

ALASKA CONSTITUTIONAL CONVENTION

February 3, 1956

SEVENTY-THIRD DAY

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

CHAPLAIN SWAFFER: Almighty God, Creator of our great universe, we invoke the richness of Thy blessing upon this assembly today. Would Thou bless each individual with clarity of thought and each action that is manifested today with purpose for the future. We pray in Jesus' name. Amen.

PRESIDENT EGAN: The Chief Clerk will call the roll.

(The roll was called by the Chief Clerk.)

CHIEF CLERK: Seven absent.

PRESIDENT EGAN: A quorum is present. The Convention will proceed with its regular order of business. Mr. Kilcher.

KILCHER: Mr. President, I note in the gallery an outstanding Alaskan, a person who has done more than most to bring the Kenai Cook Inlet Election District's major fraction close to the full quotient my wife. (Laughter and applause)

PRESIDENT EGAN: The Convention will come to order. Mrs. Kilcher, we are happy to have you here with us. Does the Special Committee to Read the Journal have a report to make at this time? Mr. White.

WHITE: Mr. President, reporting on the Journal for the 64th Convention day, Wednesday, January 25, there is one correction on page 6, the second paragraph from the bottom, where it says "If there be no objection it is so ordered." Strike "it is so ordered" and insert in lieu thereof "the amendment was adopted". Mr. President, with that correction we ask unanimous consent for the approval of the Journal for the 64th day.

PRESIDENT EGAN: Mr. White asks unanimous consent that the Journal of the 64th day be adopted along with the suggested corrections as offered by the Special Committee to Read the Journal. Is there objection? Hearing no objection, the Journal of the 64th day is ordered adopted.

HERMANN: May I make an additional correction to the Journal? On line 19, it reads, "Mrs. Hermann requested permission to abstain since she had been absent during the debate." I wish to have stricken "since she had been absent during the debate". I was here all the time.

PRESIDENT EGAN: If there is no objection the additional change is ordered in the Journal of the 64th day. Is there objection? Hearing no objection, it is so ordered. Mr. White.

WHITE: Mr. President, reporting on the Journal for the 65th Convention day, Thursday, January 26, the following changes are requested: on page 1, the third paragraph from the bottom, second line, where it says "Mr. Harris --"

DAVIS: I don't believe it is here, Mr. President.

PRESIDENT EGAN: Isn't the Journal of the 65th day available for all the delegates? Perhaps we could hold that in abeyance, Mr. White, until later in the afternoon.

WHITE: Has the 66th day been distributed?

UNIDENTIFIED DELEGATE: No.

WHITE: Well, we will hold them both until later in the day.

PRESIDENT EGAN: They will be held until later in the day if there is no objection. Are there reports of standing committees? Reports of special committees? Are there any motions or resolutions? Mrs. Sweeney.

SWEENEY: I have a resolution. May the Chief Clerk please read it?

PRESIDENT EGAN: Is there objection to reading the resolution? Is it offered by the Engrossment Committee, Mrs. Sweeney?

SWEENEY: No, it is offered by Mr. King and myself.

PRESIDENT EGAN: It is offered by Mr. King and Mrs. Sweeney. Hearing no objection, the Chief Clerk may read the resolution.

(The Chief Clerk read the resolution offering the thanks of the delegates to the people of Fairbanks and the Tanana Valley for making their stay so enjoyable.)

SWEENEY: Mr. President, Mr. King and I would like to ask that all rules of the Convention be suspended at this time, that the resolution be read a second time, that it not be sent to Engrossment and Enrollment, or even to Style and Drafting. We feel that whatever changes are made it will still come out the same. It's an indication of appreciation to the people of Fairbanks, so I would like to move at this time for a suspension of the rules and the advancing of the resolution to third reading and final passage, and I ask for unanimous consent.

PRESIDENT EGAN: Mrs. Sweeney asks that all rules be suspended, and that the resolution be considered in third reading, be read by "resolve" only, and placed in final passage. If there is no

objection, all rules have been suspended and the Chief Clerk will read the resolution for the third time.

(The Chief Clerk then read the resolution by "resolve" only.)

PRESIDENT EGAN: The question is: "Shall the resolution be adopted by the Convention." The Chief Clerk will call the roll.

R. RIVERS: Wouldn't a voice vote suffice?

PRESIDENT EGAN: If there is no objection.

DAVIS: I would ask unanimous consent, Mr. President, and then we won't have to call the roll.

PRESIDENT EGAN: Unanimous consent is asked that this resolution be adopted by the Convention. Is there objection? Hearing no objection, it is so ordered and the resolution has been adopted by the Convention, and the copies that are to be made are ordered reproduced and mailed to the proper individuals. Mr. Cooper.

COOPER: Mr. President, I ask unanimous consent that we revert to the order of business of communications from without the Convention.

PRESIDENT EGAN: If there is no objection the Convention will revert to the order of business of communications and petitions. Mr. Cooper.

COOPER: I now ask for unanimous consent that the Convention extend to the messenger, Mr. Ben Potter, the courtesy of the floor for presenting a proclamation to the President.

PRESIDENT EGAN: If there is no objection, Mr. Potter, you have been granted the courtesy of the floor in order that the resolution may be presented.

MR. POTTER: Mr. President, on behalf of the City of Fairbanks and its people I wish to have this proclamation from the Mayor read.

PRESIDENT EGAN: Thank you, Mr. Potter. The Chief Clerk may read the proclamation as offered by the City of Fairbanks through Mr. Potter.

(The Chief Clerk read the City of Fairbanks Proclamation designating Sunday, February 5, 1956 as Alaska Constitution Day in the City of Fairbanks and conveying appreciation and congratulations to the delegate for a job well done".)

PRESIDENT EGAN: The resolution will become a part of the records of the Convention. Mr. Hellenthal.

HELLENTHAL: Mr. President, I move and ask that the following resolution be submitted to the appropriate committee for adjusting as to substance, to wit: that the Fairbanks Daily News-Miner

and its president and publisher, C. W. Snedden, and its staff and all other papers or agencies that reported the progress of the Constitutional Convention be commended for their honest, scholarly, objective, and courteous reporting of matters dealing with the progress of the Convention.

COGHILL: A point of information. It was directed by the President that the Committee on Administration would set out a set of resolutions to be passed on by the Convention Monday morning in an orderly manner so that there would be no parties left out. It is the feeling that, if any one has any ideas on resolutions of thanks that they can contact the Administration Committee.

PRESIDENT EGAN: The Convention will be at recess for a few minutes.

RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. Hellenthal, your proposed resolution is referred to the Committee on Administration. The Chair would like to state that, if delegates have particular resolutions they they are interested in, that they confer with the Committee on Administration as the Committee on Administration has this matter before them and is diligently working on it. The Chief Clerk will read the communications that are now before the body.

(The Chief Clerk read the following communications: a telegram from Robert F. Kennon, Governor of Louisiana, appointing Professor J. Kimbrough Owen to serve as his personal representative at the signing ceremonies; a telegram from G. Mennen Williams, Governor of Michigan, extending best wishes to the delegates on the occasion of the signing of the constitution and expressing hope that the occasion may speed the day when Alaska becomes a state; a letter from Congressman Olin E. Teague of Texas expressing regret at not being able to attend the signing ceremony; a letter from Luis Munoz Marin, Governor of Puerto Rico, expressing regrets at being unable to attend the signing ceremony; a letter from E. L. Rankin, Jr., secretary to Governor Luther H. Hodges of North Carolina expressing regrets at the governor's being unable to attend the signing ceremony; a telegram to George Sundborg from Joseph T. Flakne, Programming Director, Arctic Institute of North America, congratulating the delegates, thanking them for writing the constitution, and expressing hope that soon Alaska would be a state; a telegram to Mr. VanderLeest from Louis Middleton of Grand Rapids, Michigan, stating he would be arriving to attend the signing ceremonies.)

PRESIDENT EGAN: Mr. VanderLeest.

VANDERLEEST: Mr. President, I would like to state that this young fellow, at that time in 1908, took over my job as a pharmacist in Grand Rapids, Michigan, and we have been friends all of these

years. I sent him one of those cards and that is what I get. I sent him a telegram 20 minutes ago with a hotel reservation if he can make it.

PRESIDENT EGAN: Thank you, Mr. VanderLeest. (Applause)

(The Chief Clerk read a telegram from Mrs. Buckalew to Delegate Buckalew stating that the Dallas [Texas] Democratic Women's Club had passed a resolution for immediate statehood for Alaska as a result of a speech she had made.)

PRESIDENT EGAN: Are there any other communications to come before the Convention at this time? If not, is there any other unfinished business? We have before us then Article XII, Section 14, of the general provisions. This article, Mr. Riley, took its regular course into third reading, is that correct?

RILEY: I believe all that is required is just assignment to the calendar for third reading.

PRESIDENT EGAN: The Chief Clerk may read Article XII, General and Miscellaneous Provisions, Section 14, for the third time.

CHIEF CLERK: Section 14? It's the whole thing.

PRESIDENT EGAN: Mr. Riley.

RILEY: Mr. President, I think a motion is perhaps in order that it be advanced to third reading at this time, read by title only, and placed on final passage.

PRESIDENT EGAN: Mr. Riley, did it not take its normal course into third reading?

RILEY: I don't recall that it has ever been assigned in so many words or that a motion has been entertained.

PRESIDENT EGAN: Well, it doesn't take any motion if it goes to another meeting. The Rules Committee just assigns it to the calendar as in --

RILEY: Referring to rules is what I have reference to here.

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

R. RIVERS: When we adjourned yesterday, we were on No. 17/z. Now I haven't got it clearly in my mind yet what we are about to start on.

PRESIDENT EGAN: Well, the calendar shows, Mr. Ralph Rivers, that 17/z is still in second reading but it shows Article XII, Section 14 of Article XII -- the Convention will be at recess.

RECESS

PRESIDENT EGAN: The Convention will come to order. The Chair regrets that the Chair just had that part of Article XII which dealt with Section 14 before it. We have before us Article XII, General and Miscellaneous Provisions, in third reading. The Chief Clerk will read the title of the article.

CHIEF CLERK: "Article XII, General and Miscellaneous Provisions."

PRESIDENT EGAN: The article is open for discussion and debate. Mr. Ralph Rivers.

R. RIVERS: Mr. President, the members were asked the other day if they had any thought on points that might have been omitted to bring them forward. I have a point which I can put in the form of a question to Mr. Davis, if I may.

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

R. RIVERS: Mr. Davis, the expression, "a two-thirds vote of each house" is used in many places in this constitution and I was wondering if it would be advisable to insert under miscellaneous provisions the following: "The expression ' a two-thirds vote of each house' wherever used in this constitution means a two-thirds vote of the membership to which each house is entitled."

PRESIDENT EGAN: Mr. Davis.

DAVIS: Mr. Fischer, I think, can field that one better than I can.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: Mr. President, as we explained when the Style and Drafting Committee reported back the legislative article, the reference to "the members of each house or a two-thirds vote of each house" means two-thirds of those present and voting upon a particular issue. When the term "two-thirds of the membership of each house" is used, that means two-thirds of the number of members to which the house is entitled. There is a difference between those two terms, and when it is used as "two-thirds of each house" it is not the total membership to which the house is entitled.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: I would like to ask Mr. Fischer if we should simply rely on the record explanation or if we shouldn't put an extra section in the miscellaneous and define those two terms for clarity's sake.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: Mr. President, I doubt if it is necessary because the term "membership" is specifically defined in the first section of the article on the legislature. In that article it starts out that the legislative powers shall be vested in a legislature which

shall consist of a senate with a membership of 20 and a house of representatives with a membership of 40. In other words, the term "membership" is defined right there, and I think that the uniform differentiation between those two terms as you go through the constitution is a pretty obvious sign of the different intent all the way through.

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

DAVIS: Mr. President, I would like to clarify one point. We brought in Article XII in two or more different sections. We now have Article XII that we presented some time back and then one portion of Article XII which yesterday, I believe, we called Section 14 of Article XII. Now I presume we are considering the entire matter including what was Section 14 yesterday. Is that right?

PRESIDENT EGAN: Mr. Davis, as we have it here before us, it does not show Section 14 within it. Is that the wish of the body, that this Section 14 be included at this time as a part of Article XII in its entirety?

DAVIS: Mr. President, we have previously accepted both the body of Article XII and Section 14 so far as the Style and Drafting report was concerned, and I would suggest and, if necessary, will move and ask unanimous consent that the Article XII as originally presented and Section 14 of Article XII be considered together at this time.

PRESIDENT EGAN: Mr. Davis asks unanimous consent that Section 14 become a part of Article XII, General and Miscellaneous Provisions, as we are considering Article XII at this time. Is there objection, in third reading? Hearing no objection it is so ordered, and we have the entire article before us open for debate and discussion. Mr. Hellenenthal.

HELLENTHAL: May I address a question to Mr. Sundborg?

PRESIDENT EGAN: You may, Mr. Hellenenthal.

HELLENTHAL: Mr. Sundborg, I understand there were some amendments, not particularly of substance, to be made in Sections 4 and 5 with relation to the word "affirm", and with relation to omitting the last sentence of Section 5. Would it not be a good time to take those up now?

SUNDBORG: Mr. President, with relation to Section 4, the Style and Drafting Committee, purely as a matter of form, will -- when we bring the final constitution before you, we'll show the words "or affirm" in brackets rather than in commas, and I don't believe it would require any particular action by the body; it is just a matter of punctuation. On Section 5, my understanding is that the chairman of the Committee on the Executive is going to make a

motion to strike that final sentence. It is not our Committee.

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. We have Article XII before us in third reading, the General and Miscellaneous Provisions. Is there a discussion? Mr. Victor Rivers.

V. RIVERS: Mr. Chairman, in the Committee chairman's meeting this noon or this morning, we talked about the advisability of retaining, on page 2, certain lines as follows: "The governor shall act as the agent of the state in all intergovernmental relations involving the state." I have polled the Executive Committee on that and out of six members polled, five agree that it would be just as well to strike it. The other member had not yet decided. In view of that fact, if we are in the proper order of business, on page 2, I will recommend that on lines 15, 16, and 17, those words be stricken, starting with "The governor".

PRESIDENT EGAN: Mr. Rivers, it would be necessary that you ask unanimous consent that the rules be suspended in order that the proposal be placed back in second reading for specific amendment.

V. RIVERS: I will ask unanimous consent for suspension of the rules.

PRESIDENT EGAN: Mr. Rivers asks unanimous consent that the rules be suspended in order that Committee Proposal No. XII be placed before us in second reading for specific amendment. Is there objection? Hearing no objection, the rules have been suspended and Committee Proposal No. XII is now before us in second reading for specific amendment. Mr. Rivers.

V. RIVERS: I will now restate my motion that lines 15, 16, and 17, page 2, the sentence beginning with "The governor shall act as agent of the state..." be stricken in its entirety.

PRESIDENT EGAN: Mr. Victor Rivers moves and asks unanimous consent for the adoption of the amendment. Is there objection? Mr. Robertson.

ROBERTSON: I object for a matter of information. What is the purpose of striking this, not having the governor as agent?

PRESIDENT EGAN: Mr. Victor Rivers, would you explain that?

V. RIVERS: The general discussion was some what along this line: that by putting that section in it made everything in the way of activities with other governmental agencies funnel through the governor or his delegated representatives. Some of us had the

thought that he could delegate his authority, and I brought that out the other day on the floor in our discussion. Discussing it with our committee chairmen and consultants, it was pointed out that the governor could not and should not act as the agent of the state in such intergovernmental relations as those carried on by the National Association of Legislative Service Agencies, the Conference of Chief Justices, and other similar related matters, and that this clause might have a restrictive effect, and that, in any event the strong executive as we have him set up could and would have all the powers of a full agency for the people of the State of Alaska, so for that reason it was felt that they limited somewhat his ability to function by leaving it in, and it was more effective to leave it out. Those are the points.

PRESIDENT EGAN: Is there objection to the unanimous consent request for adoption of the amendment? If there is no objection the amendment is ordered adopted. Mr. Victor Rivers, do you now ask that the rules be suspended and that the proposal be placed back in third reading?

V. RIVERS: It automatically goes back, does it not, Mr. President? It was suspended for specific amendment only. I will ask unanimous consent that we now place the measure back to third reading if the record should show it.

PRESIDENT EGAN: Unanimous consent is asked that Article No. XII, General and Miscellaneous Provisions, be advanced to third reading, and placed in final passage. Is there objection? Hearing no objection, it is so ordered, and the article is now before us in third reading.

ROBERTSON: Does that include Section 14?

PRESIDENT EGAN: That includes Section 14, Mr. Robertson. The Chief Clerk will please read the title once more.

CHIEF CLERK: "Article XII, General and Miscellaneous."

PRESIDENT EGAN: Is there discussion or debate? If not, the question is: "Shall Article XII, the article on general and miscellaneous provisions, be agreed upon to be appended to the Alaska constitution?" Mr. Robertson.

ROBERTSON: Mr. President, is it too late to make an amendment?

PRESIDENT EGAN: At this time, Mr. Robertson, it would be necessary again, if an amendment is proposed, to ask that the rules be suspended and that the article be placed back in second reading for specific amendment. While we are waiting, the Chair would like to ask of the chairman of the Rules Committee that on this question relating to general and miscellaneous provisions, should it show that it was adopted as a part of the Alaska state constitution, or should it also be an appendage?

RILEY: As you stated first, Mr. President; no, not appended, as a part of.

PRESIDENT EGAN: As a part of the constitution? As differentiated from the matters relative to the schedule?

RILEY: Part of the body of the constitution, as most articles.

PRESIDENT EGAN: Mr. Robertson, did you have a question? Then, the question is -- Mr. Coghill.

COGHILL: I have a question I would like to ask anybody that could answer it for me. On Section 11, we have discussed this in great detail on the floor. However, there is still a doubt in my mind and I might clarify it before asking a question of whoever might wish to answer. It is my understanding that this section was left out of the Hawaiian state constitution because they were quite confident that they were going to be admitted into the States right away. However, it is on the grants of land or other properties of Alaska, and we are consenting to fully, by the state and people, to any kind of a proposition that the Congress of the United States might give us. Now, Hawaii, under their state constitution, by leaving it out, were provided for in the enabling act of H.R. 2535 that all of the lands that belonged to the state at the time of admittance were theirs, and under our section we might very well lose the lands that the University already has under their land grant and we might also lose Sections 16 and 33 under our school land grant. Now, if I am wrong on that, I wish somebody would correct me, but it seems to me that if we left this section out and had the Congress of the United States provide for our disposition of lands as they have under the Hawaiian constitution that we would be better off.

PRESIDENT EGAN: Mr. Boswell.

BOSWELL: I might try to answer that in a way. The situation regarding Hawaii was very different than Alaska. Hawaii was taken in under a different situation, a different treaty arrangement than Alaska. They had their homelands which belonged to Hawaii, much the same as Texas lands belonged to Texas when they came into the Union, so I don't believe you need have any fears, because it's what will be in the enabling act and it won't have anything to do with what we have already been granted; I think it's two different situations and that is why it's different in the two enabling acts.

PRESIDENT EGAN: Mr. White.

WHITE: Mr. President, I don't know the motives that the people of Hawaii had in leaving this section out of their constitution; however, they did leave it out. But I think, in answer to your question, the question as to whether or not we should leave it out has more pertinence for Alaskans because we are dealing with much more land that we do not now have. Therefore, Congress could change our

enabling act more radically in that respect some time in the future than they could have changed or could yet change Hawaii's.

PRESIDENT EGAN: Mr. Hurley.

HURLEY: I might say, Mr. President, insofar as the school lands, sections 16 and 36 of surveyed sections have been granted to the Territory and are now administered by the Territory for the benefit of the schools. So far as the University land is concerned, it is my understanding that the same thing is true of them except insofar as what is known as "in lieu" lands where the federal government has taken back or used some land for some other purpose, and given the right to the Territory or University to choose other lands in lieu of those that have been taken. Whether or not that could be abrogated or not I do not know. Those sections that are surveyed that are presently administered by the Territory will continue to do so.

PRESIDENT EGAN: If there is no further discussion, the question is: "Shall Article XII, the article on general and miscellaneous provisions, be agreed upon as a part of Alaska's state constitution?" The Chief Clerk will call the roll.

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

Yeas: 51 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Collins, Cooper, Cross, Davis, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, Knight, Laws, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, VanderLeest, Walsh, White, Wien, Mr. President.

Nays: 0 -

Absent: 4 - H. Fischer, King, Londborg, Taylor.)

CHIEF CLERK: 51 yeas and 4 absent.

PRESIDENT EGAN: The "yeas" have it and Article XII, the article on general and miscellaneous provisions, has been agreed upon as a part of the Alaska state constitution. We now have before us in second reading Ordinance 17/z, additional transition measure. Mr. Riley.

RILEY: Mr. President, a point of inquiry and possibly a point of order. Although the Rules Committee has placed 17/z on the calendar and shown it in second reading today, I should like to address a question to the Chair for a ruling as to whether 17/z was ever properly before the Convention? Was it ever offered by the Committee as a Committee Proposal, and in that event, when?

PRESIDENT EGAN: You mean, Mr. Riley, was Ordinance 17/z ever offered officially from the Committee to the floor?

RILEY: Yes. Would the journal reflect such an offering by the Committee?

PRESIDENT EGAN: If there is no objection, the Chief Clerk will refer to the record and, if necessary, have a short recess to accomplish that.

V. RIVERS: Mr. President, didn't the chairman of the Ordinance Committee get up and say it was No. 17/z because of the fact that it would be the last one, and he asked that it be considered?

PRESIDENT EGAN: That is the recollection of the Chair, but did the chairman make that statement after the ordinance was before us or at the time we were discussing the ordinance? Mr. McNealy.

MCNEALY: Mr. President, that was made upon the matter of discussion of amendment or in talking in regard to particular proposals. I do not recollect having offered the proposal formally on the floor.

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. The record shows as to Article 17/z that it was never formally offered to the Convention by the Committee. Now, what happened was that the calendar showed 17/z on it yesterday. The Chair thought when it saw the letter "z" that it was a typographical error that might have occurred somewhere along the process of mimeographing the calendar, and it wasn't until Mr. McNealy explained the reason for having the "z" later as we were discussing the article, that the Chair realized that the "z" was really meant. However, at the time we took this matter up, it was read twice in its entirety. The Chair recalls that because at that time it was recognized that the first complete reading was actually that, the first complete reading instead of the second reading, but in order that the record be cleared, that the chairman of the Committee introduce the article at this time. Mr. McNealy.

MCNEALY: Mr. President, at this time, if this is the order, the Committee will now report and introduce Proposal 17/z, except that it is requested that Section 32 appearing in the copy of Section 17/z be deleted and in lieu thereof, for purposes of discussion, that the Committee amendment which is on the desk to insert a new Section 32 be considered in place of the present Section 32. Mr. President, it might be a point of order. Possibly I should introduce the proposal and then later ask unanimous consent. I will introduce at this time Proposal 17/z.

PRESIDENT EGAN: Mr. McNealy, the chairman of the Committee on

Ordinances asks at this time that the Committee Proposal 17/z be placed before the Convention for its consideration. Is there objection? Mr. Johnson.

JOHNSON: Mr. President, a point of inquiry. Is it permissible at this date in the proceedings to introduce a proposal of this kind without a suspension of the rules?

PRESIDENT EGAN: Mr. Riley.

RILEY: Mr. President, I will have to refresh myself on the rule, but I don't believe we have such a limitation on a committee proposal, have we? I might be in error.

PRESIDENT EGAN: Mr. Johnson, it is the recollection of the Chair that the motion that was adopted with relation to committee proposals, that stopped the introduction of committee proposals on January 8 from the floor, that it was delegate proposals specifically stated in that motion. Mr. Coghill.

COGHILL: Mr. President, seeing that there was a parliamentary slip up here, would it be in order to move that actions taken on this Committee Proposal No. 17/z be referred to as an action of today? Otherwise we would have to expunge the record of yesterday because we did have two amendments. Would it be in order to move and ask unanimous consent?

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. Johnson, the two-thirds rule would not apply to committee proposals, that has been determined. Mr. Coghill.

COGHILL: Mr. President, I move and ask unanimous consent that the actions taken on Committee Proposal No. 17/z of yesterday be confirmed by the body as actions taken today.

PRESIDENT EGAN: Mr. Coghill moves and asks unanimous consent that the actions taken relating to Proposal No. 17/z yesterday be confirmed as actions that were taken today under the same proposal. That would bring the proposal, if the motion of Mr. Coghill's was adopted, it would mean that the proposal would be brought before us in the same position that it was when it left the body yesterday afternoon. Is there objection to the unanimous consent request?

RILEY: I object.

COGHILL: I so move.

COOPER: I second.

PRESIDENT EGAN: Mr. Coghill so moves, seconded by Mr. Cooper, that the actions of yesterday with relation to Committee Proposal No. 17/z be confirmed as though the actions up until that point were taken today.

R. RIVERS: A point of information. Does that involve suspension of the rules?

PRESIDENT EGAN: It does, Mr. Rivers. It would take a two-thirds vote to carry that particular motion. Mr. Coghill.

COGHILL: Mr. President, an inquiry. If we don't take such an action, would it then not have to be possible for this group to expunge the record of yesterday?

PRESIDENT EGAN: Mr. Coghill, it would not be necessary to expunge the record it probably would be desirable -- but it would mean then that, if this motion fails, that we would have the Committee Proposal No. 17/z before us in first reading as it was originally introduced.

COGHILL: As it was yesterday?

PRESIDENT EGAN: That is correct.

COGHILL: It would seem to me that the motion that I made would save time of the Convention floor and we could start just where we left off last night, because we had two amendments to it and they were adopted, and that is why I presented the motion.

PRESIDENT EGAN: Mr. McNealy.

MCNEALY: A point of inquiry. Under Mr. Coghill's motion, then would that, in effect, validate an invalid action, the fact that the proposal was never properly before the body?

PRESIDENT EGAN: Mr. McNealy, it would validate an action that was taken, and by suspension of the rules, which is included in the motion made by Mr. Coghill, the action that is taken on anything is taken under the rules that we are operating under, and it would be the opinion of the Chair that it could be accomplished. It wouldn't be validating an invalid action; it would just be validating an action that had been taken by suspending the rules. It is within the province of the body to do so. The Chief Clerk will call the roll on Mr. Coghill's motion. If you vote "yes", you vote that we consider Committee Proposal 17/z today at exactly the same point that it was left here before the body last night. If you vote "no", you vote to receive Committee Proposal 17/z as it was originally introduced today. The Chief Clerk will call the roll.

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

Yeas: 34 - Awes, Boswell, Coghill, Cooper, Cross, Davis,

Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hinckel, Hurley, Johnson, Kilcher, Laws, Lee, McLaughlin, Metcalf, Nerland, Nolan, Peratrovich, Poulsen, Reader, R. Rivers, V. Rivers, Roverson, Rosswog, Sundborg, Sweeney, Walsh, Wien, Mr. President.

Nays: 17 - Armstrong, Barr, Buckalew, Collins, Doogan, Hilscher, Knight, McCutcheon, McNealy, McNees, Marston, Nordale, Riley, Smith, Stewart, VanderLeest, White.

Absent: 4 - H. Fischer, King, Londborg, Taylor.)

CHIEF CLERK: 34 yeas, 17 nays, and 4 absent.

PRESIDENT EGAN: So the "nays" have it and the motion has failed of adoption. We now have Committee Proposal No. 17/z. Mr. Coghill.

COGHILL: Mr. President, I move that we strike Section 32.

PRESIDENT EGAN: Mr. Coghill, the proposal will have to be read for its first time. The Chief Clerk will please read Committee Proposal No. 17/z for the first time.

CHIEF CLERK: "Committee Proposal No. 17/z, introduced by Committee on Ordinances and Transitional Measures, Schedule, Sections 30 to 32."

PRESIDENT EGAN: Mr. McNealy.

MCNEALY: I move and ask unanimous consent that Committee Proposal No. 17/z be advanced to second reading and open for amendment.

PRESIDENT EGAN: Mr. McNealy moves and asks unanimous consent that Committee Proposal No. 17/z be advanced to second reading at this time, and that the rules be suspended. Mr. White.

WHITE: Mr. President, there is an amendment to 17/z on the --

PRESIDENT EGAN: Well, Mr. White, first we have this motion for suspension of the rules in an attempt to get the proposal before us in second reading. Is there objection to Mr. McNealy's unanimous consent request?

JOHNSON: I object.

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

MCNEALY: I so move.

KNIGHT: I second the motion.

PRESIDENT EGAN: Mr. McNealy so moves, seconded by Mr. Knight, that the rules be suspended and that Committee Proposal No. 17/z be placed before us in second reading at this time. Mr. White.

WHITE: Mr. President, are we now in second reading?

PRESIDENT EGAN: We are not in second reading, we have to vote on this motion to suspend the rules and place it before us in second reading. Mr. Victor Rivers.

V. RIVERS: Mr. President, it says 17/z on our calendar is in second reading. I can't quite follow why we haven't got it there.

PRESIDENT EGAN: That is what we had all this confusion over. Mr. Victor Rivers. It had never been introduced by the Committee properly in the first place. The question is: "Shall the rules be suspended and Committee Proposal No. 17/z be placed before us in second reading at this time?" The Chief Clerk will call the roll.

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

Yeas: 31 - Awes, Barr, Buckalew, Coghill, Cross, Davis, Doogan, V. Fischer, Gray, Harris, Hermann, Hilscher, Hurley, Kilcher, Knight, Laws, McCutcheon, McNealy, McNees, Marston, Metcalf, Nordale, Peratrovich, Riley, R. Rivers, V. Rivers, Smith, Stewart, VanderLeest, White, Mr. President.

Nays: 20 - Armstrong, Boswell, Collins, Cooper, Emberg, Hellenthal, Hinckel, Johnson, Lee, McLaughlin, Nerland, Nolan, Poulsen, Reader, Robertson, Rosswog, Sundborg, Sweeney, Walsh, Wien.

Absent: 4 - H Fischer, King, Londborg, Taylor.)

WIEN: Mr. President, may I change my vote to "no"?

PRESIDENT EGAN: Mrs. Wien changes her vote to "no".

ARMSTRONG: I would like to change my vote to "no".

PRESIDENT EGAN: Mr. Armstrong changes his vote to "no". The Convention will come to order while the Chief Clerk tallies the ballot.

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

PRESIDENT EGAN: So the "nays" have it and the rules have not been suspended. Committee Proposal No. 17/z is referred to the Committee on Rules for assignment to the calendar. Mr. Victor Fischer.

V. FISCHER: I was just going to ask, Mr. President, whether the Rules Committee can advance 18/z to second reading today or whether

it has to carry over in second reading tomorrow, and third reading on Sunday to take its proper place?

PRESIDENT EGAN: That is a question that the Rules Committee is probably more familiar with under the circumstances. Mr. Riley.

RILEY: Mr. President, the matter isn't covered fully in the rules. As the body will recall, the Rules Committee happens to have the calendar assignment by delegation from the Chair. It goes back to the period when the secretary was absent, prerecess.

PRESIDENT EGAN: There is nothing in the rules, so far as the Chair recollects, that covers the question as to whether or not the Rules Committee can put anything on the calendar during the day, and, in the absence of a specific rule, it would seem they can and have the authority to put anything on the calendar that they wish to go on that calendar at any time they say so. Mr. Cooper.

COOPER: Mr. President, a point of inquiry for the Chair. Would it be in order to move that Committee Proposal No. 17/z, under suspension of the rules, Sections 30 and 31 be advanced to second reading at this time?

PRESIDENT EGAN: Mr. Cooper, the Chair would feel that that would not be a proper procedure under suspension of the rules or anything else. Mr. Victor Rivers.

V. RIVERS: Mr. President, to resolve this question, we have had the Rules Committee arrange a calendar a number of times for the same day on which we were operating. I would ask unanimous consent that we recess for the purpose of allowing the Rules Committee to arrange a calendar.

PRESIDENT EGAN: Mr. Victor Rivers moves that the Convention stand at recess in order that the Rules Committee might arrange a calendar, seconded by Mr. Victor Fischer. The question is: "Shall the Convention stand at recess for that purpose?" All those in favor of recessing signify by saying "aye"; all opposed by saying "no". The "ayes" have it and the Convention is at recess.

RECESS

PRESIDENT EGAN: The Convention will come to order.

RILEY: The Rules Committee has met and placed Ordinance 17/z in second reading for today.

PRESIDENT EGAN: The Rules Committee has met and placed Ordinance 17/z in second reading for today. The Chief Clerk will please read the proposal for the second time.

(The Chief Clerk read Committee Proposal 17/z for the second time.)

PRESIDENT EGAN: Are there amendments for Committee Proposal No. 17/z?
Mr. Victor Fischer.

V. FISCHER: A point of order. The proper order and procedure is for the chairman of the Committee to give an explanation of the proposal.

PRESIDENT EGAN: Mr. McNealy isn't here.

COGHILL: I believe that 17/z has plenty of explanation over the past two days so I move --

PRESIDENT EGAN: Mr. Coghill, the point of order was raised and so long as the point of order is before us, the Chair will have to rule that, if the chairman of the Committee desires to give an explanation prior to the time amendments are received, it is in line with the rules. Mr. McNealy.

MCNEALY: Mr. President, the only explanation the Committee chairman has to make is that Section 32 as it is written should be stricken and appropriate amendments made therefor.

PRESIDENT EGAN: Mr. Coghill.

WHITE: Mr. President, point of order.

PRESIDENT EGAN: Your point of order.

WHITE: Hasn't it been the procedure in the past that committee amendments to any committee proposal would be accepted first?

PRESIDENT EGAN: That is correct. Mr. Hellenthal.

HELLENTHAL: A point of information. We have two amendments on our desks; which one is the Committee amendment?

PRESIDENT EGAN: Mr. Coghill, the point of order has been again raised and the Chair will have to hold that the point of order is well taken, for the time being at least. Does the Committee have an amendment that the Committee would like to bring up? Which amendment is it?

MCNEALY: It would be the longer amendment, Mr. President.

PRESIDENT EGAN: The one striking the word "shall"?

COGHILL: A point of information. If my motion deals with the whole section, will that supersede an amendment?

PRESIDENT EGAN: Mr. Coghill, the Committee does have the right, if they choose to exercise it, of offering an amendment before an individual delegate does. The Chief Clerk will please read the proposed Committee amendment.

CHIEF CLERK: "Strike Section 32 and insert a new Section 32 as follows: 'If the Alaska-Tennessee Plan is approved by the voters of Alaska and Alaska has not subsequently been admitted as a state of the Union, the Territorial Legislature shall enact such additional measures as in its judgment are necessary and proper to assure attainment of that end.'"

PRESIDENT EGAN: What is your pleasure, Mr. McNealy?

MCNEALY: I move the adoption of the amendment.

VANDERLEEST: I second the motion.

PRESIDENT EGAN: Mr. McNealy moves the adoption of the amendment, seconded by Mr. VanderLeest. The motion is open for discussion. Is there discussion of the proposed amendment? Mr. Victor Fischer.

V. FISCHER: I would like to say that yesterday I got up and spoke about the need of some provision to show the people of Alaska that we do intend that this constitution not just be adopted and put on the shelves in the library, but that we hope that our action will be followed up, not only by the Tennessee Plan but that the people of Alaska do continue to take steps toward statehood. I also pointed out that the Section 32 that we had before us yesterday, the one that is proposed to be amended, is not the best thing for us. I think the amendment proposed by the Committee is the kind of a thing that deals with this in temperate terms; it shows our intent; I don't think it will be offensive to anyone; and I certainly hope that the Committee amendment will be adopted.

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

WHITE: Mr. President, I won't discuss this in detail because I think that we all understand it. I would like to point out one difference, however, between this and the original section and that is that the original section contained the words "fourth Monday in January, 1959". Now, under the Tennessee Plan as we have adopted it, a representative from the State of Alaska to the United States House of Representatives will be elected. His re-election, if thought proper, will be necessary in 1958, October of 1958, so that, if that is thought proper to keep his position in being coincident with the terms of the two senators, action by the next Territorial legislature will be necessary. This new section, if adopted, would make that allowance. I would also say that there certainly is nothing defiant or improper or unusual or different in what is contained in this new section.

PRESIDENT EGAN: Mr. Coghill.

COGHILL: May I ask a question of the Committee? Isn't it within the power of the legislature at any time to take such an action without having it put in the constitution? We have been trying to cut down on words and phrases and paragraphs and make the number of

words in our constitution as short as possible. I think this is unnecessary because the Territorial legislature has that power at any time.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: I should like at this time to offer an amendment to the amendment.

PRESIDENT EGAN: Mr. Johnson offers an amendment to the amendment.

JOHNSON: The amendment to the amendment is to strike all the matter that is enclosed in the quotes of the amendment.

PRESIDENT EGAN: The proposed amendment to the amendment would be out of order at this time, Mr. Johnson. It is not an amendment to the amendment, Mr. Johnson; it is a complete obliteration of the proposed amendment, and it is out of order to offer such an amendment to any amendment. The Chair will have to rule that.

JOHNSON: A point of inquiry. Doesn't the Committee amendment amount to the same thing? They are obliterating the entire Section 32 as it stands.

PRESIDENT EGAN: That is correct, Mr. Johnson. This is an amendment to the amendment -- to any amendment cannot take that kind of a classification. Mr. Boswell.

BOSWELL: I would just like to point out one effect I think this section now has, particularly to the proponents of the Alaska-Tennessee Plan, that you are asking the people of Alaska to take this along with the Alaska-Tennessee Plan. As it was before, you were asking them to take the Alaska-Tennessee Plan and I think this is going to bring a lot of votes against the Alaska-Tennessee Plan as it originally stood before us, but when people see this tacked on to the Alaska-Tennessee Plan, I can't help but think that there are going to be a lot of negative votes just because of this addition.

WHITE: May I address a question to Mr. Boswell?

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

WHITE: Mr. Boswell, could you explain to me just what in this new paragraph, in your opinion, would cause the defeat or the lessening of the number of votes for the Alaska-Tennessee Plan?

BOSWELL: Well, I noticed in last night's paper a letter to the editor criticizing our action in proposing the Alaska-Tennessee Plan. I expect that is just a beginning, and I expect there will be considerable opposition to it, maybe. Now, as it stands I think the Alaska-Tennessee Plan is all right. I am all for it and I hope the

people of Alaska pass on it, but I do feel that when they have to pass on further action such as this proposes, if they approve the Alaska-Tennessee Plan, I can't help but think there will be a number more that will take that same point of view. They might take the Alaska-Tennessee Plan, but they wouldn't take it with this additional proviso.

PRESIDENT EGAN: Mr. McCutcheon.

MCCUTCHEON: It doesn't appear to me that this amendment is radical in any respect. It would appear to me that it says nothing more than, if statehood is not granted, that a subsequent legislature may provide by law such necessary further measures to attain statehood. Now to me, that could mean nothing more, necessarily, than the appropriation of additional funds for the prosecution of statehood. It may be that the legislature would see fit under those circumstances to set up a consulting bureau in Washington with the proper funds and with the proper type of personnel, as Hawaii has done for a number of years in an endeavor to bring facts to various congressmen and senators. It doesn't appear to me that there is anything in here that would cause anyone to vote against the Tennessee Plan, because it leaves everything in the judgment of the legislature. It doesn't advocate any revolutionary measures. It isn't inciting anyone to rebellion or anything of that nature. I can't possibly see how it could affect anyone adversely. It merely suggests to the legislature that they shall take even further measures than they have already. So far they have set up the laws which provided for this constitution as one measure in prosecuting statehood as far as we could. This Convention has suggested that we send our congressmen and senators back to Washington in order to get statehood for us. If that fails, then this item right here states that we shall do something else. It may mean that we will implement the delegate from Alaska with more funds and personnel in an endeavor to prosecute our desire for statehood. I can't see why this should be tied together with the Tennessee Plan as such and be detrimental to it in any respect.

PRESIDENT EGAN: Mr. McLaughlin.

MCLAUGHLIN: Mr. Chairman, I am a bit puzzled. Now, either it means something and, if it does, what does it mean? Does it mean the legislature shall do that which it can do anyway and, if it doesn't mean anything, why should it be in the constitution? Now the previous speaker said that the legislature "may". The words here are "shall" in the mandatory sense that the legislature must do something, and I am a bit puzzled in light of our vote yesterday as to what is intended by this thing. If it intends nothing, if it merely instructs the legislature to do that which it can do anyway, then it is thoroughly pointless, and, if it instructs the legislature to do something that it has no power to do now, then what is it that it's instructing the legislature to do? There is complete confusion on it.

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: I think Mr. McLaughlin is belaboring the question. It points out to the legislature what, in our opinion, they should do, and the people of Alaska will then point out to the legislature that they want them to act on the subject. There is nothing improper about it; it just brings to their attention. I don't see anything novel or unusual about it and I think it is probably necessary.

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: The question is, "Shall the proposed Committee amendment be adopted by the Convention?" The Chief Clerk will call the roll.

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

Yeas: 23 - Awes, Barr, Buckalew, Davis, Doogan, Emberg, V. Fischer, Hilscher, Hurley, Kilcher, Knight, Lee, McCutcheon, McNealy, McNees, Marston, Nordale, Riley, V. Rivers, Stewart, VanderLeest, White, Mr. President.

Nays: 26 - Armstrong, Boswell, Coghill, Collins, Cooper, Cross, Gray, Harris, Hellenthal, Hermann, Hinckel, Johnson, Laws, McLaughlin, Metcalf, Nerland, Nolan, Peratrovich, Poulsen, Reader, Robertson, Rosswog, Sundborg, Sweeney, Walsh, Wien.

Absent: 6 - H. Fischer, King, Londborg, R. Rivers, Smith, Taylor.)

CHIEF CLERK: 23 yeas, 26 nays and 6 absent.

PRESIDENT EGAN: So the "nays" have it and the amendment has failed of adoption. Mr. White.

WHITE: Mr. President, may I address a question to Mr. McNealy, chairman of the Ordinance Committee?

PRESIDENT EGAN: You may if there is no objection, Mr. White.

WHITE: Mr. McNealy, in your opinion would the next Territorial legislature have authority to provide for the re-election of the representative called for under the Tennessee Plan in the general election of 1958?

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

MCNEALY: Mr. President, in answer to Mr. White's question, it strictly would be my opinion, and it's only a personal opinion,

that I would -- putting it this way -- that if I were a member of that legislature, I would very likely hesitate to take any action of that kind that hadn't been in some manner approved by the people.

PRESIDENT EGAN: Mr. Coghill.

COGHILL: Mr. President, I move that Committee Proposal No. 17/z be laid on the table.

MCNEALY: I second the motion.

PRESIDENT EGAN: Mr. Coghill moves. Mr. McNealy seconds the motion, that Committee Proposal No. 17/z be laid on the table.

V. RIVERS: Mr. President, I'll ask for a call of the house.

PRESIDENT EGAN: Mr. Victor Rivers asks for a call of the house.

JOHNSON: Point of order, Mr. President.

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

JOHNSON: I believe that under our rules a call of the house is only permissible in accordance with Robert's Rules of Order, and no one delegate can request a call of the house. It must be acted upon by motion.

PRESIDENT EGAN: Mr. Johnson, in the absence of a rule, the Chair recalls that one night we acted on an amendment that would have made a rule of that kind but it was not adopted, so your point of order is probably well taken, that we will have to have a motion adopted by a majority vote. The Convention will be at ease for a moment.

RECESS

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

V. RIVERS: In order not to hold up the proceedings and after discussing the matter with the mover of the previous motion, I will now ask to withdraw my request for a call of the house.

PRESIDENT EGAN: Mr. Victor Rivers serves notice that he is withdrawing his call of the house. The call is ordered withdrawn.

KILCHER: I move that we take our regular afternoon recess.

UNIDENTIFIED DELEGATE: Objection.

PRESIDENT EGAN: Objection is heard.

KILCHER: I so move.

PRESIDENT EGAN: Mr. Kilcher so moves.

V. RIVERS: Point of order, Mr. President. There was another order of business on the floor.

PRESIDENT EGAN: A motion for recess is in order, Mr. Victor Rivers. Is there a second?

POULSEN: I'll second it.

PRESIDENT EGAN: Seconded by Mr. Poulsen that the Convention stand at recess for its regular recess. The question is, "Shall the Convention stand at recess?" All those in favor of standing at recess at this time will signify by saying "aye"; all opposed by saying "no". The "noes" have it and the Convention is still in session. Mr. Coghill.

COGHILL: Mr. President, with the consent of my second, I would like to withdraw my motion to lay Committee Proposal No. 17/z on the table.

PRESIDENT EGAN: Mr. Coghill asks unanimous consent with the consent of his second that his motion to lay on the table be withdrawn. Is there objection?

BUCKALEW: I object.

PRESIDENT EGAN: Do you so move, Mr. Coghill?

COGHILL: I so move.

COOPER: Second.

PRESIDENT EGAN: Mr. Coghill moves, seconded by Mr. Cooper, that the motion to lay on the table be withdrawn. The question is: "Shall Mr. Coghill's motion to lay on the table be withdrawn?" The Chief Clerk will call the roll.

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

Yeas: 35 - Boswell, Coghill, Cooper, Cross, Davis, Doogan, V. Fischer, Gray, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, Knight, McLaughlin, McNees, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sweeney, VanderLeest, Walsh, White, Mr. President.

Nays: 16 - Armstrong, Awes, Barr, Buckalew, Collins, Emberg, Harris, Hellenthal, Laws, Lee, McCutcheon, McNealy, Marston, Robertson, Sundborg, Wien.

Absent: 4 - H. Fischer, King, Londborg, Taylor.)

WHITE: May I change my vote to "yes"?

PRESIDENT EGAN: Mr. White changes his vote to "yes".

ROBERTSON: Mr. President, I change my vote to "no".

PRESIDENT EGAN: Mr. Robertson changes his vote to "no".

MCNEES: I'll change mine to "yes".

PRESIDENT EGAN: Mr. McNees changes his vote to "yes".

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

PRESIDENT EGAN: So the "yeas" have it and the motion is ordered withdrawn. Mr. Coghill.

COGHILL: Mr. President, now I move and ask unanimous consent to strike Section 32.

SUNDBORG: A point of order. The point of order, we have a rule that says that no amendment may be offered unless it has been cleared with the Committee involved, on second reading. Mr. President, on second reading any amendment must be cleared with the Committee involved before it may be offered, under a special rule adopted by this body.

PRESIDENT EGAN: That was after it comes from Style and Drafting, wasn't it, Mr. Sundborg?

SUNDBORG: Mr. President, I will --

PRESIDENT EGAN: The Convention will be at recess for two minutes.

RECESS

PRESIDENT EGAN: The Convention will come to order. Are there amendments to Section 1 of Committee Proposal No. 17/z?

CHIEF CLERK: It is Section 30.

PRESIDENT EGAN: Oh, the Chair does not have a copy. Mr. McNealy.

MCNEALY: I move on behalf of the Committee to strike Section 30.

PRESIDENT EGAN: Mr. McNealy moves on behalf of the Committee that Section 30 be deleted from the proposal. Is there a second?

COGHILL: I'll second it.

PRESIDENT EGAN: Seconded by Mr. Coghill. The question is, "Shall

Section 30 be deleted from Committee Proposal No. 17/z?" Mr. Victor Fischer.

V. FISCHER: Mr. President, I have assumed in advance that there has been a reason for every proposal and section that has been brought before the Convention, and I certainly couldn't support a motion like this without an explanation.

PRESIDENT EGAN: Mr. McNealy.

MCNEALY: Mr. President, the reason that I and other members of the Committee were favorable to this Section 30 was because of Section 32 and, if Congress thought necessary to strike Section 32 or it should be off, then we'd have the means to do it under Section 30. Section 32 is not going to be, certainly, I can see, adopted as is or in any milder form, so I can see no reason or purpose. And I might further add as to Section 30 that the only constitution which has anything in it of that particular nature, a somewhat similar provisions, is that of Puerto Rico. We haven't copied after the Puerto Rican constitution to any great extent here, and I feel that with Section 32 out, it was advanced by one or two parties to the Committee that possibly Congress would look with jaundiced eye upon the fish trap ordinance, and that it might be a good thing to have it in so the fish trap ordinance could be struck out, and others have said, possibly as to the Tennessee Plan. However, I submit on both of those that they will go to a referendum of the people and I don't think that Congress would insist or even mention the fact that the legislature should attempt to override something that had been passed by the people, and based upon those reasons and especially in anticipation of Section 32 being out of here, there is no reason whatsoever for Section 30 to remain in. In fact, I think it is meaningless and very likely is an improper matter to retain. Otherwise, other constitutions would surely have contained provisions of this kind, except that instance stated of Puerto Rico.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: I move the previous question.

PRESIDENT EGAN: Mr. Hellenthal moves the previous question.

BUCKALEW: Second the motion.

PRESIDENT EGAN: Seconded by Mr. Buckalew. The question is, "Shall the previous question be ordered?" All those in favor of ordering the previous question signify by saying "aye"; all opposed by saying "no". The Chief Clerk will call the roll.

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

Yeas: 27 - Awes, Barr, Boswell, Buckalew, Coghill,

Collins, Cross, Doogan, Emberg, Gray, Harris, Hellenthal, Hinckel, Hurley, Knight, McCutcheon, McLaughlin, McNealy, Peratrovich, Poulsen, Reader, Riley, Rosswog, Sweeney, VanderLeest, Walsh, Wien.

Nays: 24 - Armstrong, Cooper, Davis, V. Fischer, Hermann, Hilscher, Johnson, Kilcher, Laws, Lee, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, R. Rivers, V. Rivers, Robertson, Smith, Stewart, Sundborg, White, Mr. President.

Absent: 4 - H. Fischer, King, Londborg, Taylor.)

CHIEF CLERK: 27 yeas, 24 nays, and 4 absent.

PRESIDENT EGAN: So the "yeas" have it and the previous question has been ordered. The question is, "Shall the proposed amendment as offered by Mr. McNealy for the Committee be adopted by the Convention? The Chief Clerk will call the roll.

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

Yeas: 36 - Awes, Barr, Boswell, Coghill, Collins, Cooper, Cross, Davis, Doogan, Emberg, Gray, Harris, Hellenthal, Hilscher, Hinckel, Hurley, Johnson, Kilcher, Knight, Laws, Lee, McLaughlin, McNealy, Marston, Nordale, Poulsen, Reader, Rosswog, Smith, Stewart, Sundborg, Sweeney, VanderLeest, Walsh, Wien, Mr. President.

Nays: 15 - Armstrong, Buckalew, V. Fischer, Hermann, McCutcheon, McNees, Metcalf, Nerland, Nolan, Peratrovich, Riley, R. Rivers, V. Rivers, Robertson, White.

Absent: 4 - H. Fischer, King, Londborg, Taylor.)

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

PRESIDENT EGAN: So the "yeas" have it and the amendment has been adopted. Are there amendments for Section 31? Does the Committee have an amendment? Mr. McNealy.

MCNEALY: Mr. President, the Committee has an amendment for Section 31. The amendment is to delete Section 31, and I so move the adoption of the amendment.

HELLENTHAL: I second the motion.

PRESIDENT EGAN: Mr. McNealy moves, seconded by Mr. Hellenthal, that the proposed amendment be adopted. Mr. Victor Fischer.

V. FISCHER: Mr. President, I didn't realize that all of these sections were brought in as a guise to cover up Section 32, and I don't think that's proper if that is what was done. It was my impression that Section 31 was brought in with a specific purpose of authorizing the legislature by vote of the people upon ratification of this constitution to provide for the transition period to accomplish such things as continuing the welfare program, continuing the health program, paying teachers, and everything else after the Territory as such has ceased to exist and before the first state legislature has appropriated the funds. If I am wrong I would like to hear so from the Committee chairman, but I certainly don't think that if there was no more reason than to cover up 32 that it was very good to bring in all these extra sections.

PRESIDENT EGAN: Mr. McNealy.

MCNEALY: Mr. President, frankly, Section 31 there which I may have possibly -- I was out of the committee room when it was considered because I have no recollection of it until it came on the floor and I was in and out of the committee. However, we do point out that going back in the schedule we have made provisions to continue the former laws in force, and to continue our Territorial officers in office until the state takes over, to continue school districts and health districts and all of those things are provided for already in the schedule, and this is, in effect, meaningless because the combination of what we have already provided in the schedule for the orderly transition plus that that will be written into any enabling act of Congress makes this Section 31 totally useless and of no avail. And I apologize to the Convention at this time for bringing 17/z out at all, and I think since it is meaningless and since others have expressed the thought here about taking up wordage in the constitution, it certainly should not be included, and the committee amendment should be adopted.

PRESIDENT EGAN: Mr. Barr.

BARR: We have already provided for the orderly transition of government from Territorial to the state government. We have stated that the Territorial laws will carry over into the state government and those Territorial laws take care of practically everything, the payment of teachers, the work of the commissioners, and each department within the Territory. That will continue, so I don't see any reason for restating it in this section.

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: The question is, "Shall the proposed amendment as offered by Mr. McNealy for the Committee be adopted?" The Chief Clerk will call the roll. The amendment is to strike Section 31 from the proposal.

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

Yeas: 39 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Collins, Cooper, Cross, Doogan, Emberg, Gray, Hellenthal, Hermann, Hilscher, Hinckel, Johnson, Knight, Laws, Lee, McLaughlin, McNealy, Marston, Nerland, Nolan, Nordale, Reader, Riley, R. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, VanderLeest, Walsh, Wien, Mr. President.

Nays: 12 - Davis, V. Fischer, Harris, Hurley, Kilcher, McCutcheon, McNees, Metcalf, Peratrovich, Poulsen, V. Rivers, White.

Absent: 4 - H. Fischer, King, Londborg, Taylor.)

CHIEF CLERK: 39 yeas, 12 nays, and 4 absent.

PRESIDENT EGAN: So the "yeas" have it and the amendment has been adopted. Mr. Barr.

BARR: Mr. President, I move that we recess until 4:05 p.m.

PRESIDENT EGAN: Mr. Barr moves that the Convention stand at recess until 4:05. Is there a second?

KILCHER: I'll second it.

PRESIDENT EGAN: Seconded by Mr. Kilcher. The question is, "Shall the Convention stand at recess until 4:05?"

MCLAUGHLIN: Mr. President, if there is a recess, there will be a meeting of the Judiciary Committee in the rear.

PRESIDENT EGAN: If there is a recess, there will be a meeting of the Judiciary Committee in the rear. Mr. Sundborg.

SUNDBORG: There will be a meeting of the Style and Drafting Committee also in the rear of the gallery if there is a recess.

PRESIDENT EGAN: A meeting of the Style and Drafting Committee in the rear of the gallery if there is a recess. The question is, "Shall the Convention stand at recess until 4:05?" All in favor signify by saying "aye"; all opposed by saying "no". The "noes" have it and the Convention is still in session. Are there committee amendments for the proposal? Mr. Johnson.

JOHNSON: I move that the Committee Proposal No. 17/z, as amended, be indefinitely postponed.

PRESIDENT EGAN: Mr. Johnson moves that Committee Proposal No. 17/z, as amended, be indefinitely postponed. Is there a second?

MCNEALY: I second the motion.

PRESIDENT EGAN: Seconded by Mr. McNealy. The question is -- Mr. Fischer.

V. FISCHER: A point of information. Does that mean that the proposal can be brought before the Convention by motion or does that kill it permanently and indefinitely?

PRESIDENT EGAN: It could be brought before the Convention by a motion, Mr. Fischer. The Chair's recollection is that it takes two-thirds to bring it back, but the Chair wouldn't state that as a definite statement at this time, but it is the recollection of the Chair that, if the matter is indefinitely postponed, then it just takes a majority to bring it back. Mr. White.

WHITE: Is the motion debatable?

PRESIDENT EGAN: The motion for indefinite postponement is debatable, that is correct. Mrs. Hermann.

HERMANN: A vote to indefinitely postpone is a vote to kill.

PRESIDENT EGAN: Well, it would be if you didn't bring it back from indefinite postponement.

HERMANN: If you didn't rescind your action.

PRESIDENT EGAN: The Convention will be at recess.

RECESS

PRESIDENT EGAN: The Convention will come to order. It has been moved and seconded that Committee Proposal No. 17/z, as amended, be indefinitely postponed. The question is open for debate if there is any. Mr. White.

WHITE: I don't like to pursue this too far. I realize that people are getting tired of all this, but I want to raise one question -- I have raised it partially before -- to be answered by anyone who is able to answer it. It appears to me that, if the Territorial legislature is unable, without further action by this body, to provide for an election of a United States representatives in the fall of 1958, we will then find ourselves in the ridiculous position, under the Tennessee Plan as we have adopted it, of having a senator until 1961 or 1963 and no representative. Now if the Territorial legislature is unable to provide --

COGHILL: Point of order, Mr. President.

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

COGHILL: The point of order is that under a motion to postpone

indefinitely, you can't discuss and debate the merits of the main question.

WHITE: This has bearing on the main question.

PRESIDENT EGAN: You are in order, Mr. White. You may have the floor. The Convention will come to order.

WHITE: If somebody can satisfy me that the Territorial legislature can so provide, I am perfectly willing to drop the matter. But, if we can't I submit that it will be a ridiculous situation under the Tennessee Plan to have two senators and no representative.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Mr. White invited anybody who could answer that to answer. I would like to give what I think is the answer. If Congress seats our senators and representative, there is no problem because then we are granted statehood. If Congress doesn't seat them, the senators aren't sitting either, and I don't think there would be any particular reason to have a representative re-elected who wouldn't be recognized by Congress. That would be three years from now. If they are not seated by then, I don't think we need any, including the representative.

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: The question is, "Shall Committee Proposal No. 17/z, as amended, be indefinitely postponed?" The Chief Clerk will call the roll.

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

Yeas: 42 - Armstrong, Awes, Barr, Boswell, Coghill, Collins, Cooper, Cross, Davis, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, King, Knight, Laws, Lee, McLaughlin, McNealy, Marston, Nerland, Nolan, Peratrovich, Poulsen, Reader, R. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, VanderLeest, Walsh, Wien, Mr. President.

Nays: 10 - Buckalew, Doogan, Kilcher, McCutcheon, McNees, Metcalf, Nordale, Riley, V. Rivers, White.

Absent: 3 - H. Fischer, Londborg, Taylor.)

CHIEF CLERK: 42 yeas, 10 nays, and 3 absent.

PRESIDENT EGAN: So the "yeas" have it and Section 32 has been indefinitely postponed. Mr. Victor Fischer

V. FISCHER: I would like to rise to ask a question, if I may.

PRESIDENT EGAN: If there is no objection. Mr. Fischer, you may ask your question.

V. FISCHER: We have just taken action that would preclude any indication on the part of this Convention that we desire that further steps be taken by the legislature to advance statehood. I wonder if, among the resolutions, some of which seem quite unessential, whether we have any resolution in the works calling upon Congress to grant us statehood or calling upon the legislature to take whatever action it deems necessary to advance statehood as an expression that this body does want further action by someone.

PRESIDENT EGAN: Well, we have the Tennessee Plan in the ordinances, Mr. Fischer.

V. FISCHER: No, I mean, Mr. President, as a resolution that the elected senators could take to Congress or that someone could present to the legislature. I am just asking a question whether there is any statehood resolution going to come out of this Convention.

PRESIDENT EGAN: Mr. Coghill, do you have the resolutions in your committee? Do you care to answer that?

COGHILL: It doesn't go to that extent, Mr. President, I don't believe.

GRAY: I move that we recess until 4:20.

PRESIDENT EGAN: Mr. Gray moves and asks unanimous consent that the Convention stand at recess until 4:20. Are there committee announcements? Style and Drafting at the rear of the gallery; Judiciary Committee at the rear of the gallery immediately upon recess. The question is. "Shall the Convention stand at recess until 4:20?" All in favor signify by saying "aye"; all opposed by saying "no". The "ayes have it and the Convention is in recess.

RECESS

FIRST VICE PRESIDENT: The Convention will come to order. Before we proceed with our regular business, I think the Convention has some communications. Will the Clerk please read them.

(The Chief Clerk read a telegram from Ernest F. McFarland, Governor of Arizona, expressing regret at being unable to attend the signing ceremonies, and a telegram from Congressman John P. Saylor of New York also expressing regret and sending congratulations for taking another step toward statehood.)

FIRST VICE PRESIDENT: The Secretary will file the communications. On our calendar we have come to the point where I think a report from the Committee on Style and Drafting is in order. Mr. Sundborg.

SUNDBORG: Mr. President, the Committee on Style and Drafting reports to the Convention the complete constitution in the order which we recommend for its printing in the final document, and copies of our report, which have been struck off from the type set by the printer who is preparing the actual constitution for signing, have been placed on every delegate's desk. I might say, Mr. President, that members of the Style and Drafting Committee worked practically all night last night getting the final copy out and into the hands of the printer, and that the people at the News-Miner also worked through the night in order to have this available today. There will be several Committee changes in this document which we will ask to have made when it is considered.

FIRST VICE PRESIDENT: Mr. Sundborg, would you care to make those recommendations now or how would you wish to proceed?

SUNDBORG: Yes, Mr. President. On behalf of the Committee on Style and Drafting, I ask that, on page 38 of our report, that the sections which appear as Section 18 and Section 19 be stricken from the report and that the succeeding sections to the end of that article be renumbered accordingly. This was in accordance with floor action taken here today deleting those two sections after we had assumed they would be going into the constitution and were printed up in this form.

FIRST VICE PRESIDENT: Do you ask unanimous consent that that be done?

SUNDBORG: I do, Mr. President.

FIRST VICE PRESIDENT: Do I hear any objection? If not, it is so ordered. Do you have any other corrections?

SUNDBORG: Mr. President, there is a typographical correction on page 39, Section 26, next to last line of that section. There is a word that says "voter"; it should be "voters", plural. It's the new Section 24, yes, in accordance with the renumbering we just did, page 39. I ask unanimous consent for that correction, Mr. President.

FIRST VICE PRESIDENT: Do I hear any objection? If not, it is so ordered.

SUNDBORG: Mr. President, on page 28 at the top of the page, Section 2, I ask unanimous consent that the last sentence of that section be stricken from the report. This also was in accordance with floor action taken today by the Convention. It's the

sentence reading "The governor shall act as the agent of the state in all intergrovermental relations involving the state." We ask that that be stricken.

FIRST VICE PRESIDENT: Do you ask unanimous consent?

SUNDBORG: Yes, Mr. President.

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

SUNDBORG: Mr. President, if you desire, our Committee can explain to the delegates the very few changes we have made in phraseology in putting together this final report of our Committee. There have been a few changes and then of course there also have been some changes in rearrangement of sections and we would be glad to point all those out if the delegates would like to have us do so.

FIRST VICE PRESIDENT: The Chair feels that the delegates should decide that question. What is the pleasure of the delegates? Do you wish to have that done?

HILSCHER: I so move.

FIRST VICE PRESIDENT: Do I hear any second to that?

R. RIVERS: I second the motion.

FIRST VICE PRESIDENT: You have heard the motion. Are you ready for the question? All those in favor signify by saying aye"; contrary "no". The motion carried. You may proceed, Mr. Sundborg.

SUNDBORG: We have incorporated in the report all the changes which were made on the floor in second reading in language and approved by the Convention. We have in numerous places reinserted the word "shall" to change slightly the form of expression which we used in many places. For instance, I am looking at one now where it says "The grand jury consists of at least twelve citizens." We are using that kind of sentence structure, and we have changed and in places such as that we say: "The grand jury shall consist of at least twelve citizens." It is just a change of phraseology, and I believe one that most delegates will welcome. It does not change the meaning in any case. In Section 16 of Article I, Declaration of Rights, that appears on page 3, there is one change which has been made by our Committee since the article left the floor and that will be found in the third line of this section where the words "a jury of twelve" have been added. It formerly said "In civil cases where the amount in controversy exceeds \$250 the right of trail by jury is preserved to the same extent as it existed at common law. We have made it read now: "The right of trial by a jury of twelve is preserved to the same extent as it existed..." etc. That was done, Mr. President, at

the suggestion of the consultants and, I believe, many of the lawyers from the body suggested that that be inserted. It is not a change in substance because a "jury of twelve" is what was meant here by the Convention and I believe is what has applied in Alaska, but we thought for clarity's sake we should mention the number at that point because later on in the sentence we speak of juries which might be of as few as six members, and so I would like to ask unanimous consent that the addition of the words "of twelve" be approved by the Convention.

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

SUNDBORG: Mr. President, in Section 14 of the article on the legislature, which appears on page 6 in the fourth line of that section, you will find that it reads "No bill may become law unless it has passed three readings in each house on three separate days." Formerly it read "No bill may become law unless it has passed three readings in each house on separate days." We have inserted the word "three" before the word "separate" to carry out what we are sure was the intention of the body, that is, that there should be only one reading each day, and it was pointed out to us by the consultants that it was ambiguous in that there might have been three readings in two days under the language, because two days are separate days, and I am sure that it was the intention here that the readings be on three separate days, so we have inserted the word "three" and I will ask unanimous consent for that change.

FIRST VICE PRESIDENT: Do I hear any objection? If not, it is so ordered.

SUNDBORG: Mr. President, in the article on legislative apportionment, Article VI, in Section 1, page 15, the reference formerly was to Section 1 of Article XV, and we have changed the order of the articles slightly at the end so that the apportionment schedule is now Article XIV, so we have changed the wording both in Section 1 and Section 2 on page 15 to read Article XIV, which is just harmonious with the order of the articles as they now appear. I will ask unanimous consent for approval of that change at this time.

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

SUNDBORG: On the next page, page 16, the same change has been made in Section 7. It now speaks of the senate districts described in Section 2 of Article XIV, where it formerly said Article XV. I will ask unanimous consent for the adoption of that change.

FIRST VICE PRESIDENT: Hearing no objection, it is so ordered.

SUNDBORG: Mr. President, in the article on finance, Section 8, page 22, in the third from last line of the section, it formerly read "meeting natural catastrophes". We have changed the word "catastrophes" to "disasters" in accordance with the suggestion from the consultants. We don't feel that it is substantive and it's probably a better description of what was intended by the Convention. I will ask unanimous consent for the adoption of that change.

FIRST VICE PRESIDENT: Do I hear any objection? If not, it is so ordered.

SUNDBORG: In the apportionment schedule, on page 35, in the description of the Nome Election District, formerly the section started: "All of the Seward Peninsula..." etc. It was pointed out to us after this passed third reading that it was incorrect to say "All of the Seward Peninsula". That had been correct at one time, but the Committee on Apportionment had changed slightly the boundaries of the election district so that not all of Seward Peninsula was included. So we have changed the first part of the description to say "That part of the Seward Peninsula", and then there is a description of the exact part. The only words we have changed have been the substitution of the words "That part" for the word "All" and this was made particularly at the request of Mr. Walsh. I might say that it has also been cleared with the chairman of the Apportionment Committee and with the geographers who agree that it is now correct where it was not fully correct formerly. I will ask unanimous consent for the adoption of that change.

FIRST VICE PRESIDENT: Hearing no objection, it is so ordered.

SUNDBORG: In the article on initiative, referendum, and recall, it starts on page 26, in Section 6, which is on page 27 -- previously, I believe it said that "a majority of the votes cast are required for the adoption or rejection of an act referred", and at the request of the Committee chairman and of the consultant, we have dropped the reference to the "approval of the act referred" and have now made it read: "If the majority of the votes cast on the proposition favor the rejection of an act referred, it is rejected."

DAVIS: That would also change the language on the approval.

SUNDBORG: Perhaps Mr. Davis is more familiar with just exactly what was done there.

FIRST VICE PRESIDENT: Mr. Davis.

DAVIS: I don't have the exact language in front of me, but it did read, "If a majority of the votes cast on a proposition favor the initiative, it is adopted, or the rejection, it is

rejected." We broke that down into two sentences to make it clear. "If a majority of the votes cast on the proposition favor its adoption the initiated measure is enacted. If a majority of the votes cast on the proposition favor the rejection of an act referred, it is rejected."

SUNDBORG: I am sure that this was always the intent of the body. Mr. President, and it is just the language which clarifies, and I will ask unanimous consent for adoption of the change.

FIRST VICE PRESIDENT: Do I hear any objection? If not, it is so ordered.

SUNDBORG: In the general provisions, Section 5, that is on page 30, which is a form of oath, we have supplanted the commas which formerly set off the words "or affirm" in the fourth line of that section by parentheses, which is a standard form of oath and was suggested to us by many delegates and also by the consultants. It is not a substantive change and I ask unanimous consent for its adoption.

FIRST VICE PRESIDENT: Hearing no objection, it is so ordered.

SUNDBORG: Mr. President, in the article on amendment and revision, page 30, Section 2, Section 2 previously read "The legislature may provide for constitutional conventions." I believe it was always intended by the Convention that what was meant was that the legislature could call conventions and set them up. But some of the people who read this, particularly the consultants, said that our language was somewhat ambiguous and it could be argued that they could only provide for such constitutional conventions as had been called for by the people through the referendum provisions of the amendment and revision article. But I am sure it was always the intention of the body that the legislature itself could actually call constitutional conventions. So we have proposed changing the language to "The legislature may call constitutional conventions at any time." I ask unanimous consent for the adoption of that change.

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

SUNDBORG: In the transitional measures, Schedule of Transitional Measures, page 37, Section 10, there is again a reference to Article XIV. Previously this said "Article XV" because the schedule on apportionment was Article XV. But it is now Article XIV, so in two places in Section 10 on page 37 we have changed it to Article XIV, which is the correct reference. I will ask unanimous consent for the adoption of that change.

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

SUNDBORG: Mr. President, in Section 17 of the transitional measures, on page 38, the section previously ended "subject to applicable Acts of Congress." We propose changing that to "except as otherwise provided by law." This again was a change which was recommended by our consultants, and today at the meeting of committee chairmen it was unanimously endorsed by the committee chairmen. We believe it makes more clear the intent of the body that the arrangements on transfer of court jurisdiction would be accomplished not only by acts of Congress but also by some acts of the Territorial legislature or the state, and we feel that the term "unless otherwise provided by law" covers both federal law and Territorial law and is a better description of what is needed in this place. So I will ask unanimous consent for adoption of that change.

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

SUNDBORG: Mr. President, on page 39, the new Section 24, which appeared on the printed copy as Section 26 of the Schedule of Transitional Measures, that is a wholly new section which was introduced at this point by the Style and Drafting Committee, and it refers to the fact that three ordinances appearing after the signatures on the constitution will become effective if the people ratify each of them. It was pointed out to us by the consultants that, unless we had a section such as this ahead of the signatures in the constitution, that there would be no provision for those ordinances, even if adopted by the people, to go into effect, including the ordinance on ratification of the constitution itself. And so the section which we propose be inserted at this place reads as follows: "Section 24. Ordinance No. 1 on ratification of the constitution, Ordinance No. 2 on the Alaska-Tennessee Plan, and Ordinance No. 3 on the abolition of fish traps, adopted by the Alaska Constitutional Convention and appended to this constitution, shall be submitted to the voters and if ratified shall become effective as provided in each ordinance." Mr. President, since this is, I feel, substantive to introduce this section, although it is necessary to be introduced, I ask that the rules be suspended so that the Style and Drafting Committee may submit that amendment. I ask unanimous consent.

FIRST VICE PRESIDENT: You have heard the request for suspension of the rules. Are there any objections?

R. RIVERS: A point of inquiry. Mr. Sundborg, these three are coupled here and I was wondering if, on the last three lines, we should say "shall be submitted to the voters and if ratified respectively" or something like that. Now there is a slight hint, a slight suggestion here that they all three have got to be ratified. I would like to hear either from you or Mr. Davis. I just want to be sure.

SUNDBORG: Mr. Davis wasn't responsible for this language. It

was put in about 3:30 this morning. Mr. Fischer, would you care to comment on that?

V. FISCHER: I would say, if I may, in reply to Mr. Ralph Rivers, that the language would seem explanatory since it refers to the particular ordinances. In each ordinance a separate ratification and effective clause is contained, so that simply by reference to the ordinance one can see that there is no relationship between them, necessarily, except for one thing, and this would involve very complicated language if we tried to clarify it here. Both the fish trap and the Tennessee plan ordinances will become effective only if the constitution is ratified, but not the other way around, so that the clearest way is to leave it just as it is and leave the reference within each ordinance.

FIRST VICE PRESIDENT: Mr. Rivers, does that clarify it?

R. RIVERS: Yes, that satisfies me.

FIRST VICE PRESIDENT: Mr. Hellenthal.

HELLENTHAL: Mr. Sundborg, I notice what might be an inconsistency in style. In Section 27, I think it is now Section 25, page 39, you said "admission of Alaska into the Union as a State", capitalizing the "S". However, on page 41 in Section 7, you refer to "state" in the same sense and do not capitalize the "s".

SUNDBORG: You caught us, Mr. Hellenthal. As used in Section 27 the word "state" should not be capitalized. The "State" or reference to the "State of Alaska" when speaking only of this state according to our rules of punctuation calls for a capital. But if we are speaking of "a state", any old state, it is down style.

HELLENTHAL: The common variety.

SUNDBORG: The common garden variety of state. So I ask unanimous consent that on page 39 -- excuse me, I think I had another unanimous consent request pending.

MCNEALY: Mr. President, I would like permission, before passing on the unanimous consent, to ask a question of Mr. Sundborg.

FIRST VICE PRESIDENT: You may, Mr. McNealy.

MCNEALY: Mr. Sundborg, what was the thought behind listing ordinances as numbers 1, 2, and 3, rather than just leaving them in sections? I ask this in all sincerity because, when going back to the other constitutions and similar matters, they are listed just as sections, not as separate ordinances. I might add further that the Committee's legal interpretation is that everything down to and including Section 27 is an ordinance.

SUNDBORG: Mr. McNealy and Mr. President, we have had the same theory explained to us by Mr. Hurley who was a member of our Committee as well as of the Ordinance Committee, and I have no doubt that you are correct and I am sure you must be and I know you have given it a lot of study, that each of these matters mentioned in the transitional measures is an ordinance. But we desired to set off the three ordinances which would be voted upon by the people of Alaska so that they could clearly see, at the very end of the constitution and after the signatures, what the three separate propositions would be. Our proposal is that in the constitution which is signed, the signatures would come at a point which occurs here on page 39. It would be after what is now Section 27 of the Schedule of Transitional Measures -- excuse me, renumbered Section 25 -- and before any of the ordinances. And our reason for suggesting that is that the ordinances are not a part of the constitution and will not become a part unless and until they are acted upon favorably by the voters at referendum elections. And so we felt they should be set out clearly afterwards so we have set them up as Ordinance No. 1, and since it was -- especially the second ordinance, that on the Alaska-Tennessee Plan, rather long and complicated, we felt it was preferable to refer to it as an ordinance and to the various parts under it as sections so we could set it apart more clearly, for the citizens of Alaska to understand than would be possible if we ran it all into one section. It's just a matter of style and arrangement, I believe, and has no bearing on the legal standing of the ordinances or of the transition measures.

MCNEALY: Has there been any precedent in other constitutions for any of the ordinances appearing after the signatures rather than before? I recognize that this Convention I know this would be a legal fact -- that we can adopt ordinances outside of the constitution itself and they can be submitted to the voters. I wondered in ordinances of this kind if there had been any precedent for -- if they're to be considered set apart, or is it the opinion of the Committee that Section 26 does bring them within the purview of the signing?

SUNDBORG: Mr. McNealy, that, of course, was our purpose for inserting Section 24 ahead of the signatures, so that we could incorporate the three ordinances which will be subject to referendum by reference and, if they are approved by referendum or after referendum, they will become a part of the constitution. They will go into effect as each of them states. But we just felt it was a matter of clarity. Now, as to your question of what is the precedent for arrangement in this way, I can't answer you. I can only say that it is quite unusual, and we haven't found any cases where ordinances as long as these, particularly the one on the Alaska-Tennessee Plan, have ever been written up at the time that a constitution has been drafted. Most of the ordinances we have seen have been very brief and usually dealing only with the fact of ratification. I just haven't seen ordinances of this kind.

FIRST VICE PRESIDENT: Mr. Kilcher.

KILCHER: Mr. President, may I ask a question of the Chair? What is the unanimous consent question before the Chair at this moment?

FIRST VICE PRESIDENT: Suspension of the rules, Mr. Kilcher.

KILCHER: For what purpose?

FIRST VICE PRESIDENT: In order to sanction the Committee's action.

KILCHER: Mr. President, I would like to ask for a two-minute recess to talk over some matters with the Committee on Ordinances.

FIRST VICE PRESIDENT: Well, Mr. Kilcher, we are in a stage here where you can ask questions. You can't amend yet. If you care to draw up an amendment, you can do that after we hear the Committee report.

KILCHER: But since we have arrived at the point where the Committee report is asked to be accepted by unanimous consent --

FIRST VICE PRESIDENT: We haven't suspended the rules yet. You are free to ask any question you want. But you can amend later on if you care to.

KILCHER: Can't you amend under a majority rule?

FIRST VICE PRESIDENT: We will have a two-minute recess.

RECESS

FIRST VICE PRESIDENT: The Convention will come to order. Mr. Kilcher, you have a question to ask?

KILCHER: Yes. Mr. Sundborg, am I right -- If I remember that in our enacting clause of transitional measures and ordinances we had the words "appended hereto" included in the enacting clause and I wondered why it had been omitted now ahead of the schedule.

SUNDBORG: Mr. President, the enacting clause does not appear in the text of any constitution. As you remember, we had an enacting clause required by our rules at the head of every committee proposal that came in. There is a provision saying that every proposal must have an enacting clause saying so and so, and they aren't in here in any of the articles. And I have never seen a constitution that kept putting in enacting clauses. The thing speaks for itself. It's enacted by us. It is ratified by the people.

KILCHER: Ordinances 1, 2, and 3, are they part of Article XV?

SUNDBORG: They are by reference, by virtue of the language of Section 24, but they will become part of Article XV only if they are ratified by vote of the people of Alaska.

KILCHER: Thank you.

R. RIVERS: Mr. President, may I bring out another point? Mr. Sundborg, will there be something inserted on page 39 after the schedules to the effect "We, the undersigned delegates, adopt and establish this constitution." Will we have some enacting language stuck in at that point when we sign tomorrow?

SUNDBORG: Mr. President and Mr. Rivers, that is correct. We have been looking over the constitutions of various states to get some appropriate language that will say "agreed upon and signed this fifth day of February, 1956, at the University of Alaska" etc., just ahead of the signatures.

FIRST VICE PRESIDENT: The suspension of the rules has been requested by the chairman of the Style and Drafting Committee. Do I hear any objections?

KILCHER: Mr. President, I would like to ask a question of Mr. Sundborg.

FIRST VICE PRESIDENT: You may proceed. Go ahead.

KILCHER: Mr. Sundborg, in your opinion is the arrangement of the schedule of transitional measures and ordinances -- has in no way changed the legal position of Section 22 dealing with the capital of Alaska? In other words, that Section 22 dealing with the capital of Alaska still is understood to be a transitional measure and as such to be changeable by law as we have stated formerly on the record?

SUNDBORG: Mr. President, Mr. Kilcher, the section you refer to, I believe has been renumbered Section 20, is the one on the capital and it appears in the schedule of transitional measures and the heading on that is to provide an orderly transition from a territorial to a state form of government. It is "declared and ordained" and then we have each of these things which is transitional in nature. The arrangement here is exactly in the place where it was as it passed on the floor and there has been no change in its legal standing by reason of where it is placed in the constitution.

KILCHER: In other words the legal standing is the same as previously stated on the record?

SUNDBORG: It is just exactly as it has always been when passed by the Convention.

FIRST VICE PRESIDENT: Do I hear any objections to the request for

suspension of the rules? If not, it is so ordered. What is your pleasure, Mr. Sundborg?

SUNDBORG: Mr. President, I now offer on behalf of the Style and Drafting Committee an amendment consisting of the insertion of Section 24. I ask the Chief Clerk to read that section.

CHIEF CLERK: "Section 24. Ordinance No. 1 on ratification of the constitution, Ordinance No. 2 on the Alaska-Tennessee Plan, and Ordinance No. 3 on the abolition of fish traps, adopted by the Alaska Constitutional Convention and appended to this constitution, shall be submitted to the voters and if ratified shall become effective as provided in each ordinance."

BOSWELL: In my copy it is Section 26, not Section 24.

CHIEF CLERK: It has been changed.

SUNDBORG: Mr. Boswell, a little earlier, unanimous consent was given to delete what was printed as Section 18 and Section 19, which were rejected this afternoon on the floor, and we renumbered those subsequent sections. I ask unanimous consent, Mr. President, for the adoption of the amendment submitted by the Style and Drafting Committee.

FIRST VICE PRESIDENT: Do I hear any objections? If not, it is so ordered. You may proceed, Mr. Sundborg.

SUNDBORG: Mr. President, in the language dealing with the Alaska-Tennessee Plan, which is Ordinance No. 2, on page 41, Section 4, previously the section read: "Two persons to serve as members of the Senate of the United States and one person to serve as a member of the House of Representatives of the United States shall be chosen at the 1956 general election." This seemed to raise the question in the minds of some whether these persons were actually United States Senators and a United States Representative in the view of this Convention, and since we feel that that is our view, we wanted to make it stronger by changing the language to what now appears, "Two United States Senators and one United States Representative shall be chosen at the 1956 general election", not just three person who would serve in those positions. And so we suggested making that change in Section 4 on page 41, and I ask unanimous consent for the adoption of the change.

FIRST VICE PRESIDENT: Do I hear any objections? If not, it is so ordered. Mr. Sundborg, the Chair would interrupt you for a little while. Do you have very many more amendments?

SUNDBORG: No, sir. I am almost finished.

FIRST VICE PRESIDENT: Well, you may proceed then.

SUNDBORG: On page 42, Section 15, previously the reference to an

article number at the fifth from the bottom line was to Article XIV. We have changed that to Article XV because of the change in the arrangement of the articles making the transitional measures Article XV instead of Article XIV as previously. We ask unanimous consent for adoption of that change.

FIRST VICE PRESIDENT: Do I hear any objection?

CHIEF CLERK: Was that XV?

SUNDBORG: It should be Article XV as it appears in the printed copies. Excuse me. That is in Section 15 of the Ordinance No. 2 on the Alaska-Tennessee Plan appearing on page 42.

FIRST VICE PRESIDENT: Hearing no objection it is so ordered.

SUNDBORG: Mr. President, I have another change to request unanimous consent for adoption and that is that, on page 42 in that same section, Section 15, where it now says Section 27, by virtue of the fact that we have renumbered the sections in the transitional measures, the correct reference is now Section 25, and that should be changed on the copies of delegates, and I ask unanimous consent for the adoption of that change.

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

SUNDBORG: Mr. President, there is one additional amendment which does not appear on the printed copies and for which I would like to ask unanimous consent. This has to do with Article XIII dealing with constitutional amendment and revision on page 30, Section 1. In the second sentence it now reads, "The secretary of state shall prepare a ballot title and proposition summarizing each proposed amendment and shall place them on the ballot for the next general election." At the suggestion of the consultants and by unanimous endorsement of the committee chairmen, we striking the word "general" and inserting the word "statewide" so that it would read "shall place them on the ballot for the next statewide election". The reason for this is that when the "legislature shall by two-thirds vote of each house propose a constitutional amendment" we don't like to require that the people wait for what may be a period as long as two years before they can vote upon the matter if it is that far to the next general election. We feel that it is necessary that they be voted upon at a statewide election, and we think it might be desirable to leave it open for the legislature, if it desires, to provide for a special statewide election at which the proposed amendment to the constitution could be considered or at the primary election if it should fall within a time when that would be a practical way to handle it. So, Mr. President, I ask unanimous consent for adoption of the amendment which would strike the word "general" and insert in its place the word "statewide" in Section 1, page 30.

FIRST VICE PRESIDENT: Do I hear any objection? If not, it is so ordered.

SUNDBORG: Mr. President, this is purely typographical. The delegates may wish to make a correction on page 40. The final section in the question which will go on the ballot with respect to the Alaska-Tennessee Plan, the word "ordinance", the second word of the question or proposition should be capitalized, "Shall Ordinance No. 2" should be capital "O". Mr. President, those are the only changes in our report and if the delegates have other questions we will attempt to answer them, but those are the only requests we have to make for changes.

FIRST VICE PRESIDENT: Before we proceed further, we have a problem here to take care of while our President is absent. You will recall that we had a special nominating committee appointed yesterday to come in with nominees to make presentation to our President and, in his absence, I feel that we should settle the matter now. If it is agreeable with the delegates, we can call for the report of the nominating committee. Hearing no objections, we will proceed in that manner. The chairman of the nominating committee --

V. FISCHER: I ask unanimous consent that no recording be made of the proceedings now to take place.

FIRST VICE PRESIDENT: Hearing no objection, it is so ordered.

(The Convention heard the report of the nominating committee at his time.)

FIRST VICE PRESIDENT: Mr. Davis.

DAVIS: I don't have an announcement, I have another matter.

FIRST VICE PRESIDENT: We will stand at recess for two minutes.

RECESS

FIRST VICE PRESIDENT: The Convention will come to order. Mr. Davis has the floor.

DAVIS: Mr. President, I would like to call attention to another change that was made that Mr. Sundborg overlooked in making his report. I would like to refer you to page 36 of the printed copy, Section 5 at the top of the page. Now that section as it originally read in the draft said Residence or other qualifications prescribed by this constitution shall be satisfied by corresponding qualifications under the Territory." Our consultants felt that that probably did not say exactly what we wanted it to say and did not cover the ground it was intended to cover. For that reason we took language from the Hawaiian constitution which we thought would cover, added to it a little bit to cover what we thought the Convention wanted done in this place, and made it read Residence, citizenship, or other qualifications under the Territory may be used toward the fulfillment of corresponding qualifications required by this constitution." In other words, if a

person has to have a residence requirement of seven years to be governor and he has been five years a resident of the Territory, then after two years under statehood he would be eligible to be governor without being seven years under the state. That is what I am sure was meant by the thing as adopted and I believe that the language we have used probably makes it a little more clear. With that in mind, I would like at this time to ask unanimous consent approving the action we took in amending the wording of that section.

FIRST VICE PRESIDENT: Do I hear any objections? If not, it is so ordered. Mr. Sundborg.

SUNDBORG: During recess two errors in typography, purely mechanical errors, were pointed out to me. On page 20, the article on natural resources, Section 11, occurring at the top of the page. This is not a change. It was just an error that the words "leases, and" were inadvertently dropped; the top line on page 20 after the word "permits", this should be inserted, "leases, and". Those words appeared in that place in the enrolled copy and in our former Style and Drafting Committee report and they were just omitted by the printer, apparently. I ask unanimous consent that they be inserted here where they belong.

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

SUNDBORG: In the same section, Mr. President, in the fifth line from the bottom, the line begins "to patents". The "s" should be stricken on the word "patents" so it would read "patent of mineral lands". This again is a typographical error and I ask unanimous consent for adoption of the correction.

FIRST VICE PRESIDENT: Hearing no objection, it is so ordered. Are there any questions the delegates would like to ask the chairman of the Style and Drafting Committee? Any further questions?

SUNDBORG: Mr. President, there have been a good many changes in the rearrangement of some of the sections, particularly in the sections dealing with the miscellaneous provisions. We put them in a slightly different order. We have moved into the transitional measures a few things from the articles themselves which were transitional, purely transitional in nature, and we have put back in the general and miscellaneous provisions a few provisions from the separate articles which we felt more properly belonged there. I woulder if I could ask Mr. Fischer of our Committee to explain such changes as have been made of that kind.

FIRST VICE PRESIDENT: Mr. Fischer.

V. FISCHER: Mr. President, in Article I, the Declaration of Rights, a number of sections were changed in sequence only. The

sequence was changed to follow a pattern of going from criminal actions to civil actions that were covered in that article, rather than having criminal actions, then some miscellaneous sections, and then going into civil action. In the judiciary two sections were deleted. They were already covered in transitional measures, those dealing with offices of profit and with the first judicial council. The provision in Article V on suffrage and elections dealing with special voting provisions for those who voted in 1924 was transferred to the transitional measures article. Similar transfer was made of three sections from the legislative apportionment article, those sections dealing with the election of the first senators, the election of first representatives, and the first reapportionment. In Article VII on health, education, and welfare, we brought in two new sections that were previously in General and Miscellaneous. Those were the sections dealing with the state university and the board of regents. It was felt that this would be a more proper place for those two sections rather than in the general and miscellaneous. We placed those two after public education and before public health and welfare. In the article on natural resources, Article VIII, we deleted Section 19 covering residual powers, as that was covered in the section on residual powers in the article on general provisions. The section in the natural resource article referred to the residual powers dealing with, if I remember correctly, the utilization, development, and something else of natural resources. The residual powers section in the general provisions deals with all residual powers and, therefore, would include those in the natural resource article. We also transferred Section 20 out of the resource article and made it Section 1 of Article XII on the general provisions, since that is a provision that deals with the general aspect of the state. The provision in Article IX on finance and taxation dealing with Territorial assets and liabilities which was amended also to include records of the Territory, was moved into the transitional measures since that is a provision that deals only with the transition from the Territory to the state, no matter how long such transition might take. It was further felt that any obligations or assets covered by that particular section would be contractual obligations in any case. There were no further changes in the next several articles. In Article XII on general and miscellaneous, there was some rearrangement of sections to take into account the subject matter of each section. Previously the sections had just been tagged on, one after the other, and as I mentioned previously, the sections on the state university and the board of regents were transferred out. On Article XV, Transitional Measures, there was a substantial amount of rearranging again to follow a logical sequence of sections. There were no further changes aside from those that I have mentioned in connection with moving certain provisions from specific articles into Transitional Measures, except for the removal of the four sections dealing with the ratification of the constitution and putting those into a separate ordinance, subject to adoption by the people of Alaska.

FIRST VICE PRESIDENT: What is the wish of the Committee in regard to these changes?

SUNDBORG: Mr. President, I ask unanimous consent for approval of the order or the arrangement of the constitution as suggested by the Style and Drafting Committee.

FIRST VICE PRESIDENT: Do I hear any objections?

HINCKEL: I object, temporarily. I would like to ask a question. It isn't a change exactly in there by Style and Drafting, but it hadn't occurred to me to ask it before. But we have always referred to these transitional measures as being "appended to" the constitution and not considered as part of it, but the way the final arrangement has come out, we still have it as Article XV of the constitution and it appears to me that is setting up substantial grounds for the people questioning in the future the fact that those things are a part of the constitution. Therefore, we would not be able to change them. There are some things in these transitional measures which I know it is not the will of the majority of the body that they shall always remain unchanged. I would like an explanation on that.

FIRST VICE PRESIDENT: Mr. Sundborg.

SUNDBORG: Mr. Chairman and Mr. Hinckel, the fact that article numbers are given to the transitional measures is not changed. That was formerly always called Article XIV and we have put it back to become Article XV, and what we have done, we have switched the order between the transitional measures and the apportionment schedule. The apportionment schedule was previously referred to and went through the Convention as Article XV and it now becomes Article XIV as we felt it should be a little farther ahead in the constitution than the transitional measures, which will drop out of effectiveness as time goes on as the limits of each are reached by just the workings of time. Now the words here, "appended to the constitution", I believe, didn't come up at all until yesterday. I don't think it was ever before the body until we brought up the matter of just what we should say in the enacting clause having to do with the transitional measures and with the ordinances.

HINCKEL: I realize the statement you just made is true, but is it customary in the other constitutions for these transitional measures to be handled as an article of the constitution or are they headed up in a little different manner? I haven't studied that myself and I imagine you already know and you can answer it yes or no.

SUNDBORG: I would say, Mr. President, in answer to that that they are handled both ways. They are sometimes given an article number and then sometimes just referred to as the schedule. But in either case, they appear before the signatures in the constitution

and the only thing that appears after the signatures of the delegates is the material which is subject to further and separate ratification by the people, as is the case with the three ordinances which we suggest be after the signatures.

FIRST VICE PRESIDENT: Mr. McNealy.

MCNEALY: Mr. President, I believe I might clarify that one point with the Chair's permission, as to the wording of "appended". It's a language of the court and we had never used it here. It has been the common usage of all the courts to refer to the schedule as being appended to the constitution and regardless had we never used that language here, since we do call this a schedule and since it is a schedule of ordinances, the courts will always refer to this as being appended to the constitution even though it is assigned an article number. That is the law since the earlier state constitutions had that.

FIRST VICE PRESIDENT: Does that explain it, Mr. Hinckel, to your satisfaction?

HINCKEL: I am satisfied.

FIRST VICE PRESIDENT: Mr. Rivers.

R. RIVERS: May I direct a question to Mr. McNealy?

FIRST VICE PRESIDENT: You may.

R. RIVERS: I agree that when we enacted these transitional measures we said that we were enacting them to be appended to the constitution. Would it not be better then, if we struck the designation "Article XV" and just don't call it an article, and then the schedule of transitional measures positively show it is appended. Striking "Article XV" here would be consistent with the enacting language which we used when we said "appended to".

MCNEALY: Mr. President, we used mainly the western states which had comparable situations or conditions with ours in the Ordinance Committee, and they had used the word "schedule" and also "articles" and we considered the language of those particular states, and I would very much fear to upset the balance any further by any indication that this schedule wasn't considered a part of the constitution because the Ordinance Committee relied entirely on court decisions. The decisions of all these courts where they have been given an article number, as offhand, in Oregon the schedule is Article XVIII, and there are a large number of court decisions there which hold that that is a schedule of transitory ordinances appended to the constitution, and we have already a great number of decisions along that particular line. To not call it an article might not have such great effect but it would require me, at least, to go back to the law books to be satisfied that we didn't somehow endanger the transitional ordinances.

FIRST VICE PRESIDENT: Mr. Fischer.

V. FISCHER: The arrangement here was worked out in the first instance by a subcommittee composed of Mr. Armstrong, Mr. Johnson and myself, and we looked into this matter of should these be called schedules, should they be called articles, or what not. Now, if you will note on page 29, Section 10, Article XII, there is a specific instruction: "Titles and subtitles shall not be used in construing this constitution." From that standpoint it wouldn't matter too much, then, in terms of the actual arrangement. We did for a while consider calling the apportionment schedule "Schedule 1" and the transitional measures "Schedule 2", and the ordinances "Schedule 3". However, the effect would not really matter. We, last night, went through the same process as Mr. McNealy described, with Mr. Owen, checking through a number of constitutions and found that, generally, these provisions are included before the signatures and are called all sorts of things. But the legal effect is the same. They are transitional measures. The important thing here is the preamble to Article XV, page 35, which reads, "To provide an orderly transition from a Territorial to a state form of government, it is declared and ordained:", and that is a lot more important than the terminology of whether it's an article or schedule or whether you call it a transitional measure or transitional ordinances. That is the major thing. Now, while I am on the subject, also I will refer to a question previously asked about the separation of the three ordinances. By reference they are included in the constitution through Section 24 of Article XV. That reference will also serve as a historical marker. However, once they have been ratified and most of their provisions almost fall out of effect since they deal primarily with the election and what takes place immediately; from that standpoint they are part of the constitution and at the same time they can fall off without affecting any other part of the constitution. The transitional measures are incorporated above the signatures as I think they are in most, if not every constitution, because in some of these cases their effect may be lasting for quite a while and is properly included, but these three substantial ordinances are incorporated by reference only.

FIRST VICE PRESIDENT: Mr. McNees.

MCNEES: May I ask Mr. Fischer a question?

FIRST VICE PRESIDENT: You may.

MCNEES: Did you consider the possibility of the use of the word "addendum" there in place of "Article XV."

V. FISCHER: No, that was not considered. Frankly, I never saw that in any of the constitutions.

MCNEES: It means a part of but added to, to be deleted later.

V. FISCHER: No, we did not consider that.

MCNEES: May I further ask my question of Mr. McNealy? Do you think that word might satisfy the floor, as long as there is some question there of wanting to set it apart; if that word in place of the words "Article XV might be added, it might set it further apart?

FIRST VICE PRESIDENT: Mr. McNealy, do you care to answer that?

MCNEALY: Well, Mr. President, regardless of what we called it, it wouldn't be set apart any more than it is, and when it comes to my reading and interpreting court decisions the old language that has been used time after time, I think, would be preferable rather than attempting to use entirely new language at this period out here without knowing what -- unless we would go on record here, we might say that we on record here by saying that "addendum" would mean a "schedule"; if we wanted to go through that. I believe that all of the particular points -- if any of the delegates have any questions as to the schedule and want to read any of the law that I have available here, I would be glad to furnish it here at the desk.

MCNEES: I would like to give a correction though to a mis-impression I might have given. I didn't mean to change the words "Schedule of Transitional Measures" at all, just change the article -- strike the article number and put in the word "addendum".

FIRST VICE PRESIDENT: Do I hear objection to the unanimous consent for the adoption of this change as made by the Style and Drafting Committee? If not, it is so ordered. Mr. Sundborg.

SUNDBORG: Before asking that our report as a whole be accepted, I would like to say in order that the finished constitution can be printed and ready for signing on Sunday, we have to have finished proofs in the hands of the printers tonight; and there is a crew working at the print shop waiting for corrections from the Convention. I think it would be highly desirable, before we ask that our report be accepted, that the constitution be read through, word for word, by every delegate, preferably that it be read here on the floor of the Convention by the Chief Clerk or some others who would like to spell her at that task, so that we could, all of us, look at it and make sure it says just exactly what we want it to say, because this will probably be our last chance to make corrections.

FIRST VICE PRESIDENT: Do you request that?

SUNDBORG: I do request that we read the constitution all the way through tonight.

FIRST VICE PRESIDENT: Do I hear any objections?

R. RIVERS: I object for the moment. I am a little concerned about the boiler-room work on the rest of the journals which I guess are fairly far behind and whether or not we could read this tomorrow instead -- work out something -- anyway stop and think for the moment...

SUNDBORG: The print shop tells us very definitely that unless we get these corrections to them tonight so they can print this material on the parchment paper which is going to be used for the signing, that paper will not be dry enough to handle and put together in the form of the finished constitution for signing Sunday afternoon. If we don't read it tonight and get all the corrections in, we will just have to sign blank sheets of parchment paper. So I recommend strongly that if we are going to make any further corrections in this, we do it tonight.

FIRST VICE PRESIDENT: Mr. Rivers, your objection?

RIVERS: I have no objection.

FIRST VICE PRESIDENT: Mr. White.

WHITE: I think it would be a good procedure but it also occurs to me that each committee member going over his or her own section of the constitution in some detail, comparing it to the enrolled copy, I mean the report of the Style and Drafting Committee, might also be of some benefit, and since this is going to be a long procedure and we have to eat anyway, I wonder if we might not recess for the purpose of eating and for the purposes of committee members going over their own articles in some detail and then when we come back read it all through on the floor. Would that suit your purpose, Mr. Sundborg?

SUNDBORG: Mr. President and Mr. White, we are certainly agreeable to that.

FIRST VICE PRESIDENT: Would you put that in the form of a motion then?

WHITE: I move and ask unanimous consent that the Convention stand at recess until 7:30 p.m.

FIRST VICE PRESIDENT: Are there any objections?

KILCHER: I object.

FIRST VICE PRESIDENT: Do you so move, Mr. White?

WHITE: I so move.

HERMANN: I second the motion.

FIRST VICE PRESIDENT: You have heard the motion. Are you ready

for the question? Before we vote on this I would like to announce that some of the ladies have some tablecloths that some of the delegates have failed to sign, and they are very anxious for them to come back in the rear and sign these tablecloths. I wish you would take note of that at recess. Mr. Hurley, do you have an announcement?

HURLEY: I would like for the special presidential and nominating committee to meet immediately upon recess.

FIRST VICE PRESIDENT: Mr. Coghill.

COGHILL: I don't have a committee announcement at the time, but there was a pair of black zipper galoshes or rubbers taken from the cloakroom last night, size 9. If anybody has taken a pair, will they please return them to the Administration Committee and I will return them to their rightful owner.

KILCHER: May I ask a question of Mr. White?

FIRST VICE PRESIDENT: This is just an announcement period. However I would grant you that time.

KILCHER: I would like to ask Mr. White if he would object to advancing the time a half hour in a new motion for we have nothing else to do but eat lunch, and no committee work.

(Objection is heard.)

FIRST VICE PRESIDENT: All those in favor of the motion signify by saying "aye"; contrary "no". So ordered.

RECESS

FIRST VICE PRESIDENT: Will the delegates take their seats, please? Sergeant at Arms, will you see if there are any delegates around.

CHIEF CLERK: We don't even have a quorum.

FIRST VICE PRESIDENT: The Convention will be at ease. We don't seem to have a quorum. Does the special committee on the minutes have a report to make at this time?

WHITE: Mr. President, reporting on the journal for the 65th Convention day, we ask the following changes be made. The journals are on the delegates' desks in new folders, starting with the 65th day, I believe. There should be new folders on your desks starting with the 65th day. In the journal for the 65th day on the first page, third paragraph from the bottom, the middle line, where it says "was Mr. Harris' consideration", change that to read "reconsideration". On page 10, paragraph 4, reference to "Mr. Kilcher", strike the "s". Page 11, fifth paragraph from the bottom, the paragraph beginning "Mrs. Sweeney", in the next to

last line after "be adopted." insert "Without objection it was so ordered". Page 13, second paragraph, beginning "Miss Awes", second line between "substantive" and "phraseology" insert the word "or". On the journal for the 66th Convention day, Friday, January 27, we ask the following changes be made: Page 1, third paragraph from the bottom where it says "Mr. Rivers", it should be "Mr. R. Rivers." Page 3, paragraph 1, second line, "Miss Sweeney" should be "Mrs. Sweeney". Page 13, paragraph 5, beginning "Mr. V. Rivers", second line, after the word "amendment" insert "to Article III". Mr. President, with those corrections, we move and ask unanimous consent for approval of the journals of the 65th and 66th Convention days.

FIRST VICE PRESIDENT: Do I hear any objection? If not, it is so ordered. Mr. Knight.

KNIGHT: May we have a recess for about 30 seconds?

RECESS

FIRST VICE PRESIDENT: The Convention will come to order. Mr. Knight, did you accomplish your objective?

KNIGHT: Yes, sir.

FIRST VICE PRESIDENT: We have the constitution before us, and the Secretary, I believe, will proceed to reading it as requested prior to recess.

SUNDBORG: I would like to suggest as we read this, we pause at the end of each article to give the clerk a chance to get her breath, and also ask that the delegates who have found any errors or what they consider to be errors in that article call them to the attention of the Committee at that time.

FIRST VICE PRESIDENT: Do you mean as to punctuation, Mr. Sundborg?

SUNDBORG: Yes, anything at all

FIRST VICE PRESIDENT: No amendments though?

SUNDBORG: No amendments.

FIRST VICE PRESIDENT: Secretary, will you please read.

(The Chief Clerk read the Preamble to the constitution and Article I of the constitution as contained in the Report of the Committee on Style and Drafting dated February 3, 1956.)

FIRST VICE PRESIDENT: Are there any questions on Article I? Mr. Boswell.

BOSWELL: Section 1, should there be a comma after "opportunities" in that series? "equal rights, opportunities and protection"?

SUNDBORG: Mr. President, Mrs. Nordale, who is a member of the subcommittee which has been attending to punctuation, tells me that it would be proper to have a comma after "opportunities". That is page 1, Section 1, after the word "opportunities", on the third from last line, insert a comma.

FIRST VICE PRESIDENT: Mr. Rivers.

R. RIVERS: The word "equal" I think should apply to "protection under the law" as well as to "rights and opportunities". I don't like to see "and protection under the law" separated from the word "equal"; "equal rights and opportunities". What is the "and" for?

SUNDBORG: Our style in this, I might say, is that we do use a comma before the "and" in a series throughout the constitution and this is one place we seemed to have missed.

FIRST VICE PRESIDENT: You do recommend the change then?

SUNDBORG: Yes. I would ask unanimous consent to place a comma after "opportunities". It is also called to my attention that in the Preamble after the word "civil" in the third line there should be a comma - "civil and religious liberty within the Union of States". I would ask consent to put a comma there.

FIRST VICE PRESIDENT: Would the delegates please make that correction. I don't think it needs a motion there. Any other questions? Mr. Hellenenthal.

HELLENTHAL: Is that consistent now, throughout the constitution? I don't think much of that rule.

FIRST VICE PRESIDENT: Mr. Sundborg.

SUNDBORG: Mr. President, that is a rule that our subcommittee on punctuation did accept and adopt; this style of punctuation, to put a comma before the final "and" or "or" in a series, not when there are only two things like if there were only "civil and religious" there wouldn't be a comma with the "and", but if there are three like "political civil, and religious liberties" there would be a comma before and". Are there any other questions?

FIRST VICE PRESIDENT: Mrs. Wien.

WIEN: I would like to ask Mr. Sundborg a question - perhaps I missed - was a comma just put in after "opportunities" :

SUNDBORG: I asked permission to, Mrs. Wien.

WIEN: Was that for the reason that it does not mean equal rights,

opportunities, and protection under the law?

SUNDBORG: It means all three.

WIEN: Even with the comma it means that?

SUNDBORG: That would be my thought, Mrs. Wien.

HURLEY: I think the Bill of Rights Committee is the one that should answer that question. If they mean that all persons are entitled to equal rights and opportunities and protection under the law, and "opportunities" is not a separate item, why I think we should know it now. I don't know what they mean, but it makes a lot of difference.

FIRST VICE PRESIDENT: Chairman of the Preamble Committee, would you care to answer that?

AWES: We do mean all three. I think that means they are entitled to equal rights, equal opportunities, and equal protection under the law.

FIRST VICE PRESIDENT: Mr. Hurley, does that answer your question?

HURLEY: Yes.

FIRST VICE PRESIDENT: Any other questions?

HURLEY: Mr. President, I noticed something that may have been a result of printing. In Section 9, the subtitle, I ask Mr. Sundborg, is self-incrimination a hyphenated word and if it is should incrimination be capitalized?

SUNDBORG: It is a hyphenated word. I would say that it should be a capital "I" in incrimination occurring in that form.

HURLEY: I notice in other subtitles where hyphenated words are used, the second half of the hyphenated word is not capitalized.

FIRST VICE PRESIDENT: Mr. Sundborg.

SUNDBORG: I wonder if in those other cases though, the hyphen came between two parts of a hyphenated pair of words. I know in lots of places here where the word is so long that it must be continued on the second line, then of course the second line doesn't start with a capital. If it's a new word -- page 23, I am told, there is one. Oh, well, it's only when it's the first letter in a line that it's capitalized. I mean if self-incrimination could all have gone on one line, incrimination would not have been capitalized, but since it does start the second line -- page 21, in "nondiscrimination" I would say if that was all one word, it would be as it's shown here. It's a hyphenated word "discrimination" should be a capital "D". Maybe the Committee can tell me if that is used as one word or a hyphenated (hyphenated) word.

COGHILL: In the finance article I do think "nondiscrimination" is a single word.

FIRST VICE PRESIDENT: Mr. Nerland, would you care to answer that?

NERLAND: I'm sorry, I wasn't following the discussion.

FIRST VICE PRESIDENT: Would you repeat that, Mr. Sundborg?

SUNDBORG: I don't blame Mr. Nerland a bit. (Laughter) On page 21 it was pointed out that in Section 2, the subhead "nondiscrimination", that the "d" in discrimination is not capitalized and I was asking if "nondiscrimination" is not a single word, and it's only hyphenated in this way because it's too long to go on a single line. If it is one word it is used correctly here, and if it is a hyphenated word there would (would) be a capital "D".

NERLAND: Well, Mr. Sundborg, I think this is one of the finest compliments that has ever been paid me. (Laughter) Thank you very much.

SUNDBORG: Mr. President, the Chief Clerk tells me that the dictionary says that nondiscrimination is a single word and so it is used correctly here. And I would say that the question that was asked in regard to Section 9. page 2, it is correct as shown, "self-incrimination". It is two words.

FIRST VICE PRESIDENT: Are there any other questions? If not, the Secretary will proceed with the next article, Article II, The Legislature.

(The Chief Clerk read Article II of the constitution as contained in the record of the Committee on Style and Drafting dated February 3, 1956.)

FIRST VICE PRESIDENT: Are there any questions on Article II? Mr. Hurley.

HURLEY: With permission of the chairman of the Style and Drafting Committee, I find that the comma committee has a bag left over here. I might say that this debatable process of putting commas before "and" in a series was not finally agreed upon before we got up to Article IV, so in the first three articles undoubtedly, to save people from jumping up and saying "You are inconsistent", I will call your attention to some commas. I do not personally care whether they are put in or not, but we should do so to be consistent, I guess. On page 4, fourth line from the bottom, after "elected"; page 5 Section 6, third line from the bottom of the section, after "to"; page 6, Section 13, third line from the top, after "revising".

FIRST VICE PRESIDENT: Mrs. Nordale.

NORDALE: In concurrence with Mr. Hurley, I will point out one more

that we have overlooked. At the top of page 5, after the words "secretary of state", second line.

FIRST VICE PRESIDENT: The delegates will please make the corrections. I don't think it's necessary to make a motion on that. Mr. Hinckel.

HINCKEL: I would like to ask a question of Mr. Sundborg. Would you care to consider the suggestion I made regarding line 1, page 5, or do you think it is all right?

SUNDBORG: Mr. Hinckel wondered -- if you will turn to the first line of page 5 -- Mr. Hinckel suggested that it might sound better instead of saying "or holding the office of governor, secretary of state, or member of Congress", if we said "holding office as governor, secretary of state, or member of Congress". I must say I don't have any strong feeling one way or the other myself.

FIRST VICE PRESIDENT: Do you wish to give your reasons, Mr. Hinckel?

HINCKEL: Well, if you read it without -- leave out the governor and secretary of state and say "seeking or holding the office of member of Congress", it just struck me as sounding rather odd. I am not a grammarian, but it just didn't sound right to me and I thought possibly it might be worthy of consideration.

SUNDBORG: Mr. President, I really think that if it were only holding "of" office, it would sound equally good to say holding office "as", but since it also includes "seeking" I don't think we could say "seeking office 'as' governor or seeking office 'as' secretary of state". They are seeking the office "of". I really believe it is better the way it is.

FIRST VICE PRESIDENT: Are there any other questions or corrections? If not, the Secretary will proceed with Article III, The Executive.

(The Chief Clerk read Article III of the constitution as contained in the report of the Committee on Style and Drafting dated February 3, 1956.)

FIRST VICE PRESIDENT: Are there any questions in regard to Article III? Let's have order, please. Mr. Hurley, do you wish --

HURLEY: Mr. President, in these series did the body desire that we make the official corrections or that the proof readers make them. I am asking the chairman of the Style and Drafting Committee.

SUNDBORG: Mr. President, I just think that if they were pointed out here, maybe some of the delegates would like to correct their copies so they would all be alike.

HURLEY: Well, Mr. President, if I can correct them I am sure anybody can, but I will point them out. Page 9, Section 10, first line, after the word "resigns"; same page, Section 14, third line, after "duties"; Section 16, next to last line, after "department"; excuse me, on also the third from last line, after "duty". I ask the indulgence of the Convention when we come to the next article. I think we have taken care of these. Page 10, Section 21, after "commutations" on line 2; Section 22, line 3, after "powers"; same section, third line from the bottom, after "quasi-judicial". It has been called to my attention that there is one in Section 6, page 8, after the word "State" in the last line of the section. Mr. President, I ask that these be accepted.

FIRST VICE PRESIDENT: Delegates please make that correction. It does not require a motion. Are there any other corrections or questions? Mr. Hellenenthal.

HELLENTHAL: May I address a question to Mr. Sundborg? Mr. Sundborg, perhaps this is unnecessary, but I notice that there is more space between sections than there is following the last section and the designations of the Article IV, and that seems to be pretty consistently followed. Is that the intention in the final printing, that that narrow spacing be used?

SUNDBORG: No. There will be greater space between the articles in the final printing than is shown here, and the one you pointed out on page 11, I am sure that is just a mistake in spacing, that there is a greater space between Section 26 and Section 27. I think that the extra spacing there should have been inserted after Section 27 and before Article IV.

HELLENTHAL: Then, if anything, you will provide for more spacing to separate articles off?

SUNDBORG: That is true, Mr. President.

FIRST VICE PRESIDENT: Are there any other questions or corrections? Mr. Rivers.

V. RIVERS: I think it is appropriate to say a word or two in regard to an item of omission on this. A number of the delegates asked about a clause that they think should have been inserted in this article and I want to say that that was a conflict of interest clause. However, it was decided in discussions by a lot of us and some members of the Committee that that should be left for legislative matters. They felt that heads of the principal departments -- suppose the head of a principal department, the head of the Purchasing Department should not also be the head of a wholesale firm. But those things we feel, and I want the record to show, we feel should be handled by the legislature.

FIRST VICE PRESIDENT: Mr. Sundborg.

SUNDBORG: Mr. Rivers, will your Committee have a committee

amendment to request in this section in line with the recommendation made in today's meeting of committee chairmen?

V. RIVERS: That was to remove from the article "The governor shall be the agent of". We have already done that. We have changed the words "general election" to "statewide election".

SUNDBORG: Was that the only one?

V. RIVERS: Those were the only two.

SUNDBORG: How about absence from office?

V. RIVERS: Oh yes. Absence from office. I understood that you were going to handle that in Style and Drafting. I will have to ask for a few moments on that, Mr. President, a minute or two.

SUNDBORG: While we are doing that I would like to ask Mr. McCutcheon whether his Committee had a brief amendment to request on the preceding section, the one on the legislature.

FIRST VICE PRESIDENT: Mr. McCutcheon.

MCCUTCHEON: Our Committee met and seems to be about evenly split on whether it's necessary or not. We could propose the amendment, give the background of thinking by the experts, and let the body make their decision. Mr. President, before I request a suspension of the rules for offering this amendment, I am going to give some of the background on it. In the final checking of the whole article of the constitution, a number of items were brought to our attention. The one that concerns the legislative branch is that on page 6, Section 12, our article provides that each house may choose its officers and employees and so forth, and goes on to set out that the houses may be the judges of their elections and qualifications. It has been pointed out to us that our article here does not make specific rule for the ejection of any member of either the house or the senate by that body, their expulsion. In our Committee it was our thinking that in the process of establishing the rules for each of the houses, that the houses could provide for the expulsion of a member for certain causes. It has been brought to our attention that if we leave this silent, the courts may hold that the houses could not set up their own rules to expel a member. We have had a brief Committee meeting here and it seems that our Committee is about split on the matter of whether it should be in there or not. Some of us felt in the Committee that there was ample provision in here in various houses, setting up rules that they could expel a member for cause and could establish the causes for which a member could be expelled from the body. And some others felt that it would be necessary for us to specifically state in the constitution that a member could be expelled before a court would hold the expulsion could take place. Therefore, Mr. President, in order to present this matter fairly before the group, I will ask unanimous consent that

the rules be suspended, that the constitution be referred to third reading, and then to second reading for the purpose of specific amendment, which we will offer at this time.

FIRST VICE PRESIDENT: In other words, you want --

MCCUTCHEON: You will have to suspend the rules and move it clear back to second reading before we can offer this amendment. That will require probably unanimous consent.

FIRST VICE PRESIDENT: Do you ask unanimous consent?

MCCUTCHEON: Yes, Mr. President, I do ask unanimous consent.

FIRST VICE PRESIDENT: Do I hear any objection? If not, it is so ordered.

MCCUTCHEON: On page 6, Section 12 of the legislative article, at the end of line 4, delete the period after the word "members" and add "and may expel a member with the concurrence of two-thirds of its members". That line will then read "Each is the judge of the election and qualifications of its members, and may expel a member with the concurrence of two-thirds of its members". For the sake of presenting this matter for the consideration of the body, I will move that the amendment be adopted.

NORDALE: Second the motion

FIRST VICE PRESIDENT: You have heard the motion. Is there any discussion? Mr. Johnson.

JOHNSON: May I direct a question to Mr. McCutcheon?

FIRST VICE PRESIDENT: You may.

JOHNSON: I believe in the course of your discussion you mentioned the fact that as it stood now the section did not permit either house to expel a member for cause. Yet, the amendment which you have just proposed does not say "may expel a member for cause". I wonder if you had intended that?

MCCUTCHEON: The amendment which was just offered, Mr. President, in answer to Mr. Johnson's question, was drafted by the Style and Drafting Committee in conference with the consultants that we have. I am not going to ask unanimous consent. Mr. President, because I wish to leave the matter up to the body.

FIRST VICE PRESIDENT: Mr. Gray.

GRAY: If I may ask a question of the chairman of the Legislative Committee? What circumstance did you give as a theoretical circumstance where such an act would be necessary?

MCCUTCHEON: It is not practical to impeach a member of the legislature, but it may be that a legislator may have been taking some consideration from a lobbyist, or he could have been particularly and consistently obstreperous on the floor to the point where he is no longer a desirable member of the body. He may be a user of narcotics, or a habitual drunkard, and not attending for other reasons. It's possible the body could expel him for that. They could expel him, I think, as the rules provide now for moral turpitude, as Mr. Rivers says, or conduct unbecoming a member of the legislature. It could take into consideration a number of things. It could be, if he had committed a murder, they might feel it was necessary to expel him.

FIRST VICE PRESIDENT: Mr. Gray.

GRAY: May I ask a further question, Mr. President? Do you think there is anything that could not be reached by Section 8 on page 27, recall of elected public officials?

MCCUTCHEON: The only -- no, I don't think there is; I think that recall could reach him. The only thing is that the expulsion of a member by the legislature would certainly be a good deal more immediate, and it might not come to the attention of the public as soon as it would by expelling a member themselves. As I say, the Committee felt that we had the matter amply covered, but it was felt that for legal reasons that the matter should be in there. And, as I say, at this particular point our Committee is about evenly split as to whether it should be in or whether it has been covered.

FIRST VICE PRESIDENT; Mr. Doogan.

DOOGAN: May I ask a question of Mr. McCutcheon? Wouldn't you consider that where each is the judge of the election and the qualifications, that that judge of their qualifications would be a continuing purpose and that a person may be qualified when they entered upon the body to do the work of the body, but if some of the things that you speak of happened during the course of a session, that by judging his qualifications, you could disqualify him then from serving?

FIRST VICE PRESIDENT: Mr. McCutcheon.

MCCUTCHEON: Mr. President, I believe it is the feeling of the Committee that this matter of qualifications here applies here only to the fact of whether he is of proper age, sufficient residence, and meets the other necessary qualifications to actually sit in a legislature.

FIRST VICE PRESIDENT: Mr. Coghill.

COGHILL: Mr. McCutcheon, couldn't the qualifications Mr. Doogan has brought out here have a dual meaning?

MCCUTCHEON: It's my personal opinion that it could not.

COGHILL: It could not have a dual meaning?

MCCUTCHEON: Not in the fashion in which this sentence is constructed, I don't believe it could.

FIRST VICE PRESIDENT: Mr. Rivers.

V. RIVERS: Through you, Mr. President, I would like to ask a question of Mr. McCutcheon. In checking with the other state constitutions have you found that there has ever been any abuse of this clause, under those that did have it, in any manner whatsoever?

MCCUTCHEON: I am not aware that it has been. Of course, it is difficult to look behind all legislative acts over a period of years that have been predicated on each constitution. I don't know if it has. It's my understanding that this matter has not been abused. It's pretty difficult to throw a person out of a legislative session, as I can personally testify to. (Laughter)

FIRST VICE PRESIDENT: Mrs. Nordale.

NORDALE: Mr. President, I just wanted to ask Mr. McCutcheon if it is not true that most state constitutions do have a provision of this kind?

MCCUTCHEON: Yes, Mr. President, it is true that most state constitutions do have this provision in them.

FIRST VICE PRESIDENT: Mr. Johnson.

JOHNSON: It occurs to me that from what Mr. McCutcheon has said that the intent of the Committee was to provide for some means of expulsion for cause. Now, if that is the case I think the wording should be clear in that respect, because otherwise it's conceivable that this "cause" business could be stretched to the point where, let's say, the situation might arise where the Republicans would expel a Democrat because of his party affiliation. I think if any language is to be added to this section that it ought to be clear, and I do not believe the proposed amendment is in that respect.

FIRST VICE PRESIDENT: Mr. Ralph Rivers.

R. RIVERS: Mr. President. I would like to ask Mr. McCutcheon a question. Would you not agree to having the words "for cause" inserted in your proposed amendment?

MCCUTCHEON: I have no objection to it. The only thing is that it would appear to me, and I think it would probably appear to the rest of our Committee, that in establishing uniform rules for the

legislature, that that cause would be established in those rules. Now, as I say, personally I have no objection to adding that term on there.

FIRST VICE PRESIDENT: Mr. Hellenthal.

HELLENTHAL: I just checked the federal constitution in this regard, and clause 2 of Section 5 of Article I, the Legislative Department of the United States Constitution, contains the following language, "Each House may determine the rules of its proceedings, punish its members for disorderly behavior", and here is the important part, "and with the concurrence of two-thirds, expel a member". They have no qualifications in it, apparently.

MCCUTCHEON: The language of our proposed amendment appears to be exactly in point with the United States Constitution.

FIRST VICE PRESIDENT: Will the Secretary please read the amendment?

CHIEF CLERK: "Page 6, Section 12, at the end of line 4, delete the period after members' and insert 'and expel a member with the concurrence of two-thirds of its members'."

FIRST VICE PRESIDENT: You have a motion for adoption before you. Is there any further discussion on that? Mr. Kilcher.

KILCHER: I would like to ask a question of Mr. McCutcheon. An expulsion under this amendment -- can it be appealed in court?

MCCUTCHEON: I can't answer that question.

KILCHER: Who could answer that question?

BUCKALEW: I think you have had it once they have expelled you.

KILCHER: Pardon me?

BUCKALEW: You have had it; you don't have any appeal. It wouldn't do you any good. The legislative body is the final authority. If they expel you, you are expelled. You wouldn't have the right of appeal to anybody.

MCCUTCHEON: Mr. President, it would appear to me that, in the event of an expulsion, the chances of a legislator, if he attempted to be seated again, would be that recall would likely overtake him.

KILCHER: I am not satisfied with the answer, Mr. President, I would like to have some of the other legal capacities here answer the question.
(Laughter)

FIRST VICE PRESIDENT: Mr. Ralph Rivers.

R. RIVERS: I concur with Mr. Buckalew. Under the theory of the co-equal powers of the three principal branches of government, the legislature would be the final authority. There would not be an appeal to the courts on that.

FIRST VICE PRESIDENT: Mr. Barr.

BARR: Mr. McCutcheon, when this amendment was written, or when you were considering it, was it thought that a two-thirds vote was proper? Was a three-fourths vote considered, for instance? Of course we do not take our politics up here as seriously as they do in some South American countries, perhaps, but it occurred to me that sometime in the dim, distant future, if one party was in power and they wanted to expel some other member because they didn't agree with him because of some reason or perhaps some party -- not the Communist party, but some like party -- would want to expel some member so that they would maintain more of a majority. It would seem that it should be more than a two-thirds vote to me to take care of an eventuality like that. We have provided for some things here that would require a three-fourths vote. It seems to me that this is about the most serious question that could come up in the legislature.

MCCUTCHEON: Technically, I think it would be more than a two-thirds vote, because the man under consideration probably would not be able to vote on it, but in any event, Hawaii has set up exactly the same quantity provision in expelling a member, and two things I have here at hand is Hawaii and New Jersey -- use the same number; the State of Missouri shows the same two-thirds group, so I assume that the consideration was predicated on what the bulk of the other states have.

FIRST VICE PRESIDENT: Mr. Cooper.

COOPER: Mr. President, in regard to the Hawaiian constitution, I notice that for "qualifications of its own members and shall have, for misconduct, disorderly behavior or neglect of duty by any member, power to punish such member by censure or, upon a two-thirds vote of all the members to which such house is entitled, by suspension or expulsion of such member". So, it is further qualified in the Hawaiian state constitution.

FIRST VICE PRESIDENT: The Secretary will call the roll, please, on the question. Mr. Kilcher, do you have a question to ask?

KILCHER: I would like to speak on the question.

FIRST VICE PRESIDENT: You may go ahead.

KILCHER: And I have a question to ask also. I assume it is out of order to make an amendment to this amendment? Am I correct in that?

FIRST VICE PRESIDENT: I think we have a ruling that you cannot amend a Committee amendment. I don't know if I am correct on that. It would be out of order, Mr. Kilcher, because this is for specific amendment under suspension of the rules.

KILCHER: Mr. President, I am still not convinced by the answers I have had from the lawyers here that such an expulsion could possibly not be appealed in superior court or in any court. I don't think our three branches of government are so independent. For instance, the laws that are made by the very legislature - they are not the supreme law; they are subject to the constitution; to the interpretation of the supreme court if attacked as such, and I don't see that possibly the rules of the legislature could be set arbitrarily and could not be contested in the supreme court. That I personally feel is not quite right, but since there is a doubt I feel obliged to speak against this amendment coming at such a late hour. I cannot feel but that the thought must have been among the Committee members and other members before, and it should have been brought on the floor sooner, so that more debate, more deliberate debate could have been heard on the subject, and also under the rule where only a specific amendment is permitted, where in order to amend this amendment a lot of suspension of the rules would be necessary, seeing we are so tired and we want to see the end of our labors here. It is unlikely that due consideration for further amendments that might be necessary would be forthcoming. Consequently, I think for one reason that it takes two-thirds only, I think it should be more than that - three-fourths, four-fifths, something akin to a jury. It takes 12 men on a jury to condemn a man. I don't think that nine should do it - that would be, rather, eight, that would be two-thirds. I think two-thirds is not enough specifically because it doesn't state here for what causes like in the constitution of Hawaii. There it is specified. Here it just says "may expel". It doesn't say for what cause. It doesn't even specify causes. It "may expel" period, and two-thirds may do so, which I think is by far not enough. It is giving the legislature too great a power. We have a strong executive and I think we shouldn't have an equally strong and potentially overbearing legislature. We don't know what in 10, 20, or 30 year what the times will bring and I can see that this clause might bring very undesirable results, and we should think it over very carefully, and vote it down.

FIRST VICE PRESIDENT: Is there any further discussion? Mrs. Sweeney.

SWEENEY: I want to say just one word and that is, when this proposal was first brought out of the Committee - I am a member of that Committee - we had a section in there with fancy words to take care of those who were not able to take care of their work, either through senility or drunkenness or some other things, and that was put out. Now this insert that we are talking about now, I believe, is to cover those same things. Now if there is anything stronger

than that, I believe it should come under impeachment or recall. I am very much opposed to this because there is no definite statement as to what will be the cause, and I think if we put it in as it is now and the house sets it into their rules, they will also use vague terms. I am very much opposed to allowing the legislature to have quite that much power over their members.

FIRST VICE PRESIDENT: Is there any further discussion? Mr. Lee.

LEE: I have been going through as many constitutions as I can find, and I find that every one of them has this language in it, and this is what we had in mind with our original proposal, but we neglected to get it back in. This oversight was pointed out to us by the consultants, and they advised that it's the only way we can take care of this problem of people being senile or alcoholic or in some manner unfit for office without being criminal, and we were very definitely advised that it should be in.

FIRST VICE PRESIDENT: Does the chairman of the Committee wish to close the argument?

MCCUTCHEON: No. I don't propose to close the argument.

FIRST VICE PRESIDENT: Will the secretary please read the amendment again?

HELLENTHAL: Point of information. Does this take a majority vote or two-thirds?

FIRST VICE PRESIDENT: As I understand it takes a majority vote.

CHIEF CLERK: "Sec. 12, page 6, delete period and add at the end of line 4, the following: 'and may expel a member with the concurrence of two-thirds of its members.'"

FIRST VICE PRESIDENT: The secretary will call the roll.

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

Yeas: 27 - Armstrong, Awes, Boswell, Buckalew, Coghill, Doogan, Emberg, V. Fischer, Hellenthal, Hermann, Hilscher, Hinckel, Laws, Lee, McCutcheon, McNealy, McNees, Marston, Metcalf, Nordale, Peratrovich, Riley, R. Rivers, V. Rivers, Smith, Sundborg, Walsh.

Nays: 18 - Barr, Cooper, Gray, Harris, Hurley, Johnson, Kilcher, Knight, McLaughlin, Nerland, Nolan, Poulsen, Rosswog, Stewart, Sweeney, VanderLeest, White, Wien.

Absent: 10 - Collins, Cross, Davis, H. Fischer, King,

Londborg, Reader, Robertson, Taylor, Mr. President.)

CHIEF CLERK: 27 yeas, 18 nays, and 10 absent.

FIRST VICE PRESIDENT: So the amendment has been adopted. Are there any further questions? Mr. Barr.

BARR: For a moment there I thought three of us had already been expelled. (Laughter)

FIRST VICE PRESIDENT: Mr. Riley.

RILEY: In fairness to the chairman of the Legislative Committee who was so impersonal in his recital of the matter and yet took no position, I think he should be allowed the opportunity to strike from the record every reference to the obstreperous legislator. (Laughter)

FIRST VICE PRESIDENT: Are there any other amendments or questions? Mr. Emberg.

EMBERG: I have a question. Are we returning to the Executive article?

FIRST VICE PRESIDENT: Yes we are.

EMBERG: I have a question in regard to Section 5, Limit on Tenure. It is on page 8 - just a question of phraseology. I wonder if "has intervened" is the best term. I don't know whether that is a transitive or intransitive verb or can be used as either, but it seems to me that the word "elapsed" would be preferable.

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

SUNDBORG: I really believe that "intervened" is more nearly the correct meaning. "Elapsed" would just mean passed. Intervened means that it has come between, but will not again be eligible to hold the office until one full term has come between the time he was last in office and the time he is again seeking office.

EMBERG: I thought the "again" covered that. I am not - if no one else has any feeling with regard to that, I withdraw.

SUNDBORG: I don't feel strongly, Mr. Emberg.

FIRST VICE PRESIDENT: Any other questions or amendments? Mr. Victor Rivers.

V. RIVERS: Mr. President, in regard to the mention a few moments ago in regard to the amendment discussed in the Committee chairmen's meeting this afternoon, I would ask unanimous consent that

the rules be suspended and pass this back through third reading, back to second reading for the purpose of specific amendment as follows: Page 9, Section 12, it reads now "whenever for a period of six months, a governor has been continuously absent from the state...." Now it was thought that the words "from the state" should be changed to the words "from office", so if the rules are suspended without objection, I will submit that amendment.

FIRST VICE PRESIDENT: Do you ask unanimous consent?

V. RIVERS: I ask unanimous consent.

FIRST VICE PRESIDENT: Do I hear any objection? If not it is so ordered. You may proceed, Mr. Rivers.

V. RIVERS: The secretary has a copy of the amendment.

CHIEF CLERK: "Section 12, substitute the phrase 'from office' for the phrase 'from the state' in the first sentence, so as to read 'Whenever for a period of six months, a governor has been continuously absent from office....'"

V. RIVERS: I will ask unanimous consent, Mr. President, for adoption of the amendment as submitted. I move and ask unanimous consent.

HARRIS: I think I am going to object.

FIRST VICE PRESIDENT: Do you so move. Mr. Rivers?

RIVERS: I so move.

BUCKALEW: Second the motion.

FIRST VICE PRESIDENT: Mr. Harris, you may have the floor.

HARRIS: What would be the definition of "office" here, Vic? Say if his office was in Washington, D.C., if he worked, for example if he was working there?

V. RIVERS: Well, that was not the intent. The intent was here that he might well be absent from office and not discharging his duties and still be within the state. So if we put the qualification that he is absent from office outside of the state, why he could still be absent from office and not performing his duties, so this amendment would correct that; whether he was in or without the state, if he were absent from office and not performing his duties, he would then be deemed, after six months, to have left the office. I might apologize to Mr. Harris who is a member of the Committee. He is the only one I did not get to discuss this with.

HARRIS: I withdraw my objection.

MCNEES: May I ask the Chair a question? Mr. Rivers, would it not also be true that he could be absent from the state for a period of six months or more and still complete the duties of his office indirectly?

V. RIVERS: Yes, that is true. So this would eliminate that objection also.

FIRST VICE PRESIDENT: Is there further discussion? Unanimous consent has been requested. Do I hear any objection? If not, it is so ordered. Are there any other amendments or questions? If not, the secretary may proceed with the next article, Article IV, The Judiciary.

(The Chief Clerk read Article IV of the constitution as contained in the report of the Style and Drafting Committee dated February 3, 1956.)

FIRST VICE PRESIDENT: Are there any questions? Mr. Buckalew.

BUCKALEW: I would like to ask "Judge" McLaughlin a question through the Chair, if I may. On page 13, Mr. McLaughlin, Section 8, will you explain this sentence to me: "No member of the judicial council, except the chief justice, may hold any other office or position of profit under the United States or the state."

MCLAUGHLIN: That was specifically put in there because if you didn't you would be contradicting yourself right in the paragraph there. The chief justice couldn't hold the office in the judicial council if you didn't except it.

FIRST VICE PRESIDENT: Does that answer your question, Mr. Buckalew?

MCLAUGHLIN: Whether it accomplishes the purpose or not is open to question.

BUCKALEW: What does it do to the other members of the council though? That eliminates them from holding any positions at all. For example, if one of the members, attorneys or nonattorneys, was on the judicial council, he couldn't hold any position with the state or the United States.

MCLAUGHLIN: That is true, that is true, Mr. Buckalew.

BUCKALEW: Is that what you intended?

MCLAUGHLIN: That is what we intended, yes.

FIRST VICE PRESIDENT: Are there any other questions? Mrs. Hermann.

HERMANN: There is a comma missing in Section 14, page 14. Of

course, I think they ought to all be missing in that category.

FIRST VICE PRESIDENT: Any other corrections or questions to be asked: Mr. Sundborg.

SUNDBORG: I would like to inquire of Mr. McLaughlin as chairman of the Judiciary Committee, if his Committee or he as an individual has any amendments to propose to this excellent article?

MCLAUGHLIN: That is an indirect method, I presume, Mr. Sundborg, of inquiring what the Committee recommends on the recommendation of the Committee chairmen. There were two proposed to them. One was the suggestion which was made by the consultant to the Committee chairmen that in this article the only place where a citizen - the residency - one of the requirements of office holders, of judges is the requirement in here that they be citizens of the state. That is in line 3 of Section 4, and I think a similar requirement was stricken from the legislative or executive article, that is, citizenship of the state, on the grounds that it is confusing. The other recommended change by the Committee of chairmen was the recommendation that in the rule-making power as set forth in Section 15, these rules may be changed by the legislature by two-thirds vote of the members elected to the house. It was the belief of the Committee of chairmen that that was too stringent. They believe that the rules -- the amendment in substance should be that these rules may be changed by law, meaning that by passage of a law the legislature could revoke any rule put into force by the supreme court, instead of by two-thirds vote of the members elected to each house. I shall report, individually, that we called a meeting of the Judiciary Committee, and the Judiciary Committee unanimously is opposed to any amendment to Section 15. They say that is the way they intended it, and that is the way they would like to keep it. That was unanimous, but Mr. Warren Taylor was absent and he is a member of the Committee and he did not vote. I don't know his views on the subject. On the subject of state citizenship, the Committee, with one exception, and that is Mr. Ralph Rivers, wanted to keep the requirement of citizenship of the state. Otherwise, the Committee unanimously rejected a recommendation that they change the rule-making power because they intended it to be that way and they felt the Convention felt it should be that way, and on the citizen of the state requirement, we were opposed to it with the exception of Mr. Rivers. I think, Mr. Rivers, I fairly state that, do I not?

R. RIVERS: I will modify that when I get up.

MCLAUGHLIN: That is the report.

FIRST VICE PRESIDENT: Mr. Ralph Rivers.

R. RIVERS: I am going to ask for unanimous consent to suspend the rules to put this back through third reading, to second reading

for a specific amendment. I will tell you what that proposed amendment is. It is on line 3 of Section 4 on page 12. It reads now "Supreme court justices and superior court judges shall be citizens of the United States and of the state. I am going to move that the word "residents" be inserted between the words "and" and "of" so that it will read "citizens of the United States and residents of the state", if the rule is suspended, Mr. President.

FIRST VICE PRESIDENT: Do you ask unanimous consent?

R. RIVERS: I ask unanimous consent to present this.

FIRST VICE PRESIDENT: Do I hear any objections?

HARRIS: I object.

FIRST VICE PRESIDENT: Do you so move?

R. RIVERS: I so move.

FIRST VICE PRESIDENT: Is there a second.

V. RIVERS: I second the motion.

FIRST VICE PRESIDENT: Do you wish to speak further on it?

R. RIVERS: I am only asking now for suspension of the rules.

FIRST VICE PRESIDENT: The secretary will call the roll on that.

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

Yeas: 34 - Awes, Barr, Boswell, Buckalew, Coghill, Cooper, Doogan, Emberg, V. Fischer, Gray, Hellenthal, Hilscher, Hinckel, Hurley, McCutcheon, McLaughlin, McNealy, McNees, Marston, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, VanderLeest, Walsh, White.

Nays: 11 - Armstrong, Harris, Hermann, Johnson, Kilcher, Knight, Laws, Lee, Metcalf, Sweeney, Wien.

Absent: 10 - Collins, Cross, Davis, H. Fischer, King, Londborg, Reader, Robertson, Taylor, Mr. President.)

CHIEF CLERK: 34 yeas, 11 nays, and 10 absent.

FIRST VICE PRESIDENT: The motion has failed of passage. Are there any other amendments? Mr. Hinckel.

HINCKEL: Mr. President, I have a question I would like to ask Mr.

McLaughlin for the purpose of clarity of the record. I brought the subject up once before but in the meantime the language has been juggled around until to me it's no longer clear. In Section 6 on page 12 it says a supreme court justice would not have to be confirmed by all of the voters of the state, and I know that the intent is that he would only have to be confirmed by those voters in his jurisdiction. If I am correct, I would like to have it in the record again so that it would be clear.

MCLAUGHLIN: Mr. Hinckel, for your purposes and for the benefit of some who are listening, you have already been quoted this day, and it is the intent of the judiciary article, specifically, that judges -- that the legislature may create districts and judges may be appointed for those districts, and that, thereafter, they will stand for election or for approval or rejection in those same districts. That is specifically understood. That was the intent and it has been so interpreted.

FIRST VICE PRESIDENT: Are there any further amendments?

HELLENTHAL: Is there a section that says that?

FIRST VICE PRESIDENT: Mr. McLaughlin.

MCLAUGHLIN: Yes. I am about to show it to Mr. Hellenthal.

JOHNSON: May we have a short recess?

FIRST VICE PRESIDENT: We'll have a two-minute recess.

RECESS

FIRST VICE PRESIDENT: The Convention will come to order, please. Are you ready, Mr. McLaughlin?

MCLAUGHLIN: Mr. Chairman, I request that Mr. Rivers make the motion.

FIRST VICE PRESIDENT: Mr. Rivers.

R. RIVERS: I decline the honor.

MCLAUGHLIN: Mr. Chairman, I move and ask unanimous consent to suspend the rules and bring the article on the judiciary back to second reading for the purpose of making a specific amendment in line 3, Section 6: inserting after the word "ballot" on that line "in the manner provided by law", so it will satisfy the substance of the requirement that heretofore had been made and would assure Mr. Hinckel and the Convention. And I ask unanimous consent for that purpose.

FIRST VICE PRESIDENT: Do I hear an objection?

MCLAUGHLIN: The amendment would be, inserting after the word "ballot" on line 3 of Section 6 of the judiciary article as it appears on page 12 the words "in the manner provided by law".

FIRST VICE PRESIDENT: Are there any objections? If not, it is so ordered. You may proceed, Mr. McLaughlin.

MCLAUGHLIN: Mr. Chairman, I now move that Section 6, Judiciary Article, be amended on line 3 by inserting after the word "ballot" the words "in the manner provided by law".

FIRST VICE PRESIDENT: Do you ask unanimous consent?

MCLAUGHLIN: I ask unanimous consent.

JOHNSON: I object to unanimous consent.

FIRST VICE PRESIDENT: Do you so move?

MCLAUGHLIN: I so move.

METCALF: I second.

MCLAUGHLIN: Mr. Chairman, the purpose of that is that heretofore we had assured Mr. Hinckel and the Convention as it appeared in the original enrolled copy, that the legislature could provide that these judges appointed in the superior court would run in their districts. In substance, their names would appear on a district ballot in the district where they were appointed for retention or rejection, and in the course of style and drafting some of the words disappeared. And in order to restore Kodiak to its rightful position, and Nome, in the judicial system, we would like to have that back in. It was our intent all the while that that be done.

FIRST VICE PRESIDENT: Mr. Fischer.

V. FISCHER: May I ask Mr. McLaughlin to drop his hat as chairman of the Judiciary Committee and pick up his hat as a member of the Style and Drafting and read that sentence as it would appear with that insertion.

MCLAUGHLIN: I am wearing neither hat at this time.

V. FISCHER: Well, I would like to suggest that that sentence be read with that insertion. I am somewhat concerned about how the meaning of it would be if amended.

MCLAUGHLIN: "Each supreme court justice and superior court judge shall be subject to approval or rejection on a nonpartisan ballot in the manner provided by law at the first general election held more than three years after his appointment."

V. FISCHER: The way it would sound, unless you insert some commas or rearrange it somehow, some other way, it would be "in the manner provided by law at the first general election".

MCLAUGHLIN: We can insert, and I am sure this will have the approval of Mr. Hurley, ", or in the manner provided by law" and a comma after "manner provided by law".

FIRST VICE PRESIDENT: Does that answer your question, Mr. Fischer?

FISCHER: It does in part.

FIRST VICE PRESIDENT: Mr. Hurley.

HURLEY: I would like to ask Mr. McLaughlin a question, if I may. As I recall there is a provision in the judiciary article for the transfer of judges from court to court. Wouldn't it be rather difficult to decide which particular court is going to vote on the retention of a particular judge?

MCLAUGHLIN: It would not. As a matter of fact, that transfer, as you recall, it says "temporary", and temporary was inserted there specifically with the intent that the chief justice, as I said before, couldn't remove a judge who was appointed in the Nome District to Ketchikan for two and a half years, and then return him to Nome the day before his name appeared on the ballot for rejection or retention. And that was the purpose of it.

FIRST VICE PRESIDENT: Are there any further questions or amendments? Mr. Cooper

COOPER: May we have a 30-second recess?

FIRST VICE PRESIDENT: A 30-second recess is in order.

RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. McLaughlin, your motion is for suspension of the rules, is that right?

MCLAUGHLIN: I think I secured them, but I think I will attempt to secure them again. Mr. Chairman, I asked unanimous consent, but since there has been an objection, I will withdraw my motion to amend, and I again move that the rules be suspended and that the article on the judiciary be withdrawn to second reading.

PRESIDENT EGAN: Mr. McLaughlin moves that the rules be suspended for the purpose -- Mr. McLaughlin, first, the proper procedure would be that you move to rescind the action on final passage of the article and then get it back into third reading and then move to suspend the rules to get it back into second reading for specific amendment. Isn't that correct?

SUNDBORG: Mr. President, I think this could be simplified if we

just asked to suspend the rule that requires that the article can be amended only in second reading. We could suspend that rule and then we could amend it right here in final form.

PRESIDENT EGAN: Actually, Mr. Sundborg, in its final form we have adopted that article in third reading, so it would be necessary to rescind the action and then that would bring it back into third reading, and then move to suspend the rules and take it back into second reading for specific amendment. If there is no objection the Convention will be at recess.

RECESS

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

MCLAUGHLIN: Mr. Chairman, I ask unanimous consent of the over thirty-seven members present to revert the article on the Judiciary back to second reading for the purpose of a specific amendment to wit: to insert on line 2 of Section 6, after the word "shall", the words ", in the manner provided by law,".

PRESIDENT EGAN: You have heard Mr. McLaughlin's unanimous consent request for referring the article back to second reading for specific amendment. Is there objection? Hearing no objection, the article on the Judiciary is now before us in second reading for the specific amendment as stated by Mr. McLaughlin.

MCLAUGHLIN: Mr. Chairman, I move that on line 2, Section 6, after the word "shall", the following words be inserted ", in the manner provided by law,". I ask unanimous consent.

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. The Chief Clerk will please continue with the reading of the constitution.

(The Chief Clerk read Article V, Suffrage and Elections, as contained in the report of the Style and Drafting Committee dated February 3, 1956.)

PRESIDENT EGAN: Are there questions or proposed amendments for the suffrage and elections article? Mr. Hellenthal.

HELLENTHAL: I can't understand the comma in Section 4. I address that question to the chairman of the Style and Drafting Committee. Mr. Sundborg, could you answer that?

SUNDBORG: Mr. President, I defer to Mrs. Nordale.

NORDALE: Well, it was our feeling that there are two separate and distinct thoughts in the sentence and, therefore, they should be separated.

HELLENTHAL: Would a semicolon be consistent with the book?

NORDALE: No. I think if you had a semicolon you would have to have -- follow it with another subject and have a complete clause.

HELLENTHAL: What rule other than the series rule permits a comma to precede an "and" or any conjunctive article?

NORDALE: I would have to refer you to the book. I am sure you would find many, many examples of cases where a comma precedes an "and", Mr. Hellenthal.

PRESIDENT EGAN: Are there other questions in relation to this article? Mr. Boswell.

BOSWELL: I notice in this article we use the term "as prescribed by law" several times, and Mr. McLaughlin just put in an amendment "in the manner provided by law", and in the previous section it is "as prescribed by law". I just wanted to call attention to Style and Drafting, if they couldn't change that "in the manner provided by law" to fit the rest of it. Would that be within their right to do that?

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Mr. President, I believe there is quite a distinct difference between "as prescribed by law" and "as provided by law", and I believe it is used correctly in each case here. There is a distinction. I see Mr. McLaughlin champing at the bit.

PRESIDENT EGAN: Mr. McLaughlin.

MCLAUGHLIN: Well, Mr. Sundborg, I don't think a "manner prescribed" and "manner provided", I don't think it means a whit of difference.

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: I think when we were working on these various and sundry expressions in the Style and Drafting Committee, we decided we ought to have a little variety now and then, so part of the time we used one and part of the time we used the other. They mean exactly the same.

PRESIDENT EGAN: The Convention will come to order. Are there other questions with relation to this article? If not, the Chief Clerk may proceed with the reading of Article VI.

(The Chief Clerk read Article VI, Legislative Apportionment, as contained in the report of the Style and Drafting Committee dated February 3, 1956.)

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

SUNDBORG: There is a serious typographical error on page 15, Section 1, the third line, the first word in the new sentence which appears as "Under" should be "Until", "Until reapportionment". It's purely a typographical error and I will ask the delegates to correct their copies and I don't believe it requires consent, page 15, Section 1, third line.

PRESIDENT EGAN: Are there any questions? Mr. Ralph Rivers.

R. RIVERS: May I direct a question to Mr. Hellenenthal? Mr. Hellenenthal, I call your attention to Section 10, the last three lines. The last sentence reads, "The reapportionment and redistricting shall be effective for the election of members of the legislature until after the official reporting of the next decennial census." Now, don't you mean "and thereafter until changed"? You don't want those people to be disfranchised 10 years later, do you?

HELLENTHAL: I think that is implicit in the article -- reading the entire article as a whole.

R. RIVERS: It doesn't say so.

HELLENTHAL: Perhaps it doesn't in that one sentence, but in reading the entire article I think it is clear.

PRESIDENT EGAN: Mr. Hellenenthal, do you think a one - or two-minute recess so you might talk that over would be important?

HELLENTHAL: Yes.

PRESIDENT EGAN: The Convention is at recess.

RECESS

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

R. RIVERS: I am going to ask suspension of the rules, putting this back to second reading, under our rule 50, for the purpose of a specific amendment which would be as follows: at the end of Section 10, page 17, change the period after the word "census", change it to a comma, and add "and thereafter until changed".

PRESIDENT EGAN: Mr. Ralph Rivers asks unanimous consent that the rules be suspended, that Article VI, the article on Legislative Apportionment, be referred back to second reading for specific amendment.

V. FISCHER: I object.

PRESIDENT EGAN: Objection is heard. Is there a second to Mr. River's motion? Mr. Metcalf seconds the motion. The question

would be: "Shall the rules be suspended?" The Chair notes that there are quite a number of delegates not present; there might not be 37 here.

HELLENTHAL: I have no objection at all to making it very clear that there shall be only one reapportionment between the official reporting of each decennial census. I hardly think that this proposed amendment does that.

R. RIVERS: I would like to explain it, Mr. President, but I understand a motion to suspend the rules is not debatable.

PRESIDENT EGAN: If there is no objection, you might explain it, Mr. Ralph Rivers, if there is no objection.

R. RIVERS: It is simply this: that at the end of 10 years within 90 days following the official reporting of a decennial census, the board shall submit to the governor a plan for reapportionment and redistricting. Now, at the end of one 10 years the board may find that there are some changes required in a particular district or as to the boundaries between a couple of districts, and then the next 10 years may go by and that particular change may never be touched. That may remain for two or three census periods. Maybe the next time the board meets they will change some other boundary affecting some other district. What I am getting at here is that if the last sentence in Section 10 simply said that when the change is made that change shall be effective until the next decennial census. Well, what happens at the end of that time, when the next decennial census comes along? Those people are either going to be disfranchised or you have got the suggestion that something else has to be done in order to keep them afloat as to that particular change after that 10-year period has gone by, and I cannot seem to get this thing to penetrate the minds of a couple of members of the Committee.

PRESIDENT EGAN: Mr. Victor Fischer.

V. FISCHER: May I have permission to point out the reasons for my objections?

PRESIDENT EGAN: If there is no objection. Mr. Victor Fischer.

V. FISCHER: I would like to point out that in the next to last line it says "until after the official reporting", which says exactly the same thing that Mr. Rivers would try to accomplish in his amendment. It says "until after". That may be effective for a hundred years after, but the main point is that during that 10 year period there may be no change.

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

RECESS

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

R. RIVERS: Mr. President, I am assured that every 10 years the governor will recertify every election district in the territory, and then all of them will be good for another 10 years; and that will be done every 10 years, so with my apologies to the members of the Committee who know more than I did, it finally penetrated my mind. (Laughter)

PRESIDENT EGAN: Mr. Rivers asks unanimous consent that his request for suspension of the rules be withdrawn. Is there objection? Hearing no objection it is so ordered and the motion for suspension is withdrawn. Are there other questions relating to Article VI? Mr. Victor Rivers.

V. RIVERS: In Section 7 of Article VI, I would like to have an explanation of the wording from anyone who would like to answer. It reads "The senate districts described in Section 2 of Article XIV may be modified to reflect changes in election districts. A district, although modified, shall retain its total number of senators and its approximate perimeter." Now, I am trying to figure out just what that means. It says they "may be modified", and I can see considerable changes in the election districts. In the next sentence it says it is to retain its approximate perimeter. Can somebody explain what that means?

PRESIDENT EGAN: Mr. Cooper.

COOPER: Mr. President, in the event that the election districts will be redistricted at a later date through the apportionment board it's very possible that the senate districts which are comprised of the two election districts, shall be modified to a minor extent. This clause is in there so that the boundaries of these election districts are not frozen absolutely as is right at this date. It does allow a little modification in the future and, therefore, the words "approximate perimeter".

PRESIDENT EGAN: Are there other questions relating to Article VI? Mr. Poulson.

POULSON: I move we recess for 15 minutes.

PRESIDENT EGAN: Mr. Poulson moves and asks unanimous consent that the Convention stand at recess for 15 or 20 minutes. The Convention will come to order. The question is: "Shall the Convention stand at recess?" All those in favor of standing at recess until 10:10 will signify by saying "aye"; all opposed by saying "no". The "ayes" have it and the Convention is at recess.

RECESS

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

KNIGHT: May we revert back to committee reports?

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

KNIGHT: I would like to report back for the Journal Committee. I move that due to the fact that Committee Proposal No. 17/z was never formally introduced last night and the subsequent action was therefore out of order, that all reference to Committee Proposal No. 17/z from that time until -- from the time it came before us last night until the time it was correctly introduced this morning, be expunged from the record. I ask unanimous consent.

PRESIDENT EGAN: Mr. Knight is asking that due to the fact that Committee Proposal No. 17/z had not been properly presented to the Convention yesterday, that all reference to Committee Proposal No. 17/z up to the time we considered it today be expunged from the record. Mr. Knight asks unanimous consent. Is there objection?

HELLENTHAL: I object.

PRESIDENT EGAN: Do you so move, Mr. Knight?

KNIGHT: I so move.

PRESIDENT EGAN: Mr. Buckalew seconds the motion that the reference -- now, actually, it was all out of order and there shouldn't have been anything in the record, so this motion -- Mr. Helleenthal.

HELLENTHAL: I don't think anyone here....

PRESIDENT EGAN: It has been moved and seconded that all reference to it be stricken from the record.

HELLENTHAL: I don't think there is anyone here would be more anxious to see this accomplished, because of my feelings that have been made well-known on this section. However, we have never yet expunged the record of anything. If so, I certainly want it brought to my attention. We have not expunged the record of anything. Furthermore, it is a very dangerous thing to do. We have taken improper action before, and we have not expunged the record of that improper action.

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

WHITE: If improper action was taken before, when a vote was incorrectly announced, then all subsequent action was out of order and was expunged from the record.

HELLENTHAL: No, sir, it was not.

PRESIDENT EGAN: The Convention will come to order. The motion is in order, but Mr. Hellenthal has the floor.

HELLENTHAL: And my point is that we have kept our record intact. We will be suspect if we expunge the record. There are two sides to every question. Although I didn't disagree with the proponents of this measure, I don't think that they should be banished because they mentioned it. Their position is reasonable. Now you will recall that this came up in the opening days of the session when there was some business about having secret meetings. It all ties in. We are up here, as we said earlier in the session, we're up here to stand up and be counted, to express our opinions. Expunging the record is foreign; it is not a democratic thing to do; and I think we would be making a grievous error if we were to do it, and we would be suspect to the people of Alaska if they thought we had expunged the record or altered the record or tried to cover up something. They would look askance at us and I think it is a very, very dangerous thing to do and not warranted.

KILCHER: Is that motion debatable?

PRESIDENT EGAN: It is debatable.

KILCHER: Well, I personally would not mind if some of the things and errors that were made in the last few days were not on the record. On the other hand, I have to agree with Mr. Hellenthal that good actions or possibly bad or erroneous actions that we have taken should be on the record. There was nothing particularly regrettable done; there were no bad actions taken. There were actions taken partly in error and possibly unwisely. They were reputed today but the newspapers have taken notice of these actions. We can't expunge the record in libraries and newspapers and so on. It would be just as well, in order to avoid making a mystery, to leave the record as it is.

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

ROSSWOG: I think I will have to agree with Mr. Hellenthal and Mr. Kilcher. I think it would look worse for us to expunge a whole day's session than if we left it in the record.

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

MCNEES: Speaking as one of the minority on practically the whole measure -- Article 17/z -- I would dislike very much to see the record expunged.

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

R. RIVERS: Is this a suspension of the rules or....

PRESIDENT EGAN: No, it's just a majority vote, Mr. Rivers. Is

there any other discussion? If not, the question is: "Shall all reference to Committee Proposal No. 17/z taken yesterday be expunged from the record?" The Chief Clerk will call the roll.

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

Yeas: 7 - Awes, Buckalew, Knight, Nordale, Riley, Smith, White.

Nays: 38 - Armstrong, Barr, Boswell, Coghill, Cooper, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, Laws, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Peratrovich, Poulsen, R. Rivers, V. Rivers, Rosswog, Stewart, Sundborg, Sweeney, Walsh, Wien, Mr. President.

Absent: 10 - Collins, Cross, Davis, H. Fischer, King, Londborg, Reader, Robertson, Taylor, VanderLeest.

CHIEF CLERK: 7 yeas, 38 nays, and 10 absent.

PRESIDENT EGAN: So the nays have it and the motion has failed of adoption. Mr. Marston.

MARSTON: While we are in this position I have news for you. "University of Alaska, Office of the President, November 30, a meeting of the regents, this is officially Constitution Hall, so named by the regents". (Applause)

PRESIDENT EGAN: Let the communication as read by Mr. Marston become a part of the record. The Chief Clerk may proceed with the reading of Article VII, the article on Education, Health, and Welfare.

(The Chief Clerk read in its entirety Article VII of the constitution as contained in Style and Drafting Committee Report dated February 3, 1956.)

PRESIDENT EGAN: Are there questions with relation to Article II? Mr. Kilcher.

KILCHER: I have a question with relation to Style and Drafting. Mr. Sundborg might be able to answer it. On page 18, the first two words at the top of the page "body corporate"; that strikes me as slightly redundant. It sounds to me like "body embodied", corporate meaning a body. I wonder if there couldn't be a more lucky version of this idea to express it.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Mr. President, it's a common legal term, I know, and its exact language is contained in the Hawaii constitution about the University of Hawaii. We would certainly be open to suggestions from anyone who might want to use a more lucky word, but I can't think of one myself.

KILCHER: Well, I admit that it would take more than a moment's hesitation to find something better, but it only strikes me now that it actually is superfluous and redundant language. Even if it is common legal usage, that is no excuse because legal verbiage is known not to be too good in style very often.

SUNDBORG: Mr. President, I don't think it is redundant. If it were redundant you could leave out one of them and it would be the same. You wouldn't want to say "it is constiuted a body" or on the other hand you wouldn't want to say "it is constituted a corporate".

KILCHER: Mr. President, if it is in order I would suggest that it simply be called a corporation.

SUNDBORG: Constituted a corporation? I will have to ask somebody else to comment on that. I don't like the sound of it.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: I would only like to comment on the fact that this went through first, second, and third readings in exactly the same state.

PRESIDENT EGAN: Are there other questions relating to Article VII? If not, the Chief Clerk will read Article VIII.

(The Chief Clerk read in its entirety Article VIII as contained in Style and Drafting Committee Report dated February 3, 1956.)

PRESIDENT EGAN: Are there any questions to be directed to the Style and Drafting Committee with relation to Article VIII? Mr. Sundborg.

SUNDBORG: Mr. President, we have noted a place where a comma should have been inserted: page 18, Section 3, after the word "wildlife".

PRESIDENT EGAN: Before "and", Mr. Sundborg?

SUNDBORG: Mr. President, before "and".

PRESIDENT EGAN: Do you ask that the rules be suspended and....

SUNDBORG: I think it was already taken care of.

PRESIDENT EGAN: Are there questions relating to Article VIII? If not, the Chief Clerk may proceed with the reading of Article IX,

the article on Finance and Taxation. If there is no objection, the Convention will be at recess for one minute.

RECESS

PRESIDENT EGAN: The Convention will come to order. The Chief Clerk will proceed with the reading of Article IX, the article on Finance and Taxation.

(The Chief Clerk read in its entirety Article IX as contained in Style and Drafting Committee Report dated February 3, 1956.)

PRESIDENT EGAN: Are there questions to be directed to the Committee on Style and Drafting with relation to the article on Finance and Taxation? Does any delegate have a question? Mr. Barr.

BARR: I would like to ask the grammarian in the Style and Drafting Committee about Section 11. It seems to me that there is one comma in the first sentence which doesn't seem to be placed right. If so, there should be a couple ahead of it, "The restrictions on contracting debt do not apply to debt incurred through the issuance of revenue bonds by a public enterprise or public corporation of the state or a political subdivision, when the only security is the revenues of the enterprise or corporation."

PRESIDENT EGAN: Who is the grammarian, Mrs. Nordale?

SUNDBORG: Mrs. Nordale.

NORDALE: Well, actually, if you put commas in there you would change the meaning of it, at least our understanding of it. They do not apply to debts incurred through the issuance of revenue bonds by a public enterprise or public corporation of the state or political subdivision. You see the whole thing is tied together. It could be either a public enterprise of the state or a political subdivision, or public corporation of the state or a political subdivision.

BARR: Why is the comma before the word "when"? What does it separate?

NORDALE: That just separates a clause that applies to the whole sentence.

BARR: Yes, but there is no separation of thought there.

NORDALE: Well, restrictions do not apply when the only security is the revenues of the enterprise or corporation.

BARR: Then you wouldn't have a comma. I wouldn't.

NORDALE: Well, wouldn't you like to stop to take a breath?

PRESIDENT EGAN: Are there other questions relating to the article? Mr. Victor Rivers.

V. RIVERS: That same question bothers me a little, when it says, "when the only security is the revenues". Would it be "is the revenues" or "are the revenues" or what?

NORDALE: Mr. Rivers, the subject is singular, "security is".

PRESIDENT EGAN: Are there other questions? If not, the Chief Clerk will proceed with the reading of Article X, Local Government, Article X.

(The Chief Clerk read in its entirety Article X as contained in Style and Drafting Committee report dated February 3, 1956.)

PRESIDENT EGAN: Are there questions to be directed to the Style and Drafting Committee with relation to Article X? If not, the Chief Clerk may proceed with the reading of Article XI, Initiative, Referendum and Recall.

(The Chief Clerk read in its entirety Article XI as contained in Style and Drafting Committee report dated February 3, 1956.)

PRESIDENT EGAN: Are there questions to be directed to the Style and Drafting Committee with relation to Article XI? If not, the Chief Clerk may proceed with the reading of Article XII, General Provisions.

(The Chief Clerk read in its entirety Article XII as contained in Style and Drafting Committee report dated February 3, 1956.)

PRESIDENT EGAN: Are there questions with relation to Article XII? Mr. Metcalf.

METCALF: May I ask Mr. Sundborg, in Section 4, on line 3, after the word "advocates" that comma isn't necessary, is it?

SUNDBORG: What page, Mr. Metcalf?

METCALF: Page 28, Section 4.

SUNDBORG: It is our belief that that is necessary. If you will notice. there is one after "advocates" on the first line and one after "advocates" on the third line. Now if we just left out the material in between the two commas, this section would read "no person who advocates the overthrow by force or violence" and so on. We set off the material in between those places off by commas because it is equivalent to the word advocates, "no person who advocates or who aids or belongs to any party or association which

advocates". I believe it is necessary and I know it is the standard way of punctuating this identical phrase which is used in many state constitutions and in the federal document. I wonder if that satisfies Mr. Metcalf?

METCALF: Well, looking at it that way, I believe it does.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: In Article XI will there be a comma placed in the title following the word "Referendum"? Article XI, I revert somewhat.

PRESIDENT EGAN: After the word "Referendum"? Mrs. Nordale.

NORDALE: There could very well be.

PRESIDENT EGAN: Are there other questions relating to Articles XI or XII? Mr. Sundborg.

SUNDBORG: I wonder if we could have a brief recess. A problem has come up which Style and Drafting needs to take care of.

PRESIDENT EGAN: If there is no objection, we will have a brief recess.

RECESS

PRESIDENT EGAN: The Convention will come to order. If there are no questions, the Chief Clerk may proceed with the reading of Article XIII, Amendment and Revision.

(The Chief Clerk read in its entirety Article XIII as contained in Style and Drafting Committee Report dated February 3, 1956.)

PRESIDENT EGAN: Are there questions with relation to Article XIII? Mr. Metcalf.

METCALF: In the last part of line 6, Section 1, how did you read that?

CHIEF CLERK: "Unless otherwise provided"?

METCALF: No, "for the next general election".

CHIEF CLERK: That was "statewide" election. That was changed this morning by motion of Mr. Sundborg.

PRESIDENT EGAN: Are there other questions? If not the Chief Clerk may proceed with the reading of Article XIV, Apportionment Schedule.

(The Chief Clerk read Article XIV in its entirety as contained

in Style and Drafting Committee Report dated February 3, 1956.)

PRESIDENT EGAN: Are there questions relating to the article on Apportionment Schedule, Article XIV? Mr. Boswell.

BOSWELL: I notice in the description of the Upper Yukon on page 34, in speaking of the Alaska-Canada boundary in both 19 and the first sentence of 20, it is called the Alaska-Canada boundary and then in the last line just the Alaska boundary. I wonder if we should keep that uniform.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: It's a violation of the principle of consistency but not that of clarity.

PRESIDENT EGAN: Does that answer it?

BOSWELL: Yes, it does.

PRESIDENT EGAN: Are there other questions relating to Article XIV, Apportionment Schedule? Mr. Hellenthal.

HELLENTHAL: I would just like to call to Mr. Sundborg's attention that in Section 1 there is a slug, or whatever the printers call it, between "Number of" and "District" and "Number of" and "Representatives" which is not present in the bold face type there in Section 2. It violates the principle of consistency and, furthermore, I think there was something wrong with the linotype machine because when the "o", consistently through Section 3, and "Kosciusko" is the first illustration of it, the "o" is dropped. There are about 8 or 9 different places where the "o" does not line up correctly, and when they redo it for punctuation I think they should fix the machine in that respect.

SUNDBORG: It appears that a wrong font "o" somehow got into that machine. It occurs here at regular intervals and we will see that it is taken out.

PRESIDENT EGAN: Are there other questions relating to Article XIV, the Apportionment Schedule? If not, the Chief Clerk may proceed with the reading of Article XV, Schedule of Transitional Measures.

(The Chief Clerk read in its entirety Article XV as contained in the Report of the Style and Drafting Committee dated February 3, 1956, and the three ordinances.)

PRESIDENT EGAN: The Chair notes that the Style and Drafting Committee has some amendments. Mr. Sundborg.

SUNDBORG: I didn't hear the observation of the Chair.

PRESIDENT EGAN: Well, the Chair noted there are mimeographed....

SUNDBORG: Oh yes. I was about to submit a committee amendment or to ask that the rules be suspended so that we may do so, Mr. President.

PRESIDENT EGAN: Mr. Sundborg moves and asks unanimous consent that the rules be suspended in order that Article XV. Schedule of Transitional Measures, be referred back to second reading for specific amendment, and the proposed amendments by a further suspension of the rules. If there is no objection, we might consider the amendments that are mimeographed and before us. Is there objection to that procedure? If not, is there objection to the unanimous consent request? Mr. Kilcher.

KILCHER: Is this substantial, or does it only have to go back to third reading?

PRESIDENT EGAN: Well, it has to go back to second reading in any event now, Mr. Kilcher. Is there objection to the suspension of the rules? If there is none then the article is now back in second reading and open for specific amendment. Mr. Sundborg.

SUNDBORG: We submit the committee amendment, and I will ask Mr. Fischer to explain the necessity for it. I do submit the amendment which I will ask the Chief Clerk to read.

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

CHIEF CLERK: "That Article XV be amended as follows: Page 37, Section 10, strike last sentence; page 37, Section 11, strike section and substitute the following: 'Terms of First State Legislators. Section 11. The first state legislators shall hold office for a term beginning with the day on which they assume office and ending at noon on the fourth Monday in January after the next general election, except that senators elected for four-year terms shall serve an additional two years thereafter. If the first general election is held in an even-numbered year, it shall be deemed to be the general election for that year.'"

SUNDBORG: I move the adoption of the amendment.

PRESIDENT EGAN: Mr. Sundborg moves the adoption of the amendment. Is there a second to the motion?

V. RIVERS: I second.

SUNDBORG: Now I would like to ask that Mr. Fischer explain for our committee the necessity for submitting this amendment.

V. FISCHER: Mr. President, in considering the transitional

provisions on the election of first legislators, the Style and Drafting Committee took the two sections that you see here numbered as Sections 10 and 11 out of the article on apportionment. At the same time, without very thorough study, a section was deleted from a proposal of the Committee on Ordinances. It was Section No. 16 dealing with the terms of first legislators, which appeared to cover approximately the same ground. However, it has just been brought to our attention tonight, and after further review, it seems like a very serious problem could be created. As the sections now stand, with the omission of the section as originally proposed by the Ordinance Committee, taking the last sentence of Section 10, which reads "If the first state general election is held in an odd-numbered year, the terms set forth in this section shall be increased by one year." That means, for example, if we are granted statehood by 1959 and the first election is held in February, that will be an odd-numbered year. Then, a two-year senator, for example, will have a term of three years; that term would carry him to February of 1962, but the election in 1962 will not take place until October of that year, so that from February through October you would have a gap without any state legislature. The problem is a very serious one and the Committee has therefore reverted to the language proposed by the Ordinance Committee, which is contained in the proposed substitution for Section 11. That takes care of both the deletion of the last sentence in Section 10 as well as Section 11, and provides for the termination date of the first terms. I will be glad to answer any additional questions.

PRESIDENT EGAN: Are there questions to be directed to Mr. Fischer with relation to this matter? Does any delegate have a question? If not, the question is....

V. FISCHER: I would like to ask unanimous consent for the adoption of this amendment.

PRESIDENT EGAN: Mr. Fischer asks unanimous consent that the proposed committee amendment be adopted. Is there objection? Hearing no objection, it is so ordered and the amendment has been adopted. Mr. Sundborg.

SUNDBORG: I have another committee amendment to offer. I will ask unanimous consent to suspend the rules and place this article in a position where a specific amendment can be offered. The amendment would be on page 36, Section 9, the third line, strike the word "qualify" and substitute the words "assume office"; third line on page 36, Section 9, so it would read "with the day on which they assume office and ending at noon".

PRESIDENT EGAN: Mr. Sundborg moves and asks unanimous consent that the article again be -- that the rules be suspended and the article again be referred back to second reading for specific amendment. Is there objection? Hearing no objection it is so ordered and the article is now before us in second reading for specific amendment.

SUNDBORG: Mr. President, I offer the amendment to strike the word "qualify" and insert in its place "assume office" on the third line of Section 9 of page 36. Mr. President, this is to make this section uniform with the usage throughout the transitional measures and particularly to make it uniform with Section 13.

PRESIDENT EGAN: Mr. Sundborg, you moved and asked unanimous consent, is that right?

SUNDBORG: Yes. In Section 13 you will notice that there is a provision that the officers elected and qualified shall assume office at the time the President of the United States issues a proclamation announcing the results of the election, and we don't want the first officials to have their terms begin from the date they qualify but rather from the day on which they assume office. I ask unanimous consent for adoption of the amendment.

PRESIDENT EGAN: Mr. Sundborg requests unanimous consent that the amendment be adopted. Is there objection? Hearing no objection, the amendment is ordered adopted.

SUNDBORG: I have another....

PRESIDENT EGAN: Mr. Sundborg, before we proceed, the chair has been wondering about the manner in which we have been proceeding. The Chair mentioned it earlier in the day when this first came up -- referring back to second reading -- that, in order to get it back into the final reading form, a motion would have to be made that it be advanced again. It just doesn't go back automatically into final reading after you've suspended the rules and sent it back to second reading. But if that has been the procedure this evening, if there is no objection, by unanimous consent I guess it could be inferred that the rules were suspended without objection and without a statement. The Chair would just want to be sure that the record is straight on that so there would be no objection to it later. Do you at this time, then, Mr. Sundborg....

SUNDBORG: I wish to submit another committee (committee) amendment. This one actually is simply to correct a typographical error on page 38. In the section at the top of the page, which is Section 16, in the next to last line of the section some erroneous language has been inserted by the printer, and the line should read -- after the word "filled" in the next to last line, a comma should be inserted and the word "and" stricken, and then, after the word "justice" in that same line, the words "is appointed he" should be stricken, so that it would read "After the initial vacancies on the superior and supreme courts are filled, the chief justice shall assume his seat on the judicial council."

PRESIDENT EGAN: Mr. Sundborg, if there is no objection the Convention will be at recess for one minute.

RECESS

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

SUNDBORG: I was calling attention to an error in printing on page 38 in Section 16. This is not an amendment, because we just want to reproduce the language which was agreed upon here, and it has just been printed with a couple of extra words in there. So I ask unanimous consent that the correction be made on the copies before the delegates. The line should read, that's the next to bottom line of Section 16 on page 38, "are filled, the chief justice shall assume his seat on the judicial council".

PRESIDENT EGAN: Mr. Sundborg, that had already been adopted, is that correct?

SUNDBORG: It was adopted by the Convention yesterday, I believe, and just printed wrong here.

PRESIDENT EGAN: Does everyone have that correction?

SUNDBORG: Mr. President, there is a purely typographical error on page 40 in Section 1 of the Alaska-Tennessee Plan. At the very end of the section, after "1955", a colon instead of a period should appear "pursuant to Chapter 46, SLA 1955:". I just point this out so the delegates may correct their copies. Mr. President, those are all the corrections which the committee has. There is another matter which I think the delegates may want to consider. On the first page of the constitution the type used for the line "Constitution of the State of Alaska" has been criticized by some delegates as being too old-fashioned in the style of type, and I just thought the Convention might want to consider: Do they like it or would they like a more modern face. The proposal of the printer is just to use that style of type on the official document which we would sign, and we could have a different type face if that is the desire of the body.

PRESIDENT EGAN: Mr. Sundborg, that will appear differently -- or will it appear? It won't appear "Report of the Committee on Style and Drafting" in any....

SUNDBORG: Mr. President there will be nothing at all above it, above the large line saying "Constitution of the State of Alaska".

PRESIDENT EGAN: That would make it appear quite differently to anyone if they were considering that. It would make the type take a different appearance, even that old-fashioned type, with that removal.

HERMANN: Mr. President, I move that we keep it.

PRESIDENT EGAN: Mrs. Hermann moves that the type remain as is. All in favor will signify by saying "aye"; all opposed by saying "no". The "ayes" have it. Mr. Sundborg.

SUNDBORG: Mr. President, another problem. You will notice the heading of each article, both the article number and title are centered on the entire width of the type, including the subheads. You will notice, for instance, Article I, Declaration of Rights, it is not over the center of the text, but it is over the center of the text plus the subhead, and some delegates have suggested that it be centered over the text only.

PRESIDENT EGAN: With regard to that suggestion, does anyone have a motion in order to clear the question? Mr. Fischer.

V. FISCHER: I move that it be centered on the column of type.

PRESIDENT EGAN: Rather than on the center of the page?

BARR: I second it.

V. FISCHER: Yes.

PRESIDENT EGAN: It's been moved and seconded that it be centered on the column rather than on the center of the page. Mr. Fischer.

V. FISCHER: I might only suggest that those delegates who might not fully agree, not only look at the first heading of "Declaration of Rights", but look at some of the longer ones like "Initiative, Referendum, and Recall" which look very much askew.

PRESIDENT EGAN: The question is: "Shall the motion as offered by Mr. Fischer be adopted by the Convention?" All those in favor of adopting the motion will signify by saying "aye"; all opposed by saying no". The "noes" have it and the motion has failed of adoption. Mr. Fischer.

V. FISCHER: Mr. President, I am going back to my own seat. (Laughter)

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

SUNDBORG: Mr. President, we have one other problem. The constitution will require some language which will appear immediately preceding the signatures, and the Style and Drafting Committee has been studying a number of state constitutions trying to devise such language and we have several alternative suggestions which we would like to consider in our committee for a moment if we might have a brief recess before suggesting some language to the floor.

PRESIDENT EGAN: Mr. Sundborg, before we do have that recess, the Chair might forget to ask it, but suppose that a delegate or delegates decide not to sign the constitution in its final form. Just say that such a case would arise. Do they just say "Not signing" when they are voting, or do they sign as not agreeing

with the constitution? Mr. Hurley, if that should occur....

HURLEY: I had occasion, for no particular good reason, to check on that.

PRESIDENT EGAN: It is better to know than to be thinking about it on that day.

HURLEY: And from what I can find out -- most of these were old constitutions, matters of historical value -- that, as far as the vote is concerned, it was recorded on the journal whatever the vote was, and anyone who didn't care to sign the document, just didn't sign the document. That's all there was to it and I think that is the way we should proceed.

PRESIDENT EGAN: That is the way the Chair felt it should be, but we wanted it to be clear now rather than have any circumstances arise at a later -- Mr. Coghill.

COGHILL: In the federal constitution the men who did not agree did not sign it.

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

RECESS

PRESIDENT EGAN: The Convention will come to order. Does the Style and Drafting Committee have any other report to make?

SUNDBORG: I have a report to the Convention. This is on the subject of the enacting clause or, at any rate, of the language which would immediately precede the signatures of the delegates. First, I will mention where that would appear. If you turn to page 39, following Section 27, now renumbered Section 25, it says this constitution shall take effect immediately upon admission of Alaska into the Union as a state. The Style and Drafting Committee suggests that the following language be used, and I would like to ask each delegate to write this down. I will read it very slowly. It's one rather long sentence. You might just write it on a blank piece of paper because it may not be agreed upon. Here it is: "Agreed upon by the delegates to the Alaska Constitutional Convention at the University of Alaska, this fifth day of Feburary (February), in the year of our Lord one thousand nine hundred and fifty-six, and of the Independence of the United States, the one hundred and eightieth." Mr. President, this is the suggestion of the Style and Drafting Committee. It is a compromise between the standard language of the old constitutions, all of which use the language such as "year of our Lord" and "of the independence of the United States", but practically all of which start out with the word "Done" instead of "Agreed upon", and it was the feeling of our committee

that in the modern times it sounds a little more felicitous to say "Agreed upon". This is our recommendation, Mr. President.

PRESIDENT EGAN: What do you wish to do with your recommendation?
(Laughter)

HERMANN: I move that the recommendation of the Style and Drafting Committee be accepted.

PRESIDENT EGAN: Mrs. Hermann moves that the recommendation of the Style and Drafting Committee be accepted. Unanimous consent is asked that the recommendation of the -- objection is heard. Mrs. Hermann moves, seconded by Mr. Hilscher, that the recommendation of the committee on Style and Drafting be accepted by the Convention. Mr. Ralph Rivers.

R. RIVERS: Mr. President, I can appreciate the sentiments of Mr. Johnson and Miss Awes. They would like to say "Agreed upon and done", or I think maybe they would. That is what I would like. "Agreed upon" sounds kind of vague and indefinite; we are signing on a particular date so it is agreed upon and done upon a particular date. I would like to hear what other objectors have to say.

AWES: I don't particularly care for "Agreed upon and done". I don't admit that "done" is an old-fashioned word. I think it's a word that goes back to Anglo-Saxon times, but some of the strongest words in the English language go back to Anglo-Saxon times, and I think it is a word that takes in everything we have done from the first day we met until we put our signatures on it, and I don't think we could find a more all-inclusive word.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: Mr. President, I think that the words "Agreed upon" should be stricken out of this proposal and the word "Done" substituted in favor of it. Certainly it is all-inclusive and describes exactly what we have been doing and will accomplish.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: If Mr. Johnson would make an amendment to that effect I would like to second it.

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: Before Mr. Johnson makes a motion, which I suspect he is going to do, I would like to explain why I, at least, thought

"Agreed upon" was the better expression. If you will go back and look at our rules that we adopted early in the session and we have followed with reasonable diligence ever since, you will find that we again and again use the expression when the proposal is agreed upon or when they are in agreement on the proposal. Now

this completed document, which we will certainly read by title only and agree upon, I hope, as we have agreed upon entering all these other separate articles into the constitution, will be agreed upon. Now maybe "done" is all right. I stick it on practically every legal paper I write, but this constitution means to me a great deal more than any legal paper I ever drafted for myself or for anyone else, and I would like to use phraseology that would be consistent with the words we have used as we went through the 75 days that we have been here, and finish on a note of agreement because, after all, that is the most important thing that we have done -- is that we have agreed almost unanimously on the major things that have come up.

PRESIDENT EGAN: Mr. Barr.

BARR: I don't know, but I have a feeling that this word "done" is just a habit with some of the attorneys. It is true we have been doing this for 75 days and on the 5th of February it is done. However, on the 5th of February the last act when we vote to accept this constitution, then is when it is agreed upon, and that is what we are speaking of. That's what happens on the 5th we all agree to what we have done.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: I would like to move that the motion here be amended to incorporate Mr. Ralph Rivers' suggestion that it be "Agreed upon and done" for a specific reason, that I would like to collaborate on the amendment.

R. RIVERS: I second the motion.

PRESIDENT EGAN: Mr. Kilcher moves, seconded by Mr. Ralph Rivers, that the words "and done" be added after the word "upon".

KILCHER: Yes, Mr. President, the reason being the following: "Agreed upon", I think, would be sufficient if we didn't have the Tennessee Plan, but I think we have definitely done something in adopting the Tennessee Plan and personally I think we didn't do quite enough, but without wanting to seem facetious in this matter, I really think that the word "done" in its simplicity is a powerful word and it means what it says. We have, in adopting the Tennessee Plan, not only agreed to certain things, but we have committed an act; we have done something; we have stated something; and I think in view of that fact the word "done" would have its rightful place.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: I would only like to point out that page 39, Ordinance No. 1 is ratification of the constitution, and Section 1 starts out, "The Constitution for the State of Alaska agreed upon by the

delegates to the Alaska Constitutional Convention on February 5, 1956, shall be submitted" and so on and so forth.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: I have risen once before, but that was on the main motion. I would like to comment just briefly on this amendment to the motion. I appreciate very much Mr. Kilcher's support for the idea that I had, and if he had included in his motion the striking of the words "Agreed upon" substituting the word "done", I certainly would have gone along with it because I think that it's exactly what we want. But putting the words "and done" after "Agreed upon" is simply adding phraseology that doesn't need to be there. It's just redundant. And I am a little bit surprised to hear one of my colleagues on the Style and Drafting Committee object to using one word for two, because most of the time during our deliberations he has always been in favor of using one word in place of two. Now that's the point; if we could substitute the word "done" instead of "Agreed upon" we would have accomplished the whole matter with just one word, so I am opposed to Mr. Kilcher's amendment because it doesn't go quite far enough.

PRESIDENT EGAN: Does the word "prepared" appear in this proposed amendment? It doesn't? The question is: "Shall the amendment to the motion as offered by Mr. Kilcher be adopted by the Convention?" All those in favor of adopting the proposed amendment to the motion will signify by saying "aye". The Convention will come to order. All opposed by saying "no". The "noes" have it and the amendment to the motion has failed of adoption. Mr. Johnson.

JOHNSON: I should like to offer an amendment, and strike the words "Agreed upon" and substitute the word "Done".

MCNEALY: I second.

PRESIDENT EGAN: It is moved by Mr. Johnson, seconded by Mr. McNealy, that the words "Agreed upon" be deleted and the word "Done" be inserted in lieu thereof. Mr. Coghill.

COGHILL: May I ask Mr. Sundborg a question? By placing the words "Agreed upon" starting in the front of the closing sentence there, that would in turn infer that this Constitution was prepared by the delegates and all the work that has gone into it in the last 75 days has been done by us - - and we're not just coming here on the 5th day of February and agreeing upon it, are we?

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: We were conscious of some difficulties here because, of course, everything isn't done on the fifth day. It is just the day on which the document is executed, and we do feel that it is the day on which it is finally agreed upon. Of course, "done" does

mean executed, concluded, adopted, agreed upon. I do agree it means the very same thing. We have tried for a while in our Committee to work in the terminology "Constitution Hall", but it was a little difficult in view of the fact that the actual signing which will take place on the 5th of February will not occur here but in another building. But, to answer your question, I think that either "done or agreed upon" would carry out the thought of what we will be doing on the 5th of February.

PRESIDENT EGAN: The question is: "Shall the proposed amendment to the motion as offered by Mr. Johnson be adopted by the Convention?" All those in favor of adopting the proposed amendment to the motion signify by saying "aye"; all opposed by saying "no". The "noes" have it and the proposed amendment has failed of adoption. Mr. Nerland.

NERLAND: In my new role as grammarian, I would like to submit an amendment. Earlier this evening you posed a hypothetical question which was answered by Delegate Harris regarding the possibility of what would happen if all the delegates didn't sign, and to take that possibility into consideration in this wording, I think we might perhaps add something to the sound of it, too. I would like to make an amendment to the motion that the fourth word "the" be stricken and in its place we substitute the word "these", so that the sentence would read then "Agreed upon by these delegates to the Alaska Constitutional Convention", so that any delegates who might not sign still would not be included in the original wording; only those who signed would be included in that sentence.

PRESIDENT EGAN: Do you move the adoption of that amendment?

NERLAND: Yes.

PRESIDENT EGAN: Delegate Nerland moves the adoption. Is there a second?

MCCUTCHEON: I second.

PRESIDENT EGAN: Seconded by Mr. McCutcheon. Mr. Hellenthal.

HELLENTHAL: I think this is kind of like an invitation to people not to sign, and, secondly, an agreement of a group like this doesn't have to be unanimous. Nobody assumes that this need be unanimous, and the word "agreed" leaves room for a recalcitrant delegate. I would hesitate to issue that invitation to people or indicate it. What if everybody did sign? It would look then like someone had been omitted or hadn't signed.

PRESIDENT EGAN: Mr. Hinckel, we have Mr. Nerland's amendment before us at the present time. Mrs. Hermann.

HERMANN: I find myself in a position of disagreement with Mr.

Nerland in spite of his recently acquired status as grammarian and my demotion from that same position, but I don't believe that that word expresses what we want expressed. If you say "these" delegates, you don't even have an idea of how many delegates there were. It might be that only half of the delegates sign, that is as this document may appear to people in the future who don't know the full, the history of the case, and I think if you say "the" delegates you know at least that a majority of those attending this Convention have signed the document. "These" does not convey to me the idea of a majority. It is a selective word rather than a general and all-encompassing word, and I think the word "the" -- well, we might have one or two or maybe more, but I don't think we will, who don't sign the document, but still it is signed by delegates to the Convention in sufficient number to indicate to the world that the decision was made by a majority.

PRESIDENT EGAN: Mr. Nerland.

NERLAND: I didn't like the way Mrs. Hermann grasped that rolling pin when she sat down, and her words have sufficiently impressed me so that with the consent of my second I will withdraw my amendment.

PRESIDENT EGAN: Mr. Nerland has asked unanimous consent with consent of his second to withdraw his amendment. Hearing no objection, it is so ordered. Mr. Hinckel has been attempting to get the floor to offer an amendment.

HINCKEL: Preceding the words "agreed upon", I would like to have inserted these words "Done and". My reason is that it was first done and then it will be agreed upon. I didn't like the order of the words when it was offered the other way.

PRESIDENT EGAN: Mr. Hinckel moves the adoption of the amendment, placing the words "Done and" before the word "agreed".

R. RIVERS: I second it.

PRESIDENT EGAN: Mr. Coghill.

COGHILL: For a point of information, I have here the U.S. Constitution and the way it was signed by the gentlemen back there in 1787 was that Article VI states "The Ratification of the Conventions of nine States shall be sufficient for the Establishment of this Constitution between the States so ratifying the same". Then it says "Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of Our Lord one thousand seven hundred and eighty-seven and of the Independence of the United States of America the Twelfth. In witness whereof We have hereunto subscribed our names". That's the way the federal constitution is signed.

PRESIDENT EGAN: Mr. Barr.

BARR: If you say here or will say that it is done on the 5th day of February, of course that word "done" could mean "finished" or "done for". That would be on the 5th. However, this was actually done over a period of 75 days. That is the way I look at it. Another reason I have against adopting the word "done" is that it is hackneyed legal phraseology which we have been trying to keep out of this constitution all the way along.

PRESIDENT EGAN: The question is: "Shall the proposed amendment to the motion as offered by Mr. Hinckel be adopted by the Convention?" All those in favor of adopting the proposed amendment to the motion signify by saying "aye"; all opposed by saying "no". The "noes" have it and the proposed amendment has failed of adoption.

MCCUTCHEON: I move the previous question.

HELLENTHAL: I second the motion.

PRESIDENT EGAN: Mr. McCutcheon moves the previous question, seconded by Mr. Buckalew. All those in favor of ordering the previous question signify by saying "aye"; all opposed by saying "no". The "noes" have it. Mr. Victor Rivers.

V. RIVERS: I am going to belabor this point a little but here we have agreed upon, by the delegates to the Alaska Constitutional Convention, and I will quote my old friend Anthony J. Dimond who always objected to being a delegate "to" Congress. He insisted he was a delegate "in" Congress. We are in constitutional convention assembled. When we are together here we are not delegate to this Convention, we are delegates in Convention. It would seem to me that it should be "agreed upon by the delegates in Constitutional Convention assembled at the University of Alaska, this fifth day of February, the year of our Lord" and so forth and I so move.

PRESIDENT EGAN: Mr. Victor Rivers, you are moving that this motion be amended to read that way? Did the Chief Clerk get the proposed amendment?

CHIEF CLERK: Yes.

PRESIDENT EGAN: Mr. Victor Rivers moves the adoption of the amendment to the motion. Is there a second?

BARR: I second.

PRESIDENT EGAN: Seconded by Mr. Barr. The question is: "Shall the proposed amendment to the motion as offered by Mr. Victor Rivers be adopted by the Convention?" Would the Chief Clerk please read the motion as it would read if Mr. Rivers' proposed amendment were adopted?

CHIEF CLERK: "Agreed upon by the delegates in Constitutional Convention assembled at the University of Alaska", etc.

PRESIDENT EGAN: Is there a discussion? If not, the question is: "Shall the proposed amendment as offered by Mr. Victor 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 Chief Clerk will call the roll.

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

Yeas: 32 - Armstrong, Awes, Barr, Boswell, Coghill, Doogan, Emberg, Gray, Harris, Hinckel, Hurley, Johnson, Kilcher, Laws, McCutcheon, McNealy, McNees, Marston, Nerland, Nolan, Peratrovich, Poulsen, R. Rivers, V. Rivers, Smith, Stewart, Sundborg, Sweeney, Walsh, White, Wien, Mr. President.

Nays: 13 - Buckalew, Cooper, V. Fischer, Hellenthal, Hermann, Hilscher, Knight, Lee, McLaughlin, Metcalf, Nordale, Riley, Rosswog.

Absent: 10 - Collins, Cross, Davis, H. Fischer, King, Londbord, Reader, Robertson, Taylor, VanderLeest.)

CHIEF CLERK: 32 yeas, 13 nays, and 10 absent.

PRESIDENT EGAN: So the "yeas" have it and the amendment to the motion has been adopted. Would the Chief Clerk please read the motion now as it will be?

CHIEF CLERK: "Agreed upon by the delegates in Constitutional Convention assembled at the University of Alaska this fifth day of February in the year of our Lord one thousand nine hundred and fifty-six and of the Independence of the United States the one hundred and eightieth".

PRESIDENT EGAN: Mr. Barr.

BARR: I would like to direct a question to someone in Style and Drafting. Is it correct to say one thousand nine hundred and fifty-six. I know that in speaking of an amount of money you say one thousand nine hundred fifty-six, without the "and".

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: We adopted this from language of other constitutions. Here is the State of Washington's "one thousand eight hundred and eighty-nine"; Iowa, "one thousand seven hundred and eighty-seven", that is from the federal constitution. They all seem to use "and", I believe.

BARR: Of course I came from Iowa, and I might not be more intelligent than they are. What did the national constitution say?

SUNDBORG: They used the word "and".

BARR: Well I will go along with that.

PRESIDENT EGAN: The question is: "Shall the proposed motion as amended and offered by the Style and Drafting Committee be adopted by the Convention?" All those in favor of adopting the proposed motion will signify by saying "aye"; all opposed by saying "no". The "ayes" have it and the motion has been adopted. Mr. Sundborg.

SUNDBORG: Mr. President, I ask unanimous consent that the Report of the Committee on Style and Drafting on the arrangement and final language of the Alaska State Constitution be accepted, and that the changes made in the document as it has been agreed upon -- as they have been agreed upon tonight, be adopted.

PRESIDENT EGAN: You have heard the unanimous consent request of the chairman of the Style and Drafting Committee. Is there objection? Hearing no objection it is so ordered.

PRESIDENT EGAN: Mr. White.

WHITE: Mr. President, I have a matter of some importance for the record. Today some curiosity was exhibited as to how long it would take to read the constitution. I can now report for those who are interested that the Chief Clerk, reading "in a dignified manner", took exactly one hour and twenty-six minutes to read the constitution.

PRESIDENT EGAN: Mr. Riley.

RILEY: Just for the sake of compliance with Rule 50 under which we seem to be operating this evening, would a reference be in order?

PRESIDENT EGAN: It would be in order, Mr. Riley.

RILEY: Well, I ask simply that in view of the fact that we have accepted certain amendments offered by Style and Drafting that it be ordered, the document in its entirety, back to Style and Drafting at this time.

PRESIDENT EGAN: Mr. Riley, the Chair will have to admit that the Chair has had the wrong copy of the rules all the way through the Convention. We do not have the amended copy.... (Laughter) The Convention will come to order. Mr. Riley, the Chair just discovered that tonight, that the copy here is not the amended copy.

RILEY: May I observe that I have known right along that there must be some fundamental reason.... (Laughter)

PRESIDENT EGAN: The Convention will come to order. Does the rule say that we accept the report and then refer it back to Style and Drafting, Mr. Riley?

RILEY: Rule 50, Mr. President, says "Should the proposed document be amended it shall again be referred to the Committee on Style and Drafting." This refers to amendments in the process of the Style and Drafting report, and since it is patent that the Committee will be overseeing its conduct to the printer, I think that it's just a matter of showing it ordered on the record.

PRESIDENT EGAN: If there is no objection the report of the Constitution of the State of Alaska is referred to the Style and Drafting Committee. Now that will automatically come before us at convening time tomorrow, is that your understanding, Mr. Riley?

RILEY: I should say yes, Mr. President

PRESIDENT EGAN: Mr. Barr.

BARR: Mr. President, I note that it is eight minutes after one. However, I am good for many hours yet, and this might be an opportune time for me to start a filibuster on the question of boroughs. However, out of consideration for some of the rest of you, I will move that we adjourn until 1:30 tomorrow afternoon.

PRESIDENT EGAN: Mr. Barr, didn't we change the name of that to "Barr-os" the other day? (Laughter)

BARR: An error in the spelling....

KILCHER: Point of order. Aren't we going to meet any more today?

PRESIDENT EGAN: Mr. Barr moved that the Convention stand adjourned until 1:30 p.m. Did you say that you ask unanimous consent that we stand at recess until 2:30 p.m.?

BARR: Until 1:30 p.m. today.

PRESIDENT EGAN: If there is no objection the convention will be at recess for one minute right at the present time.

RECESS

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

R. RIVERS: Mr. President, before the motion to adjourn is renewed, I wish to move in recognition of a very impressive performance that we have seen here that this Convention go on record as extending a vote of thanks to Style and Drafting for diligent, brilliant, timely, and valiant service.

UNIDENTIFIED DELEGATE: Under fire!

(Applause)

PRESIDENT EGAN: You have heard the unanimous consent request of Mr. Ralph Rivers. If there is no objection, such a vote of appreciation will become a part of the record. Mr. Sundborg.

SUNDBORG: I was afraid for a minute that Mr. Ralph Rivers was going to end his unanimous consent request with some reference to commas, and I was happy when he didn't. I just would like to say for our Committee that I feel and I think all of its members feel that we haven't worked harder or done anything more than every committee has done, and the product is not any more our work, and probably not as much our work as it is that of each of the substantive committees, and all of the delegates who make up the Convention, but we appreciate your very kind thoughts, nevertheless.

PRESIDENT EGAN: Mr. Barr.

BARR: Mr. President, as far as I know I didn't get a second to my motion, so there is nothing before us, so now I will make a motion that we adjourn until 2:00 this afternoon.

KNIGHT: I second.

PRESIDENT EGAN: Mr. Barr moves, seconded by Mr. Knight, that the Convention stand adjourned until 2:00 p.m. Mr. Coghill.

COGHILL: Before you put the question, are there committee announcements? Your Committee on Administration will meet at 11:00 and transportation will be provided at the front of the Nordale at 10:30 for delegates to the Administration Committee. I might also mention that tomorrow morning at 9:00 your platform will be gone so when we meet at 2:30 you will be on the same level with the rest of the delegates.

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: I just wanted to be sure that the Administration Committee made the proper orders for the bus to bring the people out tomorrow.

PRESIDENT EGAN: Will you see that (to Mr. Coghill) that is taken care of at 1:30. Bus at the Nordale at 1:30. Are there other committee announcements? Mr. Hilscher.

HILSCHER: I might call attention to this, to the arrival tomorrow morning of two planes from Anchorage. Barrie, I think you know more about this than anyone else.

PRESIDENT EGAN: Mr. White, would you care to report on that?

WHITE: I should refer you to my wife in the gallery. She knows all about it. Mr. President, two planeloads, charter loads, of people from Anchorage under the auspices of Operation Statehood will arrive tomorrow morning, I believe at 11:00, on Alaska Airlines charter. Anyone who is interested in meeting them should check with Alaska Airlines to find out what time they are getting in. In view of the time of convening tomorrow at 2:00 p.m., I am not sure whether they will come here for lunch as previously planned. However, they might, and if any delegates plan to be here, I am sure they would be delighted to join them for lunch. All of the people arriving on those two flights, as far as I know, will be staying at the Traveler's Inn.

PRESIDENT EGAN: Are there other committee announcements? Mr. Barr.

BARR: Point of information - I'd like to ask Mr. White -- what airline did you say, Mr. White? (Laughter)

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

COGHILL: One other time that the Committee on Administration has been confronted with is that there will not be any reserved seats at the signing. It looks like we are going to have an overflow crowd, so we are going to provide for the immediate families of the delegates, and tomorrow afternoon we will have a show of hands or a count of how many delegates will have their families up here and how many that will consist of, and those will be seated right behind the delegates at the signing.

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: Point of inquiry. Does that mean the representative of the Governor of Louisiana will get to sit on the platform?

PRESIDENT EGAN: This means he will get to sit pretty close. If there are no further committee announcements the question is: "Shall the Convention stand adjourned until 2:00 p.m.? All those in favor will signify by saying "aye"; all opposed by saying "no". The "ayes" have it and the Convention stands adjourned.