlier leases as mentioned had not been intended to be transferable. I think perhaps it would be clarified by transposing "leases" and "transferable licenses".

R. RIVERS: I agree with that.

PRESIDENT EGAN: Mr. Ralph Rivers agrees.

HURLEY: Can we accept that as a motion on the part of Mr. Riley?

RILEY: I ask unanimous consent.

PRESIDENT EGAN: You ask unanimous consent that that change be made at this time, Mr. Riley?

RILEY: I think it is a matter of style and, while we are on it, it would speed things up.

PRESIDENT EGAN: What is the change then?

RILEY: Line 22, following the word "permits", add "leases, and transferable licenses"; striking "and leases" later in the line.

PRESIDENT EGAN: Does the Chief Clerk have that proposed amendment? Is there objection to the unanimous consent request for the adoption of the amendment?

HERMANN: I don't think it needs the comma myself.

R. RIVERS: With that transposition it does not need the comma.

PRESIDENT EGAN: The Convention will come to order. Is that correct, Mr. Riley?

RILEY: I would have a comma after "permits"; "permits, leases and transferable licenses".

PRESIDENT EGAN: Without the comma -- then the amendment would strike the comma you had asked for after "leases"?

RILEY: I don't think I asked for one, but in any event there should be none there.

PRESIDENT EGAN: If there is no objection the Chief Clerk will strike the comma that was originally asked to appear after the word "leases". Is there objection to adopting the amendment as offered by Mr. Riley -- the unanimous consent request? Hearing no objection, the amendment is ordered adopted. Mr. Hurley.

HURLEY: Section 12 comes from line 9 on page 5 at the end of the old Section 12. We did some damage to the repetition of these various minerals, but took care of the proposition by referring to "these minerals", so there seems to be no dissent from the committee on that. Section 14 comes from Section 14 of the enrolled copy; Section 15, from Section 15 of the enrolled copy; Section 16, from Section 16 of the enrolled copy. Section 17

comes from Section 6 of the enrolled copy. Section 18 comes from Section 17 of the enrolled copy. Section 19 comes from Section 18 of the enrolled copy. Section 20 comes from Section 1 verbatim of the enrolled copy.

PRESIDENT EGAN: Are there questions to be directed to Mr. Hurley with relation to the Committee's report on Article No. VIII? Mr. Doogan.

DOOGAN: I might ask for his remarks again on Section 11, where in the enrolled copy it says "extraction or basic processing", and here they have changed it to "extraction and basic processing".

HURLEY: That is what I mentioned before, and I feel that it could be construed as a substantive change which -- I understand the Committee may have some remarks concerning it. If we don't have any remarks concerning it from the Committee, I will then move that this change be adopted. I give them the opportunity to object to it first if they want to. They may have changed their minds. Hearing nothing from them, Mr. Chairman, I would at this time move that the rules be suspended and that the insertion of "and" for "either" and "or" on line 3 of page 4 be accepted.

PRESIDENT EGAN: Line 3 of page 4. What was your amendment, Mr. Hurley?

HURLEY: That the word "and" after the word "extraction" be approved as a substantive amendment to the enrolled copy, which said "either the extraction or basic processing".

PRESIDENT EGAN: You have heard Mr. Hurley's -- did you move, Mr. Hurley? Or ask unanimous consent.

HURLEY: I move and ask unanimous consent.

PRESIDENT EGAN: Mr. Hurley moves and asks unanimous consent that that proposed amendment be adopted.

KNIGHT: I will object for the moment.

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

HERMANN: I second the motion.

PRESIDENT EGAN: Mrs. Hermann seconds the motion. Mr. Doogan.

DOOGAN: Well, I have not heard from the substantive committee on this yet. I would like to hear from them. I consider that a substantive change, and I would like to hear what they have to say about it.

HURLEY: Mr. President, I might suggest that their silence is more eloquent than words.

PRESIDENT EGAN: Then the question is at this time: "Shall the rules be suspended?" Is there objection to suspending the rules in order that this amendment be considered? Unanimous consent is asked that the rules be suspended. Is there objection? Hearing no objection, it is so ordered, and you move the adoption, Mr. Hurley?

HURLEY: I move the adoption of the amendment.

PRESIDENT EGAN: Mr. Hurley moves the adoption of the proposed amendment, seconded by Mrs. Hermann. Mr. Riley.

RILEY: With respect to the question raised by Mr. Doogan, if he has the enrolled copy nearby, on page 5, lines 6 and 7, it will show the problem. The first word on line 7, the word "either" was thrown in in the process of some hasty floor amendment, and we felt that it arrived at a situation that was not desirable by imposing unnecessary restrictions. Now, in discussing the matter with Style and Drafting, we proposed that "either" be removed, and there was some difference within the Committee a few minutes ago as we read this over for the first time in final form as to whether the word "and" or the word "or" was preferable in the completed copy -- "extraction and basic processing" or "extraction or basic processing". Personally, I favored "or", but I believe it was the consensus of the Committee that it be left alone, and for that reason I would not question Mr. Hurley's proposed substantive change.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: Mr. President, may I direct a question to Mr. Riley?

PRESIDENT EGAN: You may. Mr. Johnson.

JOHNSON: Mr. Riley, what is the practical effect of the change?

RILEY: Well, reading first, Mr. Johnson, from the enrolled copy, "Surface use of such lands, by the mineral claimant, shall be limited to those necessary to either the extraction or basic processing of mineral deposits." I think that is clear enough, that assuming that one is operating on one claim, it would suggest that he could either extract or he could do his basic processing on that claim. It might be language of limitation. The same thought might be carried over as to the two adjoining claims -- that the employment of the word "either" in that passage is a little narrower than without it, and we did not seek to be restrictive. Now, in the language of Style and Drafting, "Surface uses of land by a mineral claimant shall be limited to those necessary for the extraction and basic processing of the mineral deposits", we escape the limitation of the word "either", but I personally think there is still limitation in the use of the word "and" which I would prefer to see "or", but speaking

for the Committee, the Committee did not demur to "and".

JOHNSON: Then may I ask this: if the word "and" were changed to "or", that would be less restricting?

RILEY: I would be pleased.

PRESIDENT EGAN: Mr. Hurley.

HURLEY: May I just say that the Style and Drafting Committee has no compunctions on this one way or another? We only put it in like we were told to put it in by members of the Committee.

PRESIDENT EGAN: Mr. Coghill.

COGHILL: I might remind the Convention that in the first form brought out by the Committee it was "and" and the Convention amended the first form to strike the "and" and insert an "or".

RILEY: Well, I have not my earlier copy right at hand as to the "or", but the complication did occur with the "either", and the "or" may have gone in at that time or may not have, but in any event, speaking for myself alone, I think the whole situation could be cured now if the amendment sought by Mr. Hurley were changed to substitute "or" for "and".

PRESIDENT EGAN: Mr. Riley, if the Chair may, the Chair would like to ask a question. Supposing a person was out on a quartz deposit and he extracted the ore, that if you used the word "or", would that keep him from milling that ore at that site on his own right?

RILEY: I rather doubt that this language, using the word "or", "o-r" in this case, would, I think, give you the utmost opportunity for the use of your surface. I don't think that the other would ever be construed against a mineral claimant, but I think that there is likelihood that it could be.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: Mr. President, a point of inquiry. Is it permissible under a suspension of the rules at this time to offer an amendment to the amendment?

PRESIDENT EGAN: Amendment to the amendment? Well, the previous manner in which we have considered that, Mr. Johnson, unless there was further unanimous consent, that it could not be done. That has been the manner in which we proceeded previously.

HURLEY: I would ask unanimous consent that my amendment be withdrawn.

PRESIDENT EGAN: Mr. Hurley moves and asks unanimous consent that the amendment he had offered be withdrawn at this time. Is there objection?

HURLEY: I ask a two-minute recess.

PRESIDENT EGAN: If there is no objection, the Convention will stand at recess before we act on this.

RECESS

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

RILEY: Mr. President, Mr. Hurley has just delegated his prerogative of asking for suspension of the rules for purposes of making a specific substantive amendment. A huddle of about fifty-four people (laughter) has come up with this language in line 3: "extraction or basic processing or both".

PRESIDENT EGAN: Mr. Riley, do you move the adoption of the amendment?

RILEY: I do. That means striking the word "and", substituting for "and" the word "or", and after "processing", inserting "or both".

PRESIDENT EGAN: Mr. Riley moves and asks unanimous consent that the amendment be adopted. Is there objection?

R. RIVERS: I object just for the moment. My understanding was it would read, "extraction or basic processing of the mineral deposits or both". Put the words "or both" on the end of the line.

RILEY: I will refer that to Style and Drafting.

R. RIVERS: Does that go to Style and Drafting?

PRESIDENT EGAN: If there is no objection the Convention will be at recess for one minute. The Convention is at recess.

RECESS

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

RILEY: At the risk of muddying up the record, Mr. President, I will withdraw my request for suspension of the rules on that specific amendment and try another one for size. I will ask unanimous consent that the rules be suspended to amend the passage as follows...

PRESIDENT EGAN: Mr. Riley has asked unanimous consent that he be allowed to withdraw his previous request. If there is no

objection, it is so ordered. Mr. Riley.

RILEY: Lines 3 and 4 to read under this amendment, "necessary for the extraction or basic processing of the mineral deposits, or for both".

PRESIDENT EGAN: You ask unanimous consent that the rules be suspended in order that you might submit that amendment?

RILEY: I do.

PRESIDENT EGAN: Is there objection? Hearing no objection, it is so ordered.

RILEY: I move the adoption of the amendment and ask unanimous consent.

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

KILCHER: Point of information. Mr. Riley, I would like to ask a question, if I may, about the implications of this thing. There are certain types of mineral clays, for instance, to take an example, that are considered minerals for certain purposes, and the processing of these mineral clays takes acres of land for sheds, piles, and so on. Now, assuming that somebody files a mineral claim on two different pieces of property belonging to somebody else -- let's say two farms, for instance -- and he's extracting -- he files a claim on each. Let's assume this mineral deposit is underlying both places. He is extracting the mineral in one, and he prefers the location further down for processing purposes. Will he be allowed to get the use of the second parcel of land, possibly a wheat field or a pasture, to build himself five or six acres of sheds under this construction?

RILEY: In the first place, Mr. Kilcher, I doubt that your illustration would amount to basic processing -- the five or six acres of shed. I would expect also that when the question arose, the matter of concurrent use would come in, the matter of which was the highest beneficial use of the land, and whether the mineralization of the second area, the second claim, was actually established, or whether it was simply staked as a more convenient spot for processing, perhaps, closer to water or closer to the highway. There are a number of questions there of a hypothetical nature that I would not pretend to answer. I think basic processing is the key to this.

KILCHER: I overlooked that angle of basic processing. Thank you.

PRESIDENT EGAN: Is there objection to the adoption of the proposed amendment? Hearing no objection, the amendment is ordered

adopted. Does the Committee have other amendments they would like to offer? Mr. Hurley.

HURLEY: No, Mr. President, we have no further amendments. If there are no further questions...

R. RIVERS: There are. I would like to refer to Section 14 and ask Mr. Hurley a question.

PRESIDENT EGAN: If there is no objection, Mr. Ralph Rivers.

R. RIVERS: Line 3 says, "Free access to the navigable or public waters of the State, as defined by law, shall not be denied any citizen of the United States". Is it your impression, Mr. Hurley, that the legislature could define "navigable waters" as not including the smaller lakes that are within the boundaries of the homesteads?

HURLEY: May I submit that the wording except for changing "legislature" to "law" is identical with the enrolled copy, and I would refer the question to the substantive committee.

PRESIDENT EGAN: Mr. Riley.

RILEY: Mr. Rivers, the answer to your question is "yes", and the language was inserted pursuant to a request from Mr. Poulsen and others that conceivably the legislature might set a minimum area, shall we say on back yard ponds, to which free access would be afforded.

R. RIVERS: Do you agree with me that there is a great deal of case law on the subject of navigability, and that there is great diversity of opinion of the courts as to what is meant by "navigability"? Do you think the reference here "by law" could possibly refer to that big jumble of case law?

RILEY: That is what bothers me. "Public waters of the state" is what was intended to be defined by law. Your calling it to our attention in terms of "navigable waters" is one point which should have further consideration.

R. RIVERS: I also wanted to ask you if the "navigable" -- I thought we were avoiding that term and sticking to "public waters as defined by law" -- and I am wondering how "navigable" got in there.

RILEY: It has been there from the outset.

R. RIVERS: Don't you think it would be better to use the word "legislature" to define "navigable waters" so all this case law won't get all balled up in it?

RILEY: I don't think you can escape judicial determination from time to time.

R. RIVERS: We were going to define it by the legislature, were we not?

RILEY: We were going to insert legislative definition to accommodate such instances as that described by Mr. Poulsen. I think that you are getting into hot water when you start making legislative determination of navigable waters in view of the libraries full of decisions on navigability of waters.

R. RIVERS: Then why are we about to do it then?

RILEY: Your point is well taken, and, as I say, we should have further consideration before this goes into third reading, only because of the use of the word "navigable".

PRESIDENT EGAN: Mr. Hurley.

HURLEY: Mr. President, I can see the problem of which they speak, and I might suggest that the striking of the comma after the word "State" would probably make it clear that the definition refers to public waters and not "navigable", if that would be possible.

PRESIDENT EGAN: If there is no objection, do you think it would be wise to have a recess at this time so the Committee and Mr. Rivers and other delegates could get together on that question?

HURLEY: In view of the fact, Mr. President, that it might be well taken care of by a style change, it might be well to have a one- or two-minute recess.

PRESIDENT EGAN: If there is no objection the Convention is at recess for two or three minutes.

RECESS

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

HURLEY: Mr. President, I move and ask unanimous consent that the word "law" on line 4 be stricken and the words "the legislature" be substituted in its place.

PRESIDENT EGAN: Mr. Hurley moves and asks unanimous consent that the word "law" on page 5, line 4, be stricken and the word "the legislature" be inserted in its place. Mr. Johnson.

JOHNSON: I object for a question.

PRESIDENT EGAN: Objection is heard. Do you so move, Mr. Hurley?

HURLEY: I so move.

POULSEN: I second the motion.

PRESIDENT EGAN: Seconded by Mr. Poulsen. Your question, Mr. Johnson.

JOHNSON: Mr. Hurley, is this amendment intended to eliminate the possibility of any definition of free access, and so on, by means of the initiative as against the legislature?

HURLEY: No, Mr. Johnson, it is not, and I think it is covered by the final article in the miscellaneous provisions which we will have before us tomorrow.

JOHNSON: What is the purpose of the change?

HURLEY: The purpose is to put it back the way it was before we got it in Style and Drafting.

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: Question, Mr. Hurley. As I read this article now, then the legislature could define "navigable waters"?

HURLEY: That is correct, Mr. Buckalew.

BUCKALEW: Was that the intention of the Committee?

RILEY: I don't think that was the intention of the Committee, Mr. President. If I conveyed that idea, Jim, I am sorry. It seems to me that restoration of the word "legislature" for "law" is one that developed the thought that legislative law as distinct from case law should have the stress, but, as I stated earlier, I am not entirely satisfied with the situation we find ourselves in, and I am not content with an offhand settling of it here. We had decided earlier in the Committee that it would be desirable to hold this out of third reading tonight for such questions as might arise in seeing for the first time the finished draft. Now, this language did not change substantially, but I think I know the point that Mr. Buckalew is on, and I share his views that navigability is not one that should be handled lightly or hastily.

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: Mr. President, could I ask Mr. Riley a question? I am not trying to hold things up, Mr. Riley, but it seems to me if, after the word "navigable", we inserted the word "waters" and then inserted a comma, that would probably cure it.

RILEY: We were virtually at that point once, Mr. Buckalew, here in the last few minutes, and then Style and Drafting decided to return to the "legislature" to cure the one proposition so far as it would, and that was the pending amendment. I think that your point could be picked up properly from that.

PRESIDENT EGAN: Mr. White.

WHITE: Mr. President, may I address a question to Mr. Buckalew?

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

WHITE: I am not a lawyer so perhaps I should not get too involved in this subject, but as a member of the committee, I am interested in the general subject and am particularly interested in this wording here. Would you contend that any action, in view of the fact that there appear to be libraries full of definitions of navigable waters, would you contend that the action of a state legislature could possibly have no effect on the definition of navigable waters if it affected that state?

BUCKALEW: That is not my position at all, Mr. White. I think that if the state legislature got into the proposition of defining navigable waters, we would have a pyramid of -- another series of cases. I think it would just cloud the issue. Certainly, the legislature could define navigable waters and it would be controlling if the courts could understand the definition.

WHITE: How do you arrive at a situation as mentioned here earlier where in the state of Washington navigable waters was defined as something that would float a shingle boat? Possibly other definitions in other states. How do you arrive at the different definitions of navigable waters if some attempts by state legislatures have been made to define navigable waters?

BUCKALEW: Mr. White, that is about a five-thousand dollar question, and it would take three weeks' research. I am not in any position to give you an opinion.

PRESIDENT EGAN: Mr. Gray.

GRAY: I would like to ask the Chairman of the Committee a question. It is my understanding that navigable waters are under the jurisdiction of the United States Government, and is this "navigable necessary? As long as waters are determined as being navigable, they are immediately beyond the jurisdiction of the state. I am not sure. I am just asking.

PRESIDENT EGAN: Mr. Smith.

SMITH: It is with the greatest pleasure I refer that question to Mr. Riley.

PRESIDENT EGAN: Mr. Riley.

RILEY: I thought that Mr. Buckalew's remark was most felicitous about the five-thousand dollar question. There is a large area

of federal jurisdiction over navigable waters. At the same time, the state courts have defined "navigability" of waters time and again. The one referred to here this evening was one of literally thousands. This particular problem arises by our having inserted the amendment the other evening "as defined by the legislature". I think that in returning to the legislature we make a partial -- from "by law", we make a partial step toward correction. I don't think that here on the floor this evening we are going to correct the thing altogether. But my own thought would be to proceed, and to hold this point in abeyance, perhaps for the first recess, when thoughts can be organized, and we might come up with something yet tonight.

PRESIDENT EGAN: Mr. Coghill.

COGHILL: Could I ask Mr. Riley a question on this? In your opinion, Mr. Riley, does the new state acquire the rivers and harbors area of the new state, or does that still stay under the jurisdiction of the River and Harbor Bureau of the Army?

RILEY: Navigability for purposes of commerce is still a federal jurisdiction.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: Point of order. I think a motion was made to change "by law" to "by the legislature". I don't think the discussion has been pertinent at all to that request. The request would put this in line with the enrolled copy, and I think the only discussion should be on should this be "by law", or should it be "by the legislature".

PRESIDENT EGAN: We have a motion that has been made and seconded before us to change the word -- delete the word "law" and insert in lieu thereof the words "the legislature". Is there further discussion? Mr. Metcalf.

METCALF: Mr. Riley, that does not include initiative law, does it? The legislature?

RILEY: Subject to interpretation of the so-called idiot rule by Style and Drafting, I only wish to say that the amendment -- that Style and Drafting is going back to the word "legislature" which the Committee had used initially, and it is my impression that our use of the word "legislature", if it is adopted, is to confine it to the legislative law as against case law.

PRESIDENT EGAN: Mr. Victor Rivers.

RIVERS: It seems to me -- has the motion been adopted here now -- on the legislature?

PRESIDENT EGAN: It has not been adopted yet.

V. RIVERS: I will hold my comments then.

PRESIDENT EGAN: Is there further discussion on the proposed amendment? The question is: "Shall the proposed amendment as offered by Mr. Hurley be adopted by the Convention?" All those in favor of adoption of the amendment will signify by saying "Aye"; all opposed by saying "No". The "Ayes have it and the amendment is ordered adopted. Mr. Hurley.

HURLEY: Mr. President, I have no more.

PRESIDENT EGAN: Mr. Victor Rivers.

V. RIVERS: I rise to a question. We are talking here not about navigability as I see it; we're talking about free access. So it would seem to me, if we struck the comma after "state", we would accomplish what we want. We would discriminate between the public waters and navigable waters. The sentence would then read, "Free access to the navigable, or public waters of the State as defined by the legislature shall not be denied any citizen of the state. Then, regardless of the amount of case law you have pertinent to navigable or whatever the legislature may pass which is pertinent to the state law, it would still be a matter in this section at least only of the free access to those waters.

PRESIDENT EGAN: Mr. Riley.

RILEY: I don't think this is before us, but just to clear the air a bit, four or five of us were pretty much in harmony with the thought expressed on the floor by Mr. Buckalew during the previous recess. We would carry it a little farther than Delegate Rivers has just suggested. Perhaps a recess at this time for about two minutes would put the show on the road again.

PRESIDENT EGAN: If there is no objection, the Convention is at recess.

RECESS

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

HURLEY: Mr. President, I have another slight phraseology amendment on page 1, line 10. Strike the comma after "wildlife". I ask unanimous consent.

PRESIDENT EGAN: Mr. Hurley asks unanimous consent for the adoption of the amendment. Is there objection? Hearing no objection, the amendment is ordered adopted.

HURLEY: Now, Mr. President, if there are no further questions as to Style and Drafting...

PRESIDENT EGAN: Mr. Barr.

BARR: Mr. President, I feel an amendment coming on, but I am going to try to forestall it here by a little question. In Section 8, Mr. Hurley, it says, "The legislature may provide for the leasing of and the issuance of exploration permits". We hashed over the word "exploration" before and there is no doubt what that means when we are speaking of mining, or anything of that sort. But if you picked up a magazine and read an article on some subject and came down to the middle of the article and it said that a permit could be issued for exploration, you might assume that somebody was outfitting an expedition to explore the Arctic, or anything else. That has a very broad meaning. This is just a matter of styling. In this article, we read all the way through it down to this Section 8, you are speaking of lands, of fisheries, of objects of natural beauty, of historic or cultural value, etc. Then you say, a permit may be provided for exploration. Of course, if you read clear on down to the tail end of it, you find out that exploration there pertains to mining. It seems to me another word could go better in here. Do you know if it was the intent of the Resources Committee to provide this permit only for exploration as we know it, or did that include development? Could development replace that word? Or do you know of another word that would be better.

HURLEY: Mr. Barr, I have failed on many occasions to be able to grasp the intent of the Resources Committee, so I waive the question to Mr. Riley.

PRESIDENT EGAN: Mr. Riley or Mr. Smith, Mr. Barr's question?

BARR: In that particular section it does not mention minerals or anything else.

RILEY: Mr. Barr, I am just looking for my pre-enrolled copy which I don't spot readily. I recall that you expressed interest -- perhaps it was your amendment in the first instance.

BARR: That had to do with mining, and in my mind there was no doubt then what "exploration" meant because it dealt with mining, but in this, when you first stumble on to it, you naturally take it in its broadest meaning.

RILEY: I suggest -- I was looking for an earlier edition which may be coming up. I had in mind that possibly this represented some reorganization on the part of Style and Drafting. I do not know that this is the case. It would appear to me that one word, perhaps "mineral exploration", would satisfy your objection.

BARR: I don't have any particular objection except that it sounds awkward to me. I would say "mineral exploration", or if you are speaking of other things as I think you are here, such

as forestry and fisheries, you could say "exploration and development", or just plain "development" if the intent went that far. I am not going to offer an amendment, but I wish somebody would look into it the next time you have a recess.

PRESIDENT EGAN: Mr. Hinckel.

HINCKEL: That was put in at the time they were talking about exploration regarding burial grounds, etc., that they did not want the public digging up promiscuously. That sort of exploration was the subject of conversation at the time it was put in.

PRESIDENT EGAN: Mr. Davis.

DAVIS: So far as I can see, the language here used is identical with the enrolled copy, and it is outside of the scope of the inquiry at this time.

PRESIDENT EGAN: You are correct, Mr. Davis, if it is identical with the enrolled copy.

HURLEY: It is.

PRESIDENT EGAN: Are there other questions with relation to the report of the Style and Drafting Committee? Mr. Hurley.

HURLEY: I have no questions. (laughter)

PRESIDENT EGAN: It is hard to tell...

HURLEY: If there are no further questions, I would move that the report of the Style and Drafting Committee on the Resources Article be adopted as to phraseology only.

PRESIDENT EGAN: Mr. Hurley moves and asks unanimous consent that the report of the Committee on Style and Drafting with relation to the Natural Resources Article be adopted with relation to phraseology only. Is there objection? Hearing no objection, it is so ordered and the report has been adopted. Are there proposed amendments for Section 1? Mr. Sundborg.

SUNDBORG: I wonder about this procedure in third reading of going through and requesting amendments section by section. We did not do that until the very last article considered, I do believe. It requires a suspension of the rules any time an amendment is offered, and I believe that anybody who has a substantive amendment should have the burden of coming forward with his motion to suspend the rules and offer it. This thing has been through second reading which is when amendments should be made. I don't believe it is proper to call off here section by section and in essence here invite amendments.

PRESIDENT EGAN: Mr Sundborg, it is the recollection of the Chair that we have done that after the Convention has accepted your report, that that has been the procedure right along. Because it actually is not in third reading; it is some sort of in-between. But we have been doing that.

SUNDBORG: The point I want to make is that we should not lightly be considering amendments here. The time to make amendments was when this was on the floor and really in second reading and subject to amendments. Any amendment now requires a suspension of the rules and should not be offered unless there is some very good reason for offering it.

PRESIDENT EGAN: That is right, but that has been the procedure under which we have entertained this matter right on through. Mr. McNees.

MCNEES: I would have a feeling that this is very proper to go through it this way inasmuch as these articles returning from Style and Drafting have only so recently come in our hands. We have waived the factor of having it in our hands for 24 hours prior to consideration at this time. I do feel that going through it section by section is very advisable.

PRESIDENT EGAN: Are there amendments for the article for any of the sections at this time? Mr. Kilcher.

KILCHER: Has Section 14 now been settled? The question of Section 14 as to phraseology or substance?

PRESIDENT EGAN: Has that been settled so far as the Committee is concerned, Mr. Riley?

RILEY: The Committee has nothing else to submit on Section 14 Mr. President. We have a couple of other one-word amendments to submit.

PRESIDENT EGAN: I think what Mr. Kilcher was getting at is it your feeling that Section 14 is in good shape now?

RILEY: Section 14 reads as printed with the exception of the return to the word "legislature" instead of "law on line 4, page 5.

PRESIDENT EGAN: Are there other amendments to be proposed? Does the Committee, the substantive Committee have an amendment to offer?

RILEY: Mr. President, on page 3, Section 9, line 8, at one point this was discussed on the floor, apparently without action. It reads, "Reservation of access shall not impair the owners' use,"; the Committee feels that the word "unnecessarily" should be

inserted between "not" and "impair". Obviously, any access will represent some impairment, and we feel that the use of the word "unnecessarily" will in part correct that. Accordingly, the Committee requests a suspension of the rules, and will thereupon move the adoption of the amendment.

PRESIDENT EGAN: Unanimous consent is asked by Mr. Riley that the rules be suspended for that purpose. Is there objection? Hearing no objection, Mr. Riley, the rules have been suspended and you might offer your amendment.

RILEY: The Committee asks on line 8, page 3, the word "unnecessarily" be inserted after the word "no". We ask unanimous consent.

PRESIDENT EGAN: Mr. Riley asks unanimous consent for the adoption of the proposed amendment. Is there objection? Hearing no objection the amendment is ordered adopted.

RILEY: Next, Mr. President, on line 1 of page 6.

PRESIDENT EGAN: Line 1, page 6.

RILEY: The sentence starts on the preceding page and reads as follows: "Just compensation shall be made for property taken or for damages to other property rights." We feel that the word "damages should be qualified, and I ask unanimous consent for suspension of the rules in order to make the specific amendment, "resultant damages".

PRESIDENT EGAN: Mr. Riley moves and asks unanimous consent that the rules be suspended. Is there objection? Hearing no objection, the rules have been suspended.

RILEY: Now, Mr. President, the Committee asks unanimous consent that line 1 of page 6 be amended by inserting after the third word, the word "resultant".

PRESIDENT EGAN: Mr. Riley moves and asks unanimous consent for the adoption of the amendment. Is there objection? Hearing no objection, the amendment is ordered adopted.

RILEY: The Committee has no further amendments at this time. Mr. President, but we specifically do not ask that the rules be suspended for advancing the article into third reading.

PRESIDENT EGAN: You desire that this article be held and let take its normal course? If there is no objection the article is referred to the Rules Committee for assignment to the calendar in third reading. Mr. Victor Rivers.

V. RIVERS: I rise to ask a question again in connection with the article, of the matter brought up by Mr. Barr. I can see leases

and sales and grants here, but this leases and issuance of permits for exploration seems to limit the field of leasing. I see sales and grants of public lands, but for instance, I am thinking in terms of a headquarters site or trade and manufacturing site or some other area in which you might possibly want a development lease. Do you feel we have development leases for different things other than exploration for mineral purposes and oil?

RILEY: The question raised by Mr. Barr, Mr. Rivers, is specifically why we do not ask that the matter be advanced tonight under suspension of the rules.

V. RIVERS: You think it does not cover that type of lease...

RILEY: We think a question exists which merits attention.

PRESIDENT EGAN: If there is no objection, the article is referred to the Rules Committee for assignment to the calendar for third reading. Mr. Doogan.

DOOGAN: May I ask a question? It is on page 4, lines 3 and 4, we made a change and put in "extraction or basic processing, or both". I noticed on page 3, line 23, we run into the same question again, and it looks again to me like the word "and" is a limiting word.

RILEY: Is that a question addressed to me? My quick reading of that sentence would suggest to me that the question is not there as significant as it is on the next page. There again we will make a marginal check.

PRESIDENT EGAN: Are there other questions before this article is definitely taken off the calendar for today? If there are no other questions, it is referred to the Rules Committee. Mr. Riley, as Chairman of the Rules Committee -- the next bus does not leave here until ten minutes until 10:00; is that correct? Mr. Coghill.

COGHILL: The next bus leaves the University at 9:50.

PRESIDENT EGAN: Mr. Riley, is there anything that could be brought before us that might -- Mr. Sundborg.

SUNDBORG: Mr. President, I have just been advised that the article on General and Miscellaneous Provisions has been completed in the boiler room and is on its way down here.

PRESIDENT EGAN: If there is no objection then, the Convention will be at recess and we might consider that article until time for adjournment.

McNEES: Before recess, inasmuch as I was inadvertently absent from the floor when the final roll call was taken on the Article

on Local Government, I would like to have the record show that if I had been present on the floor I would have voted "Yes".

PRESIDENT EGAN: If there is no objection, the record will show that if Mr. McNees had been present he would have voted "Yes" on the Local Government Article. If there is no objection, it is so ordered. Another item that the Chair would like to bring to the attention of the delegates before we recess is that it will be necessary after the Constitution is in its final form, it will then be necessary to vote on the complete document in its final form and have at least 28 votes in favor of it in order to adopt the final complete document. Now the question is: is it the intention of the Convention that that final vote be held at the signing ceremonies which will just take a few minutes? It has arisen in the mind of the Chair that it might be an impressive part of that ceremony if that final vote on the document is taken over at the gymnasium that afternoon. Mr. White.

WHITE: I so move.

DOOGAN: Would that entail the reading of the final document over there too?

PRESIDENT EGAN: That is another question now -- that's a good question, Mr. Doogan, and inasmuch as we might as well decide here -- would it be in order that the final document be read by article only down through, or what is the intention of the body as to that final document and how it will be read? Mr. Kilcher.

KILCHER: Has anybody an estimate ready how long it would take to read it, slightly slower than our Chief Clerk usually reads?

SUNDBORG: We estimate it will contain about thirteen thousand words. I would guess it would take the Chief Clerk a good hour, maybe an hour and one-half to read it, all of it.

PRESIDENT EGAN: There is nothing in the rules that would prevent. We have read it in its entirety more than once, we will have read it in its entirety more than once, and there is nothing in the rules that the Chair can see that would keep it from being in order to read it article by article with such a motion being offered. I don't mean in its entirety, but just each separate article.

KILCHER: I think it should be looked into. If it were technically possible at all, I think it could be an impressive part of the ceremony for everybody present and concerned to hear it, to have it read.

PRESIDENT EGAN: Mr. Armstrong.

ARMSTRONG: Is it not possible that we might circumnavigate this technicality by taking care of the reading of the document, if that is necessary, on Saturday, and on Sunday read it by title and use the preamble as part of that ceremony, and at that time it will be made public as part of our ceremony?

PRESIDENT EGAN: That could be done. There is plenty of precedent for the legality of such action. Mr. Coghill.

COGHILL: If it was read over there, maybe somebody might have the bright idea of amending it. (laughter)

PRESIDENT EGAN: It does not seem to the Chair that it would be possible to read it over there. Mr. McNees.

MCNEES: The thought occurs to me that possibly the tape recording equipment and the Stenotypist record would not be available at the gymnasium that day. It's just a question. Possibly they will be available, I don't know.

PRESIDENT EGAN: Mr. Coghill.

COGHILL: They will be. They will be taking the proceedings of our signing ceremonies on tape at the station that day.

PRESIDENT EGAN: Mr. Londborg.

LONDBORG: Inasmuch as according to the rules it is open for amendment until final passage, it might be well to preclude an amendment on Saturday. Somebody might want to change something at the last minute. We could get into a long argument.

PRESIDENT EGAN: Mr. Hurley.

HURLEY: I would like to ask unanimous consent to revert to the matter of motions, and would like to make a motion on this thing.

PRESIDENT EGAN: If there is no objection, you may offer a motion at this time.

HURLEY: Mr. President, I move that the final reading and vote on the Constitution for the State of Alaska take place in this hall on or before Saturday.

CROSS: I second the motion.

PRESIDENT EGAN: Mr. Hurley moves, seconded by Mr. Coghill and Mr. Cross, that the final reading and vote on the Constitution be taken in this hall not later than Saturday afternoon. The motion is open for discussion. Mr. Victor Rivers.

V. RIVERS: I would like to make a motion that we read the Constitution by title -- preamble and title of each article just prior to signing. Mr. Hurley.

HURLEY: Just by word of explanation, is it on the floor?

PRESIDENT EGAN: It is on the floor.

HURLEY: What I had in mind is that I think it would be fine to read the title and preamble and vote on it over there, too, but I would like to get the thing finished up so that if somebody had an amendment at the last minute he could not say he was precluded from making that amendment because of the circumstances.

PRESIDENT EGAN: You mean, Mr. Hurley, that the intent of your motion is that we do the necessary legal work right here, but over there we call the roll on the adoption again and have the preamble read and the title of each article read, and then call the roll adopting it again as part of the ceremonies?

HURLEY: Yes, with the understanding that the Rules Committee would provide that no amendments would be offered. Mr. Boswell.

BOSWELL: I was wondering if we could not still take the final vote over there if we read it here and got up to that point where there were no amendments.

PRESIDENT EGAN: The Chair is certain, Mr. Boswell, that there would be no delegate who would attempt to offer a specific amendment to move it back into second reading on that day. Also, if such a move were made, that it certainly could not get the two-thirds vote at that time. Mr. Londborg.

LONDBORG: It might be a good time to make a change on "borough". You would get the feeling of the people.

PRESIDENT EGAN: Mrs. Nordale.

NORDALE: Mr. President, should not the final reading and the vote go on this tape and on the stenotypist's record? Are we going to move everything over there and continue this particular tape?

PRESIDENT EGAN: Mr. Coghill.

COGHILL: Mr. President, the feeling of the Committee on Administration is, and we are going to discuss that tomorrow, that the Chief Clerk, the Secretary, and the stenotypist will be sitting just forward of the President's chair, but the tape recording will be done at the KFAR studio, because they are going to broadcast the whole program and they will in turn dub the tape from the broadcast.

PRESIDENT EGAN: It will be recorded. Mr. Cross seconded the motion as the Chair remembers it. The question is: "Shall the Convention adopt the motion presented by Mr. Hurley and amended by Mr. Victor Rivers?" All those in favor of adopting the motion as amended will signify by saying "Aye"; all opposed, by saying "No". The "Ayes" have it and the motion is adopted. If there is no objection, the Convention -- Mr. Sundborg.

SUNDBORG: Could we revert to the order of business of committee reports?

PRESIDENT EGAN: Yes, Mr. Sundborg.

SUNDBORG: Mr. President, the Committee on Style and Drafting reports back to the Convention Article XII, General and Miscellaneous. Copies have been distributed to delegates and a copy is on the Chief Clerk's desk.

PRESIDENT EGAN: The Chief Clerk will proceed with the reading of the committee report.

(The Chief Clerk read the report on the Article in full.)

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Mr. President, there is one additional miscellaneous provision, which has passed through second reading and is not included in this draft. It is the provision pertaining to the disclaimer as to Native rights. It is still being redrafted in the Style and Drafting Committee and being considered by our consultants, and will be brought on the floor just as soon as it is ready. I would like to inquire whether any of the substantive committees, and particularly Mr. McNealy's committee, have additional general and miscellaneous provisions which they intend to introduce to be included in the Constitution.

PRESIDENT EGAN: Mr. McNealy.

McNEALY: Mr. President, we have none in the Ordinance Committee.

SUNDBORG: If any other committee chairman knows of miscellaneous provisions to be presented, we would like to know about it in Style and Drafting.

PRESIDENT EGAN: Mrs. Sweeney.

SWEENEY: Well, you probably are aware of it, in Resources the last two are supposed to be added to this section. One is already in, but I can't find the other one. Section 19 in Resources, there is the enumeration of specific powers, which is taken care of in Section 7, and then the state boundaries. which was No. 20 in Resources. I do not find that in this one.

SUNDBORG: We are aware of those two, and we will take care of them appropriately here. I was just wondering if there may be some others that in the course of the Convention have been given to some committee or have been assigned for further study and have not come before us again.

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: I do not recall seeing the one in regard to suffrage and elections, which referred to the election of 1924. Does that belong here or in Ordinances?

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: I believe it has been passed in third reading, and will be among the provisions in the schedule of transitional measures and ordinances. I believe it was reported out again by Mr. McNealy's committee along with the Alaska-Tennessee Plan.

PRESIDENT EGAN: Mr. Rivers had one he was working on. Mr. Rivers.

V. RIVERS: Well, I have in mind what I consider to be a problem of omission, and that is the question of financing in the transition period. I mentioned that the other day. I also have in mind as to whether or not we should have a sort of a severability or savings clause in here, so that if the Congress should find they are not able to accept certain clauses, such specifically as the fish trap clause, that we would not lose the balance. I was just thinking about that and I mentioned that before dinner. I have talked it over with a few. I wonder if it might not be well to have it.

PRESIDENT EGAN: Mr. Sundborg, do you have a Committee explanation to make in relation to this article?

SUNDBORG: Mr. President, the general and miscellaneous provisions have been gathered from all points here in the Convention and collected in the Engrossment and Enrollment Committee and turned over to our Committee. Some of them have been drafted in the first instance by Style and Drafting, and we gave those just as critical a going-over as we did the others as to language. The redraft was prepared by a subcommittee consisting of Mr. Davis, Mr. Fischer, and myself. And we have asked Mr. Fischer to explain the changes that have been made and to answer any questions by delegates.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: Mr. President, there are no basic changes in the various sections as they are before you. There is an additional section inserted, as you will note, Section 9, that is a clari-

fication of the use of the terms "by law" and "by the legislature" as they are used in this Constitution. It was deemed desirable to include this provision to make sure that the courts do follow the intent of this Convention in deciding upon various questions that may come up. We will ask for a suspension of the rules to consider this matter.

PRESIDENT EGAN: Are you asking for that suspension at this time? You mean for the inclusion of this section?

V. FISCHER: Yes, I think it properly should come after the language has been approved. If you would like me to, I can just run through quickly and advise the members where the various sections came from. Section 1 is Section 1 in the enrolled copy; 2 and 2 are the same; 3 comes from 3; 4 is the same as No. 4 was before -- in most cases they are practically the same wording; 5 has the same number as previously. Section 6 is composed of what were Section 7 as well as Section 8 in the enrolled draft. We combined those into one section. What is Section 7 now previously was Section 9. What is Section 8 previously was Section 10. Section 9, as I mentioned, is new. Section 10 comes from Section 11; Section 11 comes from 13; Section 12 comes from 6; Section 13 comes from 6; and as Mr. Sundborg mentioned, Section 12 of the enrolled copy is not as yet ready for presentation and will be brought in as an addendum to this report at a future time for separate approval. I will be glad to answer any questions.

PRESIDENT EGAN: Are there any questions to be directed to Mr. Fischer on any of the sections? Mr. Cooper.

COOPER: Mr. President, in line 21, page 2, Section 6, should not the words "persons of" be stricken?

V. FISCHER: They probably could be. I don't think that they add very much to the language as it stands here.

PRESIDENT EGAN: Are there other questions relating to Article XII? If not, are there any committee amendments to be offered at this time? Mr. Fischer.

V. FISCHER: Mr. President, I would like to ask unanimous consent that the rules be suspended for the purpose of considering the inclusion of Section 9.

PRESIDENT EGAN: Mr. Fischer moves and asks unanimous consent that the rules be suspended for the purpose explained. Mr. McLaughlin.

McLAUGHLIN: Mr. Chairman, the objection is merely a technicality, but on page 2, line 21, "including persons of both sexes.", should not that read, "shall be construed as including either

sex."? (laughter)

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: I think I would rather not answer that question while we are in the middle of a request for the suspension of the rules.

McLAUGHLIN: I will withdraw that objection.

PRESIDENT EGAN: Mr. Fischer asks unanimous consent that the rules be suspended in order that he might offer Section 9 as an amendment to this article. Is there objection? Hearing no objection the rules are suspended. Mr. Fischer, you might offer your proposed amendment.

V. FISCHER: Mr. President, I move that Section 9 be approved for inclusion in Article XII of this Constitution. I ask unanimous consent.

PRESIDENT EGAN: Mr. Fischer moves and asks unanimous consent that Section 9 be adopted as a part of Article XII, the Article on General and Miscellaneous provisions. Is there objection? Hearing no objection, the amendment is ordered adopted. Are there other committee amendments, Mr. Fischer?

FISCHER: Mr. President, on page 2, line 7, change the word "dischage" to "discharge".

PRESIDENT EGAN: Unanimous consent is asked that the rules be suspended. Hearing no objection, it is so ordered. Mr. Fischer, you ask unanimous consent for the adoption of that change? Hearing no objection, it is so ordered.

V. FISCHER: I would like to ask the grammarian of the Convention whether "construing" is properly spelled on line 19 of page 2.

HERMANN: Yes.

V. FISCHER: The committee has no further amendments, Mr. President.

PRESIDENT EGAN: Mr. McLaughlin.

McLAUGHLIN: I think that the Committee on Style and Drafting is avoiding the issue, and it may cause some embarrassment in future generations. I move that the word "both" on line 21, page 2, be stricken, and in lieu thereof the word "either" be inserted.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: May I ask a question of Mr. McLaughlin? And use the singular for "sex"?

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McLAUGHLIN: And strike "es" from the word "sexes".

PRESIDENT EGAN: That is a phraseology change. Do you move and ask unanimous consent?

McLAUGHLIN: I do.

PRESIDENT EGAN: Is there objection?

SUNDBORG: I object.

PRESIDENT EGAN: Objection is heard, Mr. Sundborg. Do you move, Mr. McLaughlin?

McLAUGHLIN: I so move.

PRESIDENT EGAN: Mr. McLaughlin moves the adoption of the amendment. Is there a second? Mr. Kilcher seconds the motion.

V. FISCHER: I ask for a one-minute recess.

PRESIDENT EGAN: If there is no objection, the Convention is at recess.

RECESS

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

SUNDBORG: Mr. President, Mr. McLaughlin and I have during the recess exchanged our thoughts with respect to "sex". I understand that Mr. McLaughlin has a motion to offer.

PRESIDENT EGAN: Mr. McLaughlin.

McLAUGHLIN: Mr. Chairman, I am in doubt as to the procedure, but I shall presume it rather than cause any embarrassment. I shall ask suspension of the rules and ask unanimous consent to strike on line 21, page 2, the words "persons of both sexes" and substitute the words "either sex".

PRESIDENT EGAN: Mr. McLaughlin asks unanimous consent that the rules be suspended. Does the Chief Clerk already have that?

CHIEF CLERK: What happened to his other motion?

PRESIDENT EGAN: What happened to the other motion?

McLAUGHLIN: It is entirely withdrawn.

PRESIDENT EGAN: If there is no objection, it is entirely withdrawn. Is there objection to the suspension of the rules? Hearing no objection the rules have been suspended. Mr. McLaughlin, you might offer your proposed amendment.

McLAUGHLIN: I now move to insert on line 21, page 2, to strike "persons of both sexes", and substitute the words "either sex".

PRESIDENT EGAN: Mr. McLaughlin moves and asks unanimous consent that the amendment be adopted. Is there objection? Hearing no objection, the amendment is ordered adopted. Are there other amendments to be offered? Mr. Victor Rivers.

V. RIVERS: I have an amendment.

PRESIDENT EGAN: The Chief Clerk may read the proposed amendment as offered by Mr. Victor Rivers.

CHIEF CLERK: "A new Section 14. 'Should the Congress of the United States invalidate any ordinance or transitory provision attached to this constitution the balance of the constitution and its attached ordinances and transitory provisions shall not be impaired thereby.'"

V. FISCHER: Point of order. It seems to me that should be in the article on Transitional Measures and Ordinances.

PRESIDENT EGAN: Mr. Victor Rivers, would that be your feeling, too? Now where is that, Mr. Fischer?

V. FISCHER: Part of that is still in second reading and is supposed to be out late tomorrow or Wednesday morning.

PRESIDENT EGAN: Mr. Rivers, could you hold your amendment until such time as that article is before us?

V. RIVERS: I shall be glad to do so.

PRESIDENT EGAN: If there is no objection, the proposed amendment will be held until the article on transitional measures is before us. Are there other proposed amendments to Article No. XII? If not -- Mr. Sundborg.

SUNDBORG: Mr. President, if there are no amendments as to phraseology, I ask unanimous consent that the report of the Committee on Style and Drafting as to the first thirteen sections of Article XII, General and Miscellaneous provisions, be accepted, and that the amendments and changes therein made by the Committee on Style and Drafting be adopted.

PRESIDENT EGAN: Mr. Sundborg moves and asks unanimous consent that the phraseology changes made to Article XII by the Style and Drafting Committee be accepted, and that the substantive changes made by the Style and Drafting Committee be adopted. Is there objection? Mr. Lee.

LEE: I don't object. I would like to have something clarified here which was pointed out to me. In line 8 page 3, Section 9 -- Oh, I am sorry, I have been fighting over another article.

PRESIDENT EGAN: Is there objection to the adoption of Mr. Sundborg's motion? Hearing no objection, the report is ordered accepted and adopted. Mr. Sundborg.

SUNDBORG: Mr. President, I will not ask for a suspension of the rules to advance this article in view of the fact there is at least one other section to be added to it before it goes into the Constitution. Mr. President, I have been asked by several of the delegates what article number should be assigned to the article on the Judiciary which went through third reading and was adopted before our Committee began its practice of putting the article number on the committee report, and for the information of delegates I will state that the article on the Judiciary should have the number, Article IV, Roman numeral IV.

PRESIDENT EGAN: You ask unanimous consent that it have the Article No. Roman numeral IV?

SUNDBORG: I do, Mr. President.

PRESIDENT EGAN: Is there objection to giving the article on the Judiciary the number, Roman numeral IV? Hearing no objection, the number Roman numeral IV will be given to the article on the Judiciary. What would the Style and Drafting Committee desire now as to the Convention procedure?

SUNDBORG: We have now put before you everything that has been referred to our committee with the exception of the apportionment schedule, and I have just been informed that that will not be ready for consideration tonight, but will be, tomorrow, and the part of the schedule of ordinances containing the Alaska-Tennessee Plan and several other sections, which was referred to us last night in second reading for some additional drafting. We have not had a chance within our committee to do a great deal on that as yet, and would require several hours of work before we would be able to bring it on the Convention floor. So it would be our suggestion that the Convention adjourn until possibly tomorrow afternoon to give us the morning in which to finish that work. I think there is nothing else on the calendar or ready to go on the calendar except the resolution on friendly relations with Canada.

PRESIDENT EGAN: Mrs. Sweeney.

SWEENEY: I want to correct Mr. Sundborg. 17/b does not include the Alaska-Tennessee Plan. That is 17/a and that has not come out yet. All you have is 17/b right now. 17/a is enroute to Engrossment and Enrollment, and 17/c is, I believe, in Style and Drafting.

PRESIDENT EGAN: 17/c Revised is the Tennessee Plan, as the Chair recalls it. Is that right? And it was referred directly to the Committee on Style and Drafting?

SWEENEY: That is right. 17/c.

PRESIDENT EGAN: It would seem to me that the suggestion of the Style and Drafting Committee Chairman would be well taken at this time inasmuch as the work is pretty well along and it would enable that committee and the Committee on Resources to really more or less clean everything up if we did adjourn until 1:30 p.m. tomorrow, at the time that we do adjourn. Mr. Boswell.

BOSWELL: I will move and ask unanimous consent, subject to committee announcements, that we stand adjourned until 1:30 tomorrow.

PRESIDENT EGAN: Mr. Boswell moves and asks unanimous consent, subject to committee announcements, that the Convention stand adjourned until 1:30 tomorrow. Mr. Davis.

DAVIS: Mr. President, before adjourning, I think it might be helpful if anybody who might have proposed amendments on the Resources Article meet with the Resources Committee sometime before 1:30. I think that would expedite the work tomorrow afternoon.

PRESIDENT EGAN: The Chair feels if anyone has any suggestions to Style and Drafting with relation to the Tennessee Plan, for instance, the Committee Proposal No. 17/c Revised, that they also report to the Style and Drafting Committee meeting tomorrow morning. Mr. Smith.

SMITH: Mr. President, I would like to ask the Resources Committee to meet for just a few moments immediately after recess, and I am sure that we will meet again tomorrow.

PRESIDENT EGAN: Mr. Smith announces that the Resources Committee will meet immediately upon adjournment in the gallery. Are there other Committee announcements? Mr. Sundborg.

SUNDBORG: The Committee on Style and Drafting will meet at 9:00 in the morning in one of the large committee rooms upstairs.

PRESIDENT EGAN: Miss Awes.

AWES: Will the bus be at the Nordale at 1 o'clock tomorrow?

PRESIDENT EGAN: Mr. Coghill, will you arrange for the bus calling at the Nordale Hotel at 1:00 p.m. tomorrow?

COGHILL: 1:00 special bus. All right. The Committee on Administration would like to have a meeting in town tomorrow at 11:00 a.m. in the Polaris Building. I hope we can get Tom Stewart's Apartment No. 1012.

PRESIDENT EGAN: The Chair would like to mention this one thing that has been mentioned several times and was brought to the attention of the Chair today. That is the one question we might overlook, could possibly overlook, and that is the signing on Sunday of the final document or documents. It would seem that it might be best that we just sign the first original document at the gymnasium, that we come back here and sign all the rest of the copies in this building. It has been suggested that all the copies be laid out upstairs on tables in order to facilitate the expeditious signing of the documents. Is that agreeable to all the delegates? Mr. Victor Rivers.

V. RIVERS: You want them all signed in the same order, no doubt.

PRESIDENT EGAN: That is right, Mr. Victor Rivers, and if that could be the general understanding of all delegates that after the ceremony on next Sunday afternoon is completed, they will come back here for the purpose at that time of signing all the documents.

DOOGAN: You mean clear upstairs?

PRESIDENT EGAN: Mr. Sundborg, did you have some idea as to...

SUNDBORG: I don't believe it was my suggestion, but I did overhear it. I believe the suggestion was that we line up a bunch of tables in the cafeteria and lay out the 100 or 104 documents, or whatever it is, and the delegates file by and sign each document.

PRESIDENT EGAN: Why couldn't they be laid out right here on the tables that are available? Somewhere in this building. Mr. Hurley.

HURLEY: I would suggest that the details be worked out to expedite that function and it would seem to me the prerogative of the Administration Committee to arrange for that.

PRESIDENT EGAN: Mr. Coghill.

COGHILL: Mr. President, one thing we will have to decide tomorrow is that we have one hundred copies being printed of the printed copies of the constitution, of the original. We can have the plate that we signed the other day for the newspaper to fix on the remaining copies or we can have the delegates try to have their original copies that they wish to keep, the 55. We have to have five copies for the record officially, according to Rule 51, and then we figured 55 of them, one for each one of the delegates. Is it the wish of the delegates that they have those signed individually by the delegates, or should be affix the printed signatures on them?

PRESIDENT EGAN: Mrs. Sweeney.

SWEENEY: It was the recommendation of the Administration Committee the other day that we sign the official copies and we sign 55 for the delegates, and the balance of 40 would be signed by name plates; that report was adopted by the Convention, and I think we should hold to that.

COGHILL: We have these other 40, and we are going to have to dispose of those someplace and so, if anyone has any thoughts of where they wanted to take those, if they would filter through the Committee -- should we have those signed by name plate, all of them?

PRESIDENT EGAN: It might be, so long as we are going to sign 55 copies, that we sign enough additional so that we can give the employees all one of them.

SWEENEY: It was a very strong opinion in the Administration Committee that 55 be signed outside of the official copies, and the balance by name plate.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: That was also mentioned specifically in the report that was adopted on the floor that the official five documents, or 6, would be signed, the one in parchment and the other 5 for the various records, universities, and museums, and the 55 documents hand-signed for each delegate, and no other duplication of that process of hand-signed document, but 40 extra ones available for distribution with printed plates.

PRESIDENT EGAN: Mr. Hilscher.

HILSCHER: I just got off the phone from talking with a prominent man down in Anchorage and he said he had heard much criticism of the fact that we were not having enough of the large size copies of the Constitution printed. We are talking about the one-hundred size now. He stated that he felt every school in Alaska would like to have one of those, not to hand-sign them but with the plate signatures on them. He says he sees no reason why we should not have five hundred of them printed. They would be willing to buy them. Everyone would be willing to buy them to have a facsimile of the original copy. It would be something for the Administration Committee to work out.

PRESIDENT EGAN: Mr. Knight.

KNIGHT: Mr. President, I really think we should present a copy to each one of the clerical staff or employees.

PRESIDENT EGAN: Mr. Knight, you are on the Administration Committee, are you not? Mr. Buckalew.

BUCKALEW: Before we give all these away, I would suggest that

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the various four district judges have a copy of the Constitution.

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: What I want to know is do we have to supply our own pens or are there pens -- a common pen?

COGHILL: Pens will be supplied.

PRESIDENT EGAN: If there is nothing else to come before the Convention, the Convention stands adjourned until 1:30 p.m. tomorrow.