

1917-18  
Clerk, Legislative Council  
(B.M.)

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1917-18  
1,156 to 1,158

LEGISLATIVE AFFAIRS & FINANCE

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL OF THE SIXTIETH CONVENTION DAY, SATURDAY, January 21, 1956

The Convention was called to order at 9 a.m. by President Egan.

Capt. Gerald A. Hill, of the Salvation Army, gave the Invocation.

Roll call showed all members present except Mr. Hellenthal and Mr. VanderLeest. It was reported that Mr. VanderLeest was ill. The President declared a quorum to be present.

Mr. White asked unanimous consent for the approval of the Journal of the 53rd day with the following corrections:

Page 3, paragraph 2, insert a comma after "Burnette"

Page 3, paragraph 5, insert quotation marks after "election" on line 6

Page 7, paragraph 4, on third line insert "On line 17" before "delete".

There being no objection, the Journal for the 53rd day was ordered approved as corrected.

Mr. White asked unanimous consent for the approval of the Journal of the 55th day with the following corrections:

Page 1, third paragraph from the bottom insert "Section 15" before the paragraph starting "The Attorney General"

Page 5, paragraph 4, insert "be included" after "Mr. Riley" on line 9

Page 8, first paragraph after recess insert quotation marks after "state" on line 6

Page 12, first paragraph, insert "s" after "subdivision" on line 3

There being no objection, the Journal of the 55th day was approved as corrected.

Mr. Hurley inquired into the source of the anonymous material entitled "Juneau as the State Capital". Mr. Gray stated he had distributed the material on behalf of the Juneau Chamber of Commerce. Mr. Hurley asked whether it was the policy of the Convention that any material could be distributed by individual delegates. The President declared a short recess.

AFTER RECESS

The President stated he would refer the question raised by Mr. Hurley to the Rules Committee for a report.

Committee Proposal No. 12 was considered again.

Committee amendment to Section 1 having been held over from the previous day the question was called. The roll was called with the following result:

Yeas: 25 - Armstrong, Boswell, Coghill, Cooper, Davis, H. Fischer, Gray, Harris, Hinckel, Johnson, King, Laws, Londborg, McCutcheon, Metcalf, Nordale, Peratrovich, Poulsen, R. Rivers, V. Rivers, Robertson, Sweeney, Walsh, White and Mr. President.

Nays: 22 -- Awes, Barr, Collins, Cross, Emberg, V. Fischer, Hermann, Hilscher, Hurley, Kilcher, Knight, Lee, McLaughlin, McNees, Marston, Nerland, Nolan, Riley, Smith, Stewart, Sundborg, and Wien.

Absent: 8 - Buckalew, Doogan, Hellenthal, McNealy, Reader, Rosswog, Taylor and VanderLeest.

and so the amendment was adopted.

Mr. V. Rivers asked unanimous consent for the adoption of the following committee amendment:

Section 3, line 14, delete the words "or employment" and insert "of trust or profit under this Constitution."

There being no objection to the amendment, it was ordered adopted.

Mr. V. Rivers moved and asked unanimous consent for the adoption of the following committee amendment:

Section 5, line 11, insert a period after the word "interest", delete the remainder of the sentence.

Mr. Kilcher objected. Mr. Johnson seconded. After discussion by Mr. V. Rivers and Mr. McNees, Mr. Kilcher withdrew his objection. There being no further objection, the amendment was ordered adopted.

Mr. V. Rivers moved and asked unanimous consent for the adoption of the following committee amendment:

Section 6, line 5, delete remainder of line 5 after comma up to and including the word "purposes" on line 6.

There being no objection, it was so ordered.

Mr. Laws asked unanimous consent for the adoption of the following amendment:

Section 3, line 11, strike the comma.

There being no objection, it was so ordered.

Mr. Sundborg asked unanimous consent for the adoption of the following amendment:

Insert "GENERAL AND MISCELLANEOUS PROVISIONS" after the resolve clause.

There being no objection, it was so ordered.

Mr. McLaughlin asked unanimous consent for the adoption of the following amendment:

Strike Section 1.

Mrs. Nordale objected. Mr. Emberg seconded. The roll was called with the following result:

Yeas: 20 - Awes, Barr, Emberg, V. Fischer, Hilscher, Hinckel, Hurley, Kilcher, Lee, Londborg, McCutcheon, McLaughlin, McNees, Marston, Nolan, Peratrovich, Poulsen, Stewart, Wien and Mr. President

Nays: 27 - Armstrong, Boswell, Coghill, Collins, Cooper, Cross, Davis, H. Fischer, Gray, Harris, Hermann, Johnson, King, Knight, Laws, Metcalf, Nerland, Nordale, Riley, R. Rivers, V. Rivers, Robertson, Smith, Sundborg, Sweeney, Walsh, and White

Absent: 8 - Buckalew, Doogan, Hellenthal, McNealy, Reader, Rosswog, Taylor, and VanderLeest

and so the amendment failed.

Mr. Sundborg served notice that he would move to rescind the action of the Convention on the Committee amendment which changed "shall" to "may" in Section 1 of Committee Proposal No. 12 at a future time.

Mr. Sundborg served notice that he would move to rescind the action of the Convention in striking Section 5 from Committee Proposal No. 8a at some future time.

Mr. V. Rivers rose to a point of order to ask for a ruling of the Chair as to what point rescinding action can be terminated after a proposal leaves second reading.

The President stated that neither proposal involved had been referred to the Committee on Engrossment and Enrollment, so rescinding action would be in order.

Mr. McCutcheon stated that such notice to rescind as Mr. Sundborg had given would freeze the articles in their present status.

The President stated that the notice to rescind was perfectly proper.

Mr. Sundborg stated that he served notice to comply with the rule which states that if prior notice is given a motion to rescind, only a majority vote is required, rather than a two-thirds. He stated further that he would bring the matter up as soon as all delegates were present.

Mr. Johnson rose to a point of information to inquire whether Robert's Rules of Order does not provide that a notice to rescind in order to obviate the necessity of more than a majority vote must be given on the same day as action was taken.

The President stated that he did not believe Robert's Rules provided as Mr. Johnson had stated.

The President declared a short recess.

#### AFTER RECESS

The President referred Committee Proposal No. 12 to Engrossment and Enrollment.

Mr. Robertson asked for a ruling of the Chair on the points of order.

The President stated that the rescinding action cannot hold anything beyond the next Convention day.

Committee Proposal No. 15 was read the <sup>first</sup>~~second~~ time.

Mr. Sundborg explained the proposal.

Mr. Sundborg moved and asked unanimous consent that the sections in this proposal be added to Committee Proposal No. 12 and that the section numbers be changed to 7, 8, 9 and 10. There being no objection, it was so ordered.

Mr. Riley asked unanimous consent that Committee Proposal No. 15 be referred directly to the Committee on Style and Drafting and that Committee Proposal No. 11 also be assigned to Style and Drafting.

Committee Proposal No. 11 was referred to the Committee on Style and Drafting, but since Committee Proposal No. 15 had been made a part of Committee Proposal No. 12, it was referred to the Committee on Engrossment and Enrollment.

The President stated that Engrossment and Enrollment should not report the article on Miscellaneous Provisions until it is certain there are no more miscellaneous provisions to be included.

The President stated that the next order of business would be consideration of the Style and Drafting Committee's report on the Judiciary article.

Miss Awes asked whether the report of the Committee on Resolutions containing Mr. Marston's resolution "Friendly Relations with Canada" could not be considered at this time.

Mr. Marston asked that it be held until nearer the end of the Convention. There being no objection, action was delayed.

Mr. V. Fischer raised the question of the effect of resolutions and ordinances on the legislature and on the State.

Mr. Riley explained the matter of resolutions.

Mr. Hurley spoke for the Committee on Ordinances and explained the effect of an ordinance and the plan for ratification of ordinances along with the constitution.

Mr. Sundborg asked a question regarding the effective date of an ordinance. Mr. Hurley answered on behalf of the Ordinance Committee.

Mr. McLaughlin requested a ten-minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

The report of the Committee on Style and Drafting was read.

Mr. Sundborg asked Mr. Davis to give a brief explanation of what the committee had done and why, in changing the proposal.

After the explanation by Mr. Davis, Mr. McLaughlin stated that the Committee on Style and Drafting had made no substantive changes unless the body considered that using the phrase "provided by law" instead of "provided by the legislature" in some instances would be so construed.

Discussion regarding the above change followed.

Mr. Johnson moved that in Section 1, wherever the words "by law" are used they be changed to read "by the legislature" and asked for a suspension of the rules to effect the change. Mr. Robertson seconded and asked whether Mr. Johnson would not include in his motion mention of Sections 2, 3, 4, 9, 11 and 13. Mr. Johnson asked that they be included in his motion. There being no objection, it was so ordered. Discussion followed by Mr. Davis, Mr. Johnson, Mr. McNees, Mr. Collins and Mr. Davis.

Mr. White asked Mr. Johnson whether he would be willing to hold his motion in abeyance so that the basic matter could be decided. After discussion, Mr. Johnson asked unanimous consent that his motion be held in abeyance until a later time. There being no objection, it was so ordered.

Mr. White moved that it be the policy of the Convention to adopt a miscellaneous provision which would say that when the constitution says "the legislature" it means the legislature only, and that when it says "by law" it means by initiative or by the legislature. Mr. McNees seconded.

After discussion by Mr. Davis, Mr. Sundborg, Mr. Hurley and Mr. McLaughlin, the President stated that since the article on miscellaneous provisions was not before the Convention that Mr. White would have to move to suspend the rules in order to present his motion.

Mr. White asked unanimous consent to withdraw his motion. There being no objection, it was so ordered.

Mr. White asked unanimous consent that the Rules be suspended so that he could make the motion which had just been withdrawn.

After question by Mr. Johnson as to whether Mr. White's motion to suspend the rules would carry with it the motion he had previously made, the President stated that it would merely open the way for Mr. White to make the motion.

There being no objection to Mr. White's unanimous consent request, the rules were suspended.

Mr. White requested a short recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. Coghill rose to a point of information regarding a call of the Convention. After discussion Mr. Sundborg suggested that the Rules Committee draft a rule covering a call of the Convention since there is no rule covering this.

The President declared a short recess.

AFTER RECESS

Mr. Collins moved and asked unanimous consent that the Convention recess until 1:30 p.m. The following committee announcements were made: Administration on recess; Style and Drafting at 12:30 p.m. in lunchroom.

Mr. Davis objected to the unanimous consent request for a recess. Mr. Collins so moved. Mr. McNees seconded. The roll was called with the following result:

Yeas: 24 - Awes, Barr, Coghill, Collins, Cross, Doogan, Emberg, H. Fischer, Harris, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McNees, Marston, Poulsen, V. Rivers, Robertson, Smith, Stewart, and Sweeney

Nays: 21 - Boswell, Cooper, Davis, V. Fischer, Gray, Hermann, Hinckel, Hurley, McCutcheon, McLaughlin, Metcalf, Nerland, Nolan, Nordale, Peratrovich, R. Rivers, Sundborg, Walsh, White, Wien, and Mr. President

Absent: 10 - Armstrong, Buckalew, Hellenthal, Hilscher, McNealy, Reader, Riley, Rosswog, Taylor, and VanderLeest

and so the Convention recessed. The sergeant-at-arms was asked to contact the absent members to be sure they would be in attendance at the afternoon session.

AFTER RECESS

A telegram from Cyrus E. Peck, Grand Secretary, Alaska Native Brotherhood, urging that the action taken by the Convention which voted down the amendment regarding native lands in Committee Proposal No. 8a be sustained, was read and ordered filed.

A telegram from Arthur Skinner of Juneau, urging the Convention to reconsider its action on Section 5 of Committee Proposal No. 8a, pertaining to Fish and Wildlife, was read and ordered filed.

Mr. White, under the suspension of the rules granted earlier, reviewed his motion regarding the use of the terms "by the legislature" and "by law". Mr. Buckalew seconded. After discussion by Mr. R. Rivers, Mr. V. Fischer, Miss Awes, Mr. McNees, Mr. Barr, Mr. Riley, Mr. Marston, Mr. Cross and Mr. White, Mr. Rosswog asked permission to abstain from voting since he had been absent during the debate. Permission was granted. Mr. Metcalf requested a roll call. The roll was called with the following result:

Yeas: 18 - Barr, Buckalew, Coghill, Collins, Cooper, Davis, Johnson, Kilcher, Laws, McCutcheon, McNealy, Nerland, Nolan, Peratrovich, Poulsen, Reader, Robertson, and Taylor

Nays: 34 - Armstrong, Awes, Boswell, Cross, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hermann, Hilscher, Hinckel, Hurley, King, Knight, Lee, Londborg, McLaughlin, McNees, Marston, Metcalf, Nordale, Riley, R. Rivers, V. Rivers, Smith, Stewart, Sundborg, Sweeney, Walsh, White, Wien, and Mr. President

Absent: 2 - Hellenthal and VanderLeest

Abstaining: 1 - Rosswog

and so the motion failed.

Mr. R. Rivers rose to a point of information as to whether the suspension of the rules would make it possible for him to submit another motion regarding a change in the initiative provision.

Mr. McCutcheon rose to a point of order to state that the result of the vote on Mr. White's motion made the position of the Convention clear on the point.

The President stated that Mr. McCutcheon's point of order was well taken.

Mr. Johnson rose to a point of order to state that his motion, which he had laid aside until action had been taken on Mr. White's motion, was still pending.

Mr. R. Rivers rose to a point of order to state that Mr. Johnson had not stated that it would be taken up immediately after Mr. White's motion, but had merely asked that it be held in abeyance until later.

The President declared a short recess.

#### AFTER RECESS

The President stated that it would take a suspension of the rules for Mr. R. Rivers to present his motion.

Mr. R. Rivers stated he would not ask for a suspension of the rules and yielded to Mr. Johnson.

Mr. Johnson requested a division of the question and asked for action on the suspension of the rules question first.

Mr. McCutcheon stated that he didn't believe a suspension of the rules was necessary since it is only a change in terminology and not a substantive change.

The President stated that if Mr. Johnson's amendment carried, it would limit the article to the use of the term "by law" to mean an act of the legislature rather than a possible act of the initiative and referendum so it would be a change in substance.

The question being "Shall the rules be suspended?", the roll was called with the following result:

Yeas: 33 - Armstrong, Awes, Barr, Boswell, Buckalew, Cooper, Cross, Davis, Doogan, Gray, Harris, Hermann, Johnson, King, Laws, McCutcheon, McLaughlin, McNealy, Metcalf, Nerland, Nolan, Nordale, Poulsen, Reader, Riley, R. Rivers, Robertson, Rosswog, Sweeney, Taylor, Walsh, Wien, and Mr. President

Nays: 20 - Coghill, Collins, Emberg, H. Fischer, V. Fischer, Hilscher, Hinckel, Hurley, Kilcher, Knight, Lee, Londborg, McNees, Marston, Peratrovich, V. Rivers, Smith, Stewart, Sundborg, and White

Absent: 2 - Hellenthal and VanderLeest

and so the rules were not suspended.

Mr. Johnson asked unanimous consent to withdraw his motion to amend. There being no objection, it was so ordered.

Mr. McLaughlin asked unanimous consent to suspend the rules so he could introduce a motion.

Mr. McCutcheon rose to a point of order to state he would like to know the nature of the motion before he could vote on the suspension of the rules.

Mr. McLaughlin read the motion.

Mr. Buckalew objected to the unanimous consent request. Mr. McLaughlin moved that the rules be suspended so that he could introduce a motion. Mr. Knight seconded. The roll was called with the following result:

Yeas: 47 - Armstrong, Awes, Barr, Boswell, Collins, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Metcalf, Nerland, Nolan,

Nordale, Reader, Riley, R. Rivers, V. Rivers,  
Robertson, Rosswog, Smith, Stewart, Sundborg,  
Sweeney, Taylor, Walsh, White, and Wien

Nays: 6 - Buckalew, Coghill, Marston, Peratrovich, Poulsen,  
and Mr. President

Absent: 2 - Hellenthal and VanderLeest

and so the rules were suspended.

Mr. McLaughlin moved that it be the intent of the Convention that all provisions of the constitution which include the words "by the legislature" or "the legislature", unless clearly inapplicable or unless specifically excluded from the initiative and referendum by the article on the initiative and referendum, shall be subject to the initiative and referendum.

Mr. Cooper rose to a point of order to call attention to the rule which states that a long amendment should be mimeographed before presentation. The President stated that this was not an amendment. Mr. Cooper withdrew his point of order.

Mr. Barr seconded the motion.

After discussion by Mr. McLaughlin, Mr. Johnson, Mr. Sundborg, Mr. White, Mr. Coghill and Mrs. Nordale, the question was called. On voice vote the motion was adopted.

Mr. McCutcheon moved that the Judiciary Article be sent back to Style and Drafting for further consideration. Mr. Taylor seconded. On voice vote the motion failed.

Mr. Robertson moved that Committee Proposal No. 2 be recommitted to the Judiciary Committee. Mr. McCutcheon seconded the motion.

Mr. Davis stated that under the motion just adopted the Judiciary Committee would have no authority to change the wording in the article.

Mrs. Hermann stated that it would take a suspension of the rules to do what Mr. Robertson requested, since the Proposal was no longer in second reading.

The President stated that Mrs. Hermann's point of order was well taken.

Mr. Robertson appealed from the ruling of the Chair.

The question being "Shall the ruling of the Chair be sustained?", the roll was called with the following result:

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

Nays: 3 - Hinckel, Robertson, and Taylor

Absent: 2 - Hellenthal and VanderLeest

Abstaining: 1 - Mr. President

and so the ruling of the Chair was sustained.

Mr. Robertson moved that the Rules be suspended.

The roll was called with the following result:

Yeas: 13 - Barr, Collins, Johnson, Laws, McCutcheon, McNealy, Marston, Nolan, Poulsen, Reader, Robertson, Taylor and White

Nays: 40 - Armstrong, Awes, Boswell, Buckalew, Coghill, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hermann, Hilscher, Hinckel, Hurley, Kilcher, King, Knight, Lee, Londborg, McLaughlin, McNees, Metcalf, Nerland, Nordale, Peratrovich, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Walsh, Wien, and Mr. President

Absent: 2 - Hellenthal and VanderLeest

and so the rules were not suspended.

Mr. Sundborg moved that the rules be suspended and that Style and Drafting be allowed to write in as one of the restrictions in the initiative article the matter of establishment and operation of the courts. Mr. Robertson seconded.

Mr. Coghill asked for a two-minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. Sundborg asked unanimous consent to withdraw his motion. There being no objection, it was so ordered.

Mr. V. Rivers asked unanimous consent that C. P. No. 2 be referred to the Rules Committee for assignment to the calendar in third reading.

Mr. Davis stated the Committee on Style and Drafting had a few amendments to offer.

Mr. V. Rivers withdrew his motion.

Mr. Davis moved the adoption of the following committee amendment to the report of the Committee on Style and Drafting on C.P. No. 2:

Page 5, Section 14, line 16, insert "other" between "any" and "office".

Mr. Johnson seconded. Mr. Taylor objected. After Mr. Davis explained the amendment, Mr. Taylor withdrew his objection. There being no further objection, the amendment was ordered adopted by unanimous consent.

Mr. Davis asked unanimous consent for the adoption of the following committee amendment:

Page 5, Section 14, Line 19, at the end of the line add "another".

Mr. R. Rivers objected. Mr. Davis so moved. Mr. Johnson seconded. After discussion by Mr. R. Rivers, Mr. McNees, Mr. Robertson, Mrs. Nordale and Mr. Davis, the question was called. On voice vote the amendment was adopted.

The President asked if there were any objections to the fact that the two amendments had been adopted without a roll call vote.

Mr. Davis stated that since these were merely questions of style there was no need for a roll call.

Mr. Davis asked unanimous consent for the adoption of the following committee amendment:

Transfer Section 17 to Miscellaneous Provisions of the Constitution.

There being no objection, it was so ordered and Section 17 was referred to the Committee on Engrossment and Enrollment.

Mr. Sundborg asked unanimous consent that the number of Section 17 be changed by the Committee on Engrossment and Enrollment to the appropriate number in the Miscellaneous Provisions article. There being no objection, it was so ordered.

Mr. Davis moved that Section 18 as written be taken from the Judiciary article and transferred to the committee considering transitional measures.

Mr. V. Rivers rose to a point of information to inquire whether that committee would make any changes.

The President stated that the section would come to the floor with all the transitional measures.

Mr. V. Fischer stated that the section could be referred to the Committee on Engrossment and Enrollment and held there until the remaining transitional measures reached the committee.

Mr. V. Rivers withdrew his request for information.

The President referred Section 18 to the Committee considering transitional measures.

Mr. McNealy spoke on personal privilege to state the section would be returned to the floor in the same language.

Mr. Davis moved that the report of the Committee on Style and Drafting on Committee Proposal No. 2 be accepted. Mr. Robertson objected.

Mr. V. Rivers moved and asked unanimous consent that the Convention adjourn until 9 a.m., Monday. Mr. Johnson seconded. Mr. Coghill objected and stated that the Committee on Administration had a report to make.

Mr. McNealy announced a meeting of the Committee on Ordinances on adjournment. Mr. Sundborg announced a meeting of the Committee on Style and Drafting.

On voice vote the motion lost and the Convention remained in session.

Mr. Sundborg seconded the motion of Mr. Davis to accept the report of the Committee on Style and Drafting on C. P. No. 2. Mr. Poulsen requested a roll call. The roll was called with the following result:

Yeas: 48 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Collins, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hermann, Hilscher, Hinckel, Hurley, Johnson, King, Knight, Laws, Lee, Londborg, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nordale, Peratrovich, Reader, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, Walsh, White, Wien, and Mr. President.

Nays: 5 - Kilcher, McCutcheon, Nolan, Poulsen, and Robertson

Absent: 2 - Hellenthal and VanderLeest

and so the report was adopted.

Mr. V. Fischer asked the Chairman of the Rules Committee what the calendar contained.

Mr. Riley reported that Committee Proposal No. 16 was in second reading and Committee Proposal No. 2 was in third reading.

The President declared a recess until 3:45 p.m.

#### AFTER RECESS

Mrs. Hermann introduced Mr. H. G. Pope, Executive Director of the Public Administration Service, which produced the constitutional studies, who was present at the invitation of the Statehood Committee in regard to studies with reference to transitional measures. Mr. Pope spoke briefly.

Mr. Coghill presented the following report of the Committee on Administration:

"The Committee on Administration recommended that a ceremony for the signing of the constitution be held at 2:00 p.m. on Sunday, February 5, in the gymnasium of the University of Alaska. The Committee recommended that special letters of invitation be sent to the governors of the States and Territories of the United States and that 3,000 printed invitations be obtained for distribution through the delegates and otherwise."

Mr. Sundborg moved that the Convention accept the recommendation of the Committee as to the time, 2 p.m. Sunday, February 5. Mrs. Hermann seconded. Mr. R. Rivers asked unanimous consent. There being no objection, it was so ordered.

Mrs. Sweeney moved and asked unanimous consent that the University gymnasium be the place where the program would be held. Mr. Sundborg objected temporarily. Mr. Kilcher seconded. After discussion by Mr. Sundborg, Mr. Hilscher, Mr. Doogan, Mr. Londborg, Mrs. Sweeney, Mr. Walsh, Miss Awes, Mr. Buckalew and Mr. Coghill, Mr. Sundborg withdrew his objection. On voice vote the motion was adopted.

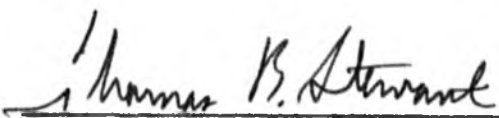
Mrs. Hermann moved that the Convention accept the Committee report as to sending out invitations. Mrs. Sweeney seconded. After discussion by Mr. Doogan, Mr. McNeese, Mr. White, Mr. Londborg, Mr. Kilcher and Mr. Coghill, the question was called. On voice vote the motion was adopted.

Mr. Boswell asked unanimous consent that the Convention adjourn until 9 a.m., Monday.

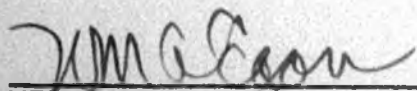
Mr. Sundborg announced a meeting of the Committee on Style and Drafting on adjournment.

Mr. McNealy announced a meeting of the Committee on Ordinances on adjournment.

There being no objection to the unanimous consent request, the Convention adjourned at 4:30 p.m., until Monday at 9 a.m.

  
THOMAS B. STEWART  
Secretary

Attested:

  
WILLIAM A. EGAN  
President

OK

Constitutional Convention  
Journal/48  
Approved Jan. 28, 1956

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL OF THE FIFTY-NINTH CONVENTION DAY, Friday, January 20, 1956

The Convention was called to order at 9 a.m. by President Egan.

Invocation was given by the Rev. John Stokes of the University Community Presbyterian Church.

Roll call showed all members present. The President declared a quorum to be present.

Mr. Davis introduced the report of the Committee on Style and Drafting which included Committee Proposal No. 15.

Committee Proposal No. 15, by the Committee on Style and Drafting, entitled GENERAL AND MISCELLANEOUS PROVISIONS, was read the first time and referred to the Rules Committee for assignment to the calendar.

Committee Proposal No. 6~~8~~ was considered again.

Mr. Rosswog moved the adoption of the following committee amendment:

Strike Section 5 and substitute the following:

"Section 5. The governing body of the organized borough shall be the assembly. The composition of the assembly shall be established in accordance with law or charter, provided that each city of the first class and each city of any other class designated by law shall be represented by one or more persons who shall be members of the city council and that the additional members of the assembly shall be elected from and by the qualified voters living outside such cities."

Mr. Knight seconded. After discussion by Mr. Hurley, Mr. McLaughlin, Mr. Gray, Mr. Davis and Mr. Johnson, the question was called. On voice vote the amendment was ordered adopted.

Mr. Rosswog asked unanimous consent for the adoption of the following committee amendment:

Section 7, page 3, line 13, change "a maximum" to read "the greatest possible measure".

There being no objection to the amendment, it was ordered adopted.

Mr. Rosswog asked unanimous consent for the adoption of the following committee amendment:

Section 8, page 3, line 16, change "standards" to "provisions".

There being no objection to the amendment, it was ordered adopted.

Mr. Rosswog requested a short recess. There being no objection, it was so ordered.

#### AFTER RECESS

Telegrams from Vernon Haik, President, Izaak Walton League of America, Anchorage; Luther Dillon, Anchorage; Tom Moore, President, Alaska Guides Association, Anchorage; A. W. Boddy, President, Alaska Sportsmen Council; and Wm. L. Paul, Grand Master, Alaska Native Brotherhood, asking the Convention to reconsider the action taken on the Resources article in not providing for separate commission plan for management of Wildlife and Commercial fisheries, were read and ordered filed.

At the request of George Sundborg, and with the unanimous consent of the Convention, the following telegram from Delegate E. L. Bartlett was ordered spread on the Journal:

"William A. Egan, President  
Constitutional Convention  
College, Alaska

Following message from me is based upon many and repeated requests I make public my position regarding Tennessee Plan and I transmit it to you because it is my understanding Constitution Convention is giving consideration to Plan:

"Many times during the last several months I have been asked to give my opinion as to whether Alaska should adopt the so-called Tennessee Plan in an effort to promote the cause of statehood,

"My reluctance to state that opinion until this time has been based upon a number of reasons. Chiefly, perhaps, I desired to make at least a preliminary estimate of statehood attitudes in the second session of the 84th Congress in conjunction with the president's 1956 State of the Union message.

"Further, I wanted additional time to make a reasonable evaluation of the Tennessee plan's chances of success in the mid-20th century, remembering that many, many years have gone by since it was last used. Whether or not it can be translated to these times with equal effectiveness is, of course, that which only the future will definitively disclose.

"A more positive statement can be made as to the probabilities of attaining statehood now by the traditional approaches. Those prospects are bleak. No hopeful sign has presented itself from any source since this session of Congress began earlier in the month and he would be an optimist indeed who would predict favorable action soon.

"So the cause of statehood is not advancing now. Indeed, there are those who suggest that interest is tending to decrease rather than increase and that unless a stimulating factor is added Alaskans may have to wait long before coming into the day when statehood is attained.

"The Tennessee plan could provide that stimulating factor; its impact could jar the nation and the Congress from lethargy. The election and sending to Washington of two United States senators and a representative in the house might provide the fulcrum needed to jar statehood from dead center, or to use another metaphor, might be the instrument to remove the key long creating the jam.

"After talking with many members of Congress, after making a very careful analysis of the situation in general, I am convinced that if Alaska were to adopt the Tennessee Plan practically all statehood supporters in Washington would welcome this active demonstration of Alaska's determination to win a rightful place in the union of states; and whatever resentment at this bold, but certainly not unique, approach which might be felt, or expressed, would be far more than outweighed by the benefits.

"In summation, I am bound in candor to state that without the Tennessee Plan a combination of circumstances, not at this time to be readily foreseen, will be needed to bring statehood soon.

"If the Tennessee Plan is adopted it might well shorten the long road to statehood. I can see distinct possibility of gain; I see only remote possibilities of loss.

"The Tennessee Plan has elements of the daring and the imaginative attractive to the people of a frontier land as has been made apparent to me by the many expressions of support from Alaskans for the proposal.

"It is my understanding that the Tennessee Plan is before the Constitutional Convention now in session at the University of Alaska. If adopted there, it will be presented to Alaska voters for final determination in April. As one who through the years

has had an abiding conviction that statehood more than any other one thing is essential for Alaska for its own sake and for the sake of the nation, I am bound to support any just and reasonable way to hasten statehood's coming. The Tennessee Plan is such a way.

"With the above statement of my own position, I desire to add that if the Constitutional Convention and the voters in April decide to try the Tennessee Plan, it will have my continuing support."

signed/ E. L. Bartlett

Committee Proposal No. 6a was considered again.

Mr. Hellenthal moved and asked unanimous consent for the adoption of the following amendment:

Section 1, transfer the last sentence to Miscellaneous provisions under Committee Proposal No. 15.

Mr. Metcalf objected. Mrs. Fischer seconded. After discussion by Mr. Hurley, Mr. Hellenthal, Mr. Londborg, Mr. Johnson and Mr. R. Rivers, Miss Awes asked if Mr. Hellenthal would amend his amendment to read that the last sentence be stricken.

Mr. Hellenthal asked unanimous consent to withdraw his original amendment. There being no objection, it was so ordered.

Mr. Hellenthal moved the adoption of the following amendment:

Section 1, delete the last sentence.

Miss Awes seconded. Mr. Rosswog requested a roll call vote. The roll was called with the following result:

Yeas: 25 - Awes, Barr, Cross, Davis, Doogan, Emberg, H. Fischer, Gray, Hellenthal, Hermann, Hilscher, Hinckel, Knight, McNealy, Marston, Nerland, Poulsen, Riley, R. Rivers, Stewart, Sundborg, Taylor, VanderLeest, Wien and Mr. President

Nays: 26 - Armstrong, Boswell, Collins, Cooper, V. Fischer, Harris, Hurley, Johnson, Kilcher, King, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNees, Metcalf, Nolan, Nordale, Peratrovich, Reader, V. Rivers, Rosswog, Smith, Sweeney, and Walsh

Absent: 4 - Buckalew, Coghill, Robertson, and White

and so the amendment failed.

Mr. Johnson moved the adoption of the following amendment:

Section 2, page 1, line 12, after word "in" add words "School Districts,"; line 14, after word "organized" add words "school districts,".

Mr. Knight seconded. After discussion by Mr. Johnson, Mr. Emberg and Mr. Kilcher, Mr. Taylor moved the adoption of the following amendment to the amendment:

Line 12, page 1, after "boroughs" add "Public Utility Districts, Public Improvement District, Health Districts".

Mr. McNealy seconded. Mr. Johnson rose to a point of order that the amendment was not an amendment to his amendment. Mr. Londborg rose to a point of order to state that if the amendment to the amendment carried, the original amendment would be divisible.

The President declared a short recess to discuss the point of order.

#### AFTER RECESS

The President held that Mr. Taylor's amendment was not germane to the amendment and was out of order.

After discussion on the amendment by Mr. Taylor, Mr. Davis, Mr. Hinckel, Mr. Hilscher, Mr. V. Rivers, Mrs. Nordale, Mr. McCutcheon, and Mr. Londborg, Mr. Cooper moved that the Convention recess for twenty minutes. Mr. Rosswog stated that the Committee on Local Government would meet during the recess. There being no objection to the recess, the President declared the Convention at recess for twenty minutes.

#### AFTER RECESS

After further discussion on the amendment by Mr. Smith, Mr. V. Fischer, Mr. Hinckel and Mr. Sundborg, the question was called. Mr. Johnson requested a roll call. The question being "Shall the amendment offered by Mr. Johnson be adopted?", the roll was called with the following result:

Yeas: 9 - Cooper, Davis, Johnson, ~~Laws~~, Londborg, Nerland, Nolan, Peratrovich, and Walsh

Nays: 43 - Armstrong, Awes, Barr, Boswell, Buckalew, Collins, Cross, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Kilcher, King, Knight, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nordale, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Wien, and Mr. President

Absent: 3 - Coghill, Robertson, and White

and so the amendment failed.

Mr. Rosswog asked unanimous consent for the adoption of the following committee amendment:

Section 1, page 1, lines 8 and 9, strike "provisions of this article" and substitute "powers of local governments".

After discussion, Mr. V. Rivers requested a short recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. Rosswog spoke on a matter of personal privilege.

Mr. Rosswog asked unanimous consent to withdraw the committee amendment to Section 1. There being no objection, it was so ordered.

Mr. Rosswog asked unanimous consent for the adoption of the following committee amendment:

Section 1, line 8, strike remainder of sentence after word "the" and substitute "powers of local governments".

There being no objection to the amendment, it was ordered adopted.

Mr. Taylor asked unanimous consent to withdraw his amendment to Section 2, which had been declared out of order earlier.

Mr. Laws asked unanimous consent to change the comma at the end of Section 4 to a period. There being no objection, it was so ordered.

Mr. Taylor moved the adoption of the following amendment:

Section 5 as amended, line 7, strike words "from and".

Mr. V. Rivers asked that the amendment be submitted to the committee before action was taken. Mr. V. Rivers asked unanimous consent that the amendment be held over until after a recess at which the committee could consider it. There being no objection, it was so ordered.

Mr. Hurley moved the adoption of the following amendment:

Section 6, page 3, line 9, delete comma, insert a period and strike balance of the section.

Mr. McNealy seconded.

After discussion by Mr. Hurley, Mr. McNealy, Mr. Marston, Mr. Rosswog, Mr. V. Rivers, Mr. Kilcher and Mr. Taylor, Mr. Hurley closed the argument. On voice vote the amendment failed.

Mr. V. Fischer moved the adoption of the following committee amendment:

Section 6, page 2, line 24, after "within" insert "the whole or".

Mr. Hinckel objected. Mr. V. Rivers seconded. After questioning Mr. V. Fischer, Mr. Hinckel withdrew his objection.

After discussion by Mr. R. Rivers, Mr. McCutcheon, and Mr. Hellenthal on the rule requiring amendment to be submitted to the Committee, Mr. Rosswog asked unanimous consent that the Convention recess until 1:30 p.m. Prior to recess the following committee meetings were announced: Administration at noon; Engrossment and Enrollment at 1 p.m.; Ordinance on recess; Rules on recess; Local Government at 12:45 p.m.

There being no objection to the unanimous consent request, the Convention recessed until 1:30 p.m.

#### AFTER RECESS

Mr. Riley asked unanimous consent for the adoption of the following proposed additions to the rules:

"Rule 16c. Insert after second sentence:

Proposals containing more than one Article or which in the Committee's judgment contain subject matter properly divided into more than one Article, shall, by the Committee, be separated into appropriate Articles and may be reported back to the Convention Article by Article.

Rule 44.

8a. The reading of a Proposal incident to Style and Drafting's report, if said report be accepted by the Convention, shall be deemed to be the Proposal's third reading before the Convention, whereupon the Proposal shall be before the Convention for final passage."

Mr. Hellenthal objected. Mr. Riley so moved. Mr. Davis seconded.

After discussion by Mr. Hellenthal, Mr. Davis and Mr. Sundborg, the President stated he believed it would be best to have a recess so that delegates having questions could discuss them with the Rules

Committee. After further discussion by Mr. Riley, Mrs. Hermann, Mr. McNees, Mr. Sundborg and Mr. Londborg, the President declared a recess so that the Rules Committee could meet.

#### AFTER RECESS

Mr. Riley asked unanimous consent to withdraw the committee's proposed Rule 44 - 8a. There being no objection, it was so ordered.

Mr. Riley asked unanimous consent that the proposed addition to Rule 16c be adopted. There being no objection, it was so ordered.

Mr. V. Fischer asked unanimous consent to withdraw the Committee amendment to Section 6. There being no objection, it was so ordered.

Mr. Rosswog asked unanimous consent for the adoption of the following committee amendment:

Section 6, page 2, line 24, strike "portions of".

There being no objection to the amendment, it was ordered adopted.

Mr. R. Rivers moved and asked unanimous consent for the adoption of the following amendment:

Section 7, page 3, line 12, strike "necessary functions" and substitute "services it deems necessary or advisable".

Mr. Gray objected for information purposes. After hearing an explanation, Mr. Gray withdrew his objection. After further discussion by Mr. Cooper and Mr. Hurley, Mr. R. Rivers moved the adoption of the amendment. Mr. White seconded. On voice vote the amendment was adopted.

Mr. Cooper moved the adoption of the following amendment:

Section 9, line 2, strike second sentence of section.

Mr. Taylor seconded. After discussion by Mr. Cooper, Mr. V. Fischer, Mr. Coghill and Mr. Johnson, Mr. Cooper closed the argument. Mr. Coghill requested a roll call vote. The roll was called with the following result:

Yeas: 12 - Armstrong, Coghill, Collins, Cooper, H. Fischer, Hurley, King, Laws, Peratrovich, R. Rivers, Stewart, and Taylor

Nays: 39 - Awes, Barr, Boswell, Cross, Davis, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hinkel, Johnson, Kilcher, Lee, Londborg, McCutcheon,

McLaughlin, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Poulsen, Reader, Riley, V. Rivers, Robertson, Rosswog, Smith, Sundborg, Sweeney, VanderLeest, Walsh, White, Wien and Mr. President

Absent: 4 - Buckalew, Hilscher, Knight and McNealy

and so the amendment failed.

Mr. Kilcher moved the adoption of the following amendment:

Section 9, line 24, page 3, strike "of the first class" and insert "organized" before "borough".

Mr. Hinckel seconded. After discussion by Mr. Kilcher, Mr. Gray, Mr. Rosswog, Mr. Londborg, Mr. V. Fischer and Mr. White, the question was called. Mr. Riley asked to abstain from voting since he had been absent during the debate. Mr. Kilcher requested a roll call vote. The roll was called with the following result:

Yeas: 12 - Coghill, Cooper, H. Fischer, Hurley, Kilcher, Londborg, Marston, Peratrovich, Smith, Stewart, Taylor, and White

Nays: 37 - Armstrong, Awes, Barr, Boswell, Collins, Cross, Davis, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hinckel, Johnson, King, Laws, Lee, McCutcheon, McLaughlin, McNees, Metcalf, Nerland, Nolan, Nordale, Poulsen, Reader, R. Rivers, V. Rivers, Robertson, Rosswog, Sundborg, Sweeney, Walsh, Wien, and Mr. President

Absent: 5 - Buckalew, Hilscher, Knight, McNealy, and VanderLeest

Abstaining: 1 - Riley

and so the amendment failed.

After questions from Mr. Robertson, Mr. R. Rivers and Mr. Hinckel, Mr. Hellenthal rose to a point of order to state there was no motion on the floor. The President stated that he was allowing questions.

Mr. Kilcher moved the adoption of the following amendment:

Section 9, line 24, strike "of the first class" and after "city" strike "of the" and on line 25 strike "first class".

Mr. Taylor seconded. On voice vote the amendment failed.

Mr. Coghill moved the adoption of the following amendment:

Section 10, page 4, line 13, change "may" to "shall".

Mr. Cooper seconded. After discussion by Mr. Coghill and Mr. Rosswog, the question was called. The President being in doubt on the voice vote ordered a roll call. The roll was called with the following result:

Yeas: 12 - Coghill, Collins, Cooper, H. Fischer, Harris, Hurley, Johnson, Laws, Peratrovich, Reader, Taylor, and White

Nays: 35 - Armstrong, Awes, Boswell, Cross, Davis, Doogan, Emberg, V. Fischer, Gray, Hellenthal, Hermann, Hinckel, Kilcher, King, Lee, McCutcheon, McLaughlin, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Poulsen, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sweeney, Walsh, Wien, and Mr. President

Absent: 8 - Barr, Buckalew, Hilscher, Knight, Londborg, McNealy, Sundborg, and VanderLeest

and so the amendment failed.

Mr. Rosswog asked unanimous consent for the adoption of the following committee amendment:

Section 12, page 4, line 20, after "commission" insert: "in the executive branch".

Mr. Kilcher objected. Mr. R. Rivers seconded. Mr. Kilcher withdrew his objection and on voice vote the amendment was adopted.

Mr. Cooper asked for a recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. Cooper spoke on a matter of personal privilege.

Mr. White asked unanimous consent for the adoption of the following amendment:

Section 12, page 4, lines 20 and 21, insert the words "or board" after "commission".

Mr. Taylor objected. Mr. White so moved. Mr. Cooper seconded. Mr. Coghill asked if the amendment could be extended to include the insert on page 5, line 3. Without objection, the suggestion was included in the amendment. On voice vote the amendment was adopted.

Mr. Hurley moved the adoption of the following amendment:

Section 12, line 25, page 4, strike "at the end of" and line 1, page 5, strike "the session unless disapproved," and insert therefor the words "when approved".

Mr. Riley seconded. After discussion by Mr. Hurley, Mr. Doogan, Mr. Gray, Mr. Taylor, Mr. Sundborg and Mr. Kilcher, the roll was called with the following result:

Yeas: 17 - Armstrong, Boswell, Coghill, H. Fischer, Hermann, Hurley, Johnson, Kilcher, Laws, Londborg, Nolan, Peratrovich, Reader, Riley, Taylor, Walsh, and Mr. President

Nays: 32 - Awes, Collins, Cooper, Cross, Davis, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hinckel, King, Lee, McCutcheon, McLaughlin, McNees, Marston, Metcalf, Nerland, Nordale, Poulsen, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, White, and Wien

Absent: 6 - Barr, Buckalew, Hilscher, Knight, McNealy, and VanderLeest

and so the amendment failed.

Mr. Gray asked unanimous consent for a twenty-minute recess. The President announced there would be a luncheon meeting of Committee Chairmen Saturday at 1:30 p.m. Mr. Coghill announced there would a dinner meeting of the Committee on Administration this date. There being no objection to the unanimous consent request, the Convention recessed until 3:55 p.m.

#### AFTER RECESS

Mr. White moved the adoption of the following amendment:

Section 10, page 4, line 14: strike the words "classes of".

Mr. Cooper seconded. After discussion by Mr. Cooper, Mr. White and Mr. V. Rivers, the question was called. On voice vote the amendment failed.

Mr. Taylor moved the adoption of his amendment to Section 5 as amended, presented earlier, to strike "from and" on line 7. Mr. R. Rivers seconded.

After discussion by Mr. Taylor, Mr. Hellenthal, Mr. Rosswog, Mr. Hurley, Mr. Davis, Mr. Londborg, Mr. Metcalf, Mr. Doogan, Mr. R. Rivers, and Mr. Coghill, Mr. Taylor closed the argument. Mr. Londborg requested a roll call vote. The roll was called with the following result:

Yeas: 8 - Davis, Hellenthal, Hermann, Marston, Nerland, Riley, V. Rivers, and Taylor

Nays: 39 - Armstrong, Awes, Barr, Boswell, Coghill, Collins, Cooper, Cross, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hinckel, Hurley, Johnson, Kilcher, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNees, Metcalf, Nordale, Poulsen, Reader, R. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Walsh, White, Wien, and Mr. President

Absent: 8 - Buckalew, Hilscher, King, Knight, McNealy, Nolan, Peratrovich, and VanderLeest

and so the amendment failed.

Mr. Riley requested a five-minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mrs. Sweeney asked unanimous consent to revert to the business of committee reports. There being no objection, it was so ordered.

Mrs. Sweeney reported that the Committee on Engrossment and Enrollment, to whom had been referred Committee Proposal No. 9, had compared the same with the original and found it correctly engrossed and the first enrolled copy correctly enrolled. Mrs. Sweeney asked unanimous consent for the adoption of the report. There being no objection, it was so ordered.

Committee Proposal No. 9 was ordered referred to the Committee on Style and Drafting.

Mr. Sundborg submitted a report of the Committee on Style and Drafting consisting of the redraft of the Article on the Judiciary. The report was referred to the Rules Committee for assignment to the calendar.

Mr. Hurley moved that the Convention rescind its action on the amendment by Mr. White to Section 10, to strike the word "classes". Mr. Taylor seconded. Mr. Gray asked to abstain from voting since he had been absent during the debate. After discussion by Mr. Doogan, Mr. R. Rivers, Mr. V. Fischer and Mr. Sundborg, the roll was called with the following result:

Yeas: 34 - Armstrong, Barr, Boswell, Coghill, Cooper, Davis, Emberg, H. Fischer, V. Fischer, Harris, Hermann, Hinckel, Hurley, Johnson, Kilcher, Laws, Lee, Londborg, McLaughlin, McNealy, McNees, Metcalf,

Nordale, Reader, Riley, R. Rivers, Smith, Sundborg, Sweeney, Taylor, Walsh, White, Wien and Mr. President

Nays: 13 - Awes, Collins, Cross, Doogan, Hellenthal, Knight, McCutcheon, Marston, Nerland, Poulsen, V. Rivers, Robertson, and Rosswog

Absent: 7 - Buckalew, Hilscher, King, Nolan, Peratrovich, Stewart, and VanderLeest

Abstaining: 1 - Gray

Before the result of the roll call was announced, Mr. Gray asked to be allowed to vote. Mr. McCutcheon rose to a point of order that once notice has been given to abstain, a person cannot decide to vote later. The President stated that Mr. McCutcheon's point of order was well taken.

The President announced that the action had been rescinded. Mr. Gray announced that this was the amendment on which he wished to abstain from voting. Permission was granted.

The question being "Shall Mr. White's amendment to Section 10 be adopted?", the roll was called with the following result:

Yeas: 33 - Armstrong, Barr, Boswell, Coghill, Collins, Cooper, Davis, Emberg, H. Fischer, V. Fischer, Harris, Hellenthal, Hermann, Hinckel, Hurley, Johnson, Kilcher, Laws, Lee, Londborg, McLaughlin, McNealy, McNees, Metcalf, Nordale, Riley, R. Rivers, Smith, Sundborg, Taylor, Walsh, White, and Wien

Nays: 14 - Awes, Cross, Doogan, Knight, McCutcheon, Marston, Nerland, Poulsen, Reader, V. Rivers, Robertson, Rosswog, Sweeney, and Mr. President

Absent: 7 - Buckalew, Hilscher, King, Nolan, Peratrovich, Stewart and VanderLeest.

Abstaining: 1 - Gray

and so the amendment was adopted.

Mr. R. Rivers moved the adoption of the following amendment:

Section 15, page 6, line 2, after the word "integration" insert the following", consistent with the provisions of this article,".

Mr. Doogan seconded. After discussion by Mr. R. Rivers, Mr. Barr and Mrs. Nordale, the question was called. The roll was called with the following result:

Yeas: 25 - Armstrong, Cooper Cross, Doogan, Emberg, H. Fischer, V. Fischer, Harris, Hellenthal, Hinckel, Hurley, Kilcher, Londborg, Metcalf, Nerland, Nordale, R. Rivers, V. Rivers, Rosswog, Smith, Sundborg, Taylor, Walsh, White and Wien

Nays: 24 - Awes, Barr, Boswell, Coghill, Collins, Davis, Gray, Hermann, Hilscher, Johnson, Knight, Laws, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Poulsen, Reader, Riley, Robertson, Sweeney, and Mr. President

Absent: 6 - Buckalew, King, Nolan, Peratrovich, Stewart, and VanderLeest

and so the amendment was adopted.

Mrs. Sweeney moved that when the Convention adjourn it be until 9 a.m. Saturday. Mr. McCutcheon rose to a point of order to state that adjournment is always until 9 a.m.

Mrs. Sweeney moved that the Convention adjourn at this time until 9 a.m. Mr. Knight seconded. On voice vote the motion failed.

Mr. Johnson moved that the Convention recess until 7 p.m. Mrs. Hermann seconded. On voice vote the motion failed.

There being no further amendment to Committee Proposal No. 6a, the question of adopting the name of the local government unit "borough", as suggested by the committee or another name, was up for consideration. The following suggestions were made: "county" by Mr. McNealy, Mr. Barr and Mr. Laws; "canton" by Mr. Kilcher and Mr. Hellenthal; "province" by Mr. Hilscher, Mr. Marston and Mr. McNees; "division" by Mr. Boswell; "district" by Mr. Poulsen. After discussion on the proposed changes in accordance with the special rule adopted the previous day, the roll was called with each delegate naming his choice. The result was as follows:

Borough: 27 - Armstrong, Awes, Cross, Doogan, Emberg, V. Fischer, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Lee, McCutcheon, McLaughlin, Marston, Metcalf, Nerland, Nordale, V. Rivers, Robertson, Rosswog, Sundborg, Sweeney, Taylor, Walsh, White, and Mr. President

County: 16 - Barr, Coghill, Collins, Cooper, Davis, H. Fischer, Gray, Harris, Johnson, Knight, Laws, Londborg, McNealy, Reader, Smith, and Wien

Canton: 1 - Kilcher

District: 2 - Poulsen and Riley

Division: 2 - Boswell and R. Rivers

Province: 2 - Buckalew and McNees

Absent: 5 - King, Nolan, Peratrovich, Stewart, and VanderLeest

and so the name of "borough" was adopted.

Mr. McNees moved that the name "borough" be adopted unanimously. Mr. Buckalew and Mr. Barr objected. The motion died for lack of a second.

Mrs. Hermann moved that the Convention recess until 7:30 p.m. Mr. McCutcheon seconded.

Committee Proposal No. 6a was referred to the Committee on Engrossment and Enrollment.

The question being, "Shall the Convention recess until 7:30 p.m.?" The roll was called with the following result:

Yeas: 36 - Armstrong, Awes, Barr, Boswell, Buckalew, Cooper, Davis, Doogan, Emberg, V. Fischer, Gray, Hermann, Hilscher, Hurley, Johnson, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNees, Marston, Metcalf, Nerland, Nordale, Poulsen, Riley, R. Rivers, V. Rivers, Robertson, Smith, Sundborg, Taylor, Walsh, Wien, Mr. President.

Nays: 13 - Coghill, Collins, Cross, H. Fischer, Harris, Hinckel, Kilcher, Knight, McNealy, Reader, Rosswog, Sweeney, White.

Absent: 6 - Hellenthal, King, Nolan, Peratrovich, Stewart and VanderLeest.

and so the Convention recessed until 7:30 p.m.

#### AFTER RECESS

Mr. R. Rivers, Second Vice-President, presided in the necessary absence of the President and the First Vice-President.

Committee Proposal No. 11 was read the second time.

Mr. V. Rivers explained the article.

Mr. Boswell asked unanimous consent for the adoption of the proposal.

The Chairman declared a short recess.

#### AFTER RECESS

The Chairman stated that Mr. Boswell's motion was not necessary and that Committee Proposal No. 11 would be referred to the Committee on Engrossment and Enrollment.

Committee Proposal No. 12 was read the second time.

Mr. V. Rivers, Chairman of the Committee on the Executive Branch gave a brief explanation of the article.

Mr. V. Rivers asked unanimous consent that the following committee amendment to Committee Proposal No. 12 be considered a part of the report:

"Section 6. The University of Alaska. The University of Alaska is hereby established as the state university and constituted as a body corporate. It shall have title to all the real and personal property now or hereafter set aside for or conveyed to it, which shall be held in public trust for its purposes, to be administered and disposed of according to law. There shall be a board of regents of the University of Alaska, the members of which shall be nominated and appointed by the Governor, by and with the advice and consent of a majority of the members of both houses of the Legislature in joint session. The Board shall have power, in accordance with law, to formulate policy, and to appoint the President of the University, who shall be its executive officer."

There being no objection, it was so ordered.

After a question period, without objection, the Convention recessed for the purpose of a committee meeting to discuss proposed amendments.

AFTER RECESS

Mr. V. Rivers moved and asked unanimous consent for the adoption of the following committee amendment: Section 1, line 1, delete the word "shall" insert the word "may". Mr. Smith objected. Mr. Knight seconded.

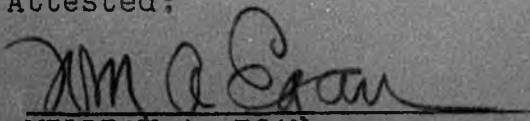
After discussion by Mr. V. Rivers, Mr. Johnson, Mr. Smith, Mr. Nolan, Mr. Taylor, Mr. Metcalf and Mr. Gray, the President declared a short recess.

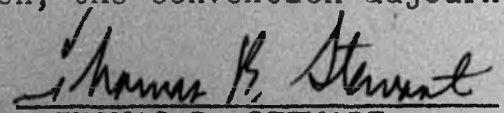
AFTER RECESS

After further discussion by Mr. Johnson, Mrs. Nordale and Mr. Harris, Mr. Cooper spoke on a matter of personal privilege, regarding the number of delegates who were absent.

Mr. Cooper asked unanimous consent that the Convention adjourn until 9 a.m. Saturday. There being no objection, the Convention adjourned at 8:30 p.m. until 9 a.m. Saturday.

Attested:

  
WILLIAM A. EGAN  
President

  
THOMAS B. STEWART  
Secretary

Constitutional Convention  
Journal/47  
Approved Jan 25, 1956

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL OF THE FIFTY-EIGHTH CONVENTION DAY, Thursday, January 19, 1956

The Convention was called to order at 9 a.m. by President Egan.

The Invocation was given by the Rev. A. L. Moore of the Seventh Day Adventist Church.

Roll call showed all members present. The President declared a quorum to be present.

Mrs. Hermann asked that Mr. Peratrovich and Mr. Nolan, who were absent when reports were made after the recess, report on the hearings held in their communities during the recess in order to make the record complete.

Mr. Peratrovich reported that well-attended hearings were held in Klawock and Craig and stated the people were tremendously interested in the Convention.

Mr. Nolan reported he spoke at one public hearing sponsored by the Chamber of Commerce in Wrangell, and answered questions regarding the Constitution nearly every day he was home during the recess.

Committee Proposal No. 8a was considered again.

Mr. Hinckel moved the adoption of the following amendment:

Section 12, page 5, lines 15, 16 and 17, place a period after the word "law" and strike the balance of the section.

Mr. Cooper seconded. After discussion by Mr. Hinckel, Mr. Hellenthal, Mr. White and Mr. Riley, Mr. Smith requested a five-minute recess. There being no objection, it was so ordered.

AFTER RECESS

A communication from the Arctic Circle Chamber of Commerce, Kotzebue, regarding the legislative article, was read and ordered filed.

58th Day, Thursday, Jan. 19, 1956

Telegrams from the Anchorage Sportsmen's Association; Ed M. Howell, Anchorage; Vice-President, Alaska Sportsmen's Council, Anchorage; and Alton B. Cross, President, Alaska Range Association, urging the adoption of the recommendation of the Alaska Sportsmen's Council in the Constitution, were read and ordered filed.

Mr. Hinckel asked unanimous consent to withdraw his amendment, since the Committee on Resources would be submitting one in its place. There being no objection, it was so ordered.

Mr. Riley asked unanimous consent for the adoption of the following committee amendment:

Section 9, page 3, line 16, after third word "of" add the words "and the issuance of exploration permits on"; Section 12, page 5, line 11, after the word "areas" insert a comma and add "subject to reasonable concurrent exploration as to different classes of minerals,".

There being no objection to the amendment, it was ordered adopted.

The President recognized in the gallery the sixth grade class from Denali School, Fairbanks, and expressed pleasure at having them present at the plenary session.

Mr. Rosswog requested a short recess. There being no objection, it was so ordered.

#### AFTER RECESS

Committee Proposal No. 6a was read the second time.

Chairman Rosswog gave a short explanation of the article. Mr. V. Rivers and Mr. V. Fischer supplemented Mr. Rosswog's explanation.

Mr. Barr moved that the Convention recess for fifteen minutes so that the Committee on Local Government could meet with delegates. There being no objection, it was so ordered. Mr. Sundborg announced that the Committee on Style and Drafting would meet during the recess.

#### AFTER RECESS

Questions by the delegates addressed to members of the Committee on Local Government regarding the proposal followed.

At noon Mr. Barr moved and asked unanimous consent that the Convention recess until 1:30 p.m. The following committee meetings were announced prior to recess: Style and Drafting at 12:45 p.m.; Local Government at 1 p.m.

There being no objection to the unanimous consent request, the Convention recessed until 1:30 p.m.

#### AFTER RECESS

The Convention was called to order and the following communications were read:

Letter from the Stikine Sportsmen's Association of Wrangell signed by Maurice S. Buness, Secretary-Treasurer, stating their recommendations concerning commercial fisheries and wildlife in the Constitution.

A communication from Senator Estes Kefauver congratulating the delegates on their work in drawing a Constitution for the future State of Alaska and pledging his support.

A letter from Harry S. Truman wishing success to the delegates in framing a Constitution.

A letter from the Nenana Hi-Lites, Nenana Public School paper, signed by Judith Leise, Secretary; Gloria Fredericks, Editor-in-Chief; and William C. Williams, Production Editor, expressing their gratitude for being permitted to attend the Convention and also requesting a thumb-nail biography of each delegate for their special Constitutional Edition to be published February 22nd.

An invitation from the Business and Professional Women of Fairbanks to attend the March of Dimes Benefit Ball to be held at the Elks Club on January 28, 1956.

The President stated he would refer the letter from Nenana to the Committee on Administration, but that he would also make a reply. The other communications were ordered filed.

Mr. Doogan asked unanimous consent to revert to the report of the special committee for reading the Journals. There being no objection, Mr. Doogan asked unanimous consent for approval of the Journal for the 51st day, subject to the following corrections:

Page 2, paragraph 7, insert "R" after "Mr."

Page 9, first sentence, after "Mr. Knight", change the word "objected" to "seconded."

There being no objection to the unanimous consent request, it was so ordered.

Mr. Knight asked unanimous consent for the approval of the Journal for the 52nd day. There being no objection, it was so ordered.

Discussion of Committee Proposal No. 6a continued.

The President declared a recess until 3:30 p.m. for the purpose of permitting delegates who had amendments to offer to check them with the Committee on Local Government.

Mr. Sundborg announced a meeting of the Committee on Style and Drafting during the recess.

Mr. Johnson rose to a point of inquiry regarding the rule which requires amendments to be cleared with the Committee before presentation. Mr. R. Rivers stated that it was not the intention of the Rules Committee to prevent delegates from submitting any amendment of which the substantive committee did not approve.

Mr. McNealy announced a meeting of the Committee on Ordinances on recess.

Mrs. Sweeney reported that the Committee on Engrossment and Enrollment was holding Committee Proposal No. 14, awaiting the schedule showing the boundaries of the election districts, and asked whether this was the wish of the Convention. Mr. Hellenthal reported the schedule should be ready within a day or two. The President stated he believed the Committee on Engrossment and Enrollment should keep the proposal in its possession until the schedule was received.

There being no objection, the Convention recessed until 3:30 p.m.

#### AFTER RECESS

The Convention was called to order at 3:50 p.m.

Mr. Rosswog asked unanimous consent for the adoption of the following amendment offered by the Committee and Mr. Hellenthal:

Section 1, page 1, line 7, after "tax-levying" add "jurisdictions and otherwise minimize the number of".

Mr. Johnson objected. After discussion by Mr. R. Rivers, Mr. White and Mr. Londborg, the question was called. On voice vote the amendment was adopted.

Mr. Rosswog asked unanimous consent for the adoption of the following amendment:

Section 2, page 1, line 13, strike "only"; line 14, insert "only" after "cities".

There being no objection to the amendment it was ordered adopted.

Mr. Hilcher offered the following amendment:

Section 2, line 12, change "borough" to "province" and throughout the article.

Mr. Hellenthal moved and asked unanimous consent that in order to expedite matters that all amendments relating to changing the word "borough" be held until all other amendments to the article have been considered. Mr. Sundborg seconded. There being no objection, the motion was adopted by unanimous consent.

Mr. Rosswog asked unanimous consent that Section 5 be held over until the Committee could reword it.

Mr. Rosswog asked unanimous consent for the adoption of the following committee amendment:

Section 6, page 3, line 1, after the word "law" insert "or charter".

There being no objection to the amendment, it was ordered adopted.

Mr. Robertson asked whether in Section 8, line 11, it would not be better to use the word "provisions" instead of "standards". Mr. Rosswog stated the Committee would have no objection, but thought it could be taken care of in Style and Drafting.

Mr. Rosswog asked unanimous consent for the adoption of the following committee amendment:

Section 12, page 4, line 22, after "proposed" insert "local government".

There being no objection to the amendment, it was ordered adopted.

Mr. Rosswog asked unanimous consent for the adoption of the following amendment to Section 13, page 5, line 11:

Strike "for a" and substitute ", including".

There being no objection to the amendment, it was ordered adopted.

Mr. Kilcher and Mr. Hinckel asked questions regarding Section 12, answered by Mr. V. Fischer. Mr. Johnson asked a question regarding Section 13, which Mr. V. Fischer answered.

Mr. Hellenthal moved the adoption of the following amendment:

Section 14, line 18, page 5, delete "shall" and insert "may".

Mr. McLaughlin rose to a point of information to ask whether Mr. Hellenthal had checked with the Committee. Mr. Rosswog stated the Committee was consulted on the matter but decided to leave the section as it was. Mr. Knight seconded Mr. Hellenthal's motion. After discussion by Mr. Hellenthal, Mr. Rosswog, Mr. Hurley, and Mr. Gray, the question was called. On voice vote, the amendment failed.

Mr. Robertson asked unanimous consent for the adoption of the following amendment:

Section 14, line 21, page 5, insert "their" before "charter".

Mr. R. Rivers objected. Mr. Robertson so moved. Mr. Hellenthal seconded. After discussion by Mr. Robertson, Mr. R. Rivers and Mr. V. Fischer, Mr. R. Rivers withdrew his objection. Mr. Robertson renewed his unanimous consent request. There being no objection, the amendment was ordered adopted.

Mr. Riley asked unanimous consent for the adoption of the following amendment:

Section 14, line 20, delete "which shall" and insert the word "to"; line 22. insert "to" before the word "collect".

There being no objection to the amendment, it was ordered adopted.

Further questions were put to the Committee.

There being no further amendments at this time, Chairman Rosswog requested a fifteen-minute recess for the purpose of a Committee meeting. Mr. Coghill announced a meeting of the Committee on Administration during the recess. Mr. Riley announced a meeting of the Committee on Rules during the recess.

There being no objection, the Convention recessed for fifteen minutes.

#### AFTER RECESS

Mr. Coghill moved and asked unanimous consent that the Convention adjourn until 9 a.m., Friday.

Mr. Rosswog stated the Committee on Local Government had a long amendment which needed to be mimeographed and that it approved of adjournment at this time.

Mr. Riley asked unanimous consent for the adoption of the following temporary rule:

"Before any amendment as to the name of the local government unit designated as "borough" in Committee Proposal No. 6a shall

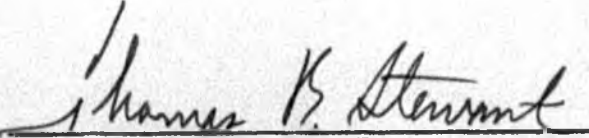
be in order, all names which are to be considered will be submitted to the Chief Clerk and read, that the proponent of each name be allowed not more than three minutes to speak in favor of his suggestion, that the Local Government Committee be given five minutes to defend use of the term "borough", that the roll of Delegates be called with each member to answer with his choice of all the names proposed including "borough", that successive run-off roll calls be taken, dropping one name each time, until the Convention's first choice is determined."

There being no objection, the temporary rule was ordered adopted.

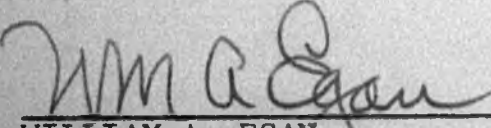
Mr. Sundborg announced that the Committee on Style and Drafting would meet this evening in Fairbanks.

Mr. Rosswog announced a meeting of the Committee on Local Government on arrival at Convention Hall, Friday morning.

There being no objection to Mr. Coghill's unanimous consent request for adjournment, the Convention adjourned at 5:30 p.m. until 9 a.m. Friday.

  
\_\_\_\_\_  
THOMAS B. STEWART  
Secretary

Attested:

  
\_\_\_\_\_  
WILLIAM A. EGAN  
President

Constitutional Convention  
Journal/46  
Approved

Jan. 25, 1956

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL FOR THE FIFTY-SEVENTH CONVENTION DAY, Wednesday, January 18, 1956

The Convention was called to order at 10:40 a.m. by President Egan.

The Invocation was given by the Rev. John O. Jeffcoet of the Native Baptist Church.

Roll call showed all members present. The President declared a quorum to be present.

The President declared a short recess for the purpose of having a group photograph taken.

AFTER RECESS

Mr. Knight asked unanimous consent that the Journal for the 50th day be approved subject to the following changes:

Page 10 - fourth paragraph from the top of the page, strike the letter "s" from "Mrs."

Page 13 - sixth paragraph from the top of the page, delete "proposed" and insert "proper".

Page 15 - after the last roll call vote, 8th line from the bottom of the page, change "ans" to "and".

There being no objection, the Journal for the 50th day was approved as corrected.

Mr. Sundborg reported that the Committee on Style and Drafting had the following report and recommendations to make:

(1) That the Rules Committee develop a procedure for scheduling the consideration of the reports from the Style and Drafting Committee which will include the revised language of proposals which have been referred to it. Specifically, that the Rules Committee prepare a calendar for consideration of the reports of the Committee on Style and Drafting.

(2) That the Rules Committee prepare an amendment to the rules which would separate articles which have come up on the floor and have been considered jointly with other articles in a single proposal,

57th Day, Wednesday, Jan. 18, 1956

as in the example of the article on Preamble and Bill of Rights being considered along with the article on Health, Education and Welfare.

(3) That the Style and Drafting Committee had referred directly to the Committee on the Judiciary and to the Committee on Initiative, Referendum and Revision an apparent inconsistency in some of the articles in that some matters are referred to as being done "by the Legislature" and others as being done "by law". The Committees have been asked to resolve such inconsistencies and make recommendations to the Committee on Style and Drafting.

The President asked the Rules Committee to take the suggestions under consideration.

Committee Proposal No. 8a was considered again.

Mr. Smith reported that the committee had met with various delegates and had several committee amendments to present at this time.

Mr. Riley asked unanimous consent for the adoption of the following committee amendment:

Page 1, line 4, place a period after word "interest" and strike the rest of the paragraph.

There being no objection, the amendment was ordered adopted.

Mr. Riley asked unanimous consent for the adoption of the following committee amendment to Section 4:

Page 2, line 7, strike comma after "waters" and insert "as defined by the Legislature,".

There being no objection, the amendment was ordered adopted.

Mr. Riley asked unanimous consent for the adoption of the following committee amendment to Section 11:

Page 4, line 3, strike "mineral or water", and strike on lines 5 and 6, "and to all other resources reserved to the people", retaining the semicolon.

There being no objection, the amendment was ordered adopted.

Mr. Riley asked unanimous consent for the adoption of the following committee amendment:

Section 11, page 4, line 7, strike "beneficial".

There being no objection, the amendment was ordered adopted.

Mr. Riley asked unanimous consent for the adoption of the following committee amendment:

Section 13, page 4, lines 16 and 17, strike the words "during the year 1955" and insert "upon the date of ratification of this Constitution by the people of Alaska".

There being no objection, the amendment was ordered adopted.

Mr. Riley asked unanimous consent for the adoption of the following committee amendment:

Section 13, page 5, line 10, strike "prospecting".

Mr. Taylor objected. Mr. Riley so moved. Mr. Knight seconded. After discussion by Mr. Taylor, Mr. Riley and Mr. Hilscher, Mr. Hellenthal rose to a point of order that amendments to the committee reports are not debatable. The President stated that the point of order was not well taken. After Mr. Barr spoke, the question was called. On voice vote the amendment was adopted.

Mr. Riley asked unanimous consent for the adoption of the following committee amendment:

Section 14, page 5, line 25, insert a period after the word "legislature" and strike the balance of the section.

There being no objection, the amendment was adopted.

Mr. Davis asked unanimous consent for the adoption of the following amendment:

Section 2, the words "belonging to the State" on line 15 be placed after the word "resources" on line 14.

There being no objection, the amendment was adopted.

Mr. Johnson moved the adoption of the following amendment:

Section 5, lines 12 and 13, strike the words "to a commission, or".

Mr. Knight seconded. After discussion by Mr. Johnson, Mr. Rosswog, and Mr. Smith, Mr. Stewart moved to strike Section 5. Mr. White seconded.

There being a question as to which amendment takes precedence, the President declared a short recess.

AFTER RECESS

Mr. Johnson asked unanimous consent to withdraw his amendment to Section 5. There being no objection, it was so ordered.

Mr. Stewart asked unanimous consent to withdraw his proposed amendment at this time. There being no objection, it was so ordered.

Mr. Taylor moved the adoption of the following amendment:

Strike Section 5.

Mr. White seconded.

Mr. Taylor, Mr. Sundborg, Mr. Lee, Mr. White, Mr. King, Mr. V. Rivers and Mr. McNealy spoke on the amendment.

Mr. Riley was recognized.

Mr. Sundborg asked unanimous consent that the Convention recess until 1:30 p.m.

Prior to adjournment the following committee announcements were made:

Resources at 1 p.m.; Ordinances at 1 p.m.; Style and Drafting on recess; Local Government at 1 p.m.

There being no objection to the unanimous consent request, the Convention recessed until 1:30 p.m.

AFTER RECESS

Mr. McNees introduced Miss Sally Carrighar, writer, who was present in the gallery.

Mr. Sundborg rose to a point of order to inquire whether Mr. Taylor's amendment to Committee Proposal No. 8a had been cleared with the committee in accordance with the new rule adopted by the Convention. Mr. Taylor stated it had been cleared with the committee, which did not want to take any action, and the committee advised him to bring it up on the floor.

After discussion by Mrs. Hermann, Mr. White, Mr. Coghill, Mr. Barr, Mr. Smith, Mr. Boswell, Mr. R. Rivers, Mr. Gray, Mr. McCutcheon, Mr. Rosswog, Mrs. Nordale and Mr. V. Rivers, Mr. Armstrong rose to state he had an amendment to offer to Section 5. The President declared a short recess.

#### AFTER RECESS

After further discussion by Mr. White, Mr. V. Rivers, Mr. Armstrong, and Mr. Coghill, Mr. Taylor closed the argument. Mr. McLaughlin rose to a point of order during Mr. Taylor's argument to state he believed Mr. Taylor was casting reflections on some of the delegates by his remarks. The President stated that such remarks were not in order.

Mr. Johnson requested a roll call vote on the question of striking Section 5. The roll was called with the following result:

Yeas: 34 - Awes, Buckalew, Coghill, Davis, Doogan, Emberg, V. Fischer, Harris, Hermann, Hilscher, Hinckel, Hurley, Kilcher, Knight, Londborg, McCutcheon, McLaughlin, McNees, Marston, Metcalf, Nerland, Nordale, Poulsen, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Taylor, VanderLeest, White, Wien and Mr. President

Nays: 21 - Armstrong, Barr, Boswell, Collins, Cooper, Cross, H. Fischer, Gray, Hellenthal, Johnson, King, Laws, Lee, McNealy, Nolan, Peratrovich, Reader, Riley, Sundborg, Sweeney, and Walsh

and so the amendment was adopted.

Mr. Armstrong stated he had an amendment to Section 5. The President declared a short recess.

#### AFTER RECESS

Mr. Kilcher rose to a point of order to state that since Section 5 had been stricken, an amendment to insert a new Section 5 was out of order. The President stated that a motion to strike having been adopted does not make the subject dead.

Mr. Armstrong moved the adoption of the following amendment:

"Section 5. Regulation of commercial fisheries and of the wildlife, including game fish, may be delegated to a principle department of the state or to a commission or to separate commissions under such terms as the legislature may prescribe."

Mr. McNealy seconded.

Mr. Sundborg rose to a point of order to inquire whether the amendment had been submitted to the Committee on Resources.

Mr. Smith stated it had been submitted, but that the Committee took no action.

After discussion by Mr. Gray, Mr. Barr and Mr. Londborg, the question was called. The question being "Shall the amendment offered by Mr. Armstrong be adopted?", on voice vote the amendment failed.

The President advised the Chief Clerk to renumber the sections in accordance with Section 5 having been stricken.

There followed questions of Mr. Riley by Mr. Robertson, Mr. R. Rivers, Mr. Davis and Mr. Barr.

Mr. Marston offered the following amendment:

Insert the following as Section 12 and renumber the succeeding sections in sequence:

"The Legislature shall provide for translating the traditional rights of Alaskans of Indian, Aleut or Eskimo ancestry to the use of land, fishing, hunting and trapping areas into approximately equivalent homestead or other property rights. Provision shall also be made for just compensation for the impairment or extinction of such rights resulting from grants of land or timber or mining rights in the State public domain. Nothing in this section shall be construed to be in lieu of or prejudicial to any aboriginal rights or claims now pending or later to be filed."

The President asked Mr. Marston to defer consideration of his amendment until Sections 10 and 11 had been covered by questions.

Mr. Metcalf and Mr. Barr had further questions on other sections which were answered by Mr. Riley.

Mr. Marston moved the adoption of his amendment. Mrs. Sweeney asked whether Mr. Marston had cleared his amendment with the Committee. Mr. Marston stated that he had and that they were in sympathy with the idea but had not taken any action due to the provisions of H.R. 2535. Mr. Londborg seconded Mr. Marston's motion.

After discussion by Mr. Marston, Mr. McNees, Mr. Londborg and Mr. Smith, the President asked Second Vice-president R. Rivers to take the chair.

After further discussion of the amendment by Mr. Riley, Mr. Hellenthal, Mr. Londborg, Mr. Davis and Mr. McNealy, Mr. V. Rivers asked unanimous consent for a fifteen-minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

The President took the chair.

Mr. Boswell questioned Mr. Hellenthal regarding the amendment. Mr. Barr rose to a point of order to state that no one was addressing the chair.

After Mr. Peratrovich, Mr. McLaughlin, Mr. R. Rivers, Miss Awes and Mr. Coghill spoke on the amendment, Mr. Hellenthal asked unanimous consent that the amendment be deferred until after the dinner recess so that a few delegates could meet and redraft the amendment. Mr. Cooper objected. Mr. Taylor seconded. Mr. Cooper withdrew his objection and asked that the record show that Mr. Hellenthal was in error in stating only a few delegates were interested in working out a solution to the problem presented by the amendment and that the correct statement would be that all the delegates were vitally interested. There being no further objection, action on the amendment was ordered deferred until 7 p.m.

Mr. Coghill rose to a point of inquiry to ask whether Mr. Marston would call a meeting. Mr. Marston stated a meeting would be held immediately on recess.

After discussion the President announced that those interested in Mr. Marston's amendment would meet and draft an amendment and then consider the amendment with the Committee on Resources.

Mr. Riley asked unanimous consent for the adoption of the following committee amendment:

Section 12, Page 5, line 15, insert period after "law" and insert "Like permits and leases may also be authorized by law"; strike word "and".

Mr. Taylor objected. Mr. Riley so moved. After discussion by Mr. Taylor, Mr. Sundborg and Mr. Riley, the question was called. On voice vote, the amendment was adopted.

Mr. Robertson had a question regarding the use of the word "non-metallic". Mr. Riley stated the matter would be taken up at the next recess.

Mr. Kilcher had a question regarding Section 12 and after discussion moved the adoption of the following amendment to Section 12:

Line 11, insert "specific" between words "of exploration".

Mr. Sundborg asked whether the amendment had been cleared with the Committee. Mr. Smith stated the committee waived the need for prior presentation. Mr. Knight seconded Mr. Kilcher's motion for adoption. The President declared a short recess.

AFTER RECESS

After Mr. Kilcher spoke on the amendment, the question was called. On voice vote the amendment failed.

After further questioning by the delegates, Mr. Riley asked unanimous consent for the adoption of the following committee amendment:

Section 13, page 5, line 18, after the word "all" insert "surface and subsurface".

There being no objection, the amendment was ordered adopted.

Mr. Riley asked unanimous consent for the adoption of the following committee amendment:

Section 12, page 4, line 17, strike "now" and substitute "thereafter".

There being no objection the amendment was ordered adopted.

Mr. Riley asked unanimous consent for the adoption of the following amendment:

Section 17, page 6, line 17, change period to a comma and add "and just compensation for such taking, as well as for the taking of or damage to inferior property rights, shall be made."

Mr. R. Rivers suggested the use of the word "subordinate" instead of "inferior" and asked that the matter be referred to Style and Drafting. There being no objection to the amendment, it was ordered adopted.

Mr. R. Rivers moved the adoption of the following amendment:

Section 16, page 6, line 13, delete period after word "law" and add: "with just compensation."

Mr. Knight seconded. After Mr. R. Rivers spoke on the amendment, Mr. Riley suggested that it would be better to insert "with just compensation and" after the word "only" on line 12. Mr. R. Rivers asked unanimous consent to withdraw his proposed amendment in favor of Mr. Riley's amendment. There being no objection, it was so ordered.

Mr. Riley asked unanimous consent for the adoption of the following amendment:

Section 16, line 12 after word "only" insert the following: "with just compensation and".

Mr. Gray objected. After explanation by Mr. Riley, Mr. Gray withdrew his objection. There being no objection to the amendment, it was ordered adopted.

Mr. Hellenthal moved the adoption of the following amendment:

Section 2, line 2, page 2, delete period and insert a comma and add "subject to the principle that certain uses of resources shall be subordinate to superior and higher beneficial public uses as determined by the Legislature."

Mr. Knight seconded. After discussion by Mr. Hurley, Mr. Hellenthal, Mr. Davis and Mr. Riley, Mr. Hellenthal asked unanimous consent that action be deferred until after the dinner recess.

Mr. Sundborg moved and asked unanimous consent that the Convention recess until 7 p.m. The following committee announcements were made prior to recess: Resources at 6:15 p.m.; Style and Drafting at 6:15 p.m.; Mr. Marston's special committee on recess; Ordinances on recess; Local Government on recess.

There being no objection the Convention recessed at 5:30 p.m. until 7 p.m.

#### AFTER RECESS

Mr. Marston asked unanimous consent to withdraw his original amendment. There being no objection, it was so ordered.

Mr. Marston moved the adoption of the following amendment:

Add new Section 12. "Deeds to lots and small tracts occupied or used by Indians, Aleuts, or Eskimos within the State public domain may be given to the appropriate persons in recognition of their individual use as prior occupants, under terms and conditions prescribed by law."

Mr. McNees seconded.

Mr. Smith stated that the amendment had been presented to the Committee on Resources, but the Committee decided to take no action on the proposed amendment.

After discussion by Mr. Marston, Mr. Hurley, Mr. Barr and Mr. Londborg, Mr. Sundborg asked unanimous consent to present an amendment to the amendment. Mr. Smith waived any prior consideration by the Committee.

Mr. Sundborg moved the adoption of the following amendment to the amendment:

Strike "Indians, Aleuts, or Eskimos" and insert "Alaskans".

Mrs. Hermann seconded. After Mr. Sundborg spoke on the amendment, the question was called. On voice vote the amendment was adopted.

Mr. Buckalew moved the adoption of the following amendment to the amendment:

After "tracts" insert the words "and homesteads".

Mr. Knight seconded. After discussion by Mr. McCutcheon and Mr. Buckalew, Mr. Kilcher moved to rescind the action taken on Mr. Sundborg's amendment to the amendment.

Mr. McCutcheon rose to a point of order to state that there was a motion on the floor.

The President stated that a motion to rescind can be made at any time. In order to decide the issue, the President declared a short recess.

#### AFTER RECESS

The President stated that Mr. McCutcheon's point of order was well taken.

Mr. Buckalew asked unanimous consent to withdraw his amendment. There being no objection, it was so ordered.

Mr. Kilcher moved that the Convention rescind its action taken on Mr. Sundborg's amendment to the amendment. Mr. Emberg seconded.

Mr. Johnson rose to a point of order that there was still a motion on the floor, the main amendment.

The President declared a short recess to discuss the rules.

#### AFTER RECESS

The President stated that Mr. Johnson's point of order was well taken.

Mr. Kilcher asked unanimous consent that the Convention postpone the main question until the next Convention day and make it a first order of business. Mr. Hurley objected. Mr. Knight seconded.

Mr. Hellenthal asked unanimous consent to withdraw his amendment to Section 2, presented before the dinner recess. There being no objection, it was so ordered.

The question being "Shall action on Mr. Marston's amendment as amended be postponed until Thursday morning?", the roll was called with the following result:

Yeas: 12 - Armstrong, Awes, Emberg, H. Fischer, Kilcher, Laws, Londborg, Nolan, Nordale, Rosswog, Sweeney, and Walsh

Nays: 38 - Barr, Boswell, Buckalew, Coghill, Cooper, Cross, Davis, Doogan, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, King, Knight, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Peratrovich, Poulsen, Reader, Riley, V. Rivers, Smith, Stewart, Sundborg, Taylor, Wien, and Mr. President

Absent: 5 - Collins, R. Rivers, Robertson, VanderLeest, and White

and so the motion failed.

Mr. Barr moved the adoption of the following amendment to the amendment:

After the word "Alaskans", insert the following words: "of Indian, Aleut or Eskimo descent".

Mr. Marston seconded.

Mrs. Hermann rose to a point of order to state that the amendment was out of order because it replaced matter which had been deleted.

The President stated Mrs. Hermann's point of order was well taken.

Mr. Barr and Mr. Coghill did not agree. The President ruled that the particular amendment was not in order because it meant the same as what had been deleted.

Mr. Coghill appealed the ruling of the chair.

The question being "Shall the chair be sustained in its ruling?", the roll was called with the following result:

Yeas: 37 - Armstrong, Awes, Boswell, Buckalew, Cross, Davis, Doogan, Emberg, H. Fischer, Gray, Hellenthal, Hermann, Hilscher, Hinckel, Johnson, King, Lee, McCutcheon, McLaughlin, McNees, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, Walsh, and Wien

Nays: 12 - Barr, Coghill, Cooper, V. Fischer, Harris, Hurley, Kilcher, Knight, Laws, Londborg, McNealy, and Marston

Absent: 5 - Collins, R. Rivers, Robertson, VanderLeest, and White

Abstaining: 1 - Mr. President

and so the Chair was sustained.

Mr. Sundborg moved to amend the amendment as follows:

Before "Alaskan" insert "native-born".

Mr. McNealy objected. After discussion by Mrs. Hermann and Mr. Hellenthal, Mr. McCutcheon rose to a point of order to state that Mr. Hellenthal was not speaking on the amendment to the amendment. The President stated that only Mr. Hellenthal would be able to judge that and Mr. Hellenthal continued. After Mr. Johnson, Mr. Hilscher and Mr. McCutcheon spoke on the amendment to the amendment, the question was called. On voice vote the amendment failed.

Mrs. Sweeney requested a short recess. There being no objection, it was so ordered.

Mr. Kilcher moved the adoption of the following amendment to the amendment:

Insert "continuously" after "tracts" and "or their ancestors before the year 1900" after "Alaskans".

Mr. Barr seconded. After Mr. McCutcheon spoke against the amendment, Mr. Kilcher asked unanimous consent to withdraw his amendment to the amendment. There being no objection, it was so ordered.

Miss Awes moved that the rules be suspended so that the action on Mr. Sundborg's motion could be rescinded. Mr. Buckalew seconded.

After questions from the floor regarding the motion, the President asked whether there was opposition to including the motion to rescind in the motion. There being no objection, the question was called. The roll was called with the following result:

Yeas: 26 - Armstrong, Awes, Barr, Coghill, Cooper, Cross, Emberg, H. Fischer, V. Fischer, Harris, Hellenthal, Hilscher, Hinckel, Hurley, Kilcher, Knight, Lee, Lomborg, McLaughlin, McNealy, McNees, Marston, Peratrovich, Rosswog, Smith, and Stewart

Nays: 24 - Boswell, Buckalew, Davis, Doogan, Gray, Hermann, Johnson, King, Laws, McCutcheon, Metcalf, Nerland, Nolan, Nordale, Poulsen, Reader, Riley, V. Rivers, Sundborg, Sweeney, Taylor, Walsh, Wien and Mr. President

Absent: 5 - Collins, R. Rivers, Robertson, VanderLeest, and White and so the rules were not suspended.

Mr. Coghill asked unanimous consent for a short recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. Rosswog asked unanimous consent to revert to the introduction of committee reports. There being no objection, it was so ordered.

Mr. Rosswog presented the report of the Local Government Committee which included its revised Proposal 6.

#### INTRODUCTION AND FIRST READING OF PROPOSALS

Committee Proposal No. 6a, by the Committee on Local Government, entitled LOCAL GOVERNMENT, was introduced, read the first time and referred to the Committee on Rules for assignment to the calendar.

Mrs. Sweeney reported that the Committee on Engrossment and Enrollment, to whom had been referred Committee Proposal No. 10a, had compared the same with the original and found it correctly engrossed and the first enrolled copy correctly enrolled. Mrs. Sweeney asked unanimous consent for the adoption of the Committee Report. There being no objection, it was so ordered.

Committee Proposal No. 10a was referred to the Committee on Style and Drafting.

After further discussion on the Marston amendment by Mr. Sundborg, Mr. Hellenthal, Mr. V. Fischer, Mr. Metcalf, Mr. Davis, Mr. McNees, and Mr. Marston, the question was called. Mr. White asked that he be allowed to abstain from voting since he had been absent during the debate. Permission was granted by the President.

The question being "Shall Mr. Marston's amendment as amended be adopted by the Convention?", the roll was called with the following result:

Yeas: 16 - Barr, Coghill, Cross, Emberg, H. Fischer, Hellenthal, Hilscher, Hinckel, Kilcher, Knight, McLaughlin, McNealy, Marston, Nolan, Sundborg, and Taylor

Nays: 34 - Armstrong, Awes, Boswell, Buckalew, Cooper, Davis, Doogan, V. Fischer, Gray, Harris, Hermann, Hurley, Johnson, King, Laws, Lee, Londborg, McCutcheon, McNees, Metcalf, Nerland, Nordale, Peratrovich, Poulsen,

Reader, Riley, V. Rivers, Rosswog, Smith, Stewart,  
Sweeney, Walsh, Wien, and Mr. President

Absent: 4 - Collins, R. Rivers, Robertson and VanderLeest

Abstaining: 1 - White

and so the amendment as amended failed.

Mr. White, Mr. Armstrong, Mrs. Hermann and Mr. Londborg spoke under personal privilege regarding Mr. Marston's amendment.

Mr. Riley asked unanimous consent for the adoption of the following committee amendment:

Section 2, page 1, strike marginal title and substitute therefor:  
"General Authority".

There being no objection to the amendment, it was ordered adopted.

Mr. Riley asked unanimous consent for the adoption of the following committee amendment:

Section 12, page 5, line 4, insert "either" before "the".

There being no objection to the amendment, it was ordered adopted.

Mr. Riley asked unanimous consent for the adoption of the following committee amendment:

Section 12, page 5, line 14, strike "non-metallic".

There being no objection to the amendment, it was ordered adopted.

Mr. Riley asked unanimous consent for the adoption of the following committee amendment:

Section 8, page 3, line 13, strike lines 13 and 14 and insert in lieu thereof "selection of lands granted to the State by the United States, and for the administration of the State public domain."

There being no objection to the amendment, it was ordered adopted.

Mr. Riley asked unanimous consent for the adoption of the following committee amendment:

Section 13, page 5, line 20, after word "use", insert comma and add "except mineral and medicinal waters".

Mr. Cooper objected. Mr. Riley so moved. Mr. Knight seconded. On voice vote the amendment was adopted.

Mr. Smith requested a short recess so that the Committee on Resources could meet with delegates to discuss proposed amendments. There being no objection, it was so ordered.

AFTER RECESS

Mr. Barr moved the adoption of the following amendment:

Section 2, lines 15 and 16, strike "provision of applicable acts of Congress, including".

Mr. Boswell objected. Mr. Knight seconded. After discussion by Mr. Barr, Mr. Riley, Mr. Taylor and Mr. Boswell, the question was called. On voice vote the amendment failed.

Mr. Hurley moved the adoption of the following amendment:

Section 2, page 1, line 15, strike the words "in accordance with provisions"; strike lines 16, 17 and on line 1, page 2 strike to and including the comma after the word "state".

Mr. Marston seconded.

Mr. Boswell rose to a point of order that this was similar to Mr. Barr's amendment which had just been defeated. The President ruled that the amendment was in order because it deleted more than Mr. Barr's amendment.

After discussion by Mr. Hurley, Mr. Riley and Mr. Barr, the question was called. The President, being in doubt on the voice vote, directed a roll call. The roll was called with the following result:

Yeas: 12 - Barr, Hurley, Kilcher, Knight, Laws, Londborg, McNees, Marston, Nolan, Peratrovich, Sweeney and White

Nays: 39 - Armstrong, Awes, Boswell, Buckalew, Coghill, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Johnson, King, Lee, McCutcheon, McLaughlin, McNealy, Metcalf, Nerland, Nordale, Poulsen, Reader, Riley, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Taylor, Walsh, Wien and Mr. President

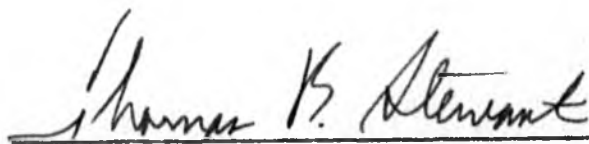
Absent: 4 - Collins, R. Rivers, Robertson and VanderLeest

and so the amendment failed.

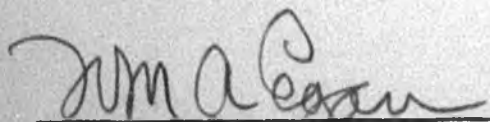
Mr. Londborg served notice of his intention to reconsider his vote on the Marston amendment as amended.

Mr. McCutcheon asked whether Mr. Londborg would object to having the matter taken up at this time. Mr. Londborg stated that the reason for giving notice was to give the members a chance to think it over during the night.

Mr. Johnson asked unanimous consent that the Convention adjourn until 9 a.m., Thursday morning. There being no objection, the Convention adjourned at 9:35 p.m., until 9 a.m., Thursday.

  
\_\_\_\_\_  
THOMAS B. STEWART  
Secretary

Attested:

  
\_\_\_\_\_  
WILLIAM A. EGAN  
President

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL OF THE FIFTY-SIXTH CONVENTION DAY, Tuesday, January 17, 1956

The Convention was called to order at 9 a.m. by President Egan.

The Invocation was given by the Rev. Orland R. Cary of the First Baptist Church.

Roll call showed all members present. The President declared a quorum to be present.

Mr. Nerland moved and asked unanimous consent that the Convention recess for one hour to allow the Committee on Finance to meet regarding amendments to Committee Proposal No. 9. Mr. Hellenthal objected. Mr. Coghill stated the Committee on Administration could use the time for a meeting.

Mr. Sundborg announced that the Committee on Style and Drafting would meet if the Convention recessed.

Mr. Smith stated the Committee on Resources would meet.

Mr. Rosswog stated the Committee on Local Government would meet.

Mr. McNealy announced that the Committee on Ordinances would meet.

There being no objection, the Convention recessed until 10:10 a.m.

AFTER RECESS

Mr. Doogan asked unanimous consent for the approval of the Journal of the 49th day with the following correction: Page 11, fourth paragraph from the bottom, second line after "Section 6", insert "presented the previous day". There being no objection, it was so ordered.

Committee Proposal No. 9 was considered again. Mr. Nerland moved and asked unanimous consent for the adoption of the following Committee amendment to Section 7: Page 2, strike lines 25 and 26, and insert in lieu thereof the following "section 7. The proceeds of any state tax or license or part thereof shall not be allocated to any special purpose," Mr. McNealy objected. Mr. Knight seconded. After discussion by Mr. McNealy and Mr. White, Mr. McNealy withdrew his objection.

56th Day, Tuesday, January 17, 1956

After discussion of the amendment by Mr. Hurley, Mr. White, Mr. Smith, Mr. Armstrong, Mr. Davis, Mr. Emberg, Mr. Barr, Mr. V. Rivers, Mr. King, Mr. Gray, Miss Awes, Mrs. Hermann, Mr. Peratrovich and Mr. Marston, Mr. McNealy moved the adoption of the following amendment to the amendment: Strike the words "or licenses" in the first line of the amendment. Mr. Johnson seconded. After discussion by Mr. McNealy, Mr. Johnson, Mr. Barr, Mr. Cooper, Miss Awes, Mr. R. Rivers, Mr. White, Mr. Nolan, Mr. Riley, Mr. V. Rivers, Mr. Hellenthal and Mr. Robertson the question was called. The question being, "Shall Mr. McNealy's amendment to the amendment be adopted?", the roll was called with the following result:

Yeas: 10 - Emberg, H. Fischer, Johnson, King, Laws, McNealy, R. Rivers, V. Rivers, Rosswog, Smith

Nays: 44 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Collins, Cooper, Cross, Davis, Doogan, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Kilcher, Knight, Lee, Londborg, McCutcheon, McLaughlin, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, Robertson, Stewart, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, Mr. President

Absent: 1 - Sundborg

And so the amendment to the amendment failed.

Mr. Armstrong requested a short recess before the main question was put to a vote. There being no objection, it was so ordered.

#### AFTER RECESS

The question being, "Shall the Committee amendment to Section 7 be adopted?", the roll was call with the following result:

Yeas: 47 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Collins, Cross, Doogan, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, Knight, Lee, Londborg, McCutcheon, McLaughlin, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Taylor, VanderLeest, Walsh, White, Wien, Mr. President

Nays: 7 - Cooper, Davis, Emberg, King, Laws, McNealy, Sweeney

Absent: 1 - Sundborg

And so the amendment was adopted.

Mr. Johnson moved the adoption of the following amendment to Section 7: Page 3, lines 2 and 3, strike the words "prohibit the continuance of" and insert the words "apply to". Mr. Taylor seconded.

After discussion by Mr. R. Rivers, Mr. Taylor, Mr. Nolan, Mr. White, Mr. Johnson, Mrs. Nordale, Mr. V. Fischer, Mr. Davis, Mr. Boswell, Mr. Stewart and Mr. V. Rivers, Mr. Riley requested a short recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. Johnson requested a roll call vote on his amendment. Before the roll was called Mr. Cooper, Mr. Marston, Mrs. Hermann and Mr. Nerland spoke on the amendment. The roll was called with the following result:

Yeas: 13 - Emberg, H. Fischer, Hinckel, Johnson, King, Laws, McNealy, Marston, Peratrovich, V. Rivers, Smith, Taylor, Mr. President

Nays: 40 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Collins, Cooper, Cross, Davis, Doogan, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hurley, Kilcher, Knight, Lee, Londborg, McCutcheon, McLaughlin, McNees, Metcalf, Nerland, Nolan, Nordale, Poulsen, Reader, Riley, R. Rivers, Robertson, Rosswog, Stewart, Sweeney, VanderLeest, Walsh, White, Wien

Absent: 2 - Hilscher, Sundborg

And so the amendment failed.

Mr. Kilcher moved the adoption of the following amendment to Section 7: Page 3, line 5, change period to comma and add: "but discontinuance shall be approved by a two-thirds majority in both houses." Mr. Hellenthal seconded.

After discussion by Mr. V. Fischer and Mr. Kilcher, the question was called. Mr. Kilcher requested a roll call. The roll was called with the following result:

Yeas: 16 - Coghill, Emberg, H. Fischer, Johnson, Kilcher, King, Laws, Londborg, McNealy, Marston, Peratrovich, Robertson, Rosswog, Smith, Taylor, Mr. President

Nays: 37 - Armstrong, Awes, Barr, Boswell, Buckalew, Collins, Cooper, Cross, Davis, Doogan, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hinckel, Hurley, Knight, Lee, McCutcheon, McLaughlin, McNees, Metcalf, Nerland, Nolan, Nordale, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Stewart, Sweeney, VanderLeest, Walsh, White, Wien

Absent: 2 - Hilscher, Sundborg

And so the amendment failed.

Mr. R. Rivers moved the adoption of the following amendment to Section 7: Page 3, line 3, delete the words "the continuance of". Mr. Coghill seconded.

After discussion by Mr. R. Rivers, Mr. Coghill and Mr. Gray, Mr. Riley asked unanimous consent that the Convention recess until 1:30 p.m.

The following committee announcements were made: Resources at 1 p.m.; Local Government at 12:40; Finance at 1 p.m.; Special Committee of subcommittees of Style and Drafting, Judiciary and Direct Legislation at 1 p.m.

There being no objection to the unanimous consent request, the Convention recessed until 1:30 p.m.

#### AFTER RECESS

Mr. Hurley asked unanimous consent that a communication he had received from Mr. Ben Hitchcock of Caribou Creek, Palmer, be filed with the Secretary for perusal by Committee Chairmen. There being no objection, it was so ordered.

An invitation from the YMCA Board of Directors inviting the delegates to attend the open house of the new Young Men's Christian Association on January 22 between 1 and 5 p.m. was read.

A telegram from William L. Paul, Grand President, of the Alaska Native Brotherhood, endorsing the proposal that fisheries, game and fur be controlled by separate commissions, was read and referred to the Committee on Resources.

In the absence of Mr. R. Rivers his amendment to Section 7 was held in abeyance.

Mr. Nerland asked unanimous consent for the adoption of the following committee amendment to Section 8: Page 3, line 10, before the word "a" insert the words "not less than"; line 12, after the word "question" delete the comma and insert a period. Add a new sentence which will read as follows: "Additional requirements and qualifications may be provided by law." line 12, strike the words "Provided that" and start a new sentence with the word "The"

Mr. Johnson rose to a point of order that a notice of reconsideration had been given on an amendment to Section 8 which would make this amendment out of order.

Mr. V. Rivers stated that he was holding in abeyance his reconsid-

eration until action was taken on an amendment to be proposed.

Mr. Riley spoke on a matter of personal privilege so that he could read a proposed amendment to Section 8.

Mr. Nerland moved the adoption of the Committee amendment. Mr. Metcalf seconded.

After discussion by Mr. Nerland, Mr. Coghill, Mr. V. Rivers, Mr. Davis, Mr. Hinckel, Mr. White, Mr. Gray, Mr. Londborg and Mr. Hellenthal, Mr. Nerland requested a two-minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

The question being, "Shall the Committee amendment to Section 8 be adopted?", the roll was called with the following result:

Yeas: 30 - Awes, Barr, Boswell, Collins, Cross, Davis, Gray, Hellenthal, Hinckel, Johnson, Kilcher, Knight, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Peratrovich, Poulsen, Reader, Smith, Stewart, Taylor, Walsh, White, Wien, Robertson

Nays: 19 - Buckalew, Coghill, Cooper, Doogan, Emberg, H. Fischer, V. Fischer, Hermann, Hurley, King, Laws, Lee, Londborg, Nordale, Riley, V. Rivers, Rosswog, Sweeney, Mr. President

Absent: 6 - Armstrong, Harris, Hilscher, R. Rivers, Sundborg, VanderLeest

And so the amendment was adopted.

Mr. Cooper moved the adoption of the following amendment to Section 8 as amended: delete the words "not less than"; delete the words "qualified voters of the State or of the respective political subdivision voting" and insert in lieu thereof the following "votes cast by voters qualified to vote". Mr. Hinckel seconded.

After discussion by Mr. Cooper and Mr. Hellenthal, Mr. V. Rivers spoke under personal privilege. After Mrs. Hermann spoke on the amendment, Mr. Hellenthal requested a short recess. There being no objection, it was so ordered.

#### AFTER RECESS

The question being, "Shall Mr. Cooper's amendment to Section 8 as amended be adopted?" The roll was called with the following result:

Yeas: 30 - Barr, Boswell, Buckalew, Coghill, Cooper, Cross, Doogan, Emberg, H. Fischer, V. Fischer, Hermann, Hinckel, Hurley, Johnson, Kilcher, King, Lee, McNealy, Metcalf, Nerland, Nolan, Reader, V. Rivers, Rosswog, Stewart, Sweeney, Walsh, White, Wien, Mr. President

Nays: 19 - Awes, Collins, Davis, Gray, Hellenthal, Knight, Laws, Londborg, McCutcheon, McLaughlin, McNees, Marston, Nordale, Peratrovich, Poulsen, Riley, Robertson, Smith, Taylor

Absent: 6 - Armstrong, Harris, Hilscher, R. Rivers, Sundborg, VanderLeest

And so the amendment was adopted.

Mr. Emberg offered the following amendment to Section 7: Strike Section 7.

Mr. R. Rivers amendment to Section 7 having been held in abeyance, the President stated action would have to be taken on it before Mr. Emberg's amendment could be considered.

Mr. R. Rivers having returned, discussion on his amendment continued by Mr. Barr, Mr. Hurley, Mr. White, Mr. Taylor, Mr. McCutcheon, and Mr. R. Rivers. On voice vote the amendment failed of adoption.

Mr. Emberg moved the adoption of his amendment to strike Section 7. Mr. Knight seconded. After discussion by Mr. Emberg, Mr. Rosswog, Mrs. Nordale, Mr. Cooper, Mr. Coghill, Mr. Barr, Mr. Poulsen, Mr. McCutcheon, and Mrs. Hermann, the question was called. The question being, "Shall Mr. Emberg's motion to strike Section 7 be adopted?", the roll was called with the following result:

Yeas: 8 - Cooper, Emberg, H. Fischer, Kilcher, King, Rosswog, Sweeney, Taylor

Nays: 41 - Awes, Barr, Boswell, Buckalew, Coghill, Collins, Cross, Davis, V. Fischer, Gray, Hellenthal, Hermann, Hinckel, Hurley, Johnson, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Smith, Stewart, Walsh, White, Wien, Mr. President.

Absent: 6 - Armstrong, Doogan, Harris, Hilscher, Sundborg, VanderLeest

And so the amendment failed.

Mr. Kilcher offered the following amendment to Section 7: add to Section 7, after changing period to a comma, "but discontinuance shall not preclude reinstatement."

Mr. McLaughlin rose to a point of order that this matter had already been acted on.

Mr. Kilcher moved the adoption of the amendment.

The President declared a short recess.

AFTER RECESS

Mr. McLaughlin withdrew his point of order. Mr. V. Rivers seconded Mr. Kilcher's motion to adopt the amendment.

After discussion by Mr. Kilcher, Mr. White, Mr. R. Rivers, Mr. Barr and Mr. Marston, Mr. Kilcher requested a roll call vote on the adoption of his amendment. The roll was called with the following result:

Yeas: 20 - Coghill, Cooper, Cross, Emberg, H. Fischer, Hinckel, Johnson, Kilcher, King, Londborg, Marston, Metcalf, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sweeney, Taylor, Mr. President.

Nays: 29 - Awes, Barr, Boswell, Buckalew, Collins, Davis, V. Fischer, Gray, Hellenthal, Hermann, Hurley, Knight, Laws, Lee, McCutcheon, McLaughlin, McNealy, McNees, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, Robertson, Walsh, White, Wien

Absent: 6 - Armstrong, Doogan, Harris, Hilscher, Sundborg, Vander-Leest

And so the amendment failed.

Mr. Buckalew moved the adoption of the following amendment to Section 7: page 3, line 2, delete the last sentence. Mr. White seconded. After discussion by Mr. Buckalew, Mr. Coghill, Mr. Peratrovich, Mr. Smith, Mr. Hinckel, Mr. Nerland and Mr. McNealy, the question was called. On voice vote the amendment failed.

Mr. Coghill moved and asked unanimous consent for the adoption of the following amendment to Section 8 as amended: After the word "question" on line 12, strike period and insert a comma, delete "Additional" and "may" and insert "to" in sentence inserted by Committee amendment. Mr. Buckalew objected. Mr. Knight seconded.

After discussion by Mr. Coghill and Mrs. Hermann, the question was called. The question being, "Shall Mr. Coghill's amendment to Section 8 as amended be adopted?", the roll was called with the following result:

Yeas: 23 - Boswell, Coghill, Cooper, Cross, Emberg, H. Fischer, Hurley, Johnson, Kilcher, King, Laws, Londborg, Mc Nealy, Marston, Metcalf, Peratrovich, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sweeney

Nays: 26 - Awes, Barr, Buckalew, Collins, Davis, V. Fischer, Gray, Hellenthal, Hermann, Hinckel, Knight, Lee, McCutcheon, McLaughlin, McNees, Nerland, Nolan, Nordale, Poulsen, Reader, Riley, Taylor, Walsh, White, Wien, Mr. President

Absent: 6 - Armstrong, Doogan, Harris, Hilscher, Sundborg, VanderLeest

And so the amendment failed.

Mr. Riley requested a five minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. Robertson moved the adoption of the following amendment to Section 8 as amended: after "qualifications" insert the words "of voters". Mr. Taylor asked unanimous consent. There being no objection, it was so ordered.

Mr. Cooper moved the adoption of the following amendment to Section 8 as amended: insert the words "not less than" before the words "a majority". Mr. Hellenthal seconded. Mr. Cooper asked unanimous consent. There being no objection, it was so ordered.

The President declared the Convention at recess for twenty minutes.

#### AFTER RECESS

Mr. Riley stated he had an amendment, but would like to wait until more members were present.

Mr. Buckalew requested a two-minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. Riley moved the adoption of the following amendment to Section 8: Strike Section 8 and substitute the following two sections and re-number the remaining sections:

"Section 8. No debt shall be contracted by or in behalf of the State unless the debt shall be authorized either by a two-thirds vote in each house of the legislature, or by a majority vote in each house with ratification by a majority

of the qualified voters of the state voting on the question, provided that the State may by law contract debt for the purpose of repelling invasion, suppressing insurrection, defending the State in war, meeting natural catastrophes, or redeeming outstanding indebtedness of the State at the time this Constitution becomes effective.

"Section 9. No debt shall be contracted by or in behalf of any political subdivision of the State, except for capital improvements, and then only upon approval of at least a majority of those voting on the question and qualified to vote as prescribed by law."

Mr. Buckalew seconded. After discussion by Mr. Riley, Mr. Hellenenthal, Mr. Robertson and Mr. Buckalew, Mr. Londborg moved the adoption of the following amendment to the amendment: on the last line of the new Section 9 after word "vote" insert "on the particular issue" and strike the words "at least" on next to last line of new Section 9 and insert "not less than". Mr. Knight seconded. After discussion by Mr. White, Mr. Londborg and Mr. Hellenenthal, the question was called. The question being, "Shall Mr. Londborg's amendment to the amendment be adopted?", the roll was called with the following result:

Yeas: 36 - Awes, Barr, Boswell, Buckalew, Coghill, Cooper, Cross, Davis, Emberg, H. Fischer, V. Fischer, Harris, Hermann, Hinckel, Hurley, Kilcher, King, Lee, Londborg, McNealy, McNees, Marston, Nordale, Reader, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, Walsh, Wien, Mr. President

Nays: 14 - Collins, Hellenenthal, Johnson, Knight, Laws, McCutcheon, McLaughlin, Metcalf, Nerland, Nolan, Peratrovich, Poulsen, Robertson, White

Absent: 5 - Armstrong, Doogan, Gray, Hilscher, VanderLeest

And so the amendment to the amendment was adopted.

Mr. Riley asked unanimous consent for the adoption of the following amendment to the amendment: In new Section 9 strike the comma after "State". There being no objection, it was so ordered.

Mr. V. Fischer asked unanimous consent for the adoption of the following amendment to the amendment: on line two of Section 8 insert "for capital improvements" after "authorized". There being no objection, it was so ordered.

Mr. V. Fischer requested a two-minute recess. There being no objection, it was so ordered.

AFTER RECESS

Mr. Riley asked unanimous consent for the adoption of the following amendment to the amendment: add to new section 9 the following sentence: "Additional requirements and qualifications of voters may be provided by law." There being no objection, it was so ordered.

Mr. Riley asked unanimous consent for the adoption of the following amendment to the amendment: in new section 9 insert the following after the word "question": "within the respective political subdivision". There being no objection, it was so ordered.

Mr. Riley asked unanimous consent for the adoption of the following amendment to the amendment: at the beginning of new section 9 before the word "no" insert the following phrase "Unless authorized by law" and change capital "N" to small "n". There being no objection, it was so ordered.

The President declared a short recess.

#### AFTER RECESS

Mr. Riley asked unanimous consent for the adoption of the following amendment to the amendment: in new section 9 strike "except" in line 2 and rearrange language so that the phrase "for capital improvements" is inserted after the word "law" in the first sentence. There being no objection, it was so ordered.

Mr. White moved the adoption of the following amendment to the amendment: strike "either by a two-thirds vote in each house of the legislature,". Mr. McNees seconded. After discussion by Mr. White, Mr. Nerland, Mr. V. Fischer, and Mr. Riley, Mr. Poulsen requested a roll call vote. The question being, "Shall Mr. White's amendment to the amendment be adopted?", the roll was called with the following result:

Yeas: 29 - Boswell, Coghill, Collins, Cooper, Cross, Davis, Emberg, Gray, Hellenthal, Hinckel, Hurley, Johnson, Kilcher, Knight, Laws, McLaughlin, Metcalf, Nerland, Nolan, Peratrovich, Poulsen, Reader, Robertson, Rosswog, Smith, Stewart, Sweeney, White, Wien

Nays: 19 - Awes, Barr, Buckalew, V. Fischer, Harris, Hermann, King, Lee, McCutcheon, McNealy, Marston, Nordale, Riley, R. Rivers, V. Rivers, Sundborg, Taylor, Walsh, Mr. President

Absent: 7 - Armstrong, Doogan, H. Fischer, Hilscher, Londborg, McNees, VanderLeest

And so the amendment to the amendment was adopted.

Mr. Metcalf moved and asked unanimous consent for the adoption of

the following amendment to the amendment: delete "a majority of the qualified voters of the state voting on the question" and insert in lieu thereof the following: "not less than the majority of the votes cast by the voters qualified by law to vote on the question". Mr. V. Fischer objected. Mr. Knight seconded. After discussion by Mr. Metcalf, Mrs. Nordale and Mr. Hellenthal, the question was called. The question being, "Shall Mr. Metcalf's amendment to the amendment be adopted?", the roll was called with the following result:

Yeas: 8 - Coghill, Kilcher, McNealy, Metcalf, Nerland, Nolan, Robertson, Wien

Nays: 41 - Awes, Barr, Boswell, Buckalew, Collins, Cooper, Cross, Davis, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hinckel, Hurley, Johnson, King, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, Marston, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, Walsh, White, Mr. President

Absent: 5 - Armstrong, Doogan, H. Fischer, Hilscher, VanderLeest

Abstaining: McNees

And so the amendment to the amendment failed.

Mr. McCutcheon called for the question on the main issue. The question being, "Shall Mr. Riley's amendment to Section 8 as amended be adopted?", the roll was called with the following result:

Yeas: 28 - Awes, Boswell, Buckalew, Coghill, Collins, Cross, Emberg, V. Fischer, Harris, Hermann, Hinckel, Hurley, King, Lee, Londborg, Nordale, Peratrovich, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Walsh, White, Mr. President

Nays: 22 - Barr, Cooper, Davis, Gray, Hellenthal, Johnson, Kilcher, Knight, Laws, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Poulsen, Reader, Robertson, Taylor, Wien.

Absent: 5 - Armstrong, Doogan, H. Fischer, Hilscher, VanderLeest

And so the amendment as amended was adopted.

Mrs. Hermann brought up the question of having a break in the night sessions. Mr. Coghill called for a two-minute recess. There being no objection, it was so ordered.

AFTER RECESS

After discussion it was agreed that there would be no night session Thursday evening.

Mr. V. Fischer asked the Chairman of the Finance Committee whether the Committee had considered the drafting of a transitional measure to continue certain acts until such time as they may be revised by the legislature. Mr. Nerland replied that the Committee would be agreeable to that.

Mr. Metcalf served notice of reconsideration on Mr. White's amendment to the amendment to Section 8.

Mr. Harris moved that the rules be suspended and the matter of Mr. Metcalf's reconsideration be considered at this time. Mr. Nolan seconded. The question being, "Shall the rules be suspended?", the roll was called with the following result:

- Yeas: 39 - Awes, Boswell, Buckalew, Collins, Cooper, Cross, Davis, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hinckel, Johnson, Kilcher, King, Knight, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, R. Rivers, Smith, Stewart, Sundborg, Taylor, Walsh, White, Wien, Mr. President
- Nays: 10 - Barr, Coghill, Hermann, Hurley, Laws, Londborg, V. Rivers, Robertson, Rosswog, Sweeney
- Absent: 6 - Armstrong, Doogan, H. Fischer, Hilscher, Riley, VanderLeest

And so the rules were suspended.

After discussion of the amendment to the amendment by Mr. Metcalf and questions from Mr. Sundborg and Mrs. Nordale directed to Mr. Metcalf, Mr. Davis rose to the point of order that since the main amendment had been adopted, reconsideration of the amendment to the amendment could not be accomplished.

The President stated he was in error in allowing a reconsideration on the amendment to the amendment.

Mrs. Hermann moved that all action relating to the motion to reconsider be expunged from the record.

Mr. Hellenthal rose to a point of order that there was nothing in the rules which permitted expunging.

The President declared a short recess.

AFTER RECESS

The President stated he was in error in allowing the reconsideration and apologized to Mr. Metcalf. In regard to the motion to expunge he stated that a majority of the members could expunge anything from the record. He further stated that Mr. Metcalf could ask that the Convention rescind its action on adopting the amended amendment to Section 8.

Mr. Metcalf moved that the Convention rescind its action in adopting Mr. Riley's amended amendment to Section 8. Mr. Sundborg seconded. The roll was called with the following result:

Yeas: 14 - Barr, Cooper, Hellenthal, Johnson, Kilcher, Knight, Laws, McCutcheon, McNealy, McNees, Metcalf, Robertson, Wien, Mr. President

Nays: 37 - Awes, Boswell, Buckalew, Coghill, Collins, Cross, Davis, Doogan, Emberg, V. Fischer, Gray, Harris, Hermann, Hinckel, Hurley, King, Lee, Londborg, McLaughlin, Marston, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, Walsh, White

Absent: 4 - Armstrong, H. Fischer, Hilscher, VanderLeest

And so the motion failed.

Mr. Johnson asked unanimous consent that the Convention recess until 7 p.m.

Mr. Sundborg moved that Committee Proposal No. 9 be referred to the Committee on Engrossment and Enrollment. Mr. Hellenthal seconded.

The President stated that the motion was not necessary and referred Committee Proposal No. 9 to the Committee on Engrossment and Enrollment.

Mr. Sundborg withdrew his motion.

The following committee announcements were made: Local Government immediately on recess; Style and Drafting at 6:30 p.m.

There being no objection to the unanimous consent request, the Convention recessed until 7 p.m.

#### AFTER RECESS

Committee Proposal No. 8a was read the second time.

Mr. Smith asked Mr. Riley to give an explanation of the article.

Mr. Riley asked unanimous consent that the following committee amendments be accepted as a part of the original article submitted:

"Line 8 page 1 Correct transposition in spelling of "Alaska"  
Line 21 page 3 Strike comma after "use" and insert "and"  
Line 22 page 3 Place period after "conditions" and strike rest of sentence.  
Line 26 page 3 Substitute colon for semi-colon  
Line 16 page 4 After last word on line add "force during"  
Line 18 page 4 Change first word on line to "in"  
Line 21 page 4 After "permits", insert "and transferable"  
Line 8 page 5 "sulfur" instead of "sulphur"  
Line 5 page 5 Change "and" to "or"

Mr. Taylor objected. Mr. Riley so moved. Mr. Stewart seconded. Mr. Taylor questioned the spelling of "sulfur". Mr. McCutcheon rose to a point of order that the matter of spelling would be taken care of by Style and Drafting.

Mr. Taylor withdrew his objection, There being no further objection, the amendments were ordered adopted as a part of Committee Proposal No. 8a.

Mr. Riley gave an explanation of the article followed by a period of questions from the delegates. At 8:35 p.m. the Convention recessed for five minutes.

#### AFTER RECESS

After further discussion of the article, the President suggested that the Committee might want to meet with any delegates having amendments so the amendments could be discussed in committee meeting.

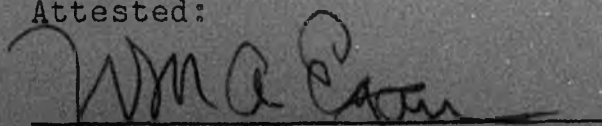
Mr. Boswell moved and asked unanimous consent that the Convention adjourn until 10 a.m. Wednesday morning.

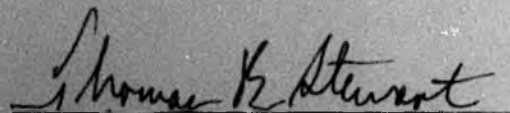
The following Committee announcements were made for Wednesday: Resources Committee at 9 a.m.; Style and Drafting at 9 a.m.; Engrossment and Enrollment at 9 a.m.

In the absence of the Chairman of the Committee on Local Government, Mr. V. Fischer announced a meeting of the Local Government Committee on adjournment at Apt. #19, Alaskan Inn.

There being no objection to the unanimous consent request, the Convention adjourned at 9:25 p.m. until 10 a.m. Wednesday.

Attested:

  
WILLIAM A. EGAN  
President

  
THOMAS B. STEWART  
Secretary

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL OF THE FIFTY-FIFTH CONVENTION DAY, Monday, January 16, 1956.

The Convention was called to order by President Egan at 9:05 a.m.

The Invocation was given by the Rev. A. E. Purviance of the First Methodist Church of Fairbanks.

Roll call showed all members present. The President declared a quorum to be present.

A telegram from Senator Marcus F. Jensen of Douglas requesting the separation of the resources of game and fish as worded in the proposal made by the Territorial Sportsmen, Inc., was read and referred to the Committee on Resources.

Mr. Sundborg announced a meeting of the Committee on Style and Drafting at the first recess. Mr. Sundborg introduced Mr. Kimbrough Owen, consultant from Baton Rouge, Louisiana, who spoke briefly to the Convention.

Mr. Rosswog announced that the Committee on Local Government would like to have the services of Mr. Owen also.

Mr. Hilscher spoke on the matter of publicity of the Constitutional Convention outside of Alaska.

Mrs. Hermann spoke on a matter of privilege regarding the Mental Health Bill in Congress.

Committee Proposal No. 10a was considered again.

Mr. V. Rivers moved the adoption of the following amendment:

After Section 14, page 7 of Committee Proposal No. 10a, insert a new section as follows:

*Section 15.* "The Attorney General shall be appointed by the Governor from two or more qualified persons nominated in the same manner as judges by the judicial council. He shall have been admitted to practice law in the State and shall have the other qualifications prescribed herein for heads of principal departments and shall be subject to approval by the Legislature in a similar manner.

The Attorney General may be removed by the Governor with the consent and approval of both houses of the Legislature meeting jointly."

Mr. Harris seconded. After discussion by Mr. V. Rivers, Mr. Buckalew, Mr. Harris, Mr. McLaughlin, Mr. Taylor, Mr. Davis, Mr. R. Rivers, Mr. Londborg and Mrs. Nordale, Mr. V. Rivers closed the debate. Mr. Harris

55th Day, Monday, Jan. 16, 1956

requested a roll call on the adoption of the amendment. The roll was called with the following result:

Yeas: 18 - Barr, Collins, Cross, H. Fischer, Harris, Hinckel, Kilcher, Metcalf, Nerland, Nolan, Peratrovich, Reader, V. Rivers, Robertson, Rosswog, Smith, Taylor, VanderLeest.

Nays: 36 - Armstrong, Awes, Boswell, Buckalew, Coghill, Cooper, Davis, Doogan, Emberg, V. Fischer, Gray, Hellenthal, Hermann, Hilscher, Hurley, Johnson, King, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNees, Marston, Nordale, Poulsen, Riley, R. Rivers, Stewart, Sundborg, Sweeney, Walsh, White, Wien, Mr. President.

Absent: 1 - McNealy

And so the amendment failed.

Mr. R. Rivers requested a two-minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. Sundborg asked a question regarding Section 14 which was answered by Mr. V. Rivers and Mr. Davis. Mr. Hellenthal asked a question regarding the same section. Mrs. Nordale spoke for the Committee on the section.

Mr. Buckalew moved the adoption of the following amendment to Section 14: Line 23, strike the sentence beginning with "Regulatory". Mr. Knight seconded.

Mr. Riley rose to a point of order that he believed the amendment out of order at this time because of the reconsideration of a vote on an amendment to that sentence. The President declared a short recess to discuss the point of order.

#### AFTER RECESS

Mr. Buckalew asked unanimous consent to withdraw his amendment. There being no objection, it was so ordered.

Mr. Kilcher moved to reconsider his vote on Mr. Buckalew's amendment to Section 14 striking the words "and quasi-judicial". Mr. Knight seconded.

After Mrs. Nordale asked a question of Mr. Buckalew regarding the amendment, the question was called. On voice vote the amendment failed.

Mr. Riley moved the adoption of the following amendment to Section 16: page 7, line 21, strike the last sentence. Mr. Gray seconded.

Mr. Sundborg asked Mr. Riley if he would consider changing his amendment by putting the period after the word "states" on line 23. Discussion regarding a previous amendment having been adopted, changing "state" to "states", ensued. The President declared a fifteen-minute recess so that matter could be straightened out.

AFTER RECESS

Mr. Riley asked unanimous consent to withdraw his amendment. There being no objection, it was so ordered.

Mr. Riley asked unanimous consent that the following amendment to Section 16 be adopted: line 23, strike "this" before "State" and insert in lieu thereof the words "the United" and add "s" to word "State". There being no objection, it was so ordered.

Mr. Riley moved the adoption of the following amendment to Section 16: Line 23 insert a period after "States" and strike the remainder of the sentence. Mr. Doogan seconded. After discussion by Mr. Riley, Mr. V. Rivers, Mr. Metcalf, Mr. Hilscher, Mr. Taylor, Mr. Londborg, Mr. Hellenthal, Mr. Barr, Mr. Doogan, Mr. Boswell, Mr. White, Mrs. Sweeney, Mr. Smith, Mr. McNees, Mr. Marston, Mrs. Wien, Mrs. Nordale, and Mr. Stewart, Mr. Riley closed the debate. Mr. White requested a roll call. The roll was called with the following result:

Yeas: 38 - Armstrong, Awes, Boswell, Buckalew, Cooper, Davis, Doogan, Emberg, V. Fischer, Gray, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Kilcher, King, Knight, Lee, McLaughlin, McNees, Marston, Nerland, Nordale, Poulsen, Reader, Riley, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, Mr. President.

Nays: 16 - Barr, Coghill, Collins, Cross, H. Fischer, Harris, Johnson, Laws, Londborg, McCutcheon, Metcalf, Nolan, Peratrovich, R. Rivers, V. Rivers, Robertson.

Absent: 1 - McNealy

And so the amendment was adopted.

Mr. Coghill moved the adoption of the following amendment to Section 17: page 8, lines 8 and 9, delete "but the appointment shall be subject to the approval of the governor". Mr. Kilcher seconded. After discussion by Mr. Coghill, Mr. Walsh, Mr. Riley, Mr. Cooper, Mr. V. Fischer, Mr. Hellenthal and Mr. Boswell, Mr. Londborg requested a one-minute recess. There being no objection, it was so ordered.

AFTER RECESS

Further discussion on the Coghill amendment by Mr. Sundborg, Mr. McCutcheon, Mr. Boswell, who spoke under personal privilege, and Mr. Londborg followed. Mr. Coghill closed the argument and after answering questions from Mr. Barr and Mr. Taylor, called for a roll call. The question being, "Shall Mr. Coghill's amendment be adopted?", the roll was called with the following result:

Yeas: 4 - Coghill, Cooper, Kilcher, Londborg

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

Absent: 1 - McNealy

And so the amendment failed.

Mr. R. Rivers requested a short recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. R. Rivers moved the adoption of the following amendment to Section 17: Page 8, line 9, at the end of the section add "except that such appointments by the Board of Education or the Regents of the University of Alaska need not be so approved by the governor." Mr. Walsh seconded.

After discussion by Mr. R. Rivers, Mr. V. Fischer, Mr. Boswell, and Mr. V. Rivers, Mr. Hellenthal moved to amend the amendment by striking the words "the board of education or". Mr. Riley seconded. On voice vote the amendment to the amendment was ordered adopted.

After Mrs. Nordale spoke on the amendment, Mr. Hilscher spoke on behalf of the Ordinance Committee to state that the establishment of the University of Alaska as a state university was under consideration by the Committee on Ordinances and Transitional Measures.

After further discussion by Mr. Hellenthal and Mr. Kilcher, the question was called. The question being, "Shall the amendment as amended be adopted?", on voice vote the amendment failed.

Mr. Sundborg announced a meeting of the Committee on Style and Drafting during the noon luncheon period in the small luncheon room in the cafeteria.

Mr. Sundborg moved and asked unanimous consent that subject to Committee announcements the Convention recess until 1:30 p.m.

Mr. Coghill announced a meeting of the Committee on Administration at 1:00 p.m. Mr. Smith announced a meeting of the Committee on Resources at 12:50 p.m. Mrs. Sweeney announced a meeting of the Committee on Engrossment and Enrollment immediately on recess.

There being no objection, to the unanimous consent request, the Convention recessed until 1:30 p.m.

The Convention was called to order and the following communications were read: a telegram from A. J. Boddy, President of the Alaska Sportsmen Council of Juneau urging that certain language be inserted in the Resources article; a letter from the Alaska Native Brotherhood signed by Mr. Herbert Bradley, Grand Vice President, endorsing the Alaska Sportsmen Council's recommendation regarding the Resources article; a letter from Delegate E. L. Bartlett enclosing a copy of a letter from Congressman Walter Rogers of Texas, acknowledging receipt of the copy of the telegram sent by the Constitutional Convention to President Eisenhower .

At this time the Convention returned to consideration of Committee Proposal No. 10a. Mr. Robertson asked unanimous consent for the adoption of the following amendment: Section 17, Line 4, after the word "be" insert "citizens of the United States and". There being no objection to the unanimous consent request, the amendment was ordered adopted.

Mrs. Hermann moved for the adoption of the following amendment to Section 18: On page 8, line 16, after the word "unless" insert "the appointee is confirmed by the legislature or". Mr. Knight seconded. Mrs. Hermann spoke. Mr. Sundborg asked unanimous consent for adoption of the amendment. There being no objection, it was so ordered.

*be included*

Mr. V. Rivers asked unanimous consent for the adoption of the following amendment to Section 18: Strike the words "of the Senate or of" and insert in lieu thereof "of either house of the legislature or". Mr. Johnson objected. Mr. V. Rivers so moved. Mr. Knight seconded. After discussion by Mr. Sundborg, Mr. V. Rivers and Mr. Davis, Mr. Riley suggested that the following be included in the amendment: Strike the period after the word "meeting" in line 14 and insert "as prescribed by law". Mr. V. Rivers agreed and ordered unanimous consent that the suggestion of Mr. Riley in his amendment. Without objection it was so ordered. The President declared a short recess.

#### AFTER RECESS

The President announced that a group photo of the entire convention would be taken Wednesday Morning at 10:30 a.m.

The convention again considered Mr. V. Rivers' amendment and Mr. V. Rivers stated that the Style and Drafting Committee would have to work on the amendment. The President called the question, the question being, "Shall the amendment as offered by Mr. V. Rivers be adopted?" Before the responses could be called Mr. Taylor stated he had an amendment he would like to offer. After discussion by Mrs. Sweeney and Mr. Marston, the President called a short recess.

#### AFTER RECESS

Mr. Johnson withdrew his objection. Mr. V. Rivers asked unanimous

consent to withdraw his proposed amendment. There being no objection, the amendment was withdrawn.

Mr. V. Fischer offered the following amendment: "Strike Section 18". Seconded by Mrs. Hermann. After Mr. V. Fischer, Mrs. Nordale, Mr. V. Rivers and Mrs. Hermann spoke, the President called the question. The question being, "Shall the amendment to Strike Section 18, offered by Mr. V. Fischer be adopted?", on voice vote the amendment was adopted.

After discussion by Mrs. Nordale, Mr. Sundborg, Mrs. Sweeney and Mr. V. Rivers, Mr. Hurley requested personal privilege of the floor. There being no objection it was granted.

After discussion by Mr. Buckalew, Mr. V. Rivers and Mr. Taylor, Mr. Sundborg moved and asked unanimous consent for the adoption of the following amendment: Insert a new Section starting on line 10 of page 8, as follows: "Section 18. The Governor may fill any vacancy occurring in any office during a recess of the Legislature, as may be prescribed by law." Mr. Buckalew seconded. After Mr. V. Rivers and Mr. Sundborg spoke, Mr. Taylor called for the question. On voice vote Mr. Sundborg's amendment was adopted.

Mr. Doogan offered the following amendment to Section 2, lines 4 and 5, strike the words "and shall have been for at least seven years" and line 6, put a period after the word "State" and strike the balance of the sentence. Mrs. Sweeney rose to a point of order to state that Mr. Doogan's amendment used the same language as that voted on in a prior amendment. The President stated Mrs. Sweeney's point of order was well taken and declared a short recess.

#### AFTER RECESS

The President stated that inasmuch as the words relating to the number of years had been deleted, it would take a motion to rescind previous action in order to introduce Mr. Doogan's amendment.

Mr. Doogan offered to withdraw his amendment and stated he was not sure of the proper procedure. The President stated that it would take 28 votes to rescind any previous action. Mr. Doogan then made a motion that the convention rescind its action on the amendment to Section 2 lines 4 and 5 inserting "and shall have been for at least seven years". Mr. Knight seconded the motion.

After Mr. Londborg, Mr. Sundborg and Mr. Doogan spoke, Mrs. Sweeney stated that Mr. Doogan should withdraw his amendment. The President stated that it was not necessary to make a motion to withdraw his amendment because it lacked a second.

While Mr. V. Rivers was speaking, Mr. Sundborg rose to a point of order that Mr. V. Rivers was not speaking on the amendment. The President upheld Mr. Sundborg's point of order.

unanimous consent for the adoption of the following amendment: Section 9, Line 19, strike the balance of the sentence after the word "law". Seconded by Mr. Knight. After Mr. V. Rivers spoke, Mr. Hellenthal asked for a one minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. Marston asked unanimous consent to withdraw his original amendment. There being no objection it was so ordered. Mr. Marston moved the adoption of the following amendment: Section 9, line 20 delete the period and add "unless by general law applying to all salaried officers of the state." Mr. Knight seconded. After Mrs. Nordale and Mr. R. Rivers spoke, the President put the question, "Shall the amendment as offered by Mr. Marston be adopted?" On voice vote the amendment was adopted.

Mr. Hellenthal moved for the adoption of the following amendment to Section 11: Strike Lines 25 and 26, page 5 and strike lines 1, 2, and 3 Page 6, and substitute "The governor, as provided by law, shall nominate, appoint and commission all officers of the Armed Forces," Seconded by Mr. Knight. After Mr. Hellenthal and Mr. Johnson spoke, Mr. Boswell asked unanimous consent to add the words "of Alaska". There being no objection the amendment to the amendment was adopted.

After Mr. V. Rivers, Mr. Barr, and Mr. McLaughlin spoke, the question was called on the Hellenthal amendment as amended and on voice vote the amended amendment failed.

Mr. Metcalf asked unanimous consent for the adoption of the following amendment, seconded by Mr. Knight: Section 16, page 7, line 14, immediately following the word "Department", insert the phrase "including the Attorney General."

Mr. Doogan rose to a point of order to state that this was not the first time this matter had come up in this amendment. The President stated that Mr. Doogan was out of order. Mr. R. Rivers stated it had not been considered before. Mr. Taylor agreed with Mr. Doogan's point of order. The Chair stated the amendment was in order.

After Mr. Metcalf and Mr. Taylor spoke, the question was put and on voice vote the amendment failed.

Mr. Sundborg moved for the adoption of the following amendment, seconded by Mr. R. Rivers: Strike Section 18 and substitute the following: "Section 18. The Governor may make ad interim appointments to fill vacancies occurring during a recess of the legislature in offices requiring confirmation of either or both Houses of the legislature. The duration of such appointments shall be prescribed by law."

After discussion by Mr. Sundborg and Mr. Hellenthal the President

put the question, "Shall the amendment as offered by Mr. Sundborg be adopted?" The roll was called with the following result:

Yeas: 35      Armstrong, Awes, Buckalew, Coghill, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, Gray, Harris, Hellenthal, Hermann, Hinckel, Hurley, Johnson, King, Lee, McLaughlin, McNealy, Marston, Metcalf, Nerland, Nordale, Peratrovich, R. Rivers, Robertson, Rosswog, Smith, Sundborg, Sweeney, Walsh, Wien, Mr. President

Nays: 13      Barr, Boswell, Collins, Knight, Laws, Londborg, McCutcheon, McNees, Nolan, Poulsen, Reader, V. Rivers, Taylor.

Absent: 6      V. Fischer, Riley, Stewart, VanderLeest, White, Hilscher

Abstaining:      Kilcher.

and so the amendment was adopted.

Mr. Sundborg asked if the Committee on Engrossment and Enrollment would make the changes regarding the motion adopted earlier to make the sections conform as regards confirmation of gubernatorial appointments by the legislature. Mrs. Sweeney stated the Chief Clerk should make the changes in the engrossed copy according to the motion adopted.

There being no further amendments, Committee Proposal No. 10a was referred to the Committee on Engrossment and Enrollment.

Mr. Sundborg moved that the rules be suspended and that the Committee on Style and Drafting be instructed to insert Secretary of State at points in the article on Initiative and Referendum where the words Attorney General appear. Mr. Gray seconded. The roll was called with the following result:

Yeas: 46      Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Collins, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, R. Rivers, V. Rivers, Rosswog, Smith, Sundborg, Walsh, Wien, Mr. President.

Nays: 4      Cooper, Robertson, Sweeney, Taylor

Absent: 5      Hilscher, Riley, Stewart, VanderLeest, White

and so the rules were suspended.

Committee Proposal No. 12 was read the second time. Mr. V. Rivers explained the proposal and discussion followed.

Mr. V. Rivers announced a meeting of the Committee on the Executive Branch on recess.

Mr. Sundborg announced a meeting of the Committee on Style and Drafting during the recess. Mr. Sundborg also called attention to the new rule regarding the discussing of amendments to proposals with the committee during a recess.

The President declared the Convention at recess for the usual fifteen-minute break.

#### AFTER RECESS

Mr. V. Rivers suggested that Committee Proposal No. 12 be held in abeyance until after the basic articles had been acted on, and called attention to a proposed amendment regarding the University of Alaska.

The President asked that all those in favor of deferring action on Committee Proposal No. 12 until such time as all the substantive proposals have been considered do so by a show of hands. A majority of the delegates favored this action, and the President ordered Committee Proposal No. 12 referred back to the Committee on the Executive Branch until such time as the Committee deemed it proper to bring it out.

Mr. Nerland asked permission for the members of the Committee on Finance to sit together. Permission was granted.

Committee Proposal No. 9 was read the second time.

Mr. Nerland asked unanimous consent that the following committee amendments be accepted and incorporated as part of the committee proposal:

1. Page 2, Section 5: Strike Section 5 and renumber subsequent Sections.
2. Page 2, Section 8, line 25: After the word "all", insert the word "public."
3. Page 3, Section 9, line 15: Strike the word "national" and insert in lieu thereof the word "natural."
4. Page 3, Section 10, line 21: Strike "within one year" and insert in lieu thereof "prior to the end of the next fiscal year."
5. Page 4, Section 13, line 24: Strike the last sentence and insert in lieu thereof, "All appropriations outstanding at the end of a period of time specified by law shall be void."

Mr. R. Rivers objected and asked to discuss the amendments. Mr. V. Fischer rose to a point of order that since the amendments had been approved by the Committee they should be accepted now as part of the report and amendments by delegates could be presented later. The President stated the point of order was well taken.

Mr. V. Rivers asked a question regarding the amendment. Miss Awes rose to a point of order that questions were not in order at this time. The President stated Miss Awes' point of order was well taken.

Mr. Nerland moved that the amendments offered by the committee become a part of the original committee report relative to Committee Proposal No. 9. Mr. Johnson seconded. On voice vote, the amendments were adopted.

Mr. Nerland discussed the Committee's thinking on the Proposal. A question and answer period followed.

Miss Awes moved and asked unanimous consent that the Convention recess until 7 p.m. to give the Committee an opportunity to meet with delegates and discuss proposed amendments.

The following committee announcements were made: Style and Drafting on recess; Ordinances on recess; Finance on recess.

There being no objection to the unanimous consent request, the Convention recessed until 7 p.m.

#### AFTER RECESS

Further discussion of Committee Proposal No. 9 continued.

Mr. Nerland moved and asked unanimous consent for the adoption of the following Committee amendment to Section 3: line 10, strike "assessment" and insert "appraisal". There being no objection, it was so ordered.

Mr. Johnson moved the adoption of the following amendment to Section 3: line 9, page 1, strike the word "the" at the end of the line and insert in lieu thereof the word "uniform". Mr. Knight seconded. After discussion by Mr. Hurley, Mr. Johnson, Miss Awes, Mr. R. Rivers, Mr. White, Mr. Hinckel and Mr. Metcalf the question was called. On voice vote the amendment failed.

Mr. V. Fischer moved the adoption of the following amendment to Section 3 and asked unanimous consent: Line 9, strike "establish the" and substitute "provide for the establishment of". Mr. McCutcheon objected. Mr. R. Rivers seconded. After discussion by Mr. Fischer, Mr. White and Mr. McCutcheon, the question was called. On voice vote the amendment failed.

Mr. Hellenthal moved the adoption of the following amendment to

Section 4: page 2, line 1, strike "cemetery". Mr. Knight seconded. After discussion by Mr. Hellenenthal, Mr. Marston, Mr. Harris, Mr. White, Mr. V. Rivers, Mr. McLaughlin, Mr. Barr and Mr. Armstrong, Mr. Hellenenthal closed the argument and the question was called. On voice vote the amendment failed.

Mr. Nerland asked unanimous consent for the adoption of the following committee amendment to Section 5: line 19, after word "States" insert a comma and add "the State and its political subdivisions". There being no objection, the amendment was ordered adopted.

Mr. Barr moved to strike "U. S." in the title to Section 5 and insert in lieu thereof the word "government". Mr. V. Rivers suggested that the word "public" be used in place of "government".

The President declared a short recess.

#### AFTER RECESS

Mr. Hurley rose to a point of order to state that he didn't believe the titles in the articles should be amended by delegates but that Style and Drafting should make appropriate changes.

The President stated that the point of order was well taken.

Mr. Barr withdrew his amendment to the title of Section 5.

Mr. Nerland asked that action on Section 7 be postponed until the Committee has its amendments ready. There being no objection, it was so ordered.

Mr. V. Fischer moved the adoption of the following amendment to Section 8: page 3, lines 7 and 8, strike "or any political subdivision thereof" and line 11, strike "or of the respective political subdivision". Mr. Rosswog seconded. After discussion by Mr. V. Fischer, Mr. McNeese, Mr. Nerland, Mr. Hinckel, Miss Awes, Mr. Rosswog, Mr. Barr, Mr. Coghill, Mr. Hellenenthal, Mr. V. Rivers, Mr. McNeely, Mr. Riley, Mr. White, Mr. Lee, Mr. Davis, and Mr. Buckalew, Mr. V. Fischer closed the argument. The question was called. Mr. V. Rivers requested a roll call. The roll was called with the following result:

Yeas	17	Awes, Buckalew, Cross, Emberg, V. Fischer, Harris, Hinckel, Hurly, Kilcher, Lee, McNeely, Nordale, Riley, R. Rivers, Rosswog, Smith, Mr. President
Noes	33	Armstrong, Barr, Boswell, Coghill, Collins, Cooper, Davis, Doogan, H. Fischer, Gray, Hellenenthal, Hermann, Hilscher, Johnson, King, Knight, Laws, Londborg, McCutcheon, McLaughlin, McNeese, Marston, Metcalf, Nerland, Nolan, Peratovich, Poulsen, Reader, V. Rivers, Sweeney, Walsh, White, Wien.
Absent	5	Robertson, Stewart, Sundborg, Taylor, VanderLeest.

and so the amendment failed.

Mr. Johnson moved the adoption of the following amendment to Section 8: Page 3, line 10, after the word "voters" add the following "whose names appear on the current tax rolls." Mr. McNealy seconded. After discussion by Mr. Johnson, Mr. Gray and Mr. Nerland, Mr. Davis read his proposed amendment for information purposes.

After further discussion by Mrs. Nordale and Mr. R. Rivers, Mr. Johnson asked unanimous consent to withdraw his amendment. There being no objection, it was so ordered.

Mr. R. Rivers asked that Section 8 be held back by the Committee until it could be clarified.

Mr. Kilcher moved the adoption of the following amendment to Section 8: line 10 after word "majority" insert: "set by law" and strike "voters" and substitute "votes cast".

After discussion, Mr. Kilcher asked unanimous consent to withdraw his amendment and that it be referred to the Committee.

Mr. V. Rivers served notice of reconsideration of his vote on Mr. V. Fischer's amendment to Section 8.

Further action on Section 8 was deferred until the Committee gave it further consideration.

Mr. Nerland asked unanimous consent for the adoption of the following amendment to Section 9: line 18 after "state" add "and its political subdivisions". There being no objection, it was so ordered.

Mr. McLaughlin moved that the words "by law" on line 18, page 3 be stricken. Mr. Metcalf objected. Mr. McLaughlin withdrew his amendment.

Mr. Buckalew stated he had an amendment to Section 9, but would hold it until the next Convention day.

Mr. Nerland asked unanimous consent for the adoption of the following committee amendment to Section 10: page 4, line 4, after the " " following "corporation" strike the rest of the section and substitute "or to special assessments". There being no objection, it was so ordered.

Mr. Doogan moved the adoption of the following amendment to Section 13: line 7 strike "governor and the". Mr. McCutcheon seconded. After discussion by Mr. Doogan, Mr. Nolan, Mr. McCutcheon, Mr. R. Rivers and Mr. Barr, the question was called. On voice vote, the amendment failed.

The President declared a short recess.

AFTER RECESS

The President welcomed the Fairbanks Chapter of the American Association of University Women who were present in the gallery.

Mr. Smith asked unanimous consent that the Convention revert to the introduction of Committee Proposals. There being no objection, it was so ordered.

Committee Proposal No. 8a by the Committee on Resources, entitled STATE LANDS AND NATURAL RESOURCES, was introduced, read the first time and referred to the Rules Committee for assignment to the calendar.

Mr. R. Rivers moved the adoption of the following amendment to Section 12: page 4, line 25, insert "unobligated" before the word "appropriations". Mrs. Nordale seconded. After discussion by Mr. R. Rivers, Mr. Barr, Mr. McNealy, Mr. Hellenthal and Mr. McCutcheon, the question was called. Mr. McNees requested a roll call before the voice vote was announced. After discussion Mr. McNees withdrew his request and the President announced that on voice vote the amendment had been adopted.

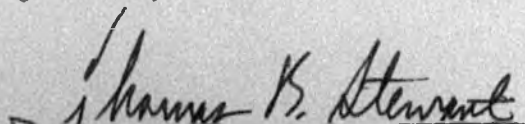
Mr. Kilcher moved and asked unanimous consent that the words "governor and legislature" on lines 7 and 8 of Section 13, page 5, be transposed. There being no objection, it was so ordered.

Mr. McNealy rose to a point of inquiry regarding Section 14, and stated he believed it should be in the miscellaneous provisions of the constitution.

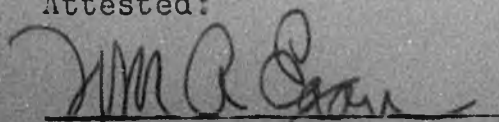
Mr. Nerland stated he had no objection to where it appeared in the constitution.

There being no further amendments to Committee Proposal No. 9 at this time, the President entertained a motion for adjournment.

Mr. Johnson asked unanimous consent that the Convention adjourn until 9 a.m. Tuesday. There being no objection, the Convention adjourned at 9:25 p.m. until 9 a.m. Tuesday.

  
THOMAS B. STEWART  
Secretary

Attested:

  
WILLIAM A. EGAN  
President

Jan. 21, 1956

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL FOR THE FIFTY-THIRD CONVENTION DAY, Saturday, January 14, 1956

The Convention was called to order by President Egan at 9:05 a.m.

The Invocation was given by the Rev. Charles Powers of the Church of the Nazarene of Totem Park.

Roll call showed all members present. The President declared a quorum to be present.

The report of the Committee to read the Journal was deferred.

Mr. Sundborg announced a meeting of the Committee on Style and Drafting at the 10:30 recess.

Mr. Sundborg moved that it be the policy to adjourn at 5:40 p.m. today until 9 a.m. Monday morning. Mr. Riley asked whether Mr. Sundborg would amend that to state 3:45. Mr. Sundborg accepted the change. Mr. Smith stated that the Resources Committee would like to have Sunday for a committee meeting; Mr. Sundborg stated that the Committee on Style and Drafting also needed Sunday to work.

Mrs. Hermann stated that Mr. Sundborg's motion was out of order. Mr. Sundborg stated that it was only a declaration of policy.

Consideration of Committee Proposal No. 10a was continued.

Mr. Barr's amendment being before the Convention, discussion was continued on it by Mr. Barr, Mr. Johnson and Mr. Londborg. The question being "Shall Mr. Barr's amendment to Section 10 be adopted?", the roll was called with the following result:

Yeas: 27 - Barr, Collins, Cross, Emberg, H. Fischer, Harris, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Laws, Londborg, McCutcheon, Nerland, Nolan, Peratrovich, Poulsen, V. Rivers, Robertson, Smith, Taylor, VanderLeest, Walsh, Wien, Mr. President

Nays: 26 - Armstrong, Awes, Boswell, Buckalew, Coghill, Cooper, Davis, V. Fischer, Gray, Hellenthal, Hermann, Hilscher, Lee, McLaughlin, McNealy, Marston, Metcalf, Nordale, Reader, Riley, R. Rivers, Rosswog, Stewart, Sundborg, Sweeney, White

Absent: 2 - Doogan, McNees

and so the amendment was adopted.

Mrs. Sweeney moved that the reconsideration of her vote on the Buckalew amendment to strike Section 6 be taken up at this time. Mr. Doogan seconded.

After discussion by Mrs. Sweeney, Mr. Boswell, Mr. Hellenthal, Mr. Davis and Mr. Londborg, Mr. Riley requested that all proposed amendments to Section 6 be read at this time.

The President stated that in fairness to all, the request of Mr. Riley would be granted.

Mr. V. Rivers read a proposed committee amendment to Section 6, inserting the word "general" before "election". After discussion by Mr. V. Rivers, Mr. V. Fischer and Mr. McLaughlin on Section 6, the President asked Mr. Armstrong to take the Chair. The President then spoke from the floor on Section 6.

Mr. Hellenthal requested a five-minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

The President took the Chair.

After discussion by Mrs. Nordale, Mr. Barr, Mr. White, Mr. Hurley, Mr. Gray, Mr. R. Rivers, Mr. Rosswog, Mr. Taylor, Mr. Buckalew and Mrs. Sweeney, the question was called. The question being "Shall Mr. Buckalew's amendment to strike Section 6 be adopted?", the roll was called with the following result:

Yeas: 9 - Buckalew, Coghill, Emberg, V. Fischer, Kilcher, Lee, Poulson, Sundborg, White

Nays: 46 - Armstrong, Awes, Barr, Boswell, Collins, Cooper, Cross, Davis, Doogan, H. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, King, Knight, Laws, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sweeney, Taylor, VanderLeest, Walsh, Wien, Mr. President

and so the amendment failed.

Mr. Sundborg asked unanimous consent that the convention recess for fifteen minutes.

Mr. Coghill introduced the Commander of the Veterans of Foreign Wars, Department of Alaska, and the Department Service Officer, James Burnette, who were visiting the Convention.

There being no objection to the unanimous consent request, the Convention recessed until 10:45 a.m.

#### AFTER RECESS

Mr. Hilscher introduced Sir Hubert Wilkins, noted Artic Explorer, who holds his first honorary doctor's degree from the University of Alaska, and asked unanimous consent that he be given the privilege of the floor to address the Convention. Permission was granted and Sir Hubert Wilkins gave a few remarks.

Consideration of Committee Proposal No. 10/a continued. Mr. V. Rivers moved the adoption of the following amendment to Section 6: Line 20, after period following word "governor" insert the following sentence: "He shall be nominated in the manner provided by law for nominating candidates for other elective offices."; delete the word "election" on line 21; line 22, after the word "law", insert "for general elections." Mr. V. Rivers asked unanimous consent for the adoption of the proposed amendment. Mr. Hellenthal objected. Mr. R. Rivers seconded. On voice vote the amendment was adopted.

Miss Awes moved the adoption of the following amendment to Section 6: line 8, page 2, strike words "secretary of state" and substitute "lieutenant governor"; line 21 strike part from "and" through word "governor" ending on line 2, page 3; line 2, page 3, strike "secretary of state" and substitute "lieutenant governor"; line 4, and 5 page 3, strike words "secretary of State" on both lines and in each case substitute "lieutenant governor". Mr. Buckalew seconded.

After Miss Awes spoke, Mr. Riley questioned Miss Awes as to amending her amendment to delete more language on page 3. Miss Awes asked unanimous consent to amend her amendment by striking through word "state" on line 4, page 3, and thereby eliminating the part of her amendment on line 2, of page 3. There being no objection, it was so ordered.

After questions by Mr. White and Mr. Taylor, Miss Awes requested a two-minute recess. There being no objection, it was so ordered.

AFTER RECESS

After further discussion by Mr. Buckalew, Mr. Barr, Mr. Taylor and Miss Awes, the question was called. On voice vote Miss Awes' amendment failed.

Mr. R. Rivers moved to reconsider his vote on Mr. Robertson's amendment to Section 2 at this time. Mr. Buckalew seconded.

After discussion by Mr. R. Rivers, Mr. McNealy, Mr. Hellenthal, Miss Awes, Mr. Coghill, Mr. Sundborg, Mr. McCutcheon, Mr. Robertson and Mr. McLaughlin, the question was called. On voice vote Mr. Robertson's amendment to Section 2 to insert the words "and of this state" at the end of line 5 failed of adoption.

Mr. Hellenthal moved the adoption of the following amendment to Section 6: Line 20, strike everything after "nor" through "state" on line 4, page 3 and substitute the following: "He shall be appointed by the governor."; on line 5 insert "administrative" before "duties". Section 7, line 12, page 3 delete the words "person elected". Mr. Marston seconded.

Mr. McCutcheon rose to a point of order to state the amendment should be divided into two parts since it is concerned with two sections.

After the President stated he believed they were related, Mr. McCutcheon yielded on his point of order.

On voice vote Mr. Hellenthal's amendment failed.

Mr. Kilcher spoke on Section 6. Mr. Gray rose to a point of order to ask what was before the Convention. The President stated there was nothing before the Convention. Mr. Kilcher asked a question of the President regarding Section 6. Mr. Hellenthal rose to a point of information.

Mr. Cooper spoke on a matter of personal privilege.

Mr. V. Rivers moved the adoption of the following committee amendment to Section 7: page 3, lines 20 and 21, after the first word "the" strike the words "powers and duties shall devolve upon the Secretary of State" and insert in lieu thereof "Secretary of State shall become the acting governor". Mr. Kilcher seconded.

Mr. R. Rivers moved to amend Section 7 line 17 by deleting the rest of the sentence after the word "removal" and substituting the following "the secretary of state shall become the governor."

The President declared Mr. R. Rivers amendment out of order.

The roll was called on the adoption of Mr. V. Rivers committee amendment with the following result:

Yeas: 29 - Armstrong, Awes, Buckalew, Coghill, Collins, Cross, Davis, V. Fischer, Gray, Hellenthal, Hermann, Kilcher, Knight, Lee, Londborg, McLaughlin, McNealy, McNees, Metcalf, Peratrovich, Reader, Riley, R. Rivers, Rosswog, Stewart, Sundborg, VanderLeest, Walsh, Mr. President

Nays: 24 - Barr, Boswell, Cooper, Doogan, Emberg, H. Fischer, Harris, Hinckel, Hurley, Johnson, King, Laws, McCutcheon, Marston, Nerland, Nolan, Nordale, Poulsen, V. Rivers, Robertson, Smith, Sweeney, Taylor, Wien

Absent: 2 - Hilscher, White

and so the amendment was adopted.

Mrs. Nordale spoke on a matter of personal privilege.

Mr. R. Rivers moved the adoption of the following amendment to Section 7: line 17, after "removal" delete rest of sentence and substitute "the Secretary of State shall become the governor." Mr. Taylor seconded and asked unanimous consent. Mr. Poulsen objected. After discussion by Mr. R. Rivers, Mr. McLaughlin, Mr. Kilcher, Mr. McCutcheon, Mr. Smith and Mr. Taylor, the question was called. The president being in doubt on the voice vote, requested a roll call with the following result:

Yeas: 16 - Armstrong, Collins, Cooper, Davis, Kilcher, Laws, McNealy, Metcalf, Nerland, Nordale, Peratrovich, R. Rivers, Sundborg, Taylor, Walsh, Mr. President

Nays: 37 - Awes, Barr, Boswell, Buckalew, Coghill, Cross, Doogan, Emberg, H. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, King, Knight, Lee, Londborg, McCutcheon, McLaughlin, McNees, Marston, Nolan, Poulsen, Reader, Riley, V. Rivers, R. Robertson, Rosswog, Smith, Stewart, Sweeney, VanderLeest, Wien

Absent: 2 - V. Fischer, White

and so the amendment failed.

Mr. Davis asked that the delegates be careful about offering amendments which are not necessary since the Committee on Style and Drafting is governed by the action of the body.

Mr. Johnson moved that the Convention recess until 1:30 and asked unanimous consent.

The following committee meeting announcements were made: Ordinances on recess; Executive Branch at 12:45 p.m.; Resources in the lobby of the Northward Building, rather than the Polaris, on Sunday at 2 p.m.; Style and Drafting Sunday at 1 p.m. at Apt. 1013 Polaris. Engrossment and Enrollment at 1 p.m. today; Rules on recess; Administration at 1 p.m.; Finance at 12:30 Sunday in the Northward Building lobby.

There being no objection, the Convention recessed for lunch until 1:30 p.m.

#### AFTER RECESS

Mrs. Sweeney asked unanimous consent to revert to Committee reports. There being no objection, it was so ordered.

Mrs. Sweeney reported that the Committee on Engrossment and Enrollment to whom was referred Committee Proposal No. 5 had compared it with the original and found it correctly engrossed and the enrolled copies correctly enrolled except that on line 14, page 4, "house" should be "houses". Mrs. Sweeney asked unanimous consent that the report of the Committee on Engrossment and Enrollment be adopted. There being no objection, it was so ordered.

Committee Proposal No. 5 was referred to the Committee on Style and Drafting.

Consideration of Committee Proposal No. 10a continued.

Mr. V. Rivers moved and asked unanimous consent for the adoption of the following committee amendment to Section 5: page 2, line 14, strike the word "term" and insert in lieu thereof the word "tenure". There being no objection, it was so ordered.

Mr. V. Rivers moved the adoption of the following Committee amendment to Section 7: page 3, line 17, strike the word "impeachment", after the word "his" insert the word "title". After discussion, Mr. V. Rivers asked unanimous consent to amend his amendment by inserting "title," between "the" and "powers" on line 11. There being no objection it was so ordered. There being no objection to the adoption of the amended amendment, it was so ordered.

Mr. V. Rivers moved and asked unanimous consent for the adoption of the following committee amendment to Section 8: Page 4, line 4, after the word "acting" strike through the word "term" on line 15 and substitute the following "A vacancy in the office of governor shall be prescribed by law." There being no objection, it was so ordered.

Mr. V. Rivers moved the adoption of the following amendment to Section 16: Page 7, line 18, place a period after the word "governor"; strike down to "successors" on line 20. The President declared a short recess.

#### AFTER RECESS

Mr. V. Rivers asked unanimous consent to withdraw his amendment to Section 16. There being no objection, it was so ordered.

Mr. V. Rivers moved and asked unanimous consent for the adoption of the following amendment to Section 16: page 7, line 18, strike from word "governor" through "successors" on line 20. ~~delete~~ "Senate" and insert "legislature in joint session". Mr. R. Rivers seconded. Mr. Johnson objected. On voice vote the amendment was adopted.

Mr. Sundborg presented the following amendment: Section 10, page 5, strike lines 16 through 20. Mr. Buckalew moved its adoption. Mr. Sundborg seconded. After discussion by Mr. Sundborg, Miss Awes, Mr. Barr, and Mr. Riley, the question was called. On voice vote the amendment was adopted.

Mr. Cooper asked a question regarding Section 11. Discussion was held on the question of confirming appointments by the legislature.

The President declared a short recess.

#### AFTER RECESS

Mr. V. Rivers stated he believed the body should take action to adopt a policy regarding confirmation of appointments throughout the Constitution.

The President stated he believed the Convention should make a definite decision and settle the matter as concerns this problem in all the articles.

Mr. V. Rivers moved and asked unanimous consent that the group express as a policy the intent that confirmation of appointments shall be made by the legislature in joint session, and Committee Proposal No. 10a would be corrected to conform with the policy. Mr. Riley seconded. Mr. Johnson objected. After a discussion by Mr. Hellenthal,

Mr. Johnson, Mr. Barr, Mr. Londborg, Mr. Harris, Mr. Riley, Mr. McNealy, Mr. Nolan, Mrs. Fischer, Mr. McNees, Mr. Cooper, Mr. V. Fischer, and Mrs. Nordale, Mr. Cooper rose to speak on a matter of personal privilege.

After Mr. Barr and Mr. Hellenthal spoke on the motion, Mr. V. Rivers asked unanimous consent to withdraw the motion. Mr. R. Rivers objected.

The President declared a short recess.

#### AFTER RECESS

Mr. V. Rivers moved to withdraw his motion. Mr. Doogan seconded. On voice vote the motion was ordered withdrawn.

Mr. Hellenthal moved that where, in Committee Proposal No. 10a, confirmation of a gubernatorial appointment is required of either or both houses of the legislature or both houses jointly, then in those cases it shall be the policy of this body that such confirmation be made by both houses of the legislature in joint assembly. Mr. Taylor seconded. On voice vote the motion was adopted.

Mr. Kilcher moved and asked unanimous consent for the adoption of the following amendment to Section 16: page 6, line 6, strike "or invasion or imminent danger thereof" and substitute "and actual or imminent invasion". Mr. Taylor objected. Mr. Knight seconded. Miss Awes asked for a recess to check the language with the similar provision of the Bill of Rights. There being no objection, it was so ordered.

#### AFTER RECESS

After discussion by Miss Awes, Mr. Marston, Mrs. Sweeney, Mr. R. Rivers and Mr. Hellenthal, Mr. Kilcher asked unanimous consent to amend his amendment by changing the word "and" to "or". There being no objection, it was so ordered. On voice vote the amended amendment was adopted.

Mr. Sundborg inquired whether the Convention had read the boundaries of the election districts in Committee Proposal No. 14. Mr. Hellenthal stated that this language was not ready as yet.

Mr. Sundborg asked unanimous consent that the record show that Committee Proposal No. 14 was ordered to the Committee on Engrossment and Enrollment, subject to a later addition describing the election districts. There being no objection, it was so ordered.

Mr. Cross moved the adoption of the following amendment to Section 13 of Committee Proposal No. 10a: line 10, after the word "governor" add the words "subject to procedure prescribed by law". Mr. Marston seconded. After discussion by Mr. Cross, Mr. Johnson, Mr. Gray, Mr. R. Rivers, and Mr. Barr, the question was called. On voice vote the amendment was adopted.

Mr. V. Fischer moved the adoption of the following amendment to Section 13: strike the third sentence. Mr. Hurley seconded. On voice vote the amendment was adopted.

Mr. Barr moved the adoption of the following amendment: Page 6, line 16, after Section 13 insert a new Section 14, and renumber the following Sections accordingly --

"An Attorney General shall be elected at the same time and in the same manner as the Governor, and his term of office shall be four years. He shall be the chief law officer of the State, shall represent the State in all courts of law, and shall see that all laws are uniformly and adequately enforced throughout the State.

He shall be legal advisor to the Legislature and all State officers, and shall perform such other duties as may be prescribed by law. He shall be responsible to the Governor and the Legislature for the faithful performance of his duties.

The Attorney General shall receive for his services a compensation fixed by the Legislature which shall not be increased or diminished during his term of office. He shall devote his full time to his office and shall not receive any salary, fees or other compensation from any other source.

In case of vacancy in the office of Attorney General for any cause, the Governor shall appoint his successor to complete the term of office with the consent of a majority of both Houses of the Legislature in joint session assembled, or, when not in session, a poll of the members may be taken by mail by the President of the Senate and Speaker of the House."

Mr. Knight seconded. After discussion by Mr. Barr, Mr. Marston, Mr. Hellenthal, Mr. Nolan, Mr. McLaughlin, Mr. Stewart, Mr. R. Rivers, and Mr. Robertson, Mr. Barr closed the argument. Mr. Hellenthal requested a roll call. The roll was called with the following result:

Yeas: 12 - Barr, Collins, H. Fischer, Laws, McNealy, Metcalf, Nolan, Robertson, Smith, Sweeney, Taylor, Walsh

Nays: 40 - Armstrong, Awes, Boswell, Buckalew, Cooper, Cross, Davis, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Lee, Londborg, McCutcheon, McLaughlin, McNees, Marston, Nerland, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Rosswog, Stewart, Sundborg, White, Mr. President.

Absent: 3 - Coghill, VanderLeest, Wien

and so the amendment failed.

Mr. Hurley spoke on a matter of personal privilege.

Mr. Sundborg spoke on a matter of personal privilege regarding the problem of Style and Drafting as concerns the office of attorney general.

Mr. Sundborg moved that the rules be suspended and that the Committee on Style and Drafting be empowered to make a substantive amendment to provide that wherever the words "attorney general" appear that they be changed to "secretary of state".

Mr. V. Rivers spoke under personal privilege.

Mr. Sundborg stated he would withhold making the motion until the second reading of Committee Proposal No. 10a had been completed.

Mr. Buckalew moved the adoption of the following amendment to Section 14: line 23, strike "and quasi", line 24 strike "judicial". After discussion by Mr. Buckalew, Mr. V. Fischer, Mr. Hellenthal, Mr. McLaughlin, Mr. Gray, Mr. V. Rivers, Mr. Hurley, Mr. Davis, Mr. Emberg, Mr. McNealy, Mr. Peratrovich, Mr. R. Rivers and Miss Awes, the question was called. The roll was called with the following result:

Yeas: 17 - Armstrong, Barr, Buckalew, Coghill, Davis, Doogan, Emberg, Hurley, Johnson, Lee, McNealy, Nolan, Peratrovich, Riley, Robertson, White, Mr. President

Nays: 36 - Awes, Boswell, Collins, Cooper, Cross, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Kilcher, King, Knight, Laws, Londborg, McCutcheon, McLaughlin, McNees, Marston, Metcalf, Nerland, Nordale, Poulsen, Reader, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, Walsh

Absent: 2 - VanderLeest, Wien

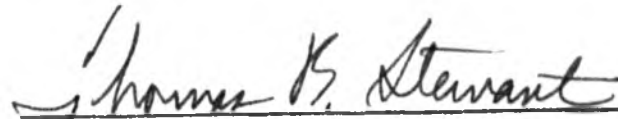
and so the amendment failed.

Mr. Kilcher served notice of his intention to reconsider his vote on Mr. Buckalew's amendment to Section 14.


Mr. Sundborg asked unanimous consent that the Convention adjourn until 9 a.m. Monday.

Mr. Rosswog announced a meeting of the Committee on Local Government at 1 p.m. Sunday at Apt. 19, Alaskan Inn.

There being no objection to the unanimous consent request, the Convention adjourned at 3:50 p.m. until Monday at 9 a.m.

  
\_\_\_\_\_  
THOMAS B. STEWART  
Secretary

Attested:

  
\_\_\_\_\_  
WILLIAM A. EGAN  
President

Constitutional Convention  
Journal/42  
Approved Jan. 19, 1956

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL FOR THE FIFTY-SECOND CONVENTION DAY, Friday, January 13, 1956

The Convention was called to order by President Egan at 9 a.m.

The Invocation was given by the Rev. Wilson of the Assembly of God Church.

Roll call showed all present. The President declared a quorum to be present.

Mrs. Sweeney again reminded the delegates to remain seated until the President had introduced the minister.

Mr. White asked that the approval of the Journal be held over until later in the day.

Mr. Sundborg announced a meeting of the Committee on Style and Drafting.

Mr. Coghill asked that action be taken on the weekend meetings. Mrs. Hermann suggested that action be delayed until after the report of the Committee on Rules. Mr. Riley announced a meeting of the Committee on Rules at the first recess.

The Chairman of the Committee on the Executive asked that the Convention recess until the amended proposal was available. The President declared a short recess.

AFTER RECESS

Committee Proposal No. 10 was read the second time.

Mr. Coghill announced the presence of the students from Nenana and introduced Miss Gloria Fredericks, president of the student body, who gave the following talk:

GLORIA FREDERICKS: Mr. President, Delegates to the Alaska Constitutional Convention and friends, I feel that we today are highly favored people, especially those of us fortunate enough to call Alaska our home. Certainly the privileges of living in this great northern fringe of American civilization are as great as those possessed by any of the other forty-eight states.

Alaska is not only the geographical crossroads of the world but is herself at the crossroads of her destiny. She can become a equal state under the great flag of our forefathers or she can be longer subjected to the tyranny of American colonialism so eloquently spoken against by our former Governor, Mr. Gruening.

Everyone today is searching means of conserving resources, both human and physical. Today the youth of our land constitutes a far more serious problem of juvenile delinquency. They constitute the sole means of perpetrating the continuity of our way of life. I feel that today's youth are more alert, more self-conscience, and more capable than the youth of any other nation in the entire world. Were we to doubt our advancement over other generations, we wouldn't admit the failure of our great American principles. We, the youth of 1956, are indeed alert to the changes of our day. We realize the significance of this convention here at our great and growing University. Just as the University symbolizes our determination to enlighten our future generations, so does your work here provide basis for our hopes of the future. We feel highly honored to be able to attend this convention. Perhaps it might convey to our minds something of that great group of men who sat in Philadelphia almost two centuries ago to draw up a constitution for our infant nation to be governed by a revolutionary type of government. Your task, though not as tremendous as theirs, is as important to the destiny of this portion of America. Some of us have never been fully Americans. Some of you have been colonials all your life. We can look forward to a great spiritual and physical growth under the new status of citizenship, full citizenship. Many of us here today will no doubt live to be able to vote for those who decide our economic and cultural as well as our political destiny. We will be citizens of the largest and eventually the greatest of all states, Alaska. I feel that your grandchildren will see your names on streets of the new state. Possibly towns and cities will be named for you. The future will judge your work here, and we are part of that future. Because of the work you are doing here I feel that some of us will help legislate according to this Constitution. I feel we will amend it and flower it into full stature of American citizens.

We, the students of Nenana Public Schools, would like to thank you for the opportunity of appearing here before you and seeing you at work. It will be a day few of us will ever forget. Thank you.

Mr. Johnson moved and asked unanimous consent that the remarks of Miss Fredericks be spread upon today's Journal. There being no objection, it was so ordered.

Mr. V. Rivers, Chairman of the Committee on the Executive Branch, discussed the Committee's position on the proposal.

A general discussion of the Proposal with questions from the delegates followed. Mr. Sundborg moved for a fifteen minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

A further discussion of Committee Proposal No. 10 followed.

Mr. Sundborg moved and asked unanimous consent that the Convention recess until 1:30 p.m. Before the recess was announced, the following committee announcements were made: Executive Committee meeting at 12:50 p.m. Rules Committee immediately on recess. Resources Committee at 12:50 p.m. Ordinances Committee at 1:00 p.m.

#### AFTER RECESS

Mr. White asked unanimous consent to continue reading the Journal for the 48th day and recommended it's approval, subject to the following corrections:

#### CORRECTIONS - JOURNAL FOR THE 48th CONVENTION DAY

- Page 1; Line 1: change 1955 to 1956
- Page 1; bottom line: change 1955 to 1956
- Page 2, 1st paragraph after the roll call, line 2:  
insert "Mr." before V. Rivers
- Page 3, 4th paragraph, add at the end of the last sentence:  
There being no objection, it was so ordered.
- Page 6, 3rd paragraph, first line, after the word "motion"  
insert the words "to reconsider"
- Page 13, 2nd paragraph, 2nd line: change the word "in" to "for"

There being no objections, the Journal was approved subject to the corrections.

The following communications were read: Telegram from the Cordova Fish & Cold Storage Co. recommending Department of Fisheries control Sport and Commercial fisheries: Telegram from the Cordova District Fisheries Union signed by Harold Z. Hansen, Executive Secretary, also recommending Department of Fisheries control Sport and Commercial Fisheries. An Invitation was extended the delegates by the Alaska Crippled Children's Association to attend a Silver Tea to meet Christian von Schneidau and view his paintings. A letter was read from Cheril Drake of Stockton, California, requesting information on Alaska for her his-

tory notebook.

The President announced that the Veterans of Foreign Wars were having a Stag Party tomorrow night and had extended an invitation to all delegates wishing to attend. Those planning to attend were requested to leave their names with the Sgt.-at-Arms.

Mr. V. Fischer asked that the request of Cheril Davis be answered immediately. Mrs. Hermann stated that that was the function and duty of the Alaska Statehood Committee, and they had been filling numerous requests of the same kind. The President asked that the letter from Cheril Davis be turned over to Mrs. Hermann, who is the Secretary of the Alaska Statehood Committee and that the other communications be filed.

The President called for further discussion of Committee Proposal No. 10, and a general discussion by several delegates followed. During the discussion Mr. McCutcheon rose to a point of order to state that this was merely a discussion and the merits or demerits of any section could not be argued at this time. The President upheld his point of order.

After discussion, the President called for a recess.

#### AFTER RECESS

Further discussion of Committee Proposal No. 10 followed with Chairman V. Rivers answering questions of the delegates.

Mr. Poulsen requested a fifteen minute recess at 3:30 p.m. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. White stated he had an amendment to Section 2 of Committee Proposal No. 10.

Mr. V. Rivers stated there was a Committee Amendment which he would like to have considered first. Mr. White yielded.

Mr. V. Rivers moved and asked unanimous consent for the adoption of the following Committee Amendment to Section 3: Page 1, line 11, place a period after the word "governor" and strike the balance of the section. There being no objection, it was so ordered.

Mr. White moved the adoption of the following amendment to Section 2: Page 1, Lines 4 and 5, strike the words "and shall have been for at least twenty years". Mr. Buckalew seconded. After discussion by Mr. White, Mr. Londborg, Mr. V. Rivers, Mrs. Nordale, Mr. V. Fischer, Mr. Metcalf, Mr. Buckalew, Mr. Barr and Mr. Kilcher, the question was called.

The roll was called with the following result:

Yeas: 29 - Armstrong, Awes, Buckalew, Cooper, Davis, Doogan, Emberg, V. Fischer, Gray, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Kilcher, Lee, McLaughlin, Mc Nealy, Marston, Nordale, Poulsen, Reader, Riley, R. Rivers, Stewart, Sundborg, White, Wien, Mr. President.

Nays: 25 - Barr, Boswell, Coghill, Collins, Cross, H. Fischer, Harris, Johnson, King, Knight, Laws, Londborg, Mc Cutcheon, McNees, Metcalf, Nerland, Nolan, Peratrovich, V. Rivers, Robertson, Rosswog, Smith, Sweeney, Taylor, Walsh.

Absent: 1 - VanderLeest.

and so the Amendment was adopted.

Mr. Robertson asked unanimous consent for the adoption of the following amendment to Section 2, line 3; after the word "be" insert "a citizen of this state". Mr. Buckalew objected. Mr. Robertson so moved. Mr. Knight seconded. After discussion, Mr. Davis asked if Mr. Robertson would not withdraw his amendment and submit a revised amendment. Mr. Robertson asked unanimous consent to withdraw his amendment. There being no objection, it was so ordered.

Mr. Robertson asked unanimous consent for the adoption of the following amendment to Section 2: Line 5, delete the comma and add the words "and of this state". Mr. Taylor seconded and asked unanimous consent. Mr. Lee objected.

After discussion by Mr. Lee, Mr. Robertson, Miss Awes, and Mr. Nolan, Mr. V. Fischer requested a two-minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

After discussion by Mr. V. Rivers, Mr. Robertson and Mr. McLaughlin, Mr. Robertson asked unanimous consent to withdraw his amendment. Mr. V. Rivers objected. After discussion, Mr. V. Rivers withdrew his objection. Mr. Hellenthal objected to the withdrawal of the amendment. The question being, "Shall Mr. Robertson's amendment be adopted?", the roll was called with the following result:

Yeas: 35 - Armstrong, Barr, Boswell, Collins, Cross, Davis, Emberg, H. Fischer, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Laws, Londborg, McCutcheon, McNealy, McNees, Metcalf, Nolan, Nordale, Peratrovich, Reader, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Sweeney, Wien.

Nays: 19 - Awes, Buckalew, Coghill, Cooper, Doogan, V. Fischer, Gray, Lee, McLaughlin, Marston, Nerland, Poulsen, Riley, Stewart, Sundborg, Taylor, Walsh, White, Mr. President.

Absent: 1 - VanderLeest

and so the amendment was adopted.

Mr. White moved and asked unanimous consent for the adoption of the following amendment to Section 2: Line 6, page 1, strike the word "seven" and insert in lieu thereof the word "five". Mr. Coghill objected. Mr. Buckalew seconded.

Mr. Taylor stated he had an amendment to Section 2 on the Chief Clerk's desk. The President stated it would be considered after Mr. White's amendment had been disposed of. After discussion of Mr. White's amendment by Mr. White, Mr. V. Rivers, Mr. Londborg, and Mr. Barr, Mr. Kilcher requested that Mr. Taylor's amendment be read. Mr. Cooper objected and moved the previous question. Mr. Kilcher spoke on the amendment. Mr. Coghill moved the previous question. Mr. Buckalew seconded. On voice vote the previous question was ordered.

The question being, "Shall Mr. White's amendment to line 6 be adopted?", on voice vote the amendment failed.

Mr. Taylor moved the adoption of the following amendment to Section 2: Line 4, page 1, after comma insert the following: "and shall have been for at least seven years a citizen of the United States". After discussion by Mr. V. Fischer, Mr. V. Rivers, Mrs. Nordale, Mr. Marston, Mr. Johnson, Mr. Buckalew, and Mr. Taylor, the question was called. On voice vote the amendment was adopted.

Mr. Sundborg moved the adoption of the following amendment to Section 3 and asked unanimous consent: Line 9, strike sentence beginning "The person" and ending on line 11. Mrs. Nordale objected. Miss Awes seconded. After discussion by Mrs. Nordale, the question was called. On voice vote the amendment failed.

Mr. Buckalew rose to speak on a matter of personal privilege regarding the amended Section 2.

Mr. Buckalew moved the adoption of the following amendment to Section 6: Strike Section 6. Mr. Hellenthal seconded.

After discussion by Mr. Buckalew, Mr. V. Rivers, Mr. Barr, Miss Awes, Mr. Hellenthal, Mr. Harris and Mr. Peratrovich, Mr. Londborg rose to speak on a matter of personal privilege. After further discussion of the amendment by Mr. Hurley, Mr. Gray, Mrs. Nordale, Mr. Taylor and Mr. V. Fischer, Mr. Buckalew asked unanimous consent to withdraw the amendment. There being no objection, it was so ordered.

Mrs. Sweeney asked unanimous consent to recess until 7 p.m. Mr. McCutcheon objected. Mrs. Sweeney withdrew her request.

Mr. White moved the adoption of the following amendment to Section 6: page 3, lines 5 and 6, strike the words "as may be prescribed by law and". Mr. Buckalew seconded. After discussion by Mr. Sundborg, Mr. V. Rivers, Mr. Barr, Mrs. Nordale, Mr. Robertson and Mr. White, Mr. Hellenthal asked unanimous consent that subject to committee announcements the convention recess until 7 p.m.

Mr. Smith announced a meeting of the Committee on Resources at 6:15 p.m. Mr. Nerland announced a meeting of the Committee on Finance immediately on recess. Mr. V. Rivers announced a meeting of the Committee on the Executive Branch at 6:40 p.m.

There being no objection to the unanimous consent request, the Convention recessed until 7 p.m.

#### AFTER RECESS

Mr. R. Rivers gave notice of reconsideration of his vote on the Robertson amendment to Section 2. Mr. McCutcheon asked Mr. R. Rivers if he had any objection to taking the matter up at this time. Mr. R. Rivers stated he would prefer to consider the matter on the next Convention day.

Mr. Buckalew moved to rescind the action on Mr. Robertson's amendment to Section 2.

Mr. Johnson rose to a point of order to state that a motion to rescind would be out of order when a notice of reconsideration has been given.

The President stated he was in doubt on the point of order and declared a short recess.

#### AFTER RECESS

The President stated that a motion to rescind action was out of order at this time.

Mr. White asked unanimous consent to withdraw his amendment to Section 6 which was before the Convention. There being no objection, it was so ordered.

Mr. Cooper moved the adoption of the following amendment to Section 6: Page 2, line 19 delete second "the"; line 20 change period to a comma, strike "he" and insert "who" before "shall"; Line 21, strike "the" before "election" and insert "under the same"; Line 22, after "law" insert "for Governor", insert period and strike the remainder of the Section

through period after "state" on line 4, page 3. Mr. Hinckel seconded. After discussion by Mr. Cooper, Mr. Boswell, Mrs. Nordale, Mr. Buckalew, Mr. Johnson, Mr. Hurley, Mr. Armstrong, Mr. Barr, Mr. V. Fischer, Mr. Taylor, Mr. Kilcher, Mr. Hinckel, Mr. Nerland and Mr. McNees, the question was called. The question being, "Shall Mr. Cooper's amendment to Section 6 be adopted?" The roll was called with the following result:

Yeas: 19 - Buckalew, Coghill, Cooper, Cross, Hellenthal, Hilscher, Hinckel, Hurley, Metcalf, Nolan, Peratrovich, Poulsen, Riley, Rosswog, Sundborg, Sweeney, White, Wien, Mr. President.

Nays: 33 - Armstrong, Awes, Barr, Boswell, Collins, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hermann, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNees, Marston, Nerland, Nordale, Reader, R. Rivers, V. Rivers, Smith, Stewart, Taylor, Walsh

Absent: 3 - McNealy, Robertson, VanderLeest

and so the amendment failed.

Mr. Buckalew moved the adoption of the following amendment to Section 6: Strike all of Section 6. Miss Awes seconded. After Mr. Buckalew spoke on the amendment, Mr. Sundborg moved the previous question. Mr. McNees seconded. The question being, "Shall the previous question be ordered?", the roll was called with the following result:

Yeas: 23 -- Barr, Boswell, Collins, Cross, Emberg, H. Fischer, Gray, Harris, Hilscher, Johnson, King, Knight, Laws, McCutcheon, McNees, Metcalf, Nerland, R. Rivers, Rosswog, Sundborg, Taylor, Wien, Mr. President

Nays: 29 - Armstrong, Awes, Buckalew, Coghill, Cooper, Davis, Doogan, V. Fischer, Hellenthal, Hermann, Hinckel, Hurley, Kilcher, Lee, Londborg, McLaughlin, Marston, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, V. Rivers, Smith, Stewart, Sweeney, Walsh, White

Absent: 3 - McNealy, Robertson, VanderLeest  
and so the previous question was not ordered.

After discussion of the amendment by Mr. McLaughlin, Mr. Nolan, Mr. Davis, Mr. McNees, Mr. Marston and Mr. Buckalew, the question was called. The question being, "Shall Mr. Buckalew's amendment be adopted?", the roll was called with the following result:

Yeas: 26 - Armstrong, Awes, Buckalew, Coghill, Doogan, Emberg, V. Fischer, Hellenthal, Hilscher, Hinckel, Hurley, Kilcher, Knight, Lee, McCutcheon, McLaughlin, Nolan, Nordale, Poulsen, Reader, Riley, Smith, Sweeney, White, Wien, Mr. President

Nays: 25 - Barr, Boswell, Collins, Cooper, Cross, Davis, H. Fischer, Gray, Harris, Hermann, Johnson, King, Laws, Londborg, McNees, Marston, Metcalf, Nerland, Peratrovich, R. Rivers, V. Rivers, Stewart, Sundborg, Taylor, Walsh

Absent: 4 - McNealy, Robertson, Rosswog, VanderLeest

and so the amendment was adopted.

Mr. Buckalew requested a fifteen minute recess to discuss the result of the amendment with the Committee to effect changes in other sections. Mr. V. Rivers objected. Mr. Buckalew so moved. Mr. Knight seconded. The roll was called with the following result:

Yeas: 22 - Armstrong, Awes, Buckalew, Coghill, Emberg, V. Fischer, Hellenenthal, Hermann, Hilscher, Hinckel, Hurley, Kilcher, Knight, Lee, McLaughlin, Marston, Nolan, Poulson, Riley, Sweeney, White, Wien

Nays: 29 - Barr, Boswell, Collins, Cooper, Davis, Doogan, H. Fischer, Gray, Harris, Johnson, King, Laws, Londborg, McCutcheon, McNees, Metcalf, Nerland, Nordale, Peratrovich, Reader, R. Rivers, V. Rivers, Smith, Stewart, Sundborg, Taylor, Walsh, Mr. President, Cross

Absent: 4 - McNealy, Robertson, Rosswog, VanderLeest

and so the motion to recess failed.

Mr. R. Rivers moved that the Convention adjourn until 9 a.m. Saturday. Mr. Taylor seconded.

Mr. Riley stated that he would like the Convention to revert to Committee reports.

Mr. R. Rivers withdrew his motion to adjourn.

Mr. Riley asked unanimous consent to revert to committee reports after a short recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. Riley presented the following report of the Committee on Rules:

## REPORT OF THE COMMITTEE ON RULES

### Improvement of Convention Procedure for Consideration of Proposals

The Committee suggests the following modifications to existing rules:

#### I

(a) After a standing committee chairman has explained an article and questions have been answered, a recess shall be called, if necessary, during which time Delegates with amendments may consult with the standing committee if they have not previously done so in order to reconcile ideas, (if possible), consolidate similar amendments, and prepare amendments in suitable form. Proposed amendments shall not be in order during the initial section by section review of proposals unless previously presented for the committee's consideration or unless this requirement is waived by the committee chairman. Long or complicated amendments shall not be in order until mimeographed.

(b) After the first section by section review of the proposal, another recess will be called to enable Delegates having further amendments to consult with the committees. In the second section by section review of the proposal, amendments may be submitted directly from the floor without previous consultation with the committee.

#### II

A delegate may speak only once to any motion or amendment except the mover who may open and close debate thereon. The same

restriction shall apply to amendments to amendments.

### III

When a question has been put by the Chair, a roll call shall be in order upon the request of 10 delegates evidenced by a show of hands, provided that the Chair may order a roll call vote at any time.

### IV

Notices of reconsideration and of motions to rescind must be given within one hour of the vote sought to be reconsidered or rescinded and the appropriate motion made within three hours of such vote. Neither reconsideration nor rescission shall carry without at least 28 affirmative votes.

The following two exceptions apply to this rule:

- (a) If a recess prevents adherence to such time limits, the notice or motion involved may be announced or made at the next earliest opportunity.
- (b) If a vote is taken too late in the day to afford the full time above allowed, notice and reconsideration or action to rescind shall be accomplished before adjournment that day.

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### OTHER SUGGESTIONS

- (a) It is suggested that the Rules Committee prepare a tentative schedule for completing work on each proposal, and that the Committee announce the time to be allotted a proposal before the

Convention considers it.

(b) Adhere strictly to the period of time stated for each recess.

Mr. Riley moved the adoption of Rule I. Mr. Armstrong seconded. Mr. Sundborg asked for unanimous consent. Miss Awes objected, stating she believed the words "and questions have been answered" should be deleted. Mr. Riley asked unanimous consent that the suggestion of Miss Awes be adopted as an amendment. Mr. Coghill objected. Mr. Kilcher objected. After discussion by Mr. Riley, Mr. Coghill withdrew his objection. Mr. Riley moved that the words "and questions have been answered" be deleted from line 2 of Rule I. Mr. Knight seconded. On voice vote, the amendment was adopted. The adoption of the amendment to the existing rules requiring a two-thirds vote, the roll was called on the adoption of Rule I, with the following result:

Yeas: 53 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Collins, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, Walsh, White, Wien, Mr. President

Nays: 0

Absent: 2 - Robertson, VanderLeest

and so Rule 1 was adopted.

Mr. Sundborg asked unanimous consent that the following language be inserted at the end of the line "The Committee suggests", add: "to become effective following consideration of Committee Proposal No. 10a in second reading". Mr. Davis objected, and so the change was not adopted.

Mr. Riley asked unanimous consent that proposed Rule II be adopted. Mr. Londborg objected. After discussion, Mr. Londborg withdrew his objection. Mr. Kilcher objected. Mr. Riley so moved. Mr. Davis seconded. Mr. Kilcher spoke on the suggested rule, and Mr. McCutcheon rose to a point of order that Mr. Kilcher was castigating the Rules Committee. The President stated that Mr. McCutcheon's point of order was well taken and that Mr. Kilcher should confine his remarks to the proposed rule.

After discussion by Mr. McLaughlin, Mr. White, Mr. Londborg, Mr. Davis, and Mr. McNealy, Mr. Coghill rose to state that the original contract for 150 hours of recording was running out, and therefore he was in favor of the rule. Mr. Metcalf, Mr. Hinckel and Mr. V. Rivers spoke on the proposed Rule II. The President stated that since the

matter of convention expenses had come up in the debate, he wished to state that as of this date it appeared there would be twenty-five or thirty thousand dollars unexpended funds to be returned to the treasury.

The roll was called on the adoption of Rule II with the following result:

Yeas: 45 - Armstrong, Awes, Barr, Boswell, Coghill, Collins, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, King, Knight, Laws, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, Walsh, Wien, Mr. President

Nays: 8 - Buckalew, Cooper, Harris, Kilcher, Londborg, Poulsen, Reader, White

Absent: 2 - Robertson, VanderLeest

and so Rule II was adopted.

Mr. Riley asked unanimous consent for the adoption of Rule III. Mr. Kilcher objected. Mr. Riley so moved. Mr. Knight seconded. After discussion by Mr. V. Fischer, Mr. Londborg, Mr. V. Rivers, Mr. Johnson, Mr. Hurley and Mr. Sundborg, Mr. Kilcher moved to change the figure "10" to "5" and asked unanimous consent. There being no objection it was so ordered. The roll was called on the adoption of Rule III with the following result:

Yeas: 33 - Barr, Boswell, Buckalew, Collins, Cross, Davis, Doogan, V. Fischer, Gray, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, King, Knight, Lee, McCutcheon, McLaughlin, McNealy, Nerland, Nolan, Nordale, Riley, R. Rivers, Rosswog, Smith, Sundborg, Sweeney, Taylor, Walsh, Wien, Mr. President

Nays: 20 - Armstrong, Awes, Coghill, Cooper, Emberg, H. Fischer, Harris, Johnson, Kilcher, Laws, Londborg, McNees, Marston, Metcalf, Peratrovich, Poulsen, Reader, V. Rivers, Stewart, White

Absent: 2 - Robertson, VanderLeest

and so Rule III was not adopted.

Mr. Riley moved the adoption of Rule IV. Mr. McCutcheon seconded. After discussion by Mr. V. Fischer, Mr. Londborg and Mr. Stewart, the roll was called on the adoption of Rule IV with the following result:

Yeas: 17 - Barr, Collins, Davis, H. Fischer, Hellenthal, Hermann, McCutcheon, McLaughlin, McNealy, Nordale, Riley, R. Rivers, Rosswog, Sundborg, Taylor, Walsh, Wien

Nays: 36 - Armstrong, Awes, Boswell, Buckalew, Coghill, Cooper, Cross, Doogan, Emberg, V. Fischer, Gray, Harris, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McNees, Marston, Metcalf, Nerland, Nolan, Peratrovich, Poulsen, Reader, V. Rivers, Smith, Stewart, Sweeney, White, Mr. President

Absent: 2 - Robertson, VanderLeest

and so Rule IV was not adopted.

Mr. Riley called attention to a rule in Roberts Rules of order, to the effect that amendments to rules may be adopted by a majority vote, if prior notice of the changes is made.

The President ruled that sufficient notice had not been given to make this rule apply.

Mr. R. Rivers requested a two-minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mrs. Sweeney served notice of her intention to reconsider her vote on Mr. Buckalew's amendment to strike Section 6 of Committee Proposal No. 10a.

Mr. Johnson moved that the Convention adjourn until 9 a.m. Saturday. There being further business to conduct, Mr. Johnson withdrew his motion.

Mr. Riley moved that Rule II become effective immediately and that Rule I become effective following consideration of Committee Proposal No. 10a in second reading. Mr. Riley asked unanimous consent for the adoption of the motion. There being no objection, it was so ordered.

Mr. R. Rivers spoke on suggestion (a) and Mr. Gray spoke on suggestion (b) of the Rules Committee report.

Mr. Coghill moved that the suggestions be adopted into the rules. Mr. Hellenthal rose to a point of order questioning how a rule can be a suggestion that another suggestion be made. Mr. R. Rivers suggested that action be taken after the rules committee submits a detailed report. Miss Awes suggested that the Convention continue with the calendar as it is at the present time and consider the matter of time allotments later. Mr. Coghill withdrew his motion.

Mr. Harris moved that the Convention adjourn until 9:05 a.m. Saturday. Mr. V. Fischer seconded. On voice vote the motion failed.

Consideration of Committee Proposal No. 10a continued.

Miss Awes suggested that Sections 7, 8 and 9 of Committee Proposal No. 10a be considered after the reconsideration of the amendment to strike Section 6, since the sections are all related.

Mr. Taylor moved and asked unanimous consent that consideration of Sections 7, 8 and 9 be delayed. There being no objection, it was so ordered.

Mr. V. Rivers moved and asked unanimous consent for the adoption of the following Committee Amendment to Section 10: delete "or" and insert a comma and add "or right" after "duty". There being no objection, it was so ordered.

Mr. V. Fischer moved the adoption of the following amendment to Section 10: line 7, after "subdivisions" insert "or by any licensee of the state" Mr. Stewart seconded.

After discussion by Mr. V. Fischer, Mr. Gray, Mr. Davis, Mr. McNees, and Mr. Barr, Mr. V. Fischer requested a three minute recess. There being no objection, it was so ordered.

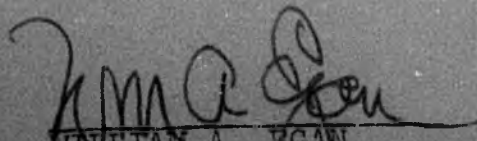
#### AFTER RECESS

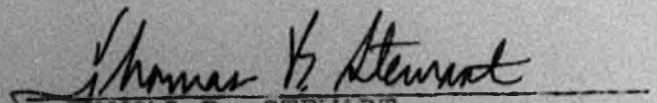
Mr. V. Fischer asked unanimous consent to withdraw his amendment. There being no objection, it was so ordered.

Mr. V. Rivers moved the adoption of the following Committee amendment to Section 10: Page 5, line 14, strike "the Senate alone" and insert "either house alone" and asked unanimous consent. There being no objection, it was so ordered.

Mr. Barr moved the adoption of the following amendment to Section 10: line 17 after the word "prepare" insert "and submit to the governor elect". Mr. Knight seconded.

Mr. Barr stated that consideration of his amendment could be taken at the next day's session and asked unanimous consent that the Convention adjourn until 9:05 Saturday morning. Mr. Rosswog announced a meeting of the Committee on Local Government in the gallery on recess. There being no objection to the unanimous consent request, the convention adjourned at 9:38 p.m. until 9:05 a.m. Saturday.

  
WILLIAM A. EGAN  
President

  
THOMAS B. STEWART  
Secretary

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL OF THE FIFTY-FIRST CONVENTION DAY, Thursday, January 12, 1956.

The Convention was called to order at 9:05 a.m. by President Egan.

The Invocation was given by Mr. Armstrong.

Roll call showed all members present except Mr. VanderLeest, who was reported ill. The President declared a quorum to be present.

The President reported that General Dean would make a speech at 1 p.m. at the University gymnasium and that following that speech he will address the convention.

Mr. Smith announced that the Committee on Resources will meet Sunday at 2 p.m. at Apartment 504 in the Polaris Building, and at 12:50 p.m. Friday.

A general discussion by the delegates of Committee Proposal No. 14 continued.

Mr. McCutcheon moved and asked unanimous consent that the Convention proceed to the consideration of Committee Proposal No. 14 for the purposes of amendment. Mrs. Sweeney objected. Mr. Taylor seconded.

Mr. Kilcher moved that the convention recess for fifteen minutes. Mr. Buckalew seconded. On voice vote the Convention recessed.

AFTER RECESS

Mr. Knight asked unanimous consent that the Journal for the 46th Convention day be approved as read. There being no objection it was so ordered.

Mrs. Sweeney withdrew her objection to Mr. McCutcheon's unanimous consent request. Mr. Nolan objected temporarily to ask a few questions.

After further discussion the President called for amendments to Committee Proposal No. 14.

Mr. V. Rivers asked unanimous consent that the supplemental report containing committee changes to Proposal No. 14 be made a part of the Proposal. Mrs. Hermann objected for the purposes of clarification of the number of the Proposal on the mimeographed sheet.

The President declared a short recess.

51st Day, Thursday, Jan. 12, 1956

AFTER RECESS

The President ordered that the number on the mimeographed sheet be changed from 9 to 14.

The President ordered that, without objection, the following changes proposed by the Committee on Suffrage, Elections and Apportionment would be made a part of Committee Proposal No. 14:

Add at the end of Section 2, line 20, page 2 of Committee Proposal 14, the following:

"Provided that the districts from which Senators at large are elected may be modified to take account of changes in election districts, but retaining the total number of Senators assigned herein to each such district, and the approximate perimeter of each such district.

Delete in Section 2, line 8 at page 2 of the Committee Proposal the words "by the creation of two or more new districts from within the larger geographic socio-economic areas of the State, or, "and also delete the first word in line 11 "otherwise".

Change in the Schedule of Election Districts (Section 1) District #20, the name "Noatak" to "Barrow".

Mr. Harris moved that Committee Proposal No. 14 he referred to the Committee on Engrossment and Enrollment. Mr. McCutcheon seconded.

After Mrs. Sweeney and Mr. R. Rivers spoke, Mr. V. Rivers rose to state that the motion was not debatable.

Mr. McCutcheon asked unanimous consent to withdraw his second to the motion. Mr. Harris asked unanimous consent to withdraw his motion. There being no objection, it was so ordered.

After questions by Mr. Sundborg, Mr. White, Mr. R. Rivers, and Mr. Hurley of Mr. Hellenthal regarding Section 1, the President declared a short recess.

AFTER RECESS

Mr. Barr stated he had an amendment, but would like to confer with the committee during the ~~noon~~ recess.

Mr. Hellenthal announced a meeting of the Committee on Suffrage,

Elections and Apportionment during the noon recess.

Mr. Riley announced a meeting of the Rules Committee on recess.

Mr. Barr asked unanimous consent that the Convention recess until 1:30 p.m. There being no objection, it was so ordered.

#### AFTER RECESS

A communication from Colonel Ray J. Will, Commander of Eielson Air Force Base, thanking the delegates for their contribution to the relief of the recent disaster victims was read. The communication was ordered filed.

The second reading of Committee Proposal No. 14 was continued. After Mr. Barr and Mr. V. Rivers spoke, Mr. Hellenthal rose to a point of order and stated that the Committee had made recommendations for three amendments and the process might be expedited if the Committee recommendations were presented first. Mr. V. Rivers stated that the Committee recommendations did not cover the same subject matter as his amendment.

The Chair asked Mr. V. Rivers if he wished to discuss his amendment at this time. Mr. V. Rivers replied in the affirmative. Mr. V. Rivers asked unanimous consent for the adoption of the following as a supplement to the Committee Amendment:

Proposal No. 14, Section 2, page 2, after the first word "districts", insert the following sentence:  
"Boundaries of election districts and senatorial districts as herein instituted shall be adjusted insofar as practicable to coincide with boundaries of local government areas as redistricting is accomplished from time to time."

Mr. Hellenthal objected. Mr. Knight seconded. Mr. V. Rivers spoke. Mr. Cooper asked unanimous consent that Mr. V. Rivers' supplemental amendment be amended by changing the word "shall" to "may". Mr. V. Rivers objected. Mr. Gray seconded. After Mr. Hinckel and Mr. Gray spoke, the president declared a short recess.

#### AFTER RECESS

The question was called, "Shall the proposed Amendment to Mr. V. Rivers' amendment be adopted?" On voice vote the amendment to the amendment was adopted. Mr. V. Rivers asked unanimous consent to withdraw his amendment. There being no objection, it was so ordered.

Mr. Hellenthal gave the following three Committee Amendments to

Committee Proposal No. 14:

- (1) Section 2, page 2, line 16, following the comma after the word "areas" add: "may give consideration to local government boundaries."
- (2) Lines 5 and 6, page 2, strike the words "adjoining it having the least civilian population" and insert "within its senate district"
- (3) Line 3, Page 2, Section 2, after the word "quotient", add "but only then,"

Mr. Taylor rose to a point of information and asked if page 2, line 4, could be changed to read "attached to another, rather than, attached to the." Mr. Hellenthal stated it would accomplish the same purpose and agreed to the change.

Mr. Hellenthal moved for unanimous consent for the adoption of the proposed committee amendments.

Mr. White rose to a point of information. Mr. Cooper, Mr. Coghill, and Mr. Gray spoke. Mr. Hellenthal requested on behalf of the Committee that the committee amendments be considered in turn, and moved for adoption of Committee Amendment No. 3. Mr. Coghill seconded. Mr. Gray objected.

After Mr. Johnson, Mr. Hinckel, Mr. Sundborg, Mr. Gray, Mrs. Nordale, Mr. Taylor, Mr. White and Mr. Coghill spoke, Mr. Gray withdrew his objection. After Mr. Harris spoke, the question was put, "Shall the amendment as offered by Mr. Hellenthal be adopted?" On voice vote the amendment failed.

Mr. Hellenthal asked for a one minute recess. There being no objection, a short recess was declared.

AFTER RECESS

The President called to the attention of the delegates the presence in the gallery of the Eighth Grade of the Parochial School.

Mr. Hellenthal moved the adoption of Committee Amendment No. 2. Seconded by Mr. Coghill. Mr. Sundborg asked for unanimous consent for the adoption of Committee Amendment No. 2. Mr. Hurley objected. Mr. Kilcher rose to a point of information and stated he was confused as to the distinction between Senate District and Senatorial District.

The President called for a short recess.

AFTER RECESS

The President then introduced the convention guest, General William A. Dean. The introductory remarks of President Egan and General Dean's remarks follow:

EGAN: "We are extremely fortunate this afternoon to have as our honored guest a great American, a great soldier. He represents everything that we hold so dear in freedom, in loyalty, in courage and devotion to duty. He has suffered and represents all of those who have suffered so much for each of us. A grateful people in humble recognition have bestowed upon him our nation's highest tribute, the Congressional Medal of Honor. It is a great privilege to present to you Major General William F. Dean." (Applause)

"Thank you, Mr. Egan. Friends, you make me feel very inadequate in this generous tribute. Would that I felt that I merited it. I deem it a great honor to have this opportunity to meet you and to address you here today. I know that you have a full schedule and that time is of the essence, so I won't talk too long.

Since my visit here to the Fairbanks area I have been keenly interested in the work you are doing: in the thoughtful consideration that you are giving this problem of devising a constitution. I had a similar experience as military governor of South Korea. It fell to my lot to advise, I say I did not do the advising, I had experts employed by the United States Government--doctors of philosophy in government and in political science, specialists who had had experience in the building of constitutions of newly freed states--but we were in an advisory capacity. We were trying to devise what we thought best for the Korean people, but we were only advisors. You have an advantage here. What you arrive at you can decide upon and put before your people by referendum to be accepted or to be denied. The way you are going at it I know you are going to come out. I am convinced you will come out with a sound constitution, and I hope you every success in your request for statehood. You are right up here, the closest United States Territory to our most likely enemy. You are the looking glass of the United States. What you do is not only being watched in the United States. It is being watched across this narrow strait up here to the northwest. What you do here is important, and what pleases me is that you yourselves are impressed with its import. That is why I know you are going to do so well. I congratulate you. Thank you."

AFTER RECESS

After Mr. Robertson and Mr. Gray spoke, Mr. Johnson suggested the word "Sub-district" be used to clarify the intent. Mr. Hellenenthal concurred in the temporary use of the word "sub-district". Mr. Hurley withdrew his objection. While the question was being called, Mr. Johnson rose to a point of inquiry to ask if the word "sub-district" was included in the amendment. Mr. Hellenenthal agreed to insert the word "sub-district". Mr. Cooper asked unanimous consent for the adoption of Committee Amendment No. 2 as amended. There being no objection, the amendment was adopted.

After Mr. Kilcher spoke, Mr. Hellenenthal requested a short recess. There being no objection, the recess was ordered.

AFTER RECESS

Mr. Hellenenthal asked unanimous consent for the adoption of Committee Amendment No. 1. There being no objection, it was so ordered.

Mrs. Hermann asked unanimous consent that the introduction given by the President and the speech of General William A. Dean be spread upon the Journal. There being no objection it was so ordered.

Mr. Kilcher asked unanimous consent that the word "temporary" be inserted in line 4, section 2, page 2, after the word "be". Mr. Hinckel seconded. The question was called and on voice vote the amendment failed.

Mr. Hinckel moved the adoption of the following amendment:

Section 2, page 2, line 7, delete the words "new district" and substitute the words "combined district".

Mr. Metcalf seconded. After Mr. Hinckel and Mr. Hurley spoke, Mr. Taylor called for the question. The question being: "Shall the amendment as offered by Mr. Hinckel be adopted?" On voice vote the amendment failed.

Mr. Hurley rose to a point of information and asked what it meant when the delegates called "Question". The President stated it meant they were calling to vote on the question.

Mr. Gray requested personal privilege of the floor. There being no objection, privilege was granted.

Mr. Robertson moved the adoption of the following amendment:

Page 2 delete all of Section 3 and insert: "The Senate shall be composed of sixteen senators, four from each of the present four judicial divisions which are hereby

created into Senatorial Districts. Senators shall be elected by the qualified electors of the respective Senatorial district wherein they reside."

Mr. Knight seconded. Mr. Cooper moved to lay the Robertson amendment on the table. Mrs. H. Fischer seconded. Mr. Hellenthal requested a recess. Mr. White rose for a parliamentary request, asking when a motion could be made to take from the table. The President stated, any time before we adjourn sine die. The President declared a short recess.

#### AFTER RECESS

Mr. Cooper asked unanimous consent to withdraw his motion to lay on the table. There being no objection it was so ordered. Mr. Armstrong asked that the communication from Mr. Shattuck be read. Mr. Mc Nees objected. Mr. Armstrong moved that the letter be read. Mr. Johnson seconded. On voice vote the motion failed. Mr. Johnson requested personal privilege of the floor. Mrs. Sweeney requested personal privilege of the floor. Mr. Marston spoke on the matter and while Mr. Marston was speaking, Mr. McCutcheon rose to a point of order to state that the rules did not permit debate on the matter of reading a paper. The President upheld the point of order. The question was called and on voice vote the motion was carried. Mr. Sundborg requested personal privilege of the floor. Mrs. Sweeney requested personal privilege of the floor, after which the Shattuck letter was read and ordered filed.

There being no further discussion, the question was called. The question being, "Shall the Robertson amendment be adopted?", the roll was called with the following result:

Yeas: 4 - Barr, Nolan, Robertson, Sweeney

Nays: 50 - Armstrong, Awes, Boswell, Buckalew, Coghill, Collins, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, Lomborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Taylor, Walsh, White, Wien, Mr. President.

Absent: 1 - VanderLeest

and so the amendment failed of adoption.



Mr. Gray objected. Mr. Knight <sup>seconded.</sup> ~~objected.~~

Mr. Gray requested a two-minute recess. There being no objection, it was so ordered.

AFTER RECESS

After discussion by Mrs. Sweeney, Mr. McNealy, Mr. Peratrovich, and Mr. Cooper, the question was called. Mr. Robertson requested a roll call. The question being, "Shall Mrs. Sweeney's amendment be adopted?", the roll was called with the following result:

Yeas: 9 - Armstrong, Barr, Hermann, Johnson, Lee, Nolan, Robertson, Sundborg, Sweeney

Nays: 45 - Awes, Boswell, Buckalew, Coghill, Collins, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hilscher, Hinckel, Hurley, Kilcher, King, Knight, Laws, Londborg, McCutcheon, McLaughlin, Mc Nealy, McNees, Marston, Metcalf, Nerland, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Taylor, Walsh, White, Wien, Mr. President

Absent: 1 - VanderLeest

and so the amendment failed.

Mr. Boswell moved the adoption of the following amendment to the Schedule referred to in Section 3 of Committee Proposal No. 14:

Strike "no. of District" and insert in lieu thereof: "Name of District" Change Roman numerals to names as follows: I - Southeastern, III - South Central, IV Central, II Northwestern. Renumber election districts on page 1 to follow above in numerical order."

Mr. Hellenthal seconded. After discussion by Mr. Boswell, Mr. Kilcher, Mr. Hilscher and Mr. Sundborg, the question was called. On voice vote the amendment was adopted.

Mr. Barr moved the adoption of the following amendment offered by Mr. Barr, Mrs. Wien and Mr. Johnson, to the Schedule in Section 1 - "that the boundaries of Election District 24 be changed to include the Village of Livengood and immediate vicinity, and the Livengood road and adjacent area." Mr. Johnson seconded. Mr. Rosswog requested a short recess. There being no objection, it was so ordered.

AFTER RECESS

Mr. Barr asked unanimous consent to change "Election District 24" to "The Fairbanks District". There being no objection, it was so ordered.

After discussion by Mr. Barr, Mr. Coghill and Mr. Hurley, Mr. Sundborg suggested that the delegates from the Fourth Division get together and discuss Mr. Barr's amendment.

Mr. Barr requested a short recess. There being no objection, it was so ordered.

AFTER RECESS

Mr. Sundborg rose to speak on a matter of personal privilege regarding his suggestion made before recess.

Mr. Sundborg asked that he be permitted to abstain from voting on Mr. Barr's amendment.

After discussion on the amendment by Mr. Barr, Mr. Collins, Mr. White, Mr. V. Rivers and Mr. Coghill, Mr. Harris and Mr. Metcalf requested permission to abstain from voting.

After further discussion by Mr. Coghill, Mr. Marston, Mr. Kilcher, Mr. Hellenthal and Mr. Rosswog, Mr. Doogan moved that the Convention recess until 7 p. m. Mr. Laws seconded. On voice vote the motion failed.

After Mr. Taylor and Mr. Barr spoke, the question was called. Mr. Barr requested a roll call.

The question being "Shall the amendment offered by Mr. Barr, Mrs. Wien and Mr. Johnson be adopted?", the roll was called with the following result:

Yeas: 16 - Armstrong, Barr, Collins, Doogan, Johnson, Kilcher, Laws, McNealy, Nerland, Nolan, Reader, R. Rivers, V. Rivers, Robertson, Sweeney, Wien.

Nays: 35 - Awes, Boswell, Buckalew, Coghill, Cooper, Cross, Davis, Emberg, H. Fischer, V. Fischer, Gray, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, King, Knight, Lee, Londborg, McCutcheon, McLaughlin, McNees, Marston, Nordale, Peratrovich, Poulsen, Riley, Rosswog, Smith, Stewart, Taylor, Walsh, White, Mr. President.

Absent: 1 VanderLeest.

Abstain: 3 Harris, Metcalf, Sundborg

and so the amendment failed.

Mr. Johnson asked unanimous consent that the convention adjourn until 7:05 p.m. Mr. Riley announced a meeting of the Rules Committee on recess. There being no objection, it was so ordered.

Mr. Hellenthal on behalf of Committee VI moved the adoption of the following amendment to Section 5:

Page 4, line 21, following the comma after the word "redistricting" add: "giving explanation for all changes from the Board's plan,"

Mr. Coghill seconded. On voice vote the amendment was ordered adopted.

Mr. Hellenthal on behalf of Committee VI moved the adoption of the following amendment to Section 5, Line 6,

After the words "general public" insert the following:  
"with at least one from each of the four Senate Districts"

Mr. Coghill seconded. On voice vote the amendment was adopted.

Mr. Taylor offered the following amendment:

Line 2, page 5, change word "Supreme" to "Superior".  
Page 5, Section 5, add new paragraph as follows:  
"The Supreme Court, on appeal, shall review the said cause upon the law and the facts."

Mr. Taylor moved the adoption of the first part of the amendment changing the word "Supreme" to "Superior". Mr. Knight seconded.

After discussion by Mr. Taylor, Mr. Hellenthal, Mr. R. Rivers, Mr. Coghill, Mr. McLaughlin and Miss Awes, Mr. Davis asked Mr. Taylor if he would consider withdrawing his amendment and submitting another in its place. The President declared a short recess.

#### AFTER RECESS

Mr. Taylor asked unanimous consent to withdraw his amendment. There being no objection, it was so ordered.

Mr. Taylor moved the adoption of the following amendment to Section 5:

Line 2, page 5, change word "Supreme" to Superior".  
and add new paragraph to Section 5 as follows: "The Supreme Court, on appeal, shall review the said cause upon the law and the facts."

Mr. R. Rivers seconded. After discussion by Mr. Hurley, Mr. V. Fischer, Mr. Doogan, Mr. McLaughlin, Mr. Kilcher, Mr. Hellenthal, Mr. Taylor and Mr. Londborg, the question was called. The question being, "Shall the amendment to Section 5 offered by Mr. Taylor be adopted?", the roll was called with the following result:

Yeas: 27 - Armstrong, Barr, Boswell, Buckalew, Coghill, Doogan, Emberg, Gray, Hermann, Hinckel, Kilcher, King, Knight, McLaughlin, McNealy, McNees, Metcalf, Nerland, Reader, Riley, R. Rivers, Rosswog, Smith, Stewart, Taylor, Walsh, Wien.

Nays: 21 - Awes, Cooper, Cross, Davis, V. Fischer, Harris, Hellenthal, Hurley, Johnson, Laws, Lee, Londborg, McCutcheon, Marston, Nolan, Nordale, Peratrovich, V. Rivers, Sundborg, Sweeney, Mr. President.

Absent: 7 - Collins, H. Fischer, Hilscher, Poulsen, Robertson, VanderLeest, White.

And so the amendment was adopted.

Mr. Hurley moved the adoption of the following amendment to Section 5:

Line 6, page 4, strike words "But not public employees or officials"

Mr. Lee seconded. After discussion by Mr. Hurley, Mr. Cooper, Mr. Gray, Mr. Hellenthal and Mr. McNees, the President declared a short recess.

#### AFTER RECESS

Mr. Hurley asked unanimous consent to withdraw his amendment. There being no objection, it was so ordered.

Mr. Hurley moved the adoption of the following amendment to Section 5:

Line 6, page 4, strike the words "but not public employees or officials" and substitute therefor "but not state officials"

Mr. McNees seconded.

After Mr. Hellenthal, Mr. Hurley, Mr. McNees and Mr. McCutcheon spoke, the question was called. The roll was called with the following result:

Yeas: 13 - Armstrong, Barr, V. Fischer, Harris, Hermann, Hurley, Kilcher, Lee, McNees, Reader, Rosswog, Smith, Sweeney

Nays: 36 - Awes, Boswell, Buckalew, Coghill, Cooper, Cross, Davis, Doogan, Emberg, Gray, Hellenthal, Hilscher, Hinckel, Johnson, King, Knight, Laws, Londborg, McCutcheon, McLaughlin, McNealy, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Riley, R. Rivers, V. Rivers, Stewart, Taylor, Walsh, White, Wien, Mr. President.

Absent: 6 - H. Fischer, Collins, Poulsen, Robertson, Sundborg, VanderLeest

and so the amendment failed.

After discussion of Committee Proposal No. 14, Mr. Taylor moved to refer the proposal to the Committee on Engrossment and Enrollment. Mr. McCutcheon seconded.

After discussion Mr. Taylor withdrew his motion.

Mr. McNees offered the following amendment and moved its adoption:

Strike the schedule in Section 2 and substitute the following: Section 2 of schedule:  
"Southeastern 5 senators  
Southcentral 5 senators  
Central 5 senators  
Northwestern 5 senators"

To be elected as follows: One Senator to be elected from each of the Senate Districts as established. The balance to be elected at large within each of the established geographical areas." Mr. Barr seconded.

After discussion by Mr. McNees, Mr. Barr, Mr. Coghill, Mr. Londborg, Mr. White, Mr. McCutcheon and Mr. R. Rivers, Mr. Cross asked for a call of the assembly.

Mr. Londborg asked whether it took a majority vote to call the assembly. The president stated that it does not take a majority vote

of the Assembly. After discussion, Mrs. Sweeney moved that the matter be referred to the Rules Committee for consideration. The President declared a short recess so that the Rules Committee could consider the matter.

AFTER RECESS

The President stated that he would like to clarify the call of the assembly rule. He stated he had in mind the rules of a different assembly and that in this convention the call must be made in the form of a motion and has to carry by a majority vote.

Mr. Cross asked unanimous consent to withdraw his request for a call of the assembly.

After Mrs. Sweeney, Mr. Cooper and Mr. McNees spoke on the amendment, the question was called. Mr. Londborg requested a roll call. The roll was called with the following result:

Yeas: 11 - Barr, Johnson, Kilcher, Laws, Londborg,  
McNealy, McNees, Nolan, Reader, Sweeney,  
Walsh.

Nays: 39 - Armstrong, Awes, Boswell, Buckalew, Coghill,  
Cooper, Cross, Davis, Doogan, Emberg, V. Fischer,  
Gray, Harris, Hellenenthal, Hermann, Hilscher, Hinckel,  
Hurley, King, Knight, Lee, McCutcheon, McLaughlin,  
Marston, Metcalf, Nerland, Nordale, Peratrovich,  
Riley, R. Rivers, V. Rivers, Rosswog, Smith,  
Stewart, Sundborg, Taylor, White, Wien, Mr. President.

Absent: 5 - Collins, H. Fischer, Poulsen, Robertson, VanderLeest

And so the amendment failed.

Mr. Kilcher moved the adoption of the following amendment to Section 2, page 1, Line 8,

Strike the word "official": strike all of lines 9 and 10 and 11 to the comma, and substitute "first gubernatorial state election" and line 13 strike word "civilian" and on page 2, line 1 strike "population" and insert in lieu thereof "number of ballots cast for governor".

Mr. Knight seconded. By unanimous consent the following was added to the amendment Page 1, line 12, delete "census" and insert "gubernatorial election".

Mr. Kilcher requested a roll call. The roll was called with the following result:

Yeas: 4 - Barr, Hinckel, Kilcher, Reader

Nays: 46 - Armstrong, Awes, Boswell, Buckalew, Coghill, Cooper, Cross, Davis, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hurley, Johnson, King, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, Walsh, White, Wien, Mr. President.

Absent: 5 - Collins, H. Fischer, Poulsen, Robertson, VanderLeest

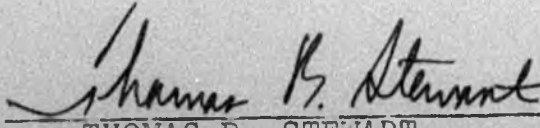
And so the amendment failed.

There being no further amendments, Committee Proposal No. 14 was referred to the Committee on Engrossment and Enrollment.

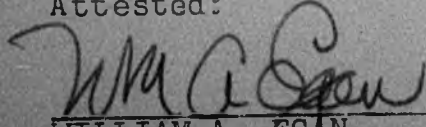
Mr. Riley requested a five minute recess for the purposes of a meeting of the Rules Committee. There being no objection, it was so ordered.

AFTER RECESS

Mr. Johnson moved that the Convention adjourn until 9 a.m. Friday. Mr. Taylor seconded. Mr. Doogan objected. On voice vote the Convention adjourned at 9:35 p.m. until 9 a.m. Friday morning.

  
THOMAS B. STEWART  
Secretary

Attested:

  
WILLIAM A. EGAN  
President

Jan. 18, 1956

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL FOR THE FIFTIETH CONVENTION DAY, Wednesday, January 11, 1956

The Convention was called to order by President Egan at 9:00 a.m.

The Invocation was given by Reverend James Gamble of the Pentacostal Holiness Church.

Roll call showed all present except Mr. VanderLeest, who was absent because of illness.

The President declared a quorum present.

Mrs. Sweeney suggested that the delegates wait and arise after the full introduction of the minister giving the Invocation. The President asked the delegates to keep the suggestion in mind.

Mr. Doogan asked unanimous consent for the approval of the Journal of the 45th day, with the following correction: page 4, after the words "After Recess", insert the following paragraph: "Mr. Hellenthal asked unanimous consent to withdraw his amendment. There being no objection it was so ordered."

The President referred Committee Proposal No. 7 to the Committee on Engrossment and Enrollment since the reconsideration votes had not been called the previous Convention day.

Mrs. Hermann submitted the report of the Nome hearings which would be placed on file.

President Egan called for amendments to Committee Proposal No. 5, Section 15.

Mr. Sundborg moved and asked unanimous consent for the adoption of the following amendment to Section 15, page 5: strike all of line 21 and the first two words on line 22 and insert in lieu thereof the words "although vetoed". Strike all of lines 24 and 25 on page 5; lines 1, 2 and 3 on page 6 and the word "entitled" on line 4 of page 6. Seconded by Mr. Kilcher.

After discussion by Mr. Sundborg, Mr. White, Mr. McCutcheon and Mr. V. Rivers, the President called for the question. The question being "Shall the proposed amendment as offered by Mr. Sundborg be adopted?", on voice vote the amendment failed.

Mr. Barr presented the following amendment:

Section 15, line 17, after the word "Legislature" and the period, strike the rest of line 17 and all of lines 18, 19 and line 20 except the last word "Bills" and substitute the following: "within five days after vetoing a bill, the governor shall return it to its house of origin for further action, and if passed by a two-thirds majority, it shall be transmitted to the other house for its consideration, and if like action is taken it shall become law." Line 23, strike the words "the state" and substitute the words "each house". Page 6, line 3, strike the words "the state" and substitute the words "each house".

Mr. McNees rose to a point of order to state he thought this amendment similar to one voted on at the previous meeting.

Mr. McCutcheon stated it was similar but with enough of a change possibly to make a new amendment. The President stated he was not entirely clear on the similarity, and called a short recess to refer the matter to the Rules Committee.

#### AFTER RECESS

Mr. Davis reported that the Rules Committee believed Mr. Barr's amendment in effect was the same as one made and defeated at the previous session and consequently the point of order was well taken.

The President stated that the ruling of the Rules Committee would be the ruling of the chair.

Mr. Barr asked unanimous consent for the withdrawal of his amendment. There being no objection it was ordered.

Mr. Barr gave notice that he would make a motion to rescind the action.

Mr. Davis stated that Mr. Barr should make clear the action he was talking about.

Mr. Barr stated he planned to make a motion to rescind the action on Mr. Johnson's amendment to Section 15.

Mr. McLaughlin asked unanimous consent for the suspension of the rules so that he could make a motion.

Mr. McLaughlin moved that the Rules Committee be instructed to report out this evening at 7:30 p.m., any recommendations they might have for the purpose of expediting the proceedings of this Convention. Mr. Cooper seconded.

Mr. Davis reported the Rules Committee was not ready and would not be ready by 7:30 p.m.

Mrs. Hermann rose to a point of order to state that the motion was out of order since the rules provide that fourteen people have to request a committee to bring out a report.

The President stated that this motion was in order since it was a suspension of the rules request.

Mr. V. Fischer rose to a point of information to ask Mr. McLaughlin to change his motion to read "as soon as possible" instead of "7:30 p.m.".

Mr. McLaughlin agreed to amend his motion to read "as soon as possible".

Mr. Buckalew asked Mr. McLaughlin to withdraw his motion since Mr. Davis had reported that the Rules Committee would not be ready by 7:30 p.m.

Mr. McLaughlin withdrew his motion.

Mr. Davis announced a meeting of the Rules Committee during the morning recess.

Mrs. Nordale asked unanimous consent for the adoption of the following amendment: Section 15, line 20, after the word "shall" insert the word "immediately".

After discussion by Mr. Buckalew, Mrs. Nordale, Mr. R. Rivers, Mr. McCutcheon and Mr. Sundborg, Mrs. Nordale asked unanimous consent to withdraw the amendment. Mr. Taylor objected, and asked for a roll call on adoption of the amendment.

The question being "Shall the amendment as offered by Mrs. Nordale be adopted?", the roll was called with the following result:

Yeas: 39 - Armstrong, Awes, Barr, Boswell, Collins, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Lee, Londborg, McCutcheon, McLaughlin, McNeese, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, R. Rivers, V. Rivers, Robertson, Stewart, Taylor, Walsh, Wien, Mr. President

Nays: 12 - Buckalew, Cooper, Cross, Harris, Laws, Poulsen, Reader, Rosswog, Smith, Sundborg, Sweeney, White

Absent: 4 - Coghill, McNealy, Riley, VanderLeest

and so the amendment was adopted.

The President called for further amendments to Section 15, there being no further amendments offered, the President called for amendments to Section 16.

Mr. Johnson moved and asked unanimous consent for the adoption of the following amendment:

Section 16, line 22, after the period add the following: "The enacting clause of each law shall be, 'Be it enacted by the legislature of the State of Alaska.' No bill shall become law unless it shall pass three readings in each house, on separate days."

Seconded by Mr. Robertson.

After Mr. Johnson spoke on the amendment, Mr. V. Fischer requested that the question be divided because it was dealing with two questions, namely the enacting clause and specifying readings.

Mr. Buckalew, Mr. V. Rivers, Mr. Marston and Mr. Sundborg spoke. The President asked Mr. Sundborg if it was his pleasure to offer an amendment to the amendment.

Mr. Sundborg stated he would offer an amendment to the amendment. The President declared a short recess.

#### AFTER RECESS

Mr. Sundborg moved and asked unanimous consent to amend the Johnson Amendment by deleting the last three words "on separate days". Mr. Johnson objected. Mr. McCutcheon seconded.

After Mr. Sundborg, Mr. Londborg and Mr. V. Rivers spoke, the question was called. The question being "Shall the proposed amendment to the amendment as offered by Mr. Sundborg be adopted?", the roll was called with the following result:

Yeas:	24 - Awes, Barr, Buckalew, Collins, Cross, Doogan, Emberg, H. Fischer, Gray, Hilscher, Kilcher, McCutcheon, McNees, Marston, Nerland, Nolan, Nordale, Peratrovich, R. Rivers, Smith, Sundborg, White, Wien, Mr. President
Nays:	27 - Armstrong, Boswell, Cooper, Davis, V. Fischer, Harris, Hellenthal, Hermann, Hinckel, Hurley, Johnson, King, Knight, Laws, Lee, Londborg, McLaughlin, Metcalf, Poulsen, Reader, V. Rivers, Robertson, Rosswog, Stewart, Sweeney, Taylor, Walsh

Absent: 4 - Coghill, McNealy, Riley, VanderLeest

and so the amendment to the amendment failed.

After discussion by Mr. V. Fischer, Mr. Cooper, Mr. Taylor, Mr. Armstrong, Mr. Marston, Mr. Nordale, Mrs. Sweeney and Mr. Sundborg, Mr. Hellenthal asked unanimous consent for a fifteen-minute recess. There being no objection it was so ordered.

#### AFTER RECESS

Mrs. Nordale offered an amendment to Mr. Johnson's amendment as follows:

Add to Mr. Johnson's amendment: Strike period, add "except that any bill may be advanced from second to third reading by a three-fourths majority of the house having the bill under consideration."

Mr. McCutcheon seconded; Mr. Johnson objected. Mr. Taylor asked unanimous consent that Mrs. Nordale's amendment to the amendment be adopted.

After the discussion by Mr. Londborg and Mr. Harris, the President put the question "Shall the proposed amendment to the amendment be adopted?" Mr. Londborg requested a roll call. The roll was called with the following result:

Yeas: 39 - Aves, Barr, Boswell, Buckalew, Collins, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Hellenthal, Hermann, Hilscher, Hinckel, Kilcher, King, Knight, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Sundborg, Taylor, White, Wien, Mr. President

Nays: 13 - Armstrong, Coghill, Cross, Harris, Hurley, Johnson, Laws, Londborg, Poulsen, Reader, Stewart, Sweeney, Walsh

Absent: 3 - Cooper, Riley, VanderLeest

and so the amendment to the amendment was adopted.

Mr. V. Fischer called for the previous question. The question being "Shall the proposed amendment as amended be adopted?", the roll was called with the following result:

Yeas: 35 - Armstrong, Barr, Boswell, Coghill, Collins, Gray, Harris, Hellenthal, Hermann, Hilscher, Hurley, Johnson, Kilcher, King, Knight, Laws, Londborg, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sweeney, Taylor, Walsh, White, Mr. President

Nays: 17 - Awes, Buckalew, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Hinckel, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Sundborg, Wien

Absent: 3 - Cooper, Riley, VanderLeest

and so the amendment as amended was adopted.

Mr. Robertson offered the following amendment:

Section 16, line 16, delete first "a" and insert "an affirmative".

Mr. V. Rivers seconded and asked unanimous consent for the adoption. Mr. Taylor objected. Mr. McCutcheon spoke. Mr. Taylor withdrew his objection and Mr. Robertson's amendment was adopted by unanimous consent.

Mr. White asked permission to return to Section 15. There being no objection Mr. White offered the following amendment:

Section 15, page 5, line 17, after the period insert the following sentence: "The governor may veto appropriation bills by item, by striking or reducing specific appropriations."

Mr. White asked unanimous consent for adoption of the amendment. Mr. Taylor objected. Mr. Nerland seconded. After discussion by Mr. White and Mr. Taylor the question was called. The question being "Shall the amendment as offered by Mr. White be adopted?", the roll was called with the following result:

Yeas: 30 - Armstrong, Awes, Boswell, Buckalew, Doogan, V. Fischer, Harris, Hellenthal, Hinckel, Hurley, Johnson, Kilcher, Laws, Londborg, McLaughlin, Nerland, Nolan, Nordale, Poulsen, Reader, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Walsh, White, Wien

Nays: 22 - Barr, Coghill, Collins, Cross, Davis, Emberg, H. Fischer, Gray, Hermann, Hilscher, King, Knight, Lee, McCutcheon, McNealy, McNees, Marston, Metcalf, Peratrovich, Sweeney, Taylor, Mr. President

Absent: 3 - Cooper, Riley, VanderLeest

and so the amendment was adopted.

Mr. Hurley asked a question regarding Section 17. Mr. McCutcheon, Mrs. Sweeney, Mr. Taylor and Mr. R. Rivers also spoke on Section 17.

Mr. V. Rivers, Mr. Nerland, Mr. McCutcheon, Mr. Sundborg, and Mr. Hellenthal spoke on Section 18. Mr. Johnson rose to a point of inquiry.

Mr. Taylor asked unanimous consent that the last sentence of Section 18 be stricken. Mr. Lee objected. Mr. Taylor so moved. Mr. Robertson seconded. After discussion by Mr. R. Rivers, Mrs. Sweeney, Mr. McNealy, Mr. McCutcheon, Mr. Rosswog, Mr. Buckalew, Mr. Hinckel and Mr. Hurley, the President asked Mr. Peratrovich to take the chair.

Discussion was continued by Mr. V. Fischer, Mr. Londborg, Mr. Taylor, Mr. Hellenthal, Mr. R. Rivers and Mr. Barr. Mr. Taylor moved the previous question. Mr. Barr seconded. On voice vote the previous question was ordered. The question being "Shall Mr. Taylor's amendment be adopted?", on voice vote the amendment failed.

Before the chair completed announcing the result of the voice vote Mr. Taylor asked for a roll call. Mr. Buckalew rose to a point of order to state Mr. Taylor was out of order and the vote showed that the amendment had failed.

Mr. Taylor appealed the ruling of the chair. Mr. Barr asked if a roll call could be called before the announcement of the result by the chair or during the announcement of the result. The Chairman stated a request for a roll call must be made before the yeas are called.

The ruling of the chair having been appealed, the Chairman asked: "Shall the chair be sustained in its ruling?" The roll was called with the following result:

Yeas: 43 - Armstrong, Awes, Barr, Buckalew, Coghill, Collins, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Nerland, Nolan, Nordale, Poulsen, Reader, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sweeney, Walsh, White, Wien

Nays: 5 - Boswell, Laws, Metcalf, Robertson, Taylor

Absent: 6 - Cooper, Marston, Riley, Sundborg, VanderLeest, Mr. President

Abstain: 1 - Mr. Peratrovich

and so the ruling of the chair was sustained.

Mr. R. Rivers moved the adoption of the following amendment to Section 18:

Page 7, line 8, after the word "act" insert the following:  
"calling for use of funds to be appropriated by a political subdivision"

Seconded by Mr. Londborg. After discussion by Mr. R. Rivers, Mr. McLaughlin, Mr. Buckalew and Mr. Hellenthal, Mr. Sundborg asked unanimous consent to recess until 1:30 p.m. There being no objection the Convention recess was ordered.

AFTER RECESS

A telegram from Delegate E. L. Bartlett congratulating the Convention for the splendid wire to the President of the United States was read and ordered filed. He said the wire constituted a temperate yet eloquent presentation of the aspirations of Alaska's people for statehood.

An invitation from the Veterans of Foreign Wars of Fairbanks inviting the men delegates to a no-host dinner Saturday evening, January 14, was read.

Mr. Kilcher rose to speak.

Mr. Cooper rose to a point of order to state that he believed Mr. Kilcher should be speaking on personal privilege.

Mr. Harris requested a two-minute recess.

AFTER RECESS

Mr. Kilcher asked to speak on a matter of personal privilege.

Mr. Sundborg moved and asked unanimous consent to permit the tape to run while Mr. Kilcher makes his statement. Mr. Barr objected. Mr. Buckalew seconded. The roll was called with the following result:

Yeas: 34 - Armstrong, Aves, Boswell, Buckalew, Coghill, Collins, Cross, Doogan, Emberg, Gray, Harris, Hinckel, Kilcher, King, Knight, Londborg, McLaughlin, McNealy, McNees, Nerland, Nordale, Peratrovich, Riley, R. Rivers, V. Rivers, Smith, Stewart, Sundborg, Sweeney, Taylor, Walsh, White, Wien, Mr. President

Nays: 17 - Barr, Cooper, Davis, H. Fischer, V. Fischer, Hellenthal, Hermann, Johnson, Laws, Lee, McCutcheon, Marston, Metcalf, Nolan, Poulsen, Reader, Robertson,

Absent: 4 - Hilscher, Hurley, Rosswog, VanderLeest

and so the motion carried and the rules were suspended.

Mr. Fischer rose to a point of order to state that it took a two-thirds vote to suspend the rules.

Mr. Riley, Chairman of the Rules Committee, stated there is no rule regarding shutting off the tape during personal privilege.

The President reported he stood corrected on the suspension of the rules.

After discussion, Mr. Kilcher stated that he wished to ask two or three committee chairman a question.

Mr. McLaughlin asked for a one-minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. Kilcher spoke on a matter of personal privilege regarding a news story.

Mr. R. Rivers moved the adoption of the amendment to Section 18 which had been offered during the morning session.

Mr. Riley served notice that he would refrain from voting, not having heard the debate.

On voice vote the amendment failed.

Mr. Nerland moved and asked unanimous consent that Section 19 be stricken and that the same subject matter be taken up in the Finance proposal under Section 7 of that proposal.

Mr. V. Rivers asked that Mr. Nerland read the sections of the Finance proposal dealing with the subject matter of Section 19. Mr. Nerland did so.

Without objection, Section 19 was deleted.

Mr. Nerland moved and asked unanimous consent that Section 20 be stricken and taken up in the Finance proposal under Sections 1 and part of Section 4. Mr. Nerland read the sections of the Finance proposal dealing with the subject matter of Section 20.

Mr. Hinckel objected to the unanimous consent request. Mr. Nerland moved. Mr. Knight seconded. After Mr. Hinckel questioned the Chairman of the Finance Committee regarding the matter contained in Section 20 being incorporated by amendment in the sections of the Finance Proposal, he withdrew his objection. Section 20 was deleted from Proposal No. 5 by unanimous consent.

Mr. V. Fischer questioned Mr. McCutcheon regarding the intent of the Committee as to the first sentence of Section 21, and Mr. McCutcheon stated the matter was covered in the Article on Initiative and Referendum. Mr. Gray then moved to strike Section 21. Mr. Hellenthal seconded. On voice vote the amendment was adopted.

Miss Awes moved to strike Section 22 and asked unanimous consent. Mr. McCutcheon objected. On hearing the section of the Bill of Rights relating to the same subject as Section 22, Mr. McCutcheon withdrew his objection and Section 22 was ordered stricken from Proposal No. 5 by unanimous consent.

Mr. Smith moved that Section 23 be stricken from Committee Proposal No. 5 and be referred to the Committee on Ordinances and Transitional Measures. Mr. Hellenthal seconded.

Mr. Nerland moved to amend the amendment by requesting that the material following the word "alienation;" on line 8, page 9, be taken up under Section 5 of the Finance Committee proposal.

Mr. Gray rose to a point of order to inquire whether deleting the section now would prevent using the same language in another proposal.

The President stated that the deletion of this section would not preclude anyone offering this as an ordinance or as an amendment to some section of the Finance Article.

After discussion by Mr. Smith, Mr. Davis, Mr. Barr, Mr. McCutcheon, Mr. Taylor, Miss Awes, Mrs. Sweeney, Mr. Cross, Mr. Sundborg and Mr. Smith, the question was called. The question being "Shall Mr. Smith's amendment be adopted to strike Section 23?", the roll was called with the following result:

Yeas: 29 - Armstrong, Awes, Barr, Boswell, Buckalew, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hinckel, Hurley, King, Knight, Lee, McLaughlin, Nerland, Nolan, Poulsen, Reader, V. Rivers, Rosswog, Smith, Stewart, Sweeney, White, Wien, Mr. President

Nays: 24 - Coghill, Collins, Cooper, Cross, Davis, H. Fischer, Hermann, Johnson, Kilcher, Laws, Londborg, McCutcheon, McNealy, McNees, Marston, Metcalf, Nordale, Peratrovich, Riley, R. Rivers, Robertson, Sundborg, Taylor, Walsh

Absent: 2 - Hilscher, VanderLeest

and so the amendment was adopted.

Mr. Riley stated that since the recommendation of the Rules Committee, only one committee chairman had advised the Rules Committee of a conflict in proposals, and he urged the committee chairmen to check the proposals in order to save time-consuming discussion on the floor.

Mr. McNealy asked whether the portion of Section 23 which was requested referred to the Finance Committee had been adopted.

The President stated that the adoption of Mr. Smith's amendment had carried Mr. Nerland's amendment to the amendment with it.

The President called for amendments to Section 24.

Mr. Barr asked whether it would be in order to have that section referred to the Rules Committee for a report as to where the section should be considered.

Mr. Riley reported that this was the section which had been referred to the Rules Committee by the Finance Committee, and he felt that without conferring with the Committee it should be assigned to the Finance Committee and would so recommend.

Mr. Riley moved and asked unanimous consent that Section 24 be deleted from this proposal and assigned to the Finance Committee. There being no objection, it was so ordered.

Mr. V. Rivers moved the adoption of the amendment to Section 8, page 3, line 14, which had been held over. On voice vote the amendment was adopted.

Mr. V. Rivers moved and asked unanimous consent for the adoption of the following amendment: Section 3, page 2, line 1, strike the words "2 years" and insert in lieu thereof the following: "four years, and one-half of the members shall be elected each two years." Mr. Buckalew objected. Mr. Coghill seconded.

After discussion by Mr. V. Rivers, Mr. Buckalew, Mr. Cooper, Mr. Londborg, Mr. Coghill, Mr. Gray, Mrs. Nordale, Mr. Hurley, Mr. McNealy, Mr. McCutcheon, Mr. White, Mr. Metcalf, Mr. Taylor, Miss Awes and Mr. Sundborg, the question was called. Mr. Hellenthal requested a roll call. The question being "Shall the amendment to Section 3, offered by Mr. V. Rivers, be adopted?", the roll was called with the following result:

Yeas: 11 - Coghill, Cross, V. Fischer, Hermann, Hinckel, McNealy, Nolan, R. Rivers, V. Rivers, Taylor, Mr. President

Nays: 42 - Armstrong, Awes, Barr, Boswell, Buckalew, Collins, Cooper, Davis, Doogan, Emberg, H. Fischer, Gray, Harris, Hellenthal, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNees, Marston, Metcalf, Nerland, Nordale, Peratrovich, Poulsen, Reader, Riley, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Walsh, White, Wien

Absent: 2 - Hilscher, VanderLeest

and so the amendment failed.

Mr. V. Rivers rose to speak on a matter of personal privilege.

Mr. V. Rivers asked unanimous consent to revert to the introduction of Committee reports. There being no objection, it was so ordered.

Mr. V. Rivers presented the following report of the Executive Committee:

"The Committee on the Executive Branch met on January 10 to consider Delegate Proposal No. 44, which would provide for the election of the Commissioner of Labor, and Delegate Proposal No. 46 which would provide for the election of the Attorney General. The Committee members in attendance at the meeting voted as follows on these proposals:

Delegate Proposal 44:

Do Pass: Delegate Barr  
Do Not Pass: Delegates Boswell,  
Harris, Nordale, and  
V. Rivers

Delegate Proposal 46:

Do Pass: Delegate Barr  
Do Not Pass: Delegates Boswell,  
Harris, and Nordale

No Recommendation: Delegate V. Rivers

The report was ordered filed.

*(This should refer to  
Res. 44 and 45)*

Mr. Barr asked what becomes of the proposals referred to in the report.

The President stated that the Committee had rejected the proposals.

Mr. Barr stated he believed that the Convention should have some right to express itself on these proposals.

The President advised that because of the nature of the report he could only order that it be filed.

Mr. Riley stated that Mr. Barr was not foreclosed from offering amendments to Committee Proposals at the proper time, using the proposals rejected by the Committee.

The President agreed with the Chairman of the Rules Committee and advised Mr. Barr that it would be ~~proper~~ to offer amendments at the time the Committee Proposals were considered.

Mr. Sundborg moved the adoption of the following amendment:

Section 3, page 1, line 17, delete "fourth" and insert "first"; line 18, delete "January, unless otherwise provided by law" and insert "December". Mr. V. Fischer seconded. After discussion by Mr. Sundborg, Mr. Peratrovich, Mr. R. Rivers, Mr. Hellenthal, Mr. White, Mr. Davis, Mr. Hinckel, Mr. McCutcheon and Mr. Johnson the question was called. On voice vote the amendment failed.

Mr. Riley requested a two-minute recess. There being no objection, it was so ordered.

Mr. Emberg moved the adoption of the following amendment: Section 5, line 8, delete word "hold" and substitute "be nominated, elected, or appointed to". Mr. White seconded. On voice vote the amendment was ordered adopted.

Mr. Hurley moved the adoption of the following amendment: Section 5, page 2, strike the second sentence. Mr. McCutcheon rose to a point of order that the amendment had already been considered. Mr. Sundborg seconded and stated that this matter had not been considered previously. Mr. Hurley spoke on the amendment. Mr. McNees asked for a ruling of the chair on the point of order.

The President stated that he believed Mr. McCutcheon withdrew his point of order when he discussed it with Mr. Sundborg.

After Mr. Riley and Mr. McCutcheon spoke, Mr. Taylor moved to amend the amendment by striking the last sentence in Section 5. Mr. Sundborg objected. Mr. McNealy seconded. After Mr. Sundborg and Mr. Riley spoke, Mr. Taylor asked unanimous consent to withdraw his amendment to the

amendment. There being no objection, it was so ordered. The question was called. Mr. McNees requested a roll call. The question being "Shall Mr. Hurley's amendment be adopted?", the roll was called with the following result:

Yeas: 26 - Armstrong, Awes, Barr, Boswell, Cross, Doogan, Emberg, V. Fischer, Gray, Harris, Hurley, Johnson, King, Marston, Nolan, Nordale, Reader, Riley, R. Rivers, V. Rivers, Robertson, Smith, Stewart, Sundborg, White, Wien

Nays: 26 - Buckalew, Coghill, Collins, Cooper, Davis, H. Fischer, Hellenthal, Hermann, Hinckel, Kilcher, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Metcalf, Nerland, Peratrovich, Poulsen, Sweeney, Taylor, Walsh, Mr. President

Absent: 3 - Hilscher, Rosswog, VanderLeest

and so the amendment failed.

Mr. Coghill called the attention of the delegates to the presence in the gallery of Mr. Don M. Dafoe, Commissioner of Education, and asked unanimous consent that he be given the privilege of the floor. Mr. Dafoe spoke briefly to the delegates.

Mr. Buckalew moved the adoption of the following amendment: Section 5, line 14, insert "non-regulatory" before "board". Mr. V. Rivers seconded.

Mr. V. Rivers asked for a fifteen-minute recess. Before the recess was called the following committee announcements were made: Administration Committee meeting on recess; Rules Committee on recess; Engrossment and Enrollment at 6:45 p.m.

There being no objection, the Convention recessed for fifteen minutes.

#### AFTER RECESS

Mr. Barr moved that the Convention rescind its action on Mr. Johnson's amendment to Section 15. Mr. Riley objected. Mr. Knight seconded.

After discussion by Mr. Barr, Mr. Buckalew, Mr. Hurley and Mr. Hinckel, Mr. Kilcher rose to a point of order to state he believed Mr. Hinckel was out of order. The president stated that Mr. Hinckel was in order. After Mr. McCutcheon, Mr. Londborg, Mr. Riley, Mr. Johnson, Mr. Buckalew, Mr. Sundborg, Mrs. Sweeney, Mr. V. Rivers, Mr. Barr and Mr. Marston spoke, Mr. Barr rose to a point of order to state that the reason he brought the question up was that it had been a close vote and several had been absent the night before.

The question being "Shall the Convention rescind its action on Mr. Johnson's amendment to Section 15?", the roll was called with the following result:

Yeas: 27 - Armstrong, Barr, Boswell, Coghill, Collins, Cross, Gray, Harris, Johnson, Kilcher, King, Knight, Laws, Londborg, Nerland, Nolan, Poulsen, Reader, R. Rivers, V. Rivers, Robertson, Stewart, Sweeney, Walsh, White, Wien, Mr. President

Nays: 25 - Awes, Buckalew, Cooper, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Hellenthal, Hermann, Hinckel, Hurley, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nordale, Peratrovich, Riley, Smith, Sundborg, Taylor.

Absent: 3 - Hilscher, Rosswog, VanderLeest

and so the motion to rescind failed.

Mr. Davis gave notice of reconsideration of his vote on Mr. Hurley's amendment to Section 5.

Mr. Sundborg moved that the rules be suspended and Mr. Davis' reconsideration be taken up immediately. Mr. R. Rivers asked unanimous consent. Mr. Johnson objected. Mr. Taylor seconded. The roll was called with the following result:

Yeas: 47 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Collins, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hurley, King, Knight, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Smith, Stewart, Sundborg, Sweeney, Taylor, Walsh, White, Wien, Mr. President

Nays: 5 - Hinckel, Johnson, Kilcher, Laws, Lee

Absent: 3 - Hilscher, Rosswog, VanderLeest  
and so the rules were suspended.

The question being "Shall Mr. Hurley's amendment to Section 5 be adopted?", the roll was called with the following result:

Yeas: 29 - Armstrong, Awes, Boswell, Buckalew, Davis, Doogan, Emberg, V. Fischer, Gray, Harris, Hermann, Hurley, King, Knight, McLaughlin, Marston, Nordale, Poulsen, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Walsh, White, Wien

Nays: 24 - Barr, Coghill, Collins, Cooper, Cross, H. Fischer, Hellenthal, Hinckel, Johnson, Kilcher, Laws, Lee, Londborg, McCutcheon, McNealy, McNees, Metcalf, Nerland, Nolan, Peratrovich, Reader, Sweeney, Taylor, Mr. President

Absent: 2 - Hilscher, VanderLeest

and so the amendment was adopted.

Mr. McLaughlin asked unanimous consent to withdraw his amendment to Section 12 offered earlier. There being no objection, it was so ordered.

Mr. Riley directed a question to Mr. McCutcheon regarding Section 11 and the practicability of having uniform rules of procedure for both houses. Mr. McCutcheon, Mrs. Sweeney and Mr. Cooper, members of the committee, stated it was to avoid confusion.

Mr. McLaughlin moved the adoption of the following amendment to Section 12: line 17, strike the words "and in what court" and in line 18 strike the words "or agencies thereof". Mr. Taylor seconded. Mr. Sundborg asked unanimous consent. Mr. R. Rivers objected.

Mr. R. Rivers withdrew his objection. By unanimous consent, the amendment was adopted.

Mr. Sundborg moved the adoption of the following amendment: Section 15, page 5, line 18, after the word "it" insert "within five days (Sundays excepted) after it is delivered to him". Mr. Buckalew seconded. After discussion by Mr. Sundborg, Mr. Johnson, Mr. Buckalew, Mr. Kilcher, Mr. Taylor, Mr. Doogan, Mr. R. Rivers and Mr. Cooper, the question was called. On voice vote the amendment failed.

Mr. Hellenthal moved and asked unanimous consent to amend Section 15 as follows: page 5, line 23 and page 6, line 3, insert a period after "legislators" and strike the rest of the sentence. Mr. Buckalew objected. Mr. Hellenthal so moved. Mr. Knight seconded. On voice vote the amendment failed.

Mr. V. Rivers moved and asked unanimous consent to amend Section 15 as follows: line 18, strike "representatives" and insert in lieu thereof "origin". There being no objection, it was so ordered.

Mr. Hurley asked what happened to the amendment to Section 18 offered by Mr. R. Rivers. Mr. Hurley was advised it had been defeated on a voice vote.

Mr. Londborg requested a two-minute recess. There being no objection, it was so ordered.

AFTER RECESS

Mr. R. Rivers moved that the Convention rescind its action on his amendment to Section 18. Mr. V. Fischer seconded. The roll was called with the following result:

- Yeas: 37 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Collins, Cooper, Cross, Doogan, Emberg, V. Fischer, Gray, Harris, Hermann, Hurley, King, Knight, Londborg, McLaughlin, Marston, Metcalf, Nerland, Nolan, Nordale, Reader, Riley, R. Rivers, V. Rivers, Rosswog, Stewart, Sundborg, Taylor, Walsh, White, Wien, Mr. President
- Nays: 16 - Davis, H. Fischer, Hellenenthal, Hinckel, Johnson, Kilcher, Laws, Lee, McCutcheon, McNealy, McNees, Peratrovich, Poulsen, Robertson, Smith, Sweeney
- Absent: 2 - Hilscher, VanderLeest

and so the action was rescinded.

After Mr. Johnson and Mr. McLaughlin spoke, the question was called. Mr. Metcalf requested a roll call. The question being "Shall the amendment to Section 18 offered by Mr. R. Rivers be adopted?", the roll was called with the following result:

- Yeas: 39 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Collins, Cross, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenenthal, Hermann, Hurley, King, Knight, Londborg, McLaughlin, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Reader, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Taylor, Walsh, White, Wien, Mr. President
- Nays: 13 - Cooper, Davis, H. Fischer, Hinckel, Johnson, Laws, Lee, McCutcheon, McNealy, McNees, Poulsen, Robertson, Sweeney
- Absent: 3 - Hilscher, Kilcher, VanderLeest

and so the amendment was adopted.

There being no further amendment, Committee Proposal No. 5 was ordered to the Committee on Engrossment and Enrollment.

Committee Proposal No. 14 was read the second time.

Mrs. Sweeney moved that the letter from Mr. Curtis Shattuck which she had presented earlier be read at this time. Mrs. Hermann seconded. After discussion Mrs. Sweeney withdrew her motion.

Mr. Coghill moved that the Convention resolve itself into a Committee of the Whole to discuss C. P. No. 14 without any record. Mr. Knight seconded. After discussion by Mr. Kilcher, Mr. Cooper, Mr. Londborg and Mr. V. Rivers, Mr. Buckalew moved the previous question. Mr. Cooper seconded. On voice vote the previous question was ordered. The question being "Shall the Convention resolve itself into a Committee of the Whole and dispense with the tape and stenotyped record", the roll was called with the following result:

Yeas: 23 - Armstrong, Awes, Barr, Coghill, Cross, Gray, Hinckel, Hurley, Johnson, King, Laws, Lee, McNealy, Nolan, Peratrovich, Poulsen, Reader, Riley, Robertson, Sundborg, Sweeney, Taylor, Walsh

Nays: 30 - Boswell, Buckalew, Collins, Cooper, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Harris, Hellenthal, Hermann, Kilcher, Knight, Londborg, McCutcheon, McLaughlin, McNees, Marston, Metcalf, Nerland, Nordale, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, White, Wien, Mr. President

Absent: 2 - Hilscher, VanderLeest

and so the motion failed.

Mr. Johnson moved the Convention recess until 7 p.m. Mr. Doogan seconded. Mr. Rosswog announced a meeting of the Committee on Local Government at 6:10 p.m.

There being no objection to the motion to recess, the Convention recessed until 7 p.m.

#### AFTER RECESS

Mr. White rose to a point of personal privilege to introduce Mrs. William A. Egan, wife of President Egan.

Mr. White moved and asked unanimous consent to resolve into a Committee of the Whole to discuss Committee Proposal No. 14 with a complete record. Mr. Marston objected. Mr. White so moved. Mr. Knight seconded.

After discussion by Mr. Marston, Mr. Hinckel, Mr. Rosswog, Mr. Londborg, Mr. Sundborg and Mr. Cooper, the question was called. On voice vote the amendment failed.

Mr. Hellenthal requested a short recess.

AFTER RECESS

Mr. Hellenthal, as Chairman of the Committee on Suffrage, Apportionment and Elections, gave a report on C. P. No. 14.

Mr. Johnson requested a recess at 8:30 p.m.

AFTER RECESS

Mrs. Sweeney reported that the Committee on Engrossment and Enrollment, to whom had been referred Committee Proposal No. 7, had compared the same with the original and found it correctly engrossed and the first enrolled copy correctly enrolled.

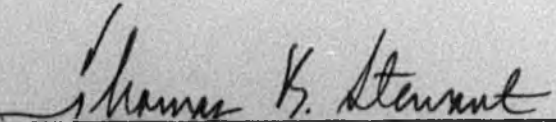
Mrs. Sweeney asked unanimous consent for the adoption of the report. There being no objection, it was ordered adopted.

Committee Proposal No. 7 was referred to the Committee on Style and Drafting.

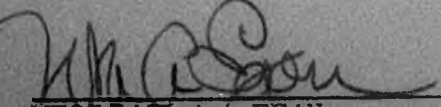
There followed a complete discussion of Committee Proposal No. 14, questions being put by the delegates to all members of the Committee on Suffrage, Apportionment and Elections.

The President announced that the hour for the arrival of the bus was near at hand and that with the consent of the Convention the discussion of Committee Proposal No. 14 would be continued the next day. There being no objection, the President stated that Committee Proposal No. 14 would not be amended until all delegates had ample opportunity to ask questions of the Committee.

Mr. Barr asked unanimous consent that the Convention adjourn until 9 a.m., Thursday. There being no objection, the Convention adjourned at 9:35 p.m. until 9 a.m., Thursday.

  
\_\_\_\_\_  
THOMAS B. STEWART  
Secretary

Attested:

  
\_\_\_\_\_  
WILLIAM A. EGAN  
President

Constitutional Convention  
Journal/39  
Approved Jan. 12, 1956

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL OF THE FORTY-NINTH CONVENTION DAY, Tuesday, January 10, 1956

The Convention was called to order by President Egan at 9 a.m.

The Invocation was given by the Rev. Robert Sheppard of the Church of the Nazarene.

Roll call showed all present except Mr. VanderLeest who is ill. The President declared a quorum to be present.

Mr. White asked unanimous consent that the Journal for the 44th day be approved subject to the following corrections:

Page 5 - fifth paragraph from the bottom of the page, change the word "refer" to "revert".

Page 9 - third paragraph from the top, insert a period after the word "Amendment" and strike the words "of Proposal No. 3."

Page 14- bottom paragraph, strike the second "s" on "River's".

Page 16- third paragraph from the bottom, excluding the roll call, strike the comma after Section 3 and insert a colon.

Page 18- third paragraph, beginning with the words "Mr. Taylor" correct spelling of the word "siezed".

Page 19- second paragraph, third line, insert "R." before the name "Rivers".

There being no objection, the Journal for the 44th day was ordered approved as corrected.

Mr. Coghill announced that the children of the Nenana Public School will attend the Convention on Friday morning, January 13th. There will be twenty children.

Mr. Hellenthal announced that there will be a meeting of Committee No. 6 immediately following the calling of the noon recess.

Mr. Cross announced that the Committee on Resolutions and Recommendations had studied Delegate Marston's Resolution and recommended that it be adopted.

49th Day, Tuesday, Jan. 10, 1956

The report of the Committee was read and without objection the report was adopted.

The President referred the Resolution to the Rules Committee for assignment to the calendar.

Mr. Johnson asked to be excused for the balance of the morning session. The President excused Delegate Johnson.

The Boswell Amendment to Section 7 of Proposal No. 5 having been held over was brought up at this time.

After discussion by Mr. Gray, Mr. McNeese, Mr. V. Fischer and Mr. V. Rivers, Mrs. Sweeney asked unanimous consent for special privilege of the floor. There being no objection it was so ordered.

After discussion by Mr. Lundborg, Mr. V. Rivers, Mr. McNeese, Mr. Buckalew and Mr. Marston, Mr. Boswell asked unanimous consent for a two-minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

After discussion by Mr. Boswell, Mr. White, Mr. V. Rivers, Mr. Walsh, Mr. V. Fischer and Mr. McCutcheon on Mr. Boswell's Amendment the Chief Clerk was asked to read the amendment. Mr. V. Rivers asked unanimous consent for the adoption of the following amendment to the amendment: strike the words "and per diem" and the last three lines which are nos. 8, 9 and 10. Seconded by Mr. Barr.

After Mr. Boswell spoke, Mr. Sundborg moved that Mr. Boswell's Amendment be laid on the table. Seconded by Mr. V. Rivers.

The President stated that the motion was not in order; that the motion should be to lay the amendment on the table which would take the original amendment with it. There being no objection, the President declared a short recess.

#### AFTER RECESS

Mr. Sundborg asked unanimous consent to withdraw his motion to lay Mr. Boswell's motion on the table. There being no objection, it was so ordered.

Mr. V. Rivers asked unanimous consent to withdraw his proposed amendment to the Boswell Amendment. There being no objection, it was so ordered. There being no further discussion, Mr. Walsh asked for a roll call on the Boswell Amendment. The question being "Shall the

Boswell Amendment be adopted?" The roll was called with the following result:

Yeas: 19 - Armstrong, Barr, Boswell, Coghill, Kilcher, King, Laws, Londborg, Nerland, Poulsen, Reader, R. Rivers, Robertson, Stewart, Sweeney, Taylor, Walsh, White

Nays: 33 - Awes, Buckalew, Collins, Cooper, Cross, Davis, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hermann, Hilscher, Hinckel, Hurley, Knight, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nolan, Nordale, Peratrovich, Riley, V. Rivers, Rosswog, Smith, Sundborg, Wien, Mr. President

Absent: 3 - Doogan, Johnson, VanderLeest

and so the amendment failed.

Mr. Gray and Mr. Taylor presented proposed amendments to Section 7, Proposal 5. Mr. Hellenthal rose to a point of order and stated he understood that the Legislative Committee had an amendment.

Mr. Gray moved for adoption of the following amendment: Section 7, line 4, delete the words "one third" and insert the words "one-tenth". Mr. Taylor seconded and asked unanimous consent for its adoption.

Mr. Buckalew objected.

After discussion by Mr. Gray, Mr. Buckalew, Mr. Kilcher, Mr. V. Rivers and Mr. McNees, Mr. Sundborg asked unanimous consent for a fifteen-minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

The President stated that Mr. Sundborg had not withdrawn his motion to table the Boswell amendment because he had been in error in making the motion. He was in order in making the motion since the motion before the body was Mr. Boswell's motion. Mr. V. Rivers' motion was a subsidiary motion and so would have been carried with Mr. Boswell's motion. Mr. Sundborg had withdrawn his motion for the purpose of avoiding any possible confusion to further amendments relating to salary.

After Mr. Londborg spoke, Mr. Davis asked that the following changes be made: Section 7, line 4, page 3, after the word "equal" put in the words "of not to exceed".

Mr. McNealy spoke.

The President asked Mr. Davis if he were offering this change as an amendment. Mr. Davis replied in the affirmative and moved for adoption of his amendment. The President declared a recess.

AFTER RECESS

Mr. Gray asked unanimous consent to withdraw his original amendment. There being no objection, it was so ordered.

Mr. Gray moved for adoption of the following amendment: after the word "salary", delete "equal to one-third" and insert "not to exceed 10%". Mr. Taylor seconded.

After discussion by Mr. White, Mr. R. Rivers and Mr. Coghill, Mr. V. Rivers moved to insert "20%" instead of "10%".

After discussion by Mr. Buckalew, Mr. Marston, Mr. Hurley, Mrs. Nordale, Mr. Barr, Mr. McCutcheon, Mr. McNees, Mr. Nolan, Mr. Sundborg, Mr. Hilcher and Mrs. Hermann, Mr. Hellenthal rose to a point of order that Mr. McNees had spoken more than twice. Mr. V. Rivers pointed out that Mr. McNees had not spoken on the amendment to the amendment. Mr. McNees then spoke on the V. Rivers amendment to the amendment.

The President then put the question "Shall the proposed amendment to the Boswell Amendment as offered by Mr. V. Rivers be adopted?" The roll was called with the following result:

Yeas: 21 - Awes, Barr, Buckalew, Cooper, Cross, Doogan, Emberg, Hinckel, Hurley, Kilcher, Lee, McCutcheon, McNees, Nolan, Nordale, Peratrovich, R. Rivers, V. Rivers, Smith, Stewart, Taylor

Nays: 32 - Armstrong, Boswell, Coghill, Collins, Davis, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, King, Knight, Laws, Londborg, McLaughlin, McNealy, Marston, Metcalf, Nerland, Poulsen, Reader, Riley, Robertson, Rosswog, Sundborg, Sweeney, Walsh, White, Wien, Mr. President

Absent: 2 - Johnson, VanderLeest

and so the amendment to the amendment failed.

Mr. R. Rivers moved to amend Mr. Gray's amendment by changing "10%" to "15%". Seconded by Mr. Fischer.

Mrs. Hermann asked unanimous consent to recess until 1:30 p.m. Mr. Buckalew objected. On voice vote the motion for recess failed.

After discussion by Mr. Taylor, Mr. Londborg, Mr. V. Rivers and Mr. Sundborg, Mr. Harris moved the previous question. Mr. Buckalew seconded. The question being "Shall the previous question be ordered?", the roll was called with the following result:

Yeas: 38 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Collins, Cooper, Cross, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, King, Knight, Lee, McCutcheon, McLaughlin, McNealy, McNees, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Riley, Sundborg, Sweeney, Taylor, White, Wien

Nays: 15 - Davis, Kilcher, Laws, Londborg, Marston, Metcalf, Reader, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Walsh, Mr. President

Absent: 2 - Johnson, VanderLeest

and so the previous question was ordered.

The question is: "Shall the proposed amendment to the amendment be adopted?" Mr. Metcalf asked for a roll call. The roll was called with the following result:

Yeas: 22 - Armstrong, Awes, Barr, Buckalew, Cooper, Cross, Doogan, Emberg, H. Fischer, Hinckel, Hurley, Kilcher, Lee, McCutcheon, McNees, Nordale, Peratrovich, Riley, R. Rivers, Smith, Stewart, Taylor

Nays: 31 - Boswell, Coghill, Collins, Davis, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, King, Knight, Laws, Londborg, McLaughlin, McNealy, Marston, Metcalf, Nerland, Nolan, Poulsen, Reader, V. Rivers, Robertson, Rosswog, Sundborg, Sweeney, Walsh, White, Wien, Mr. President

Absent: 2 - Johnson, VanderLeest

and so the amendment to the amendment failed.

Mr. Doogan moved to recess. Mr. Sundborg objected. Mr. Sundborg moved the previous question. Mr. Taylor seconded. On voice vote, the previous question was ordered. The question being "Shall Mr. Gray's amendment be adopted?", the roll was called with the following result:

Yeas: 48 - Armstrong, Awes, Barr, Boswell, Collins, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Kilcher, King, Knight, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, Walsh, White, Wien, Mr. President

Nays: 5 - Buckalew, Coghill, Cooper, Laws, Nolan

Absent: 2 - Johnson, VanderLeest

and so the amendment was adopted.

Mr. Sundborg asked unanimous consent to recess until 1:35 p.m. The President asked for Committee Announcements before recess. Mr. Hellenthal announced a meeting of the Committee on Suffrage, Elections and Apportionment on recess. Mr. V. Rivers announced a meeting of the Executive Branch Committee at 12:50.

There being no objection to Mr. Sundborg's motion to recess, it was so ordered.

#### AFTER RECESS

Mr. White moved the adoption of the following amendment to Section 7 and asked unanimous consent: insert at the end of the paragraph the following: "No increase or decrease in salary or per diem shall apply to the legislature which enacted it." Mr. Buckalew objected. Mr. White so moved. Mr. Metcalf seconded. After discussion by Mr. McLaughlin, Mr. White and Mr. Sundborg, Mr. White asked unanimous consent to strike "or per diem" from his amendment. Mr. V. Rivers objected. Mr. White so moved. Mrs. Sweeney seconded.

After discussion by Mrs. Sweeney, Mr. Sundborg, Mr. Johnson, Mr. Gray, Mr. V. Rivers, Mr. Barr and Mr. V. Fischer, Mr. V. Rivers withdrew his objection. Mr. Riley objected.

Mr. McNees spoke on the amendment. Mr. V. Fischer rose to a point of order to state that Mr. McNees was out of order because he was not speaking on the amendment to the amendment.

The question being "Shall the amendment to the amendment be adopted?", on voice vote, the amendment was adopted.

Mr. McNees asked whether Mr. White would consent to deleting the words "or decrease". Mr. White objected.

The question was called on Mr. White's amendment. On voice vote the amendment as amended failed.

Mr. Buckalew moved the adoption of the following amendment to Section 7: line 4, strike all material following the first word "salary" up to and including the word "governor" on line 5. Miss Awes seconded.

After discussion by Mr. Buckalew and Mr. Metcalf the question was called. The roll was called with the following result:

Yeas: 28 - Awes, Buckalew, Cooper, Cross, Doogan, Emberg, Harris, Hermann, Hinckel, Hurley, Kilcher, King, Knight, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Nolan, Nordale, Peratrovich, Riley, V. Rivers, Stewart, Sweeney, Wien, Mr. President

Nays: 23 - Armstrong, Barr, Boswell, Collins, Davis, H. Fischer, V. Fischer, Gray, Hellenthal, Johnson, Laws, Metcalf, Nerland, Poulsen, Reader, R. Rivers, Robertson, Rosswog, Smith, Sundborg, Taylor, Walsh, White

Absent: 4 - Coghill, Hilscher, Londborg, VanderLeest

and so the amendment was adopted.

Mr. V. Fischer asked unanimous consent for the adoption of the following amendment to Section 7: page 3, strike first sentence and substitute the following: "Members of the legislature shall receive an annual salary and expense allowances as prescribed by law, but the amount thereof shall neither be increased or diminished during the term for which they are elected."

In line 8, replace comma by period and strike remainder of sentence. Mr. Buckalew objected. Mr. Fischer so moved. Mrs. Hermann seconded.

After discussion by Mr. Fischer and Mr. R. Rivers, Mr. Hurley requested a short recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. Fischer asked unanimous consent to withdraw his amendment. There being no objection, it was so ordered.

Mr. Fischer moved the adoption of the following amendment to Section 7: page 3, strike the first sentence and substitute the following: "Members of the legislature shall receive an annual salary and expense allowances as prescribed by law, but any increase or decrease in salary shall not apply to the legislature which enacted the change." In line 8, replace comma by period and strike remainder of the sentence. Mrs. Hermann seconded. After discussion by Mr. Kilcher, Mr. Fischer, Mr. Riley, Mr. McLaughlin, Mr. Hellenthal, Mrs. Hermann, Mr. Sundborg and Mr. McNealy, the question was called.

The question being "Shall Mr. Fischer's amendment to Section 7 be adopted?", the roll was called with the following result:

Yeas: 25 - Armstrong, Boswell, Cross, Davis, V. Fischer, Harris, Hellenthal, Hermann, Hurley, Johnson, Knight, Lee, Marston, Nerland, Poulsen, Reader, Riley, Robertson, Rosswog, Smith, Stewart, Walsh, White, Wien, Mr. President

Nays: 26 - Awes, Barr, Buckalew, Collins, Cooper, Emberg, H. Fischer, Gray, Hilscher, Hinckel, Kilcher, King, Laws, McCutcheon, McLaughlin, McNealy, McNees, Metcalf, Nolan, Nordale, Peratrovich, R. Rivers, V. Rivers, Sundborg, Sweeney, Taylor

Absent: 4 - Coghill, Doogan, Londborg, VanderLeest

and so the amendment failed.

Mrs. Nordale served notice to reconsider her vote on Mr. Buckalew's amendment to Section 7.

Mr. Sundborg asked Mrs. Nordale if she would object to taking up her reconsideration immediately. Mrs. Nordale stated she would not object.

The President declared a short recess.

#### AFTER RECESS

Mr. Sundborg moved and asked unanimous consent that Mrs. Nordale's reconsideration be taken up at this time. Mr. Metcalf seconded. Mr. Johnson objected.

The question being "Shall the rules be suspended and Mrs. Nordale's reconsideration of her vote be taken up at this time?", the roll was called with the following result:

Yeas: 46 - Armstrong, Awes, Barr, Boswell, Buckalew, Collins, Cooper, Cross, Davis, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, King, Knight, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, Walsh, White, Wien

Nays: 5 - Johnson, Kilcher, Laws, Nolan, Mr. President

Absent: 4 - Coghill, Doogan, Londborg, VanderLeest

and so the Rules were suspended.

After discussion by Mr. Hellenthal, Mr. McNees, Miss Awes, Mr. Gray, Mrs. Nordale, Mr. Peratrovich, Mr. Lee, Mr. Hilscher, Mr. Davis, Mr. R. Rivers, Mr. Kilcher, Mr. Nerland, Mrs. Hermann, Mr. Marston, Mr. V. Rivers, Mr. Barr, Mr. V. Fischer, Mr. Taylor, Mr. Riley, Mr. Sundborg, Miss Awes, Mr. Buckalew, Mr. Peratrovich and Mr. McNees, the question was called.

The question being "Shall Mr. Buckalew's amendment to Section 7 of Committee Proposal No. 5 be adopted?", the roll was called with the following result:

Yeas: 27 - Armstrong, Awes, Buckalew, Cooper, Cross, Doogan, Emberg, V. Fischer, Harris, Hermann, Hurley, Johnson, Kilcher, King, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Nolan, Peratrovich, Riley, V. Rivers, Smith, Stewart, Mr. President

Nays: 25 - Barr, Boswell, Collins, Davis, H. Fischer, Gray, Hellenthal, Hilscher, Hinckel, Knight, Laws, Metcalf, Nerland, Nordale, Poulsen, Reader, R. Rivers, Robertson, Rosswog, Sundborg, Sweeney, Taylor, Walsh, White, Wien

Absent: 3 - Coghill, Londborg, VanderLeest

and so the amendment was adopted.

Mr. Robertson moved the adoption of the following amendment to Section 8: line, 12, insert the word "uneven" before the word "year". Mr. Doogan objected. Mr. Metcalf seconded. After discussion by Mr. Robertson, Mr. Doogan, Mr. Taylor, Mr. Robertson, Mr. Smith, Mr. McNees, and Mr. Metcalf, the question was called. On voice vote the amendment failed.

The President declared a short recess.

#### AFTER RECESS

The President announced that there was a communication from Professor Edwin H. Richardson, Coordinator of Student Activities at the University of Alaska, advising the Convention that General William Dean would be visiting the University and would speak to the students January 12, and inviting the delegates to hear General Dean speak. The President stated he believed if the delegates did not wish to recess to hear General Dean that they could invite him to attend the Convention.

Mr. Johnson moved and asked unanimous consent that the President request Major General Dean to present a few remarks to the Convention on Thursday afternoon. There being no objection, it was so ordered.

Mr. V. Rivers moved the adoption of the following amendment to Section 8: page 3, Section 8, line 14, add the following at the end of this section: "If the two houses cannot agree on the time of adjournment, the Governor may, on the same being certified to him by one of the houses, adjourn the legislature to such time as he shall think proper but not beyond the day set for the opening of the next regular session."

Mrs. Nordale seconded. Mr. Hurley asked unanimous consent. Mr. Gray objected. After Mr. McCutcheon, Mr. V. Rivers and Mr. Johnson spoke, Mr. Gray withdrew his objection. Mr. Riley, Mr. Hurley, Mr. Kilcher, Mr. Barr, Mr. V. Rivers and Mr. Buckalew spoke on the amendment. The President declared a two-minute recess.

AFTER RECESS

Mr. V. Rivers asked unanimous consent to withdraw his original amendment. There being no objection, it was so ordered.

Mr. V. Rivers moved the adoption of the following amendment: page 3, Section 8, line 14, add the following at the end of this section: "If the two houses cannot agree on the time of adjournment, the Governor may, on the same being certified to him by one of the houses, adjourn the legislature, subject to the provisions of Section 9 hereof." Mr. Buckalew seconded.

After discussion by Mr. Smith, Mr. McCutcheon, Mr. Hurley, Mr. V. Rivers, Mr. Kilcher, Mr. McCutcheon, Mr. Riley and Mr. Hellenthal, Mr. Kilcher moved that the proposed amendment be held over until a certain time after Section 11 had been discussed. Mr. Knight seconded. Mr. Kilcher requested unanimous consent. There being no objection, it was so ordered.

Mr. Sundborg moved the adoption of the following amendment to Section 8: line 12, after the word "year" insert "for a session of not to exceed 60 days". Mrs. Hermann seconded. After discussion by Mr. Sundborg, Mr. Kilcher, Mr. Buckalew, Mr. McCutcheon, Mr. Johnson, Mr. Smith and Mr. Armstrong, the question was called. The question being "Shall Mr. Sundborg's amendment to Section 8 be adopted?", the roll was called with the following result:

Yeas: 20 - Barr, Boswell, Cross, Harris, Johnson, Laws, Marston, Metcalf, Nerland, Nolan, Poulsen, Reader, Riley, Robertson, Rosswog, Sundborg, Sweeney, Walsh, Wien, Mr. President

Nays: 32 - Armstrong, Awes, Buckalew, Collins, Cooper, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Kilcher, King, Knight, Lee, McCutcheon, McLaughlin, McNealy, McNees, Nordale, Peratrovich, R. Rivers, V. Rivers, Smith, Stewart, Taylor, White

Absent: 3 - Coghill, Londborg, VanderLeest

and so the amendment failed.

Mr. R. Rivers moved the adoption of the following amendment to Section 8: page 3, line 13, change words "three days" to "one day". Mr. Knight seconded. After discussion by Mr. R. Rivers, Mr. McNees, Mrs. Sweeney and Mr. Barr, the question was called. On voice vote the amendment failed.

Mr. Robertson, Mr. Barr, Mr. Sundborg, Mr. Buckalew and Mr. V. Rivers asked questions of the Chairman of the Committee on the Legislative Branch regarding Section 8.

Mr. V. Rivers asked unanimous consent to amend Section 8 as follows: line 11, delete the word "fourth" and insert the word "second". Mr. Nolan objected. Mr. V. Rivers so moved. Mr. Knight seconded. Mr. V. Fischer suggested that the words "unless otherwise changed by law" be inserted in the sentence.

After discussion by Mr. Gray, Mr. Buckalew, Mr. Nolan and Mrs. Hermann who favored Mr. V. Fischer's suggestion, Mr. V. Rivers requested a short recess. There being no objection, it was so ordered.

AFTER RECESS

Mr. V. Rivers asked unanimous consent to withdraw his previous amendment. There being no objection, it was so ordered.

Mr. V. Rivers moved and asked unanimous consent for the adoption of the following amendment: page 1, line 18, after the word "January"; on page 3, line 12, after the words "each year" insert the words "unless otherwise provided by law". There being no objection, it was so ordered.

Mr. McCutcheon asked unanimous consent to withdraw his amendment to Section 6 and submit a new amendment. There being no objection, it was so ordered.

Mr. McCutcheon moved and asked unanimous consent for the adoption of the following amendment to Section 6: page 2, line 25, following the word "arrest" insert "and not subject to civil process". There being no objection, it was so ordered.

Mr. R. Rivers moved the adoption of the following amendment to Section 9: page 3, line 20, after word "Governor" delete rest of sentence and substitute the following: "he shall in his proclamation state the purpose of the call, but the legislature may also act on other matters and shall be the judge as to the time of its adjournment within the time limit herein prescribed." Mr. Taylor seconded.

After discussion by Mr. R. Rivers, Mrs. Sweeney, Mr. McCutcheon and Mrs. Nordale, Mr. Hellenthal asked that the question be put. After

*presented the previous day*

discussion by Mr. Davis and Mr. R. Rivers, Mr. R. Rivers asked for a two-minute recess. There being no objection, it was so ordered.

AFTER RECESS

Mr. R. Rivers asked unanimous consent to withdraw his amendment. There being no objection, it was so ordered.

Mr. R. Rivers and Mr. Hellenthal asked questions of the Chairman of the Legislative Committee regarding Section 9. Mr. Buckalew, Mr. McCutcheon and Mrs. Sweeney spoke on Section 9. Mr. Hellenthal suggested that the word "conducted" be used in place of "directed".

Mr. R. Rivers moved and asked unanimous consent for the adoption of the following amendment to Section 9: add to end of Section: "The Legislature shall determine the time of its adjournment within the thirty-day period." Mr. Johnson objected. Mr. Taylor seconded.

After Mr. R. Rivers, Mr. Sweeney, Mr. Kilcher and Mr. McNealy spoke on the amendment, the question was called. The roll was called with the following result:

Yeas: 23 - Armstrong, Buckalew, Cross, Emberg, Hellenthal, Hermann, Hurley, Kilcher, King, Knight, McNealy, Nerland, Nordale, Peratrovich, Riley, R. Rivers, Smith, Sundborg, Taylor, Walsh, White, Wien, Mr. President

Nays: 25 - Awes, Barr, Boswell, Collins, Cooper, Davis, H. Fischer, V. Fischer, Gray, Harris, Hilscher, Hinckel, Johnson, Lee, McCutcheon, McLaughlin, McNees, Marston, Metcalf, Nolan, Poulsen, V. Rivers, Robertson, Rosswog, Sweeney

Absent: 7 - Coghill, Doogan, Laws, Londborg, Reader, Stewart, VanderLeest

and so the amendment failed.

Mr. Rosswog announced a meeting of the Committee on Local Government at 6:10 p.m. in the Committee Room.

Mr. Barr asked unanimous consent that the Convention recess until 7:05 p.m. There being no objection, it was so ordered.

AFTER RECESS

Mr. McCutcheon stated that in connection with Section 9 the record should show that the Committee in bringing out this section of the Article did not intend that the Governor should in any way limit the time of a special session of the legislature.

Mr. McCutcheon moved the adoption of the following amendment to Section 9: page 3, line 18, strike the comma after "council" and insert "or as otherwise prescribed by law". Mr. Buckalew seconded. On voice vote, the amendment was adopted.

Mr. Harris gave notice of reconsideration of his vote on Mr. R. Rivers' amendment to Section 9.

Mr. Buckalew asked unanimous consent that the rules be suspended and the matter of Mr. Harris' reconsideration be taken up immediately. Mr. Johnson objected. Mr. Buckalew moved the suspension of the rules. Mrs. Fischer seconded. Mr. Fischer asked Mr. Harris if he objected to the reconsideration at this time. Mr. Harris answered that he had no objection.

The question being "Shall the Rules be suspended and Mr. Harris' reconsideration be considered at this time?", the roll was called with the following result:

Yeas: 40 - Armstrong, Awes, Boswell, Buckalew, Coghill, Cross, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Kilcher, King, Knight, Lee, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Peratrovich, Poulsen, Reader, Riley, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Walsh, White, Wien, Mr. President

Nays: 8 - Cooper, Davis, Hurley, Johnson, Laws, Londborg, McCutcheon, Nordale

Absent: 7 - Barr, Collins, Nolan, R. Rivers, Robertson, Taylor, VanderLeest

and so the rules were suspended.

After discussion by Mr. Davis, Mr. White, Mr. Harris, Mr. Buckalew, Mr. Davis and Mr. Lee, the question was called. On voice vote the amendment failed.

Mr. Hellenthal moved and asked unanimous consent for the adoption of the following amendment to Section 9: page 3, line 17, strike the word "directed" and insert the word "conducted". There being no objection, it was so ordered.

Mr. Stewart moved the adoption of the following amendment to Section 10: line 25, strike the word "shall" and insert in lieu thereof the word "may". Mr. Buckalew objected. Mr. Knight seconded.

After discussion by Mr. McCutcheon, Mr. Hinckel, Mr. Gray, Mr. Kilcher, Mr. Cooper and Mr. Hellenthal, the question was called. On voice vote the amendment failed.

Mrs. Sweeney moved and asked unanimous consent for the adoption of the following amendment to Section 11: line 11, delete second "of" and insert "to which" and after "house" insert "is entitled". There being no objection, it was so ordered.

Mr. McLaughlin moved the adoption of the following amendment: on page 4, strike Section 12 and substitute:

"Suits against the State, for all liabilities hereafter originating or now existing, shall be provided for by law."

Mrs. Hermann seconded. Mr. Buckalew objected on the ground that the amendment should be considered in transitional measures. After discussion by Mr. McLaughlin, Mr. V. Rivers and Mr. Sundborg, Mr. Cooper requested a one-minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. McCutcheon asked unanimous consent for the adoption of Mr. McLaughlin's amendment. Mr. Sundborg objected. Mr. McLaughlin requested a short recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. Sundborg stated he would withdraw his objection if Mr. McLaughlin would explain the intent of the amendment.

Mr. McLaughlin did so and Mr. Sundborg withdrew his objection. Mr. Davis and Mr. Buckalew objected. Mr. White questioned Mr. McLaughlin.

Mr. Hellenthal asked unanimous consent that the matter be taken up tomorrow so that the members of the Judiciary Committee could meet and go into the matter. There being no objection, it was so ordered.

Mr. Buckalew moved the adoption of the following amendment to Section 13: line 21, strike words "the Senate" and insert "either house"; line 22, strike "of all the senators" and add period after "vote"; line 24, strike "before the house of representatives" and insert "in joint session assembled"; line 26 strike last word on line, "of", and in line 1, page 5, strike "The house of representatives" and insert "in joint session assembled". Mr. Sundborg seconded. After discussion by Mr. Johnson, Mr. Buckalew, Mrs. Nordale, Mrs. Sweeney, and Mr. Barr, Mrs. Sweeney asked for a three-minute recess. There being no objection, it was so ordered.

AFTER RECESS

Mr. Buckalew asked unanimous consent to withdraw his amendment on the understanding that Mr. McCutcheon would submit an amendment. Mr. Hinckel objected to that arrangement. Mrs. Sweeney objected. Mr. Armstrong stated he believed much time could be saved if the Committee Chairman would explain each section before the amendments are offered.

Mrs. Sweeney withdrew her objection, but wanted it understood that if Mr. McCutcheon explained his amendment she wished to propose hers and explain it before action was taken. Mr. McCutcheon stated he did not intend to submit an amendment.

After discussion by Mr. McCutcheon, Mrs. Sweeney, Mr. Buckalew and Mr. Barr, the question was called. Mr. Barr requested a roll call.

The question being "Shall Mr. Buckalew's amendment be adopted?", the roll was called with the following result:

Yeas: 6 - Buckalew, V. Fischer, Hurley, Kilcher, Sundborg, White

Nays: 44 - Armstrong, Awes, Barr, Boswell, Coghill, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Johnson, King, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, V. Rivers, Rosswog, Smith, Stewart, Sweeney, Walsh, Wien, Mr. President

Absent: 5 - Collins, R. Rivers, Robertson, Taylor, VanderLeest

and so the amendment failed.

Mrs. Sweeney moved and asked unanimous consent for the adoption of the following amendment to Section 13: page 4, line 21, delete "Senate" and insert "House of Representatives"; line 22, delete "Senators" and insert "Representatives"; line 24, delete "House of Representatives" and insert "Senate"; page 5, line 1, delete "House of Representatives" and insert "Senate". Mr. McNealy objected. Mrs. Sweeney so moved. Mr. Harris seconded.

After discussion by Mr. Barr, Mr. McNees, Mr. V. Rivers, Mr. Emberg, Mr. McCutcheon, Mr. McLaughlin, Mr. Kilcher and Mr. McNealy, the question was called. Mrs. Sweeney requested a roll call. The question being "Shall Mrs. Sweeney's amendment to Section 13 be adopted?", the roll was called with the following result:

Yeas: 18 - Armstrong, Boswell, Cross, Gray, Harris, Johnson, King, Laws, Londborg, Metcalf, Nolan, Poulsen, Reader, V. Rivers, Stewart, Sundborg, Sweeney, Walsh

Nays: 32 - Awes, Barr, Buckalew, Coghill, Cooper, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Kilcher, Knight, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Nerland, Nordale, Peratovich, Riley, Rosswog, Smith, White, Wien, Mr. President

Absent: 5 - Collins, R. Rivers, Robertson, Taylor, VanderLeest

and so the amendment failed.

Mr. Buckalew proposed the following amendment to Section 13: page 4, line 21, beginning with the words "the Senate", delete the balance of the line and line 22 up to the period. Insert in lieu thereof the following: "either house and shall be by two-thirds of the votes of all the members of such house." Page 4, line 24, strike "of representatives" and insert before the word "house" the word "other". Page 5, line 1, strike the words "of representatives" and insert in lieu thereof "hearing the matter".

Mr. Johnson rose to a point of order to state that the amendment was substantially the same as an amendment voted down earlier.

Mr. Buckalew pointed out that it was not the same amendment. Mr. Buckalew moved the adoption of the amendment. Mrs. H. Fischer objected. Mr. Sundborg seconded.

After Mr. Sundborg, Mr. Barr, Mr. Hinckel and Mr. Buckalew spoke, the question was called. On voice vote the amendment failed. Mr. V. Fischer rose to speak on personal privilege.

After Mr. Marston and Mr. Doogan spoke, the President declared a short recess.

#### AFTER RECESS

The President announced that henceforth the Chairman would be asked to give the Committee explanation of any section to which amendments will be offered.

Mr. McLaughlin proposed to strike Section 14. Mr. McCutcheon explained the Committee's position on the section. After questions from Mr. Hellenthal to the Committee Chairman, Mr. McLaughlin moved to strike Section 14. Mr. Sundborg seconded.

After discussion by Mr. McNees, Mr. Sundborg, Mr. Harris, Mr. V. Fischer, Mr. V. Rivers, Mr. Davis, Mr. McLaughlin, Mr. Hinckel, Mr.

Metcalf, Mr. Lee and Mr. Barr, the question was called. On voice vote the amendment to strike Section 14 was adopted.

Mr. Johnson stated he had an amendment to Section 15. Mr. McCutcheon explained the Committee's position on the section.

Mr. Johnson moved the adoption of the following amendment to Section 15: page 5, line 19, strike the word "the", then insert: "Each house of the", strike the word "as" at the end of line 19; line 20, strike the words "one body", insert in lieu thereof the word "separately"; line 23, strike the words "the state" and insert in lieu thereof the words "each house"; page 6, line 3, strike the words "the state" and insert in lieu thereof the words "each house". Mr. Londborg seconded.

After discussion by Mr. Armstrong, Mr. Johnson, Mr. Barr, Mr. Londborg, Mrs. Sweeney, Mr. Rosswog, Mr. McNealy, Mr. Riley, Mr. Hellenthal and Mr. McCutcheon, the question was called. Mr. Johnson requested a roll call.

The question being "Shall Mr. Johnson's amendment be adopted?", the roll was called with the following result:

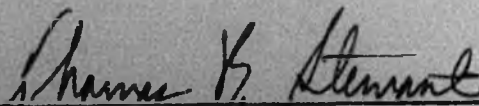
Yeas: 25 - Armstrong, Barr, Boswell, Coghill, Cross, Gray, Harris, Hellenthal, Johnson, Kilcher, King, Laws, Londborg, McLaughlin, Nerland, Nolan, Poulsen, Reader, V. Rivers, Rosswog, Smith, Stewart, Sweeney, Walsh, Mr. President

Nays: 25 - Awes, Buckalew, Cooper, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Hermann, Hilscher, Hinckel, Hurley, Knight, Lee, McCutcheon, McNealy, McNees, Marston, Metcalf, Nordale, Peratrovich, Riley, Sundborg, White, Wien


Absent: 5 - Collins, R. Rivers, Robertson, Taylor, VanderLeest

and so the amendment failed.

Mr. Sundborg moved and asked unanimous consent that the Convention adjourn until 9 a.m. Wednesday. There being no objection, the Convention adjourned at 9:30 p.m. until 9 a.m. Wednesday.

  
THOMAS B. STEWART  
Secretary

Attested:

  
WILLIAM A. EGAN  
President

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL OF THE FORTY-EIGHTH CONVENTION DAY, Monday, January 9, 1956

The Convention was called to order at 9:00 a.m. by President Egan.

At the request of Mr. Johnson and with the unanimous consent of the Convention the following prayer, given by Father George Boileau of the Church of the Immaculate Conception, was ordered spread on the Journal:

"Grant us, Almighty God, the gift of wisdom and understanding; give us health this day that we may continue to work with sincerity, with true charity and harmony, for the good of our country and your glory, through Christ our Lord. Amen."

Roll call showed all members present. The President declared a quorum to be present.

Mr. Knight reported that the Journal for the 43rd day had been read and was approved. Mr. Boswell stated he believed there was an error in the roll call on page 9 where one delegate was recorded as voting twice. The Chief Clerk was requested to look into the matter.

Mr. Sundborg reported the presence of Consultant Dr. John Bebout, Assistant Director of the National Municipal League of New York City and asked for privilege for Dr. Bebout to address the Convention. Dr. Bebout then addressed the Convention.

Mr. Sundborg announced a meeting of the Style and Drafting Committee upon recess.

Mr. Hurley moved for reconsideration of his vote on the Riley Amendment to Section 11 of Committee Proposal No. 7.

Mr. Riley asked suspension of the rules so that the amendment could be debated. There being no objection, it was so ordered.

After discussion by Mr. Hurley, Mr. Buckalew, Mr. Hinckel, Mr. Taylor, Mr. Marston, Mr. Riley, Mr. Davis, Mr. R. Rivers, Mr. Kilcher, Mr. Barr, Mr. Harris, Mr. Robertson, Mr. V. Rivers, Mr. V. Fischer, Mr. Davis, Mr. McNees, Mrs. Hermann, Mr. Metcalf, Mr. Cross and Mr. Buckalew, the Chief Clerk was asked to read the proposed amendment. Mr. Robertson requested a roll call.

The question being "Shall the proposed amendment to Section 11 as offered by Mr. Riley and other delegates be adopted?", the roll was called with the following result:

47th Day, Monday, Jan. 9, 1956

Yeas: 18 - Barr, Boswell, Coghill, Cross, Davis, H. Fischer, Laws, McCutcheon, Nolan, Nordale, Riley, R. Rivers, V. Rivers, Robertson, Smith, Sundborg, Walsh, White

Nays: 37 - Armstrong, Awes, Buckalew, Collins, Cooper, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Lee, Londborg, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Peratrovich, Poulsen, Reader, Rosswog, Stewart, Sweeney, Taylor, VanderLeest, Wien, Mr. President

and so the amendment failed.

Mr. Hinckel offered and moved for the adoption of the following proposed amendment to Section 11. Seconded by V. Rivers.

Insert the following after line 12, Section 11:

"The right of the people to be secure against unreasonable invasion of their individual privacy by the use of any electronic or other scientific device shall not be violated, and ex parte orders or warrants shall issue from the Superior or Supreme Court only upon oath or affirmation that there is reasonable ground to believe that evidence of crime may be thus obtained, and identifying the particular means of communication, and particularly describing the person or persons whose communications are to be intercepted and the purpose thereof. Information secured in violation of this section shall not be admissible evidence in any judicial or other proceeding."

Mr. Hinckel asked to have the proposed amendment mimeographed. Mr. McNees moved for consideration of this amendment after the 10:30 recess.

Mr. White presented an amendment to Section 11 to be mimeographed during the recess.

Mr. Hellenthal moved and asked unanimous consent for a fifteen-minute recess at this time.

The President stated that consideration of the two amendments would be held until after the morning recess, and declared the Convention at recess.

#### AFTER RECESS

Mr. Hilscher asked for personal privilege and read a wire to be sent to the President of the United States, signed by the President of the Convention, but the cost to be borne by the delegates. The President stated that without objection the telegram would be dispatched.

Mr. Riley asked unanimous consent for a two-minute recess. There being no objection, it was so ordered.

AFTER RECESS

After discussion by Mr. Londborg, Mr. Hinckel and Mr. Buckalew, Mr. Robertson suggested the words "reasonable ground" be changed to "probable cause exists". After discussion by Mr. Collins, Mr. V. Fischer and Mr. R. Rivers, Mr. R. Rivers moved to amend the Hinckel amendment of Section 11, Committee Proposal 7, by deleting in line 5 "there is reasonable ground" and substituting "probable cause exists". Mr. Kilcher objected.

A short recess was declared.

AFTER RECESS

Mr. R. Rivers asked unanimous consent to withdraw his amendment to the amendment. There being no objection, it was so ordered. Mr. R. Rivers offered a new amendment as follows: Delete the words "reasonable ground" and the words "probable cause" be inserted in lieu thereof. Mr. R. Rivers asked unanimous consent for the adoption of the amendment to the amendment. *There being no objection, it was so ordered.*

After Mr. Metcalf spoke on the amendment, Mr. Taylor offered the following proposed amendment to the amendment of Section 11: After the word "violated" in the third line, insert a period and strike the balance of paragraph eleven.

Mr. Taylor moved and asked unanimous consent for the adoption of his proposed amendment to the amendment. Mr. Kilcher seconded.

After discussion by Mr. Taylor and Mr. White, a voice vote was taken and the amendment to the amendment failed.

Mr. Hinckel requested a roll call on his amendment to Section 11 with the following result:

Yeas: 14 - Armstrong, Boswell, Davis, H. Fischer, Hellenthal, Hinckel, McCutcheon, Poulsen, Riley, R. Rivers, V. Rivers, Robertson, Smith, Sundborg

Nays: 40 - Awes, Barr, Buckalew, Coghill, Collins, Cooper, Cross, Doogan, Emberg, V. Fischer, Gray, Harris, Hermann, Hilscher, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Reader, Rosswog, Stewart, Sweeney, Taylor, Walsh, White, Wien, Mr. President

Absent: 1 - VanderLeest

and so the proposed amendment failed.

Mr. White moved the adoption of his amendment. Mr. Doogan seconded. Mr. White's amendment to Section 11 follows: after last line of Section 11, add:

"The right of privacy of the individual shall not be invaded by use of any electronic or other scientific transmitting, listening or sound recording device for the purpose of gathering information of incriminating evidence, subject to such exceptions and procedures as may be established by law for the protection of the public safety."

After discussion by Mr. White, Mr. Davis and Mr. Barr, Mr. McNealy asked unanimous consent to delete the words "transmitting, listening or sound recording" from Mr. White's proposed amendment. Mr. Johnson objected. Seconded by Mr. R. Rivers.

After discussion by Mr. McLaughlin, Mr. Barr, Mr. White, Mr. Stewart and Mr. Kilcher, Mr. Sundborg rose to a point of order that Mr. Kilcher was not speaking on the amendment to the amendment. The President stated that Mr. Sundborg's point of order was well taken.

The question was called and on voice vote the amendment was adopted.

After discussion by Mr. Cooper, Mr. Taylor, Mr. R. Rivers, Mr. Hellenthal, Mr. Metcalf and Mr. Buckalew on the amendment, the question was called.

The question being "Shall the proposed amendment of Mr. White, as amended, be adopted?". The roll was called with the following result:

Yeas: 14 - Cross, Davis, H. Fischer, Hellenthal, Laws, McCutcheon, McNealy, Poulsen, Reader, R. Rivers, V. Rivers, Robertson, Sundborg, White

Nays: 40 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Collins, Cooper, Doogan, Emberg, V. Fischer, Gray, Harris, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Lee, Londborg, McLaughlin, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Riley, Rosswog, Smith, Stewart, Sweeney, Taylor, Walsh, Wien, Mr. President

Absent: 1 - VanderLeest

and so the amendment failed.

Mr. Hellenthal moved the previous question. Mr. Gray seconded. The President asked if there was a previous question. After discussion, the President ruled there was no previous question.

Mr. Taylor moved the adoption of Section 11 as contained in the Committee Report. Mr. Marston seconded. Mr. Coghill moved the previous question. Mr. Sundborg rose to a point of order to state there was no need to adopt Section 11 because it was still in second reading and adoption could be made only in third reading. The President stated that Mr. Sundborg's point of order was well taken.

Mr. McNeese moved that the Convention proceed to the Article on Health, Education and Welfare. Mr. Barr seconded.

Mr. Riley called attention to the presence in the gallery of Judge Earl Cooper, who played an important role in the calling of the Constitutional Convention as Chairman of the Statehood Committee in the Senate of the last legislature and asked that he be extended the privilege of the floor. Mr. Barr seconded Mr. Riley's request. The President introduced Judge Cooper.

Judge Cooper's remarks follow:

JUDGE COOPER: "Chairman Egan, fellow Alaskans; I think it would not be inappropriate at this time to say fellow Americans, because I feel we are about the business of Americanism today. A lump kind of came into my throat today as I drove up in the taxi and saw the sign out front "Alaska Constitutional Hall". I thought to myself what a historic occasion those people are about in there today. As I look into your faces I could almost call everyone of you by name. That is significant to me from this viewpoint because here establishing a Constitution for the next State of Alaska are people who have identified themselves with civic groups, professional groups, various organizations which have concerned themselves with the welfare of Alaska.

"Two things are significant to me in connection with this Constitutional Convention. One is the fact that you have gone about your deliberations with the sincere and honest desire to bring out a Constitution that is going to be acceptable to all **the** people of Alaska. The second is quite significant to me, that though you happen to be identified with one of the two major political parties, you have approached this Convention here with a spirit of non-partisanship. This was highly necessary to come out with a Constitution acceptable to the people of Alaska. I think you are to be highly commended, my friends. I wish I was a part of this group. I wish I could sometime gather my grandchildren about my knees and say I had the opportunity of fixing my name to a state constitution.

"If I get a little emotional about this it is because you people are making history here today. This deliberation intrigued me the way you have gone about it--with a seriousness, sincerity and the conscientious attitude you have shown. Of course, you will arrive at your areas of difference of opinion. We all have different approaches to the solution of the problems. But you approach this, I think, with what is good for my fellow citizens of Alaska. I predict, although I don't set myself up as a seer, I predict when you come out of here, when your deliberations are over, you can take pride in the fact that you have submitted for confirmation a document all Alaskans can take pride in.

"Thanks very much for extending me this privilege and Godspeed."

*to reconsider*

Mr. Harris stated that he believed there was still a motion by Mr. White to be considered. Mr. Sundborg rose to a point of order and stated that if Mr. White wished to move to reconsider that his time to do so had expired. Mr. White stated that he had no intention of doing so.

Mr. Davis moved that the article be sent to the Committee on Engrossment and Enrollment. The President stated that Mr. Davis' motion was not out of order. Mr. President asked if there was any objection to Mr. Davis' request that the Article be sent to the Committee on Engrossment and Enrollment at this time. He stated further that it would still be in second reading and could be amended even though it was sent to the Committee on Engrossment and Enrollment. Mr. Johnson stated that if it was sent to the Engrossment and Enrollment Committee it would take a suspension of the rules to be brought up on the floor again. Mr. Taylor stated that the article was not final until the entire proposal was finished. The President stated that this was merely a section of the Article included in Proposal No. 7. Mr. Taylor stated that he believed the President to be right in this matter.

Miss Awes moved for a five-minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. Sundborg moved and asked unanimous consent that the remarks of Judge Cooper be spread upon the Journal. Mr. Johnson stated that he would also move that the prayer of Father Boileau be included in this motion and asked unanimous consent to that effect. There being no objection, it was so ordered.

Mr. Coghill asked for the opinion of the delegates regarding night sessions. Mr. President stated that evening sessions had been decided and were to begin at 7:00 p.m., but that the adjournment time

had been left open. After discussion by Mr. White, Mr. Fischer and Mr. R. Rivers, Mr. R. Rivers asked unanimous consent that the Convention recess from 5:30 p.m. until 7:00 p.m. for supper and that the evening session convene at 7:00 p.m. and adjourn at 9:30 p.m. There being no objection, it was so ordered.

Mr. Coghill stated that the cafeteria had to be notified by noon the number of delegates desiring to stay for supper and asked for a show of hands. Mr. Coghill then asked for unanimous consent to recess for lunch.

Prior to putting the question the President allowed the following Committee announcements:

Mr. Sundborg announced a meeting of the Committee on Style and Drafting on recess.

Miss Awes announced a meeting of the Committee on the Bill of Rights on recess in the Committee Room.

Mr. V. Rivers announced a meeting of the Executive Committee on recess.

Mr. Coghill announced a meeting of the Committee on Administration at 1:00 p.m.

Mrs. Sweeney announced a meeting of the Engrossment and Enrollment Committee at 12:45 p.m.

There being no objection to the unanimous consent request of Mr. Coghill, the Convention recessed until 1:30 p.m.

#### AFTER RECESS

Miss Awes offered the following amendment from the Committee on Preamble and Bill of Rights: Section 1, Article on Health, Education and Welfare, add word "educational" before the word "institution" on last line.

Mrs. Sweeney reported that the Committee on Engrossment and Enrollment, to whom had been referred Committee Proposal No. 3, had compared the same with the original and found it correctly engrossed and the first enrolled copy correctly enrolled. Mrs. Sweeney moved and asked unanimous consent that the report be adopted. There being no objection, it was so ordered.

Committee Proposal No. 3 was referred to the Committee on Style and Drafting.

Mr. Knight moved the adoption of the Journal for the forty-third day subject to the following correction: page 9, roll call, under nays, strike "Barr" and insert "Awes". There being no objection, the Journal for the forty-third day was approved as corrected.

Mr. Sundborg reported that the Committee on Style and Drafting had divided into subcommittees on the articles which have been referred to it. Three members are going over the proposals word by word. After the subcommittee has agreed upon its recommendations, but before the full committee has acted, the subcommittee will contact the substantive committee involved to sit with the subcommittee to go over in detail the suggested changes so that Style and Drafting may be certain they are following the intent of the Committee which originally drafted the article.

Miss Awes moved and asked unanimous consent for the adoption of the proposed amendment. Mr. V. Rivers objected. Mr. Buckalew seconded.

Mr. Hellenthal rose to a point of order that there was nothing to vote on because this was a committee change and agreed on unanimously by the Committee.

The President stated that he felt it was necessary to adopt the amendment in order to effect the change desired. Mrs. Hermann rose to a point of information to ask if the amendment were adopted it would be possible to remove the word "educational" later.

The President stated that this would not be possible.

After Mr. Coghill, Mr. Robertson, Mr. V. Rivers and Mr. Armstrong spoke on the amendment, Mr. White asked whether or not the rules could be suspended so that the Committee would be allowed to submit its proposed amendment as a part of the Committee report.

The President stated that he stood corrected and that the amendment could be considered under a suspension of the rules.

Mr. White moved that the rules be suspended and that the Committee on Bill of Rights be allowed to submit its proposed amendment as a part of the Committee report. Mr. Hellenthal seconded.

Mr. Riley stated that he believed that what Mr. White wished to move was that the word "educational" be inserted before "institution" and that this be considered a substitute Committee Report.

The President stated that without objection the report of the Committee on Bill of Rights, inserting the word "educational" before the word "institution" would be adopted. There being no objection, it was so ordered.

Mr. Coghill moved and asked unanimous consent for the adoption of the following amendment to the Article on Health, Education and Welfare: Section 1, line 7, after the word "direct" insert the words "or indirect". Mr. R. Rivers objected. Mr. Armstrong seconded.

Mr. White rose to a point of order to state that before the Article was considered certain communications were to be read.

A letter from Mr. Don M. Dafeo, Commissioner of Education, enclosing a statement on Section 1 of the Article on Health, Education and Welfare to the effect that he believed the statement somewhat over-simplified and setting forth seven points which he believed should be included in the Constitution, was read.

Discussion and questioning by Mr. Armstrong, Mr. V. Fischer, Mr. R. Rivers, Mr. Coghill, Mr. Riley, Miss Awes, Mr. Metcalf, Mr. Smith, Mr. Kilcher, Mr. Gray, Mr. Taylor, Mr. McCutcheon, Mr. Poulsen, and Mr. White followed. Mr. Sundborg asked that a communication which he had--a letter from the Director of the Department of Public Welfare to the Attorney General of Alaska--be read. Without objection the letter giving information as to payments made by the territory to various childrens' institutions in the Territory, was read.

After discussion by Mr. Armstrong, Mr. Buckalew, Mr. Rosswog, Mr. Coghill and Mr. Kilcher, the question was called. Mr. Johnson requested a roll call.

The question being "Shall Mr. Coghill's amendment to Section 1 of the Article on Health, Education and Welfare be adopted?", the roll was called with the following result:

Yeas: 19 - Barr, Boswell, Coghill, Collins, Cooper, Cross, Harris, Hilscher, Hinckel, Johnson, King, Knight, Laws, McCutcheon, Metcalf, Nerland, Poulsen, Robertson, Sweeney

Nays: 34 - Armstrong, Awes, Buckalew, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Hellenthal, Hermann, Hurley, Kilcher, Lee, Londborg, McLaughlin, McNealy, McNees, Marston, Nordale, Peratrovich, Reader, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Taylor, Walsh, White, Wien, Mr. President

Absent: 2 - Nolan, VanderLeest

and so the amendment failed.

Mr. White moved the adoption of the following amendment to the article on Health, Education and Welfare: Section 1, strike the last sentence. Mr. V. Fischer seconded.

After discussion by Mr. Armstrong, Mr. White, Mr. V. Fischer, Mr. Gray, Mr. Sundborg, Mr. Smith, Mr. Coghill, Mr. Barr and Mr. McNees, the question was called. Mr. Johnson requested a roll call.

The question being "Shall **Mr. White's amendment be adopted?**", the roll was called with the following result:

Yeas: 13 - V. Fischer, Hurley, Kilcher, Laws, Lee, McCutcheon, Nolan, Poulsen, Reader, Riley, Sundborg, Walsh, White

Nays: 41 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Collins, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Johnson, King, Knight, Londborg, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nordale, Peratrovich, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sweeney, Taylor, Wien, Mr. President

Absent: 1 - VanderLeest

and so the amendment failed.

After questioning the Chairman of the Committee on Bill of Rights, Mr. V. Rivers moved the adoption of the following amendment: line 7, Section 1, strike "direct" and insert in lieu thereof the words "support of". Mr. Barr seconded.

~~After~~ Mr. Rosswog spoke on the amendment, Mr. Coghill asked unanimous consent for a recess. There being no objection, it was so ordered.

#### AFTER RECESS

After discussion by Mr. Robertson and Mr. Taylor, Mr. V. Rivers asked unanimous consent to withdraw his amendment. There being no objection, it was so ordered.

Mr. Barr asked unanimous consent to revert to the introduction of delegate proposals. There being no objection, it was so ordered.

#### INTRODUCTION AND FIRST READING OF PROPOSALS

Delegate Proposal No. 44 by Mr. Barr, entitled DEPARTMENT OF LABOR, was introduced, read the first time and referred to the Committee on the Executive.

Delegate Proposal No. 45 by Mr. Barr, entitled OFFICE OF THE ATTORNEY GENERAL, was introduced, read the first time and referred to the Committee on the Executive Branch.

Mr. Barr asked that the proposal go to the Committee on the Judiciary Branch also. The President ordered that Proposal No. 45 be referred to the Judiciary Branch after the Committee on the Executive Branch had considered it.

Mr. Hurley rose to a point of personal privilege to discuss the article on Health, Education and Welfare.

Mrs. Hermann moved the adoption of the following amendment to the article on Health, Education and Welfare:

Add a new Section 2 and renumber succeeding sections:

"The state shall provide for a Unified Library Service."

Mr. Buckalew objected. Mr. Taylor seconded.

After discussion by Mrs. Hermann, Mr. Doogan, Mr. Sundborg, Mr. McNealy, Mr. Marston, Mr. Taylor and Mr. Barr, the question was called. The roll was called with the following result:

Yeas: 16 - Armstrong, Boswell, Coghill, Collins, Cooper, Doogan, Hermann, Hinckel, Johnson, Laws, Londborg, McNees, Nerland, Robertson, Sweeney, Walsh

Nays: 37 - Awes, Barr, Buckalew, Cross, Davis, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hurley, Kilcher, King, Knight, Lee, McCutcheon, McLaughlin, McNealy, Marston, Metcalf, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Taylor, White, Wien, Mr. President

Absent: 2 - Hilscher, VanderLeest

and so the amendment failed.

Mr. Buckalew moved the adoption of the following amendment:

Strike Sections 2 and 3 and renumber Section 4 to read Section 2. Mr. Metcalf seconded. After discussion by Mr. Buckalew, Mr. Armstrong, Mr. Marston, Mr. Taylor and Mr. Sundborg, the question was called. On voice vote the amendment failed.

Without objection the President declared a fifteen-minute recess.

#### AFTER RECESS

Mr. Kilcher moved the adoption of the following amendment:

Strike all of Section 3 and substitute the following:

"The State may provide for the general welfare." Mr. Robertson seconded. After discussion by Mrs. Nordale, Mr. Kilcher, Mrs. Hermann, Mr. Barr, Mr. Robertson, Mr. Armstrong, Mr. Taylor and Mr. Hellenthal, Mrs. Hermann rose to a point of order to state she believed the speakers out of order because they were not speaking on the motion to amend.

Mr. Kilcher asked unanimous consent to amend his amendment by changing the word "general" to "public". There being no objection, it was so ordered.

After further discussion by Mr. Londborg, Mr. Harris and Mr. Armstrong, the question was called. On voice vote the amendment failed.

Mr. Taylor moved the adoption of the following amendment: line 11, after the word "for", insert "a system of". Mr. Armstrong seconded. After discussion by Mr. Marston, Mr. Gray and Mr. Taylor, the question was called. The roll was called with the following result:

Yeas: 26 - Armstrong, Boswell, Coghill, Cooper, Davis, H. Fischer, Harris, Hellenthal Hermann, Hilscher, Hinckel, Knight, McCutcheon, McNealy, Marston, Metcalf, Nerland, Nordale, Riley, R. Rivers, Robertson, Rosswog, Stewart, Sundborg, Taylor, Walsh

Nays: 27 - Awes, Barr, Buckalew, Collins, Cross, Doogan, Emberg, V. Fischer, Gray, Hurley, Johnson, Kilcher, King, Laws, Lee, Londborg, McLaughlin, McNees, Nolan, Peratrovich, Reader, V. Rivers, Smith, Sweeney, White, Wien, Mr. President

Absent: 2 - Poulsen, VanderLeest

and so the amendment failed.

Mr. Buckalew asked for and was granted the privilege of the floor.

Mr. V. Fischer moved and asked unanimous consent for the adoption of the following amendment: strike Section 4 (Substandard Areas and Public Housing). Mr. Gray objected. Mr. Hurley seconded. After Mr. Fischer explained that it had been at his request that Section 4 had been inserted and he had since ascertained that adequate authority exists in other provisions of the Constitution to carry out the purposes of the sections, Mr. Gray withdrew his objection to the amendment. Mr. Fischer renewed his unanimous consent request. Mr. Taylor objected. After Mr. McNees spoke, the question was called. On voice vote the amendment was adopted.

Mr. Taylor moved the adoption of the following amendment:

Add new Section known as Section 4 as follows: "In all matters of public welfare the legislature may provide by law ~~the~~ cooperation with the United States, or other states." Mr. McNealy seconded. Mr. McLaughlin objected. After discussion by Mr. McLaughlin and Mr. V. Rivers, Mr. Taylor asked unanimous consent to withdraw his amendment. There being no objection, it was so ordered.

Mr. V. Rivers asked unanimous consent to revert to the introduction of proposals. Mr. Kilcher objected since he had an amendment to Section 3 and would like action taken before reverting to other business. Mr. V. Rivers yielded to Mr. Kilcher's objection.

Mr. Kilcher moved and asked unanimous consent for the adoption of the following amendment: lines 11 and 12, strike the words "public welfare". Mr. Sundborg objected. Mr. Londborg seconded. After Mr. Kilcher spoke on the amendment, the question was called. On voice vote the amendment failed.

Mr. Londborg gave notice of intention to reconsider his vote on the Coghill amendment to Section 1 of the Article on Health, Education and Welfare.

Mr. Sundborg requested a five-minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

At the request of the President, First Vice-President Peratrovich presided.

In accordance with Mr. V. Rivers' request, the Convention reverted to the introduction of delegate proposals.

Delegate Proposal No. 46, introduced by Mr. V. Rivers, entitled ORDINANCE: The legislature shall establish one or more agencies of State government to regulate public utilities in the public interest, was introduced, read the first time and referred to the Committee on Ordinances and Transitional Measures.

Committee Proposal No. 5 was read the second time.

Mr. Hellenthal moved that the matter of possible conflict between the Legislative and Apportionment articles as to Sections 1 and 25 of Proposal No. 5 be referred to the Rules Committee for suggestions. Mr. Marston seconded. On voice vote the motion carried.

After discussion by Mr. Doogan and Mr. McCutcheon, Mr. Riley announced a meeting of the Rules Committee during the recess.

After questions by Mr. Nerland and Mr. White regarding conflict between sections of the Legislative Article and the Finance Article, Mr. Riley asked unanimous consent that the directive just given the Rules Committee extend beyond the Apportionment and Legislative Branch. There being no objection, it was so ordered.

Mr. Doogan moved and asked unanimous consent that the Convention recess until 7 p.m. so that the Rules Committee could meet. Mr. Cooper objected. Mr. Doogan moved. Mr. Barr seconded.

Mr. Rosswog asked to revert to Committee announcements.

Mr. V. Fischer rose to a point of order that the Chairman had not recognized Mr. Doogan and Mr. Cooper had the floor.

The Chairman stated Mr. Fischer's point of order was well taken.

Mr. Cooper stated that since the Apportionment and Legislative Committees had arrived at identical figures the Convention should go on with consideration of Proposal No. 5.

Mr. Doogan moved that the Convention stand at recess until 7 p.m. Mr. Barr seconded.

The Chairman allowed the following Committee announcements to be made:

Mr. Rosswog announced a meeting of the Committee on Local Government on recess.

Mr. Sundborg announced a meeting of the Committee on Style and Drafting on recess.

The question being "Shall the Convention recess until 7 p.m.?", the roll was called with the following result:

Yeas: 8 - Barr, Doogan, Harris, Laws, Marston, Nolan, Riley, Sweeney

Nays: 43 - Armstrong, Awes, Boswell, Buckalew, Coghill, Collins, Cooper, Cross, Davis, Emberg, H. Fischer, V. Fischer, Gray, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Metcalf, Nerland, Nordale, Peratrovich, Reader, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Sundborg, Taylor, Walsh, White, Wien

Absent: 4 - Poulsen, Stewart, VanderLeest, Mr. President

and so the Convention did not recess.

After discussion, the Chairman ordered that Sections 1 and 25 would be referred to the Rules Committee.

After further discussion regarding consideration of Proposal No. 5, Mrs. Sweeney moved and asked unanimous consent that Committee Proposal No. 14 be taken up at this time rather than Committee Proposal No. 5. Mr. Nolan objected. Mr. Harris seconded. The motion requiring a suspension of rules, the roll was called with the following result:

Yeas: 25 - Armstrong, Awas, Coghill, Collins, Emberg, H. Fischer, Harris, Hellenthal, Hinckel, King, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Reader, Sweeney, Taylor, Wien

Nays: 25 - Barr, Boswell, Buckalew, Cooper, Cross, Davis, Doogan, V. Fischer, Gray, Hermann, Hurley, Johnson, Kilcher, Nolan, Nordale, Peratrovich, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Sundborg, Walsh, White

Absent: 5 - Hilscher, Poulsen, Stewart, VanderLeest, Mr. President  
and so the rules were not suspended.

Mr. Doogan moved that the figures in Section 1 be the same as those finally settled upon in the apportionment article.

Mrs. Hermann stated that Mr. Doogan's motion was out of order. The Chairman stated that Mrs. Hermann was correct.

Mr. Harris moved that the Convention recess until 7 p.m. Mr. V. Rivers seconded. On voice vote the Convention recessed until 7 p.m.

#### AFTER RECESS

The Convention was called to order at 7:25 p.m. by Vice-President Peratrovich who explained that the stenotypist was delayed and asked the pleasure of the group as to continuing business without the stenotypist. Mr. Harris stated he believed that portion not covered by the stenotypist could be transcribed from the tape recording.

Mr. Hurley moved and asked unanimous consent that the Convention continue with the business before it. There being no objection, it was so ordered.

Mr. Riley reported that the Rules Committee had met and recommended that Section 25 in the Legislative Article be stricken from the Legislative Article and that it be considered later with the Apportionment Article;

that Section 1 be considered now, since the apportionment formula will apply against whatever number of senators and representatives are provided in the legislative article. The Committee on Rules asked that all Committee Chairmen call to the attention of the Rules Committee particular conflicts concerning their articles prior to second reading of the article, so that the Rules Committee can recommend the assignment of the conflicting matter. Mr. Riley asked unanimous consent that the report be adopted. Mr. Marston objected. Mr. Doogan seconded.

After discussion by Mr. Marston and Mr. Londborg, the Chairman declared a short recess so that the stenotypist could get set up.

AFTER RECESS

After discussion by Mr. Londborg, Mr. Riley, Mr. Kilcher, Mr. Cooper, Mr. Londborg, Mr. V. Fischer, Mr. Hellenthal, Mr. Sundborg, Mr. White, Mr. Nordale, and Mr. Lee, the question was called. On voice vote the report of the Rules Committee was adopted.

Mr. Barr moved the adoption of the following amendment to Section 1: line 3, change the figure "20" to "16". Mr. Nolan seconded.

Mr. Hellenthal stated he would give the report of the Apportionment Committee at this time.

Mr. Riley rose to a point of order to state that he believed that report out of order at this time.

The Chairman stated that he believed it had bearing on the motion.

Mr. Coghill requested a two-minute recess.

AFTER RECESS

After further discussion by Mr. Hellenthal, Mr. Barr, Mr. Metcalf and Mr. V. Rivers, Mr. R. Rivers moved and asked unanimous consent that Section 1 be suspended from consideration at this time but that no one be foreclosed from amending when it is considered in connection with apportionment.

The Chairman stated the motion was out of order since Mr. Barr's motion was before the Convention.

Mr. Barr, asked unanimous consent to withdraw his motion. There being no objection, it was so ordered.

Mr. V. Fischer rose to a point of order to state there was nothing in the rules which permitted the yielding which had been going on. The Chairman stated Mr. Fischer was correct and Mr. Hellenthal withdrew from the discussion.

Mr. R. Rivers moved that Section 1 be suspended along with Section 25 for consideration later when the Convention had discussed apportionment, and that the rules be suspended so no one would be foreclosed from moving for any particular number at that time.

Mrs. Hermann stated that the Convention had just passed a motion to accept the report of the Rules Committee which would mean taking up Section 1 at this time.

The Chairman stated he believed it was in order to move to postpone consideration of the Section to a time certain.

Mrs. Hermann stated she believed the Convention would have to rescind action on that report.

The President stated that there was nothing before the Convention since Mr. R. Rivers' motion had not been seconded. Mr. Barr seconded Mr. R. Rivers' motion.

After discussion by Mr. McCutcheon, Mr. Johnson, Mr. Taylor, Mr. Nerland, Mr. V. Fischer and Mr. Cooper, Mr. Buckalew moved the previous question. Mr. Doogan seconded.

Mr. McLaughlin asked unanimous consent for a two-minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. R. Rivers asked unanimous consent to withdraw his motion. There being no objection, it was so ordered.

Mr. McLaughlin moved the adoption of the following amendment: Section 1, page 1, line 3, strike the words "of not more than 20 members" and on line 40, strike "of not more than 40 members". Mr. White seconded. Mr. Buckalew objected. After discussion by Mr. McLaughlin, Mr. Buckalew, Mr. Davis and Mr. White, Mr. Coghill moved the previous question. Mr. R. Rivers seconded. On voice vote the previous question was not ordered.

After Mr. McLaughlin spoke, the question was called. The roll was called with the following result:

Yeas: 38 - Armstrong, Awes, Barr, Boswell, Coghill, Cross, Davis, Emberg, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, Knight, Laws, Londborg, McLaughlin, McNealy, Marston, Metcalf, Nerland, Nolan, Nordale, Poulsen, Reader, Riley, R. Rivers, Rosswog, Smith, Stewart, Sweeney, Walsh, White, Wien

Nays: 11 - Buckalew, Cooper, Doogan, V. Fischer, Lee, McCutcheon, McNeese, Peratrovich, V. Rivers, Sundborg, Taylor

Absent: 6 - Collins, H. Fischer, King, Robertson, VanderLeest, Mr. President

and so the amendment was adopted.

After questions from Mr. V. Fischer, Mr. Coghill and Mr. Taylor of the Chairman of the Committee on Legislative Branch, Mr. Riley requested a two-minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. Sundborg moved the adoption of the following amendment:

Section 5, line 15, after the word "office", insert the words "or the Congress of the United States". Mr. Taylor asked unanimous consent for the adoption of the amendment. There being no objection, it was so ordered.

Mr. Harris moved the adoption of the following amendment: Section 5, line 13, delete "or other elective or appointive officer of this State". Mr. Barr seconded. After discussion by Mr. Harris, Mr. R. Rivers and Mr. Barr, the question was called. On voice vote the amendment failed.

Mr. Johnson moved the adoption of the following amendment: Section 5, page 2, line 14, after word "state" add the words "except members of Boards". Mr. Harris seconded. On voice vote the amendment was adopted.

After discussion of Section 6 by Mr. Coghill, Mr. McCutcheon, Mr. V. Rivers, Mrs. Nordale, Mrs. Sweeney, Mrs. Hermann and Mr. Taylor, Mr. Buckalew requested a three-minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. McCutcheon asked unanimous consent for the adoption of the following amendment: Section 6, line 25, page 2, after the word "arrest" insert "and immune from service of civil process". Mr. R. Rivers objected. Mr. McCutcheon so moved. Mr. Buckalew seconded. After discussion by Mr. R. Rivers, Mr. Buckalew and Mr. Hellenthal, Mr. McCutcheon asked unanimous consent to hold further action on the amendment until the language could be clarified. There being no objection, it was so ordered.

Mr. Boswell moved the adoption of the following amendment to Section 7: strike first two lines of Section 7 and the word "Governor" in the third line and insert in lieu thereof: "Each member of the legislature shall receive for their services and per diem a sum not to exceed one three-hundred-sixtieth of the annual salary of the Governor

for each day's attendance while the legislature is in session,"; strike the comma after salary in line 8, insert a period, and strike the remainder of lines 8, 9 and 10. Mr. Coghill seconded.

After discussion by Mr. Armstrong, Mr. Boswell, Mr. V. Fischer, Mr. McNees, Mr. Rosswog, Mr. Barr and Mr. Hellenthal, Mr. McCutcheon asked unanimous consent for a short recess. There being no objection it was so ordered.

AFTER RECESS

After Mr. Armstrong and Mr. V. Fischer asked questions of Mr. Taylor regarding Section 7, Mr. R. Rivers spoke.

Mr. Marston moved and asked unanimous consent that the Convention adjourn for the evening. Mr. Johnson seconded.

Mr. Doogan served notice of reconsideration of his vote on the amendment to Section 1 of the Article on Health, Education and Welfare offered by Mr. White and Mr. V. Fischer.

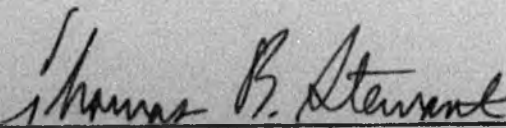
Mr. Riley reported that the Rules Committee had reconsidered the pending calendar and had decided to change it so that Apportionment would follow the legislative article rather than Articles 10 and 12 on the Executive, and as a result of this decision the Article on Apportionment would probably be on the calendar for Thursday, January 12.

Mr. White rose to a point of order that Mr. Marston's motion for adjournment did not state a specific hour.

Mr. Marston stated his amendment should have included "until 9 a.m. Tuesday".

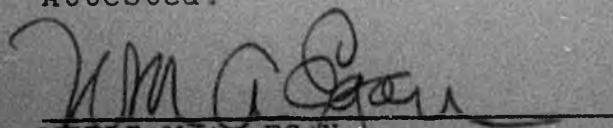
Mr. McCutcheon announced a meeting of the Legislative Committee at 8:30 a.m.

There being no objection, the Convention adjourned at 9:35 p.m. until 9 a.m. Tuesday.



THOMAS B. STEWART  
Secretary

Attested:

  
WILLIAM A. EGAN  
President

Jan. 12, 1956

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL OF THE FORTY-SIXTH CONVENTION DAY, Saturday, January 7, 1956

The Convention was called to order at 9 a.m. by President Egan.

The Invocation was given by the Rev. John Stokes of the University Community Presbyterian Church.

Roll call showed all delegates present except Mr. Cooper and Mr. Emberg who were reported ill. The President declared a quorum to be present.

Mr. Doogan moved and asked unanimous consent that the Journals for the 37th through the 42nd days be approved subject to the following corrections:

37th day Journal:

Page 1 - second paragraph, change "e" to "a" in name of Chaplain.

38th day Journal:

Page 1 - paragraph 2, insert "the Rev." before "Robert".

Page 9 - fifth paragraph from bottom of page, strike first "p.m.".

39th day Journal:

Page 3 - fourth paragraph from bottom of page, insert "student body of the" at end of second line.

Page 1 - correct spelling of "ninth" in title.

Page 5 - first paragraph, second line, strike "part" and substitute "another group"; strike "the" before "sophomore"; strike "classes" and substitute "students".

40th day Journal:

Page 1 - delete "o'clock" in first paragraph.

Page 3 - 6th paragraph, strike "5" and insert "15".

Page 6 - first paragraph AFTER RECESS, insert "to" after "moved".

Page 9 - second paragraph AFTER RECESS, after the word "to", insert the following: "the first sentence in the amended".

Page 12 - insert "AFTER RECESS" after paragraph 5, calling the recess.

Page 19 - first roll call, change "27 yeas" to "25 yeas".

- second roll call, change "25 yeas" to "27 yeas".

46th Day, Saturday, Jan. 7, 1955

42nd day Journal:

- Page 1 - next to last paragraph, insert a period after "gallery" and strike rest of sentence and substitute the following: "The Alaska Road Commission District Engineer from Nome, Mr. Frank Morris and Mrs. Morris were introduced."
- Page 3 - third paragraph from the bottom of page, strike "himself and announced" and substitute "the earlier announcement of said vote by announcing".  
- second paragraph from the bottom of page, third line, insert "portion of that" at end of line.  
- last paragraph, strike "voting on"; insert comma after "recess"
- Page 5 - third paragraph from bottom of page, third line, strike "H."; insert "Ralston" before "A".
- Page 6 - third paragraph from bottom of page, change "wishes" to "wished".  
- second paragraph from bottom of page, second line, strike "of" and substitute "on".

There being no objection, it was so ordered.

Mr. Boswell asked that the Journals show the time of adjournment daily. The President ordered that this be done in the future.

Mr. Robertson moved to reconsider his vote on Mr. Kilcher's amendment to Section 13, line 24, at this time. Mr. Johnson seconded.

After discussion by Mr. Robertson, Mr. Buckalew, Mr. McLaughlin, Mr. Barr, Miss Awes, Mr. Sundborg, Mr. Kilcher, Mr. Riley, Mr. R. Rivers, Mr. Smith, the question was called.

The question being "Shall the amendment to line 24 of Section 13 offered by Mr. Kilcher be adopted?", the roll was called with the following result:

Yeas: 3 - Barr, Kilcher, Lee

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

Absent: 2 - Cooper, Emberg

and so the amendment failed.

Mr. R. Rivers moved and asked unanimous consent for the adoption of the following amendment to Section 13: line 24 and 25, strike "two hundred and fifty dollars" and insert the words "three hundred dollars". Mr. Taylor objected. Mr. V. Rivers seconded. After discussion by Mr. V. Fischer, Mr. R. Rivers, Mr. Kilcher and Mr. Taylor, the question was called.

The question being "Shall Mr. R. Rivers's amendment to Section 13 be adopted?", the roll was called with the following result:

Yeas: 17 - Buckalew, Cross, H. Fischer, Hinckel, Laws, McLaughlin, Marston, Nerland, Nolan, Peratrovich, Poulsen, Riley, R. Rivers, V. Rivers, Robertson, Smith, White

Nays: 36 - Armstrong, Awes, Barr, Boswell, Coghill, Collins, Davis, Doogan, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hurley, Johnson, Kilcher, King, Knight, Lee, Londborg, McCutcheon, McNealy, McNees, Metcalf, Nordale, Reader, Rosswog, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, Wien, Mr. President

Absent: 2 - Cooper, Emberg

and so the amendment failed.

Mr. Sundborg asked unanimous consent to revert to committee announcements. There being no objection, it was so ordered.

Mr. Sundborg announced a meeting of the Committee on Style and Drafting at 10:30 a.m. Sunday in Apt. 1013, Polaris Bldg.

Mr. Coghill announced a meeting of the Committee on Administration on the first fifteen-minute recess.

#### SECOND READING OF PROPOSALS

Committee Proposal No. 7 was considered again. The amendment to Section 11 which had been moved by Mr. V. Rivers and seconded by Mr. Armstrong having been held over, was considered at this time.

Mr. R. Rivers requested a short recess. There being no objection it was so ordered.

Mr. Taylor moved the adoption of the following amendment to the amendment: after word "admissible" insert the words "as evidence"; strike second word "evidence" and insert word "information"; strike word "or" in last sentence and insert word "and" and insert the words

"or other investigative" after word "legislative". Mr. V. Rivers seconded and asked unanimous consent for its adoption. Mr. Johnson objected.

After discussion by Mrs. Hermann and Mr. Barr, Mr. White rose to a point of order to state that Mr. Barr was not talking on the amendment to the amendment. The President stated that Mr. Barr was in order because his statements related to the amendment.

The question being "Shall Mr. Taylor's amendment to the amendment to Section 11 be adopted?", the roll was called with the following result:

Yeas: 19 - Armstrong, Awes, Davis, H. Fischer, V. Fischer, Harris, Hellenthal, Hinckel, McCutcheon, McNealy, Nordale, Riley, R. Rivers, V. Rivers, Robertson, Smith, Stewart, Sundborg, Taylor

Nays: 34 - Barr, Boswell, Buckalew, Coghill, Collins, Cross, Doogan, Gray, Hermann, Hilscher, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McLaughlin, McNees, Marston, Metcalf, Nerland, Nolan, Peratrovich, Poulsen, Reader, Rosswog, Sweeney, VanderLeest, Walsh, White, Wien, Mr. President

Absent: 2 - Cooper, Emberg

and so the amendment to the amendment failed.

Mr. Robertson moved the adoption of the following amendment to the amendment to Section 11: At end of amendment, delete period and insert comma and add "except when obtained upon warrant issued upon probable cause, supported by oath or affirmation, and particularly describing the objectives thereof." Mr. Metcalf seconded. After discussion by Mr. Robertson, Mr. Hurley, Mr. Taylor, Mr. V. Fischer, Mr. Barr and Mr. White, Mr. Buckalew requested Mr. Robertson to withdraw his amendment so the Convention could act on the main amendment. Mr. Robertson did not withdraw his amendment.

The question being "Shall the amendment to the amendment to Section 11 as offered by Mr. Robertson be adopted?", the roll was called with the following result:

Yeas: 35 - Awes, Barr, Boswell, Buckalew, Coghill, Collins, Cross, Davis, Doogan, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, Laws, Londborg, McCutcheon, McNealy, Marston, Metcalf, Nerland, Nolan, Reader, Riley, R. Rivers, Robertson, Rosswog, Smith, Stewart, Sweeney, White

Nays: 18 - Armstrong, H. Fischer, V. Fischer, King, Knight, Lee, McLaughlin, McNees, Nordale, Peratrovich, Poulsen, V. Rivers, Sundborg, Taylor, VanderLeest, Walsh, Wien, Mr. President

Absent: 2 - Cooper, Emberg

and so the amendment to the amendment was adopted.

Mr. Coghill moved the previous question. Mr. Laws seconded. On voice vote the motion failed.

Mr. White spoke on the main amendment.

Mr. McNealy moved the adoption of the following amendment to the amendment to Section 11: delete the word "incriminating" and insert the words "information or". Mr. V. Rivers seconded. After Mr. Barr spoke on the amendment, the question was called. On voice vote the amendment was adopted.

After discussion on the main amendment by Mr. McNealy, Mr. Buckalew, Mr. Marston and Mr. V. Rivers, Mr. Sundborg moved and asked unanimous consent for a fifteen-minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. White spoke on a matter of personal privilege.

#### COMMUNICATIONS

A telegram from Mr. Henning N. Johnson and William Raver of Homer, stating they believed the people on the Kenai Peninsula would not ratify the constitution unless the initiative and referendum are included and recommending an automatic constitutional convention every 25 years, was read and ordered filed.

A statement from Mr. Don M. Dafoe relative to Committee Proposal No. 10 was referred to the Committee on Executive Branch.

Mr. Coghill stated that since Mr. Dafoe would be in Fairbanks shortly could he not address the Convention?

The President directed Mr. Coghill, as Chairman of the Committee on Administration, to make arrangements for Mr. Dafoe to meet with the delegates and to report back to the Convention.

After Mr. Harris and Mr. Riley spoke on the amendment to Section 11, the question was called. Mr. V. Rivers requested a roll call.

The question being "Shall the amendment to Section 11 as amended be adopted?", the roll was called with the following result:

Yeas: 12 - Armstrong, Davis, H. Fischer, Hellenthal, ~~Hinckel~~, Laws, McNealy, Reader, R. Rivers, V. Rivers, Robertson, Smith

Nays: 41 - Awes, Barr, Boswell, Buckalew, Coghill, Collins, Cross, Doogan, V. Fischer, Gray, Harris, Hermann, Hilscher, Hurley, Johnson, Kilcher, King, Knight, Lee, Londborg, McCutcheon, McLaughlin, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Riley, Rosswog, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, Mr. President

Absent: 2 - Cooper, Emberg

and so the amendment failed.

Mr. Riley requested a five-minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. Doogan asked permission to revert to corrections to the Journal. There being no objection, it was so ordered. Mr. Doogan moved and asked unanimous consent that the following correction to the Journal for the fortieth day be adopted: page 13, insert the following before the third to the last paragraph: "On voice vote the amended amendment was adopted." There being no objection, the correction was ordered adopted.

Mr. Riley reported that several delegates had drafted an amendment to Section 11 but wished to have it mimeographed before presenting it to the Convention and asked that the Convention proceed to other sections until copies were available.

Mr. V. Fischer and Mr. Buckalew asked questions of Miss Awes, Chairman of the Committee on Bill of Rights, regarding Section 3.

Mr. V. Rivers moved the adoption of the following amendment proposed Friday: Section 6, page 2, line 23, add to the section the following sentence: "The right of a person to due process of law shall not be infringed by use of the Legislature's investigative power." Mr. McCutcheon seconded.

After discussion by Mr. V. Rivers, Mr. Johnson, Mr. Davis, Mr. Barr, Mr. Buckalew, Mr. McLaughlin, Mr. R. Rivers, Miss Awes and Mr. Taylor, Mr. R. Rivers asked that action on the amendment be held over until after the noon recess. There being no objection, it was so ordered.

Mr. Kilcher moved the adoption of the following amendment to Section 14: line 8, strike the comma and "invasion or imminent peril" and substitute "or actual and imminent invasion,".

Mr. McCutcheon objected. Mr. Buckalew seconded. Mr. Taylor stated he believed the words were inconsistent. Mr. Kilcher spoke on the amendment. Miss Awes asked Mr. Kilcher if he would not amend the amendment by changing the word "and" to "or". Mr. Kilcher asked unanimous consent for the adoption of the amendment offered by Miss Awes. There being no objection, it was so ordered.

After discussion by Mr. Hurley, Mr. Buckalew and Miss Awes, the question was called. The question being "Shall the amendment as amended be adopted?", the roll was called with the following result:

Yeas: 30 - Armstrong, Awes, Boswell, Buckalew, Coghill, Collins, H. Fischer, V. Fischer, Gray, Harris, Hermann, Hilscher, Hurley, Kilcher, Knight, Lee, Lomborg, McNeese, Marston, Nerland, Nolan, Peratrovich, Poulsen, R. Rivers, V. Rivers, Smith, Stewart, Sundborg, VanderLeest, Mr. President

Nays: 23 - Barr, Cross, Davis, Doogan, Hellenthal, Hinckel, Johnson, King, Laws, McCutcheon, McLaughlin, McNealy, Metcalf, Nordale, Reader, Riley, Robertson, Rosswog, Sweeney, Taylor, Walsh, White, Wien

Absent: 2 - Cooper, Emberg

and so the amendment was adopted.

Mr. V. Rivers asked whether this was the last day for the introduction of individual proposals. The President stated that since the eighth of January, the date adopted as the cutoff date, fell on Sunday, the time had been extended one day until Monday, January 9, 1956.

Mr. Gray asked unanimous consent to address the Convention on a matter of personal privilege to discuss apportionment. There being no objection, it was so ordered.

At the conclusion of Mr. Gray's remarks, Mr. Nerland moved and asked unanimous consent that the Convention adjourn until Monday morning at 9 a.m. Mr. V. Fischer objected. Mr. Taylor seconded. The roll was called with the following result:

Yeas: 17 - Barr, Boswell, Collins, Cross, H. Fischer, Johnson, McLaughlin, McNealy, McNees, Nerland, Nolan, Poulsen, R. Rivers, V. Rivers, Robertson, Taylor, Wien

Nays: 36 - Armstrong, Awes, Buckalew, Coghill, Davis, Doogan, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Kilcher, King, Knight, Laws, Lee, Londborg, McCutcheon, Marston, Metcalf, Nordale, Peratrovich, Reader, Riley, Rosswog, Smith, Stewart, Sundborg, Sweeney, VanderLeest, Walsh, White, Mr. President

Absent: 2 - Cooper, Emberg

and so the Convention did not adjourn.

Mr. Sundborg moved and asked unanimous consent that the Convention recess until 1:30 p.m. There being no objection, it was so ordered.

#### AFTER RECESS

Mrs. Sweeney stated that she was filing with the Secretary of the Convention a report from Curtis G. Shattuck of Juneau regarding apportionment.

The President directed the Chief Clerk to read a memorandum from the Alaska Department of Health regarding Section 1 of Proposal No. 7, Health, Education and Welfare and Section 19 of Proposal No. 5 on the Legislative Branch, prohibiting the expenditure of public funds for the direct aid or benefit of religious or private institutions which Miss Awes had asked be read.

Mr. Riley asked that the tables attached to the memorandum be read to show the hospitals receiving aid. Without objection, the tables were read. The communication was ordered filed.

Mr. Armstrong stated he had a letter from Mr. Dafoe, Commissioner of Education, regarding Committee Proposal No. 7 which he was filing with the Chief Clerk and Miss Awes, Chairman of the Committee on Bill of Rights.

Mr. Buckalew asked that the communication be read at this time.

Mr. V. Fischer suggested that the two communications be held and read at the time the sections referred to were considered.

The President stated the communications would be read at the appropriate time when the sections in question were up for consideration.

Mr. Riley moved the adoption of the following amendment offered by Mr. Robertson, Mr. Davis, Mr. Hellenthal, Mr. R. Rivers, Mrs. Nordale and Mr. Riley to Section 11: strike Section 11 in its entirety and substitute the following:

"Section 11. The right of the people to privacy and to be secure in their persons, houses and other property, papers, and effects, against unreasonable searches, seizures, or other invasions of privacy shall not be violated; and no warrants shall issue, but upon probable **cause, supported by oath or affirmation**, and particularly describing the place to be searched, the information sought or the persons or things to be seized. Information secured in violation of this section shall not be admissible evidence in any Judicial or other proceeding."

Mr. White seconded. After discussion by Mr. Kilcher, Mr. McCutcheon, Mr. White, Mr. Buckalew, Mr. Gray, Mr. Hellenthal, Mr. Doogan, Mr. Davis, Mr. Marston, Mr. Harris, Mr. McNees, Miss Awes and Mr. Hurley, the question was called. Mr. Johnson requested a roll call.

The question being "Shall the amendment to Section 11 be adopted?", the roll was called with the following result:

Yeas: 27 - Armstrong, Coghill, Cross, Davis, V. Fischer, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, King, Marston, Nerland, Nordale, Peratovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Walsh, White

Nays: 21 - Awes, Boswell, Buckalew, Collins, Doogan, Gray, Harris, Johnson, Kilcher, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNees, Metcalf, Nolan, Sweeney, VanderLeest, Mr. President

Absent: 7 - Barr, Cooper, Emberg, H. Fischer, McNealy, Taylor, Wien

and so the amendment was adopted.

The President requested that delegates refrain from advising other delegates how to vote on a roll call.

Mr. V. Rivers asked unanimous consent to withdraw his amendment to Section 6. There being no objection, it was so ordered.

Mr. V. Rivers moved the adoption of the following amendment: Section 6, page 2, line 23, add to the section the following sentence:

"The right of the people to be protected from unjust abuse in the course of legislative investigations shall not be infringed, to this end the legislature shall prescribe adequate investigative procedures." Mr. R. Rivers seconded. Mr. R. Rivers asked unanimous consent to amend the amendment by striking the comma after "infringed", inserting a period and changing "to" to "To". There being no objection, it was so ordered.

Mr. Hellenthal questioned whether the amendment should not be stated in the affirmative.

Mr. V. Rivers requested a two-minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. V. Rivers asked unanimous consent to withdraw his amendment and substitute the following amendment in its place: Section 6, page 2, line 23, add to the section the following sentence: "The right of all persons to fair and just treatment in the course of legislative and executive investigations shall not be infringed." There being no objection, Mr. V. Rivers's request was granted.

Mr. V. Rivers moved the adoption of the amendment. Mr. Smith seconded. After discussion by Mr. Buckalew, Mr. Smith, Mr. Johnson, Mr. Stewart and Mr. V. Rivers, the question was called. On voice vote the amendment was adopted.

Mr. Harris rose to speak on a matter of personal privilege.

Mr. V. Fischer inquired whether the Proposals which contain two or more parts could not be separated so that the whole proposal would not have to be held up on its way to Engrossment and Enrollment and Style and Drafting. The President stated he didn't think this would be possible because it would involve remimeographing of proposals by the "boiler room".

Mr. Sundborg asked unanimous consent that the Article on Declaration of Rights be ordered to Engrossment and Enrollment.

The President stated the Article on Declaration of Rights would be ordered to Engrossment and Enrollment, but that amendments would be possible until the Convention had completed all work on Proposal No. 7.

Mrs. Sweeney moved that the Convention adjourn until 9 a.m. Monday. Mr. V. Rivers seconded.

Mr. Kilcher rose to a point of inquiry regarding giving notice of reconsideration on a vote if the Convention adjourned.

The President stated that the notice would have to be given before adjournment on this day.

Mr. Hurley served notice of reconsideration on his vote on the adoption of the amendment to Section 11 offered by Mr. Riley and other delegates.

The question being "Shall the Convention adjourn until 9 a.m. Monday?", the roll was called with the following result:

Yeas: 21 - Armstrong, Boswell, Coghill, Collins, Cross, Doogan, Harris, Johnson, Londberg, McLaughlin, Metcalf, Nerland, Poulsen, Reader, R. Rivers, V. Rivers, Robertson, Stewart, Sundborg, Sweeney, VanderLeest

Nays: 26 - Awes, Buckalew, Davis, V. Fisher, Gray, Hellenthal, Hermann, Hinckel, Hurley, Kilcher, King, Knight, Laws, Lee, McCutcheon, McNees, Marston, Nolan, Nordale, Peratovich, Riley, Rosswog, Smith, Walsh, White, Mr. President

Absent: 8 - Barr, Cooper, Emberg, H. Fischer, Hilscher, McNealy, Taylor, Wien

and so the Convention did not adjourn.

Mr. Johnson rose to a point of order that since Mr. Hurley had given notice of reconsideration, the Article on Declaration of Rights could not be ordered to Engrossment and Enrollment.

The President stated Mr. Johnson's point of order was well taken and the Article on Declaration of Rights was not ordered to Engrossment and Enrollment.

Mr. R. Rivers asked that the Article on Health, Education and Welfare be read again.

Mr. Riley asked unanimous consent for a five-minute recess. There being no objection, it was so ordered.

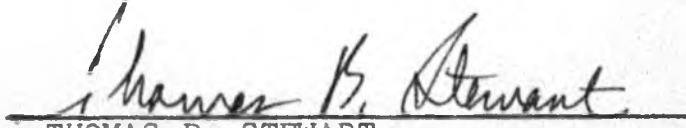
#### AFTER RECESS

The Chief Clerk read the Article on Health, Education and Welfare.

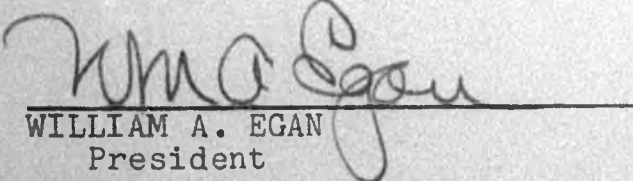
Mrs. Sweeney moved that the Convention adjourn until 9:05 Monday. Mr. Rosswog seconded. Mrs. Hermann requested a roll call. The roll was called with the following result:

- Yeas: 27 - Armstrong, Boswell, Coghill, Collins, Cross, Doogan, Harris, Hellenthal, Hinckel, Johnson, King, Knight, Londborg, McLaughlin, Metcalf, Nerland, Nolan, Poulsen, Reader, R. Rivers, Robertson, Rosswog, Stewart, Sundborg, Sweeney, Taylor, Walsh.
- Nays: 20 - Awes, Buckalew, Davis, V. Fischer, Gray, Hermann, Hilscher, Hurley, Kilcher, Laws, Lee, McCutcheon, McNees, Marston, Nordale, Peratrovich, Riley, Smith, White, Mr. President
- Absent: 8 - Barr, Cooper, Emberg, H. Fischer, McNealy, V. Rivers, VanderLeest, Wien

and so the Convention adjourned at 2:30 p.m. until 9:05 a.m., Monday.

  
THOMAS B. STEWART  
Secretary

Attested:

  
WILLIAM A. EGAN  
President

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL OF THE FORTY-FIFTH CONVENTION DAY, Friday, January 6, 1956

The Convention was called to order at 9:00 a.m. by President Egan.

The Invocation was given by Chaplain Major Henry A. Foss of Ladd Air Force Base.

Roll call showed all members present except Mr. Armstrong and Mr. Cooper. The President announced that Mr. Cooper was ill. The President declared a quorum to be present.

Mr. Marston asked that a communication received by him from the student body of the University of Alaska on the subject of voting age be read.

The President declared a short recess in order to get a communication he had received on the same subject.

AFTER RECESS

A communication from the President of the Associated Students of the University of Alaska pledging their support to and recommending any resolution of the Convention favoring an eighteen-year-old voting age in the future State of Alaska, was read and ordered filed.

A Communication signed by 121 students of the University of Alaska urging the Convention to set eighteen as the minimum age required as a qualification to vote in the future State of Alaska was read and ordered filed.

SECOND READING OF PROPOSALS

Committee Proposal No. 7 was considered again.

Mr. Davis's amendment to Section 7 to strike the words "or information, which shall be concurrent remedies" on lines 11 and 12 and insert the following in lieu thereof: "unless indictment be waived by the accused. If right to indictment be waived, proceedings may be by information." having been held over was considered at this time. After discussion by Mr. Davis, Mr. Buckalew, Mr. R. Rivers, Mr. Taylor, Mr. Kilcher, Mr. Metcalf, Mr. Hellenthal, Mr. Hurley, Mr. Sundborg, Mr. McLaughlin, Mr. Marston and Mr. McNealy, Mr. Hilscher moved to lay the amendment on the table. Mr. Laws seconded. On voice vote the motion failed.

After further discussion on the Davis amendment by Mr. Robertson, Miss Awes, Mr. Hellenthal, Mrs. Hermann, Mr. V. Rivers, Mr. McCutcheon, Mr. Metcalf and Mr. Davis, a short recess was declared.

AFTER RECESS

The question being, "Shall Mr. Davis's amendment be adopted?", the roll was called with the following result:

Yeas: 39 - Barr, Boswell, Collins, Davis, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hermann, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Lee, Londborg, McNealy, Marston, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh and White.

Nays: 12 - Awes, Buckalew, Cross, Hellenthal, Hilscher, Laws, McCutcheon, McLaughlin, McNees, Metcalf, Wien and Mr. President

Absent: 4 - Armstrong, Coghill, Cooper and Doogan

And so the amendment was adopted.

Mr. Buckalew moved and asked unanimous consent for the adoption of the following amendment: Strike all of Section 7 commencing with line 24 on page 2 and including line 9 on page 3. Mrs. Hermann objected. Mr. V. Fischer seconded.

After discussion by Mr. Fischer and Mr. Taylor, a short recess was declared.

AFTER RECESS

Mr. Buckalew asked unanimous consent to withdraw his amendment so that he could submit another amendment. There being no objection, it was so ordered.

The President declared a fifteen minute recess.

AFTER RECESS

Mr. Buckalew moved the adoption of the following amendment to Section 7: Strike Section 7 as amended and substitute the following section: "Section 7. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, unless waived by the accused, in which event the prosecution shall be by information. The grand jury shall consist of not less than twelve citizens."

Mrs. Hermann seconded. Mr. Robertson suggested the first word "unless" should be changed to "except". After Mr. Barr and Mr. Davis spoke on the amendment, the President declared a short recess so that the amendment could be revised.

AFTER RECESS

Mr. Buckalew asked unanimous consent that with the consent of his second he be allowed to withdraw the amendment to Section 7. There being no objection, it was so ordered.

Mr. Buckalew moved the adoption of the following amendment offered by Mr. Buckalew, Mr. Davis, Mr. Hellenenthal, Mr. Taylor and Mr. McNealy: Strike Section 7 as amended and substitute the following section: "No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except when waived by the accused, in which event the prosecution shall be by information, but this shall not be applied to cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger. The grand jury may consist of not less than twelve citizens." Mr. Knight seconded Mr. Poulsen requested a copy of the amendment before acting on it. Action was deferred until copies could be furnished the delegates.

Mr. V. Fischer moved the adoption of the following amendment to Section 12: Line 19, page 4, after the word "offenses" insert: "when the proof is evident or the presumption great;" Mr. Hellenenthal seconded. After discussion by Mr. Fischer, Miss Awes and Mr. R. Rivers, the question was called. On voice vote the amendment was adopted.

Mr. Taylor moved the adoption of the following amendment to Section 12: line 22, page 4: change period to semi-colon and insert thereafter the following: "That the accused shall, in no instance, be required to advance money or fees to secure the rights herein guaranteed, nor shall the accused be taxed with any costs of the prosecution." Mr. McLaughlin objected. Mr. Kilcher seconded. After discussion by Mr. Taylor, Mr. Johnson, Mr. McLaughlin, Mr. Buckalew, Miss Awes, Mr. Metcalf, Mr. Buckalew and Mr. McNealy, the question was called. On voice vote the amendment failed.

Mr. Robertson moved and asked unanimous consent for the adoption of the following amendment: Section 13, line 25, page 4, insert "of twelve" after word "jury". Mr. Taylor objected. Mr. Hellenenthal seconded. After discussion by Mr. Taylor, Miss Awes and Mr. R. Rivers, the question was called. On voice vote the amendment was adopted.

Mr. Kilcher moved the adoption of the following amendment: Section 13, line 24, strike "two hundred and fifty dollars" and insert "a sum set by law". Mr. Barr seconded. After discussion by

Mr. Barr, Mr. Hurley, Mr. Davis and Mr. Kilcher, the question was called. The roll was called with the following result:

Yeas: 26 - Barr, Coghill, Collins, Cross, Emberg, H. Fischer, Hinckel, Kilcher, Knight, Lee, Londborg, McCutcheon, McNees, Marston, Metcalf, Nerland, Nolan, Peratrovich, V. Rivers, Robertson, Rosswog, Stewart, Taylor, Walsh, White, Mr. President.

Nays: 24 - Awes, Boswell, Buckalew, Davis, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hurley, Johnson, King, Laws, McLaughlin, Mc Nealy, Nordale, Poulsen, Reader, Riley, R. Rivers, Smith, Sweeney, Vanderleest, Wien.

Absent: 5 Armstrong, Cooper, Doogan, Hilscher and Sundborg

And so the amendment was adopted.

Mr. Buckalew moved the adoption of the following amendment: Section 13, line 23, strike "in suits at common law" and insert "in civil cases". Mr. Knight seconded. On voice vote the amendment failed.

Mr. Hellenthal asked unanimous consent for the adoption of the following amendment to Section 13: Page 5, line 4, following the word "jury" insert the words "in any court".

Mr. White requested a five-minute recess. There being no objection, it was so ordered.

AFTER RECESS

*There Mr. Hellenthal asked unanimous consent to withdraw his amendment. no objection, it was so ordered.*  
Mr. Hellenthal moved and asked unanimous consent for the adoption of the following amendment to Section 13: Line 4, page 5, strike the word "the" before the word "jury" and substitute the word "any" and insert the words "in civil causes" following the word "jury". Mr. Buckalew seconded. On voice vote the amendment was adopted.

Mr. Gray asked unanimous consent that a letter he had received regarding the Juneau hearings be read. There being no objection, it was so ordered.

A letter from Mrs. Rolf W. Fremming, expressing pleasure at having had the opportunity to attend the public hearings on the constitutional proposals and confidence in the work of the delegates, was read and ordered filed.

Mr. Gray asked unanimous consent that the Convention recess until 1:30 p.m.

Mr. Cross announced a meeting of the Committee on Resolutions and Recommendations on recess.

Mr. Sundborg announced a meeting of the Committee on Style and Drafting on recess.

There being no objection to the unanimous consent request of Mr. Gray, the Convention recessed until 1:30 p.m.

AFTER RECESS

Mr. V. Fischer moved to amend Section 14 by inserting the word "thereof" after the word "peril" on line 8 of page 5. Mr. V. Rivers seconded. Mr. Kilcher objected and requested a short recess. There being no objection, it was so ordered.

AFTER RECESS

After discussion by Mr. V. Fischer, Mr. Hellenthal, Mr. Buckalew, Mr. V. Rivers, Mr. Barr and Mr. Taylor the question was called. On voice vote the amendment failed.

Mr. Robertson moved and asked unanimous consent for the adoption of the following amendment to Section 16: Line 20, page 5, delete period and insert a comma and add "or in advocating the overthrow of the government by force or violence." Mr. Buckalew objected. Mr. Johnson seconded.

After discussion by Mr. Robertson, Mr. Hellenthal, Mr. R. Rivers, the question was called. On voice vote the amendment failed.

Mr. Johnson moved the adoption of the following amendment to Section 18: Page 6, line 2, strike comma after "debt" and insert a period. Strike balance of line 2 and all of line 3. Mr. Marston seconded. After discussion by Mr. Barr, Mr. R. Rivers, Mr. Johnson, Mr. Doogan, Mr. Kilcher, Miss Awes, Mr. Taylor, Mr. V. Rivers, Mr. Davis and Mr. Hellenthal, the President declared a short recess.

AFTER RECESS

Mr. Doogan moved to lay the amendment on the table. Mr. Metcalf seconded. The roll was called with the following result:

Yeas: 16 - Cross, Doogan, Harris, Hinckel, Mc Cutcheon, McNeese, Metcalf, Nerland, Reader, R. Rivers, Rosswog, Stewart, Taylor, VanderLeest, Walsh, White.

Nays: 34 - Awes, Boswell, Barr, Buckalew, Coghill

Davis, Emberg, H. Fischer, V. Fischer, Gray, Hellenthal, Hermann, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McNealy, Marston, Nolan, Nordale, Peratrovich, Poulsen, Riley, V. Rivers, Robertson, Smith, Sundborg, Sweeney, Wien, Mr. President.

Absent: 5 Armstrong, Collins, Cooper, Hilscher, McLaughlin

And so the amendment was not laid on the table.

After Mr. Kilcher spoke on the amendment, Mr. Coghill moved the previous question. Mr. Buckalew seconded. Mr. Barr stated he wished to be heard. The President stated the motion was not debatable. On voice vote the motion failed.

After Mr. Barr, Mr. McNealy, Mr. Metcalf and Mr. Hurley spoke, Mr. Taylor moved to amend the amendment by adding after the word "except" the words "in case of absconding debtors."

Mr. Taylor's amendment was ruled out of order. After discussion by Mr. Rosswog, Mr. McNealy, Mr. Kilcher, Mr. Rosswog, Mr. Marston, Mr. Londborg and Mr. Riley the question was called. The roll was called on the adoption of Mr. Johnson's amendment to Section 18 with the following result:

Yeas: 34 - Aves, Barr, Boswell, Buckalew, Coghill, Davis, Emberg, H. Fischer, V. Fischer, Gray, Hellenthal, Hermann, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McNealy, Marston, Nordale, Peratrovich, Riley, R. Rivers, V. Rivers, Robertson, Smith, Stewart, Sundborg, VanderLeest, Walsh, Mr. President.

Nays: 17 - Cross, Doogan, Harris, Hinckel, McCutcheon, McLaughlin, McNees, Metcalf, Nerland, Nolan, Poulsen, Reader, Rosswog, Sweeney, Taylor, White, Wien.

Absent: 4 - Armstrong, Collins, Cooper, Hilscher

And so the amendment was adopted.

Mr. Taylor moved the adoption of the following amendment to Section 18: Line 2, page 6, change the period to a comma and insert the following words, "except in case of absconding debtors." Mr. Buckalew objected. Mr. Riley seconded. The roll was called with the following result:

Yeas: 37 - Awes, Boswell, Coghill, Cross, Davis, Doogan, Emberg, H. Fischer, Gray, Harris, Hellenthal, Hinckel, Hurley, Kilcher, King, Knight, McCutcheon, McLaughlin, McNealy, McNees, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. River, V. Rivers, Rosswog, Sweeney, Taylor, Walsh, White, Wien, Mr. President.

Nays: 14 - Barr, Buckalew, V. Fischer, Hermann, Johnson, Laws, Lee, Londborg, Marston, Robertson, Smith, Stewart, Sundborg, VanderLeest

Absent: 4 - Armstrong, Collins, Cooper, Hilscher

And so the amendment was adopted.

Mr. Robertson moved the adoption of the following amendment: Page 6, Insert new Section 19. "Every person shall have the right to work for the gaining of his livelihood". Renumber present Section 19 to be Section 20. Mr. Doogan objected. Mr. Londborg seconded.

After discussion by Mr. Robertson and Miss Awes, Mr. Buckalew moved to lay the amendment on the table. Mr. Stewart seconded. Mr. Sundborg requested a roll call. The roll was called with the following result:

Yeas: 23 - Awes, Buckalew, Doogan, Emberg, H. Fischer, Gray, Harris, Hellenthal, Hermann, King, Knight, Lee, McNealy, Marston, Metcalf, Nerland, Poulsen, R. Rivers, Rosswog, Smith, Stewart, Sundborg, VanderLeest.

Nays: 28 - Barr, Boswell, Coghill, Cross, Davis, V. Fischer, Hinckel, Hurley, Johnson, Kilcher, Laws, Londborg, McCutcheon, McLaughlin, McNees, Nolan, Nordale, Peratrovich, Reader, Riley, V. Rivers, Robertson, Sweeney, Taylor, Walsh, White, Wien, Mr. President.

Absent: 4:- Armstrong, Collins, Cooper and Hilscher.

And so the amendment was not laid on the table.

After discussion by Mr. Robertson, Mr. Londborg, Mr. Doogan, Mrs. H. Fischer, Mr. Hellenthal, Mr. Johnson and Mr. Boswell, the question was called. Mr. Robertson requested a roll call.

The question being, "Shall Mr. Robertson's amendment be adopted?", the roll was called with the following result:

Yeas: 4 - Laws, Londborg, Reader, Robertson.

Nays: 47 - Awes, Barr, Boswell, Buckalew, Coghill, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hinckel, Hurley, Johnson, Kilcher, King, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulson, Riley, R. Rivers, V. Rivers, Ross-wog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, Mr. President.

Absent: 4 -Armstrong, Collins, Cooper, Hilscher

And so the amendment failed.

Mr. White rose to a point of parliamentary inquiry whether if he gave notice of reconsideration of his vote on the Robertson amendment could he withdraw his request before the vote came up for reconsideration.

The President stated that he could withdraw the request at any time.

Mr. White gave notice of reconsideration of his vote on the Robertson amendment.

Mr. Sundborg moved that the rules be suspended and that Mr. White's reconsideration be taken up at this time. Mr. V. Fischer objected. Mrs. H. Fischer seconded. The roll was called with the following result:

Yeas: 10 - Buckalew, H. Fischer, Metcalf, Peratrovich, Poulson, R. Rivers, Sundborg, Taylor, Walsh, Mr. President.

Nays: 41 - Awes, Barr, Boswell, Coghill, Cross, Davis, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Nerland, Nolan, Nordale, Reader, Riley, V. Rivers, Robertson, Ross-wog, Smith, Stewart, Sweeney, VanderLeest, White, Wien.

Absent: 4 Armstrong, Collins, Cooper, Hilscher.

And so the rules were not suspended.

Mr. Robertson gave notice to reconsider his vote on the Kilcher amendment to Section 13 changing "two hundred and fifty dollars" to "a sum set by law".

Mr. V. Rivers moved and asked unanimous consent for the adoption of the following amendment proposed by Mr. V. Rivers, Mr. Sundborg, Mr. White, Mr. V. Fischer, Mr. Kilcher, Mr. R. Rivers, Mrs. H. Fischer, Mr. Emberg, Mr. Poulsen, Mr. King, Mr. Riley and Mr. Hellenthal, amendment of Article on Preamble and Bill of Rights:

Strike lines 1 through 5 on page 1 and substitute the following:

"We the people of Alaska, conscious of our heritage of political, civil and religious liberty, grateful to God and to those who founded the nation and pioneered this great land, reaffirm our belief in government by consent of the governed within the Union of States and do ordain and establish this Constitution for the State of Alaska."

Mr. Taylor objected. Mrs. H. Fischer seconded.

Mr. White moved to amend the amendment by striking "to God and". Mr. Laws seconded.

After discussion by Mr. White, Mr. Doogan and Mr. Hellenthal, a recess was ordered.

#### AFTER RECESS

Mr. McLaughlin moved the previous question. Mr. V. Fischer seconded. On voice vote the previous question was ordered.

On voice vote Mr. White's amendment to the amendment failed.

Mr. Harris moved the adoption of the following amendment to the amendment: Insert "Almighty" before the word "God". Mr. Hinckel objected. Mr. Coghill seconded. The roll was called with the following result:

Yeas:	24 - Armstrong, Awes, Coghill, Davis, Doogan, H. Fischer, Harris, Hellenthal, Hermann, Johnson, King, Knight, Londborg, McNees, Metcalf, Nerland, Nolan, Peratrovich, Reader, Robertson, Sweeney, VanderLeest, Walsh, Wien.
Nays:	24 - Barr, Boswell, Buckalew, Emberg, V. Fischer, Gray, Hinckel, Hurley, Kilcher, Laws, Lee, McCutcheon, McLaughlin, Marston, Nordale, Poulsen, Riley, R. Rivers, V. Rivers, Smith, Sundborg, Taylor, White, Mr. President.
Absent:	7 - Collins, Cooper, Cross, Hilscher, McNealy, Rosswog, Stewart

and so the amendment failed.

The question being "Shall the amendment to the Preamble be adopted?", the roll was called with the following result:

Yeas: 49 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Lee, Lomborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Mr. President.

Nays: 2 - Laws, Wien

Absent: 4 - Collins, Cooper, Hilscher, Stewart

And so the amendment was adopted.

Mr. Johnson moved the adoption of the following amendment to Section 1: Page 2, lines 1 and 2, insert a comma after word "rights", strike word "and" on line 2 and after "opportunities" insert "and equal protection". Mr. Robertson seconded.

After discussion by Mr. Johnson, Mr. Sundborg suggested that the amendment be amended to strike the word "equal". Mr. Johnson asked unanimous consent that Mr. Sundborg's proposed amendment to the amendment be adopted. There being no objection, it was so ordered. Mr. R. Rivers asked unanimous consent for the adoption of Mr. Johnson's amendment. Mr. Hellenthal objected. On voice vote the amendment was adopted.

Mr. Buckalew moved the adoption of the amendment to Section 7 which had been held while copies were made available. Mr. Taylor seconded. After a suggestion from Mr. McLaughlin, Mr. Buckalew asked unanimous consent to amend the amendment by striking the words "land or naval" and inserting the word "armed". There being no objection, it was so ordered.

Mr. Metcalf moved and asked unanimous consent for the adoption of the following amendment: Strike last sentence of amended Section 7 and substitute the following: "The grand jury shall consist of at least twelve citizens, three-fourths of whom concurring may find an indictment or true bill." Mr. Buckalew objected.

After Mr. R. Rivers and Mr. Hinckel spoke, Mr. Taylor rose to a point of order that the amendment was out of order. The President stated the amendment was in order.

After discussion by Mr. Sundborg, Mr. Robertson, Mrs. Hermann and Mr. Taylor, a short recess was declared.

AFTER RECESS

Mr. Metcalf asked unanimous consent to withdraw his amendment to the amendment. There being no objection, it was so ordered.

Mr. Metcalf moved the adoption of the following amendment to the amendment: Delete last sentence of amended Section 7 and add: "The grand jury shall consist of at least 12 citizens, three-fourths of whom concurring may return a true bill." Mr. Buckalew seconded. Mr. R. Rivers asked unanimous consent for the adoption of the amendment. Mr. Hellenthal objected. The roll was called with the following result:

Yeas: 23 - Boswell, Buckalew, Coghill, Cross, Davis, H. Fischer, V. Fischer, Gray, Hermann, Hinckel, Hurley, Mc Cutcheon, Metcalf, McKees, Marston, Metcalf, Merland, Nolan, Riley, R. Rivers, V. Rivers, Sweeney, Mr. President

Nays: 29 - Armstrong, Awes, Barr, Doogan, Emberg, Harris, Hellenthal, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McLaughlin, Nordale, Peratrovich, Poulsen, Reader, Robertson, Rosswog, Smith, Stewart, Sundborg, Taylor, VanderLeest, Walsh, White, Wien.

Absent: 3 Collins, Cooper, Hilscher

And so the amendment to the amendment failed.

Mrs. Hermann moved the adoption of the following amendment to the amendment. Delete the last sentence of amended Section 7 and add: "The grand jury shall consist of at least 12 citizens, a majority of whom concurring may return a true bill." Mr. Hellenthal seconded. On voice vote the amendment was adopted.

Mr. R. Rivers asked unanimous consent for the adoption of the following amendment: Insert the word "section" after the word "this" on the fourth line of the proposed Section 7. There being no objection, it was so ordered.

Mr. Barr moved and asked unanimous consent for the adoption of the following amendment to the amendment: at the end of Section 7, as amended, add the following paragraph: "The power of grand juries to investigate and make recommendations concerning conditions detrimental to the public welfare or safety shall never be suspended." Mr. Buckalew objected. Mr. Johnson seconded.

Mr. Sundborg moved and asked unanimous consent to amend the amendment to the amendment offered by Mr. Barr by striking the words "detrimental to" and inserting the word "involving".

Mr. Riley rose to a point of order to state there was already an amendment to the amendment on the floor.

The President stated Mr. Riley was correct and asked Mr. Barr if he would withdraw his amendment to the amendment and submit a revised amendment in its place.

Mr. Barr asked unanimous consent to withdraw his amendment to the amendment. There being no objection, it was so ordered.

Mr. Barr asked unanimous consent for the adoption of the following amendment to the amendment: At the end of Section 7, as amended, add the following paragraph: "The power of grand juries to investigate and make recommendations concerning conditions involving the public welfare or safety shall never be suspended." Mr. Johnson seconded. After voice vote was taken, the President announced that the amendment to the amendment was adopted.

Mr. V. Rivers appealed from the ruling of the chair and requested a roll call vote.

Mr. Johnson moved that the ruling of the chair be sustained.

The President stated that Mr. Johnson's motion was not necessary; that the Chair is required to put the question whenever anyone requests an appeal from the ruling of the chair.

The question being, "Shall the ruling of the chair be sustained?", the roll was called with the following result:

Yeas: 44 - Armstrong, Awes, Barr, Boswell, Coghill, Cross, Davis, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Lee, Lomborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Merland, Nolan, Nordale, Peratrovich, Poulsen, Reader, R. Rivers, Robertson, Rosswog, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien.

Nays: 8 - Buckalew, Doogan, H. Fischer, Laws, Riley, V. Rivers, Smith, Mr. President.

Absent: 3 - Collins, Cooper, Hilscher

And so the ruling of the chair was sustained.

Mr. Robertson asked unanimous consent to move the previous question. There being no objection, the previous question was ordered.

The question being, "Shall the proposed amendment to Section 7 as amended be adopted?". On voice vote the amendment was adopted.

Mr. Buckalew called attention to the presence in the gallery of Speaker of the House of Representatives Wendell P. Kay and Representatives Raymond Plummer and Ken C. Johnson. The President stated that the Convention was pleased to have them visit and a hearty greeting was extended by the delegates.

Mr. Hellenthal moved the adoption of the following amendment to Section 10: Following the first sentence insert "Wire tapping or obtaining unauthorized information by other technical means or devices is prohibited. Evidence obtained in violation of this section shall be inadmissible in the courts." Mr. Doogan objected. Mrs. H. Fischer seconded.

After discussion by Mr. Doogan, Mr. Hellenthal and Mr. McLaughlin, Mr. Metcalf stated he had an amendment to offer to the proposed amendment. Mr. V. Rivers also stated he had an amendment and requested a recess so that the matter could be discussed. There being no objection, the President declared a short recess.

#### AFTER RECESS

Mr. Hellenthal asked unanimous consent to withdraw his original amendment. There being no objection, it was so ordered.

Mr. V. Rivers moved the adoption of the following amendment to Section 11 as offered by Mr. McNealy, Mr. Hellenthal, Mr. Armstrong and Mr. V. Rivers: Page 4, line 12, at end of line 12 add the following: "The right of privacy of the individual shall not be invaded by use of any electronic, or other scientific transmitting, listening or sound recording device for the purpose of gathering incriminating evidence. Evidence so obtained shall not be admissible in judicial proceedings or legislative hearings." Mr. Armstrong seconded.


After discussion by Mr. White, Mr. Davis, Mr. Armstrong, Mr. McLaughlin, Mr. Johnson, Mr. R. Rivers, Mr. Doogan, Mr. Barr and Mr. Metcalf, Mr. Sundborg moved and asked unanimous consent that, subject to committee and other announcements, the Convention adjourn until 9:00 a.m. Saturday.

Mr. V. Fischer requested that the amendment just introduced be mimeographed before the Saturday plenary session. Without objection, it was so ordered.


Mr. Coghill moved to recess until 8:00 p.m.

The President stated that since Mr. Sundborg's unanimous consent request was before the Convention, action would have to be taken on it first. In view of the objection from Mr. Coghill, Mr. V. Rivers seconded Mr. Sundborg's motion to adjourn. On voice vote the motion carried.

The Convention adjourned at 5.40 p.m. until 9:00 a.m. Friday.

  
THOMAS B. STEWART  
Secretary

Attested:

  
WILLIAM A. EGAN  
President

Constitutional Convention

Journal/35

Approved

Jan. 10, 1956

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL OF THE FORTY-FOURTH CONVENTION DAY, Thursday, January 5, 1956

The Convention was called to order by President Egan at 9 a.m.

The Invocation was given by Mr. Londborg.

Roll call showed all present except Mr. Armstrong, Mr. Buckalew, Mr. Hellenthal and Mr. Taylor. It was reported that Mr. Hellenthal and Mr. Taylor were absent because of illness. The President declared a quorum to be present.

Mr. White asked unanimous consent that Journals numbered 1, 2, 3 and 4 be approved subject to the following corrections:

CORRECTIONS TO JOURNALS 1. 2. 3 and 4.

November 8, 1955, Journal/1

First paragraph, page 1, change period to comma and add "at 10 a.m."

- Page 1 - insert "the" before Rev.  
- strike "Robert J., Delegate from the Fourth Division,"  
- paragraph 4, strike comma  
- strike "Mildred R." in paragraph 12.  
- paragraph 13, strike "John H." and "William"

- Page 2 - paragraph 1, strike "John S."  
- paragraph 2, strike comma after "place"  
- after roll call insert "And so Mrs. Hermann was elected."  
- paragraph 7, strike "E.B." "R. Rolland" and "W.W."  
and insert in lieu thereof "Mr."

- Page 3 - paragraph 7, strike comma  
- insert "Mr." before the names of the members of the Committee on Rules, with the exception of Awes and insert "Miss" before her name.

- Page 4 - insert comma after "discussion" in first paragraph.

November 9, 1955, Journal/2

- Page 1** - paragraph 1, strike commas after "President",  
"Hermann" and "Alaska" and strike "Mildred"
- Page 3** - paragraph 4 and 5 strike "#"
- Page 4** - paragraph 1, strike "to be adopted." and insert  
period after "failed".  
- paragraphs 2, 3, 6, 7, and 10 strike "#"  
- paragraph 4, insert "so" after "Sweeney", insert "the"  
after "vote"
- Page 5** - After roll call add "And so the amendment failed."  
- Paragraph 1, strike "#"  
- Paragraph 10, insert "the" before "third"
- Page 6** - Paragraph 3, strike "M. J." and insert in lieu  
thereof "Mr."  
- Paragraph 7, insert comma after "recess"  
- Paragraph 8, strike "According to" and insert in lieu  
thereof "In accordance with".  
- Paragraph 8, insert comma after "adopted"  
- Paragraph 9, strike "Frank" and insert in lieu thereof  
"Mr."
- Page 8** - last paragraph, insert comma and "the" after "vote"
- Page 9** - Second paragraph, change period to comma and add  
"whereupon by unanimous consent and the consent  
of his second Mr. Sundborg withdrew his motion."

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November 10, 1955, Journal/3

- Page 1** - Paragraph 4, capitalize "s" in Secretary.  
- Paragraph 5, strike comma after "Schools"  
- Paragraph 6, insert "as follows" before colon.  
Insert "Mrs." before H. Fischer and Sweeney and  
"Mr." before all other names of Permanent Help  
Committee.
- Page 2** - Paragraph 1, insert "Mrs." before Hermann and "Mr."  
in front of all other names of Permanent Rules  
Committee.  
- Paragraph 3, strike "George" and insert "Mr."  
- Paragraph 5, insert "so" before "moved", change  
period after "moved" to comma; change "S" in  
seconded to lower case "s".

- Page 3 - Paragraph 1, change T in "The" to lower case and insert "And so" before "the".
- Paragraph 2, add "There being no objection, it was so ordered."
  - Paragraph 3, insert "A" before "rising" and change "R" in "rising" to lower case.
  - Paragraph 4, insert "A" before "Communication" and change "C" to lower case.
- Page 4 - Paragraph 7, insert "so" after "Riley".
- Page 5 - Paragraph 4, insert quotation marks at end of paragraph after "tie".
- Page 7 - Paragraph 7, insert "p.m." after 1:45.
- Page 9 - Before next to the last paragraph insert in middle of page IN COMMITTEE OF THE WHOLE
- Page 10 - Insert AFTER RECESS in middle of page before paragraph 1.
- Paragraph 2, insert "on Mr. Taylor's motion regarding soundscrying" after "question". Insert "so" before "moved"
  - Paragraph 4, insert comma after "objection"
  - Paragraph 5, change "principal" to "principle" and add at the end of the paragraph the following: "On voice vote, the motion was adopted."
  - Paragraph 6, insert "of" after "Committee"
  - Paragraph 7, insert "for its adoption." after "consent" and strike period
  - Paragraph 13, insert "Mr." before the names of the members of the Select Committee
- Page 11 - At top of page, insert "The telegram was as follows:"
- Paragraph 2, insert "so" before "moved". On line 4, insert after "seconded" the following: "On voice vote the amendment was adopted."
  - After roll call, insert "And so the motion was adopted"
  - Paragraph 4, insert "Mrs." before Nerdale and "Mr." before all other names listed. Strike comma after Barr.
- Page 12 - Paragraph 5, insert at end of paragraph "There being no objection, Mr. V. Rivers' motion was adopted."
- Paragraph 6, strike comma after Coghill.
  - Paragraph 8, insert "a.m." after "9:30".

- Paragraph 9, insert "Friday morning" after "o'clock"
- Paragraph 10, insert "a.m." after "9:30".

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November 12, 1955, Journal/4

- Page 1 - Paragraph 4, strike comma after "considered"
- Paragraph 5, insert "A" before "Letter" and make "L" lower case.
- Paragraph 7, insert "the" after "reported"
  
- Page 5 - Paragraph 9, after "seconded", insert the following sentence: "On voice vote, the previous question was ordered." Insert "Mr. Buckalew's" before "motion".
- Paragraph 11, insert "were" after "report". Insert "the" before "motion" and "was" before "lost".
- Paragraph 12, insert at the end of paragraph the following: "On voice vote, the previous question was ordered. On voice vote, Mr. Sundborg's motion was defeated."
  
- Page 6 - Paragraph 4, change capital "T" in "Investigate" to lower case.
- Paragraph 6, insert "a" after "include"
- Paragraph 7, insert "the" after "vote"
- Paragraph 8, insert at end of paragraph the following: "On voice vote, the previous question was ordered."
  
- Page 7 - After both roll calls, insert "And so the motion was adopted."
- Paragraph 2, strike "proceed and"
- Paragraph 4, make "tape" plural
  
- Page 8 - Last paragraph, strike comma after "o'clock"

There being no objection, it was so ordered.

Mr. Smith asked unanimous consent for the withdrawal of Committee Proposal No. 8 for revision by the Resources Committee. There being no objection, it was so ordered.

Mrs. Sweeney reported that the Committee on Engrossment and Enrollment, to whom had been referred Committee Proposal No. 1, had compared the same and found it correctly engrossed and the first enrolled copy correctly enrolled.

Mrs. Sweeney moved that the Rules be suspended and that Committee Proposal No. 1 be returned to second reading for the purpose of rescinding action on the voting age. Mr. Coghill objected. Mr. White seconded.

The President stated that the correct motion would be to suspend the rules and return Committee Proposal No. 1 to second reading. Mrs. Sweeney agreed to the change.

The question being "Shall the Rules be suspended and Committee Proposal No. 1 returned to second reading?", the roll was called with the following result:

Yeas: 22 - Boswell, Cooper, Gray, Hermann, Hinckel, Johnson, King, Knight, Laws, Londborg, McNealy, Metcalf, Nolan, Reader, R. Rivers, V. Rivers, Robertson, Rosswog, Sweeney, Walsh, White, Wien

Nays: 28 - Awes, Barr, Coghill, Collins, Cross, Davis, Emberg, H. Fischer, V. Fischer, Harris, Hilscher, Hurley, Kilcher, Lee, McCutcheon, McLaughlin, McNees, Marston, Nerland, Nordale, Peratrovich, Poulsen, Riley, Smith, Stewart, Sundborg, VanderLeest, Mr. President

Absent: 5 - Armstrong, Buckalew, Doogan, Hellenthal, Taylor

and so the rules were not suspended.

Mrs. Sweeney asked unanimous consent that the report of the Engrossment and Enrollment Committee on Committee Proposal No. 1 be adopted. There being no objection, it was so ordered.

The President referred Committee Proposal No. 1 to the Committee on Style and Drafting.

Miss Awes asked unanimous consent to <sup>revert</sup> refer to Committee announcements. There being no objection, it was so ordered.

Miss Awes announced a meeting of the Committee on Preamble and Bill of Rights on recess.

The President announced a meeting of Committee Chairmen at 12:30 p.m.

#### SECOND READING OF PROPOSALS

Committee Proposal No. 3 was considered again.

The motion of Mr. V. Fischer, made the previous day, to amend Section 6 by striking lines 5 and 6 on page 3 being before the Convention, the question was called. On voice vote the amendment was adopted.

Mr. R. Rivers moved the adoption of the following amendment to Section 6: page 3, line 7, strike the period and add "and grounds for recall". Mr. R. Rivers asked unanimous consent.

Mr. V. Fischer objected for the purpose of requesting a recess to draft an amendment concerning the same subject.

There being no objection, the President declared a short recess.

AFTER RECESS

Mr. R. Rivers stated he would withhold his amendment until action had been taken on Mr. V. Fischer's amendment.

Mr. V. Fischer stated that in view of its length he requested permission to have his amendment mimeographed before presenting it. Permission was granted.

Mr. Londborg moved and asked unanimous consent for the adoption of the following amendment: Section 6, page 3, line 3, strike the words "except judicial officers". Mr. McCutcheon objected. Mr. Coghill seconded.

Mr. McCutcheon served notice that if a vote was called on the amendment he would order a call of the assembly.

After Mr. Londborg, Mr. McLaughlin, Mr. R. Rivers and Mr. McCutcheon spoke, Mrs. Sweeney rose to a point of information to inquire into the question of the rules the Convention was operating under as regards the call of the assembly.

The President stated that on this question Robert's Rules of Order would govern.

Mr. McCutcheon stated he would not order a call of the assembly.

After Mr. McNealy, Mr. Doogan and Mr. V. Rivers spoke, the question was called. Mr. Robertson requested a roll call.

The question being "Shall the amendment offered by Mr. Londborg be adopted?", the roll was called with the following result:

Yeas: 7 - Kilcher, Laws, Londborg, Poulsen, Reader, Sweeney, Walsh

Nays: 44 - Awes, Barr, Boswell, Coghill, Collins, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hermann, Hilscher, Hinckel, Hurley, Johnson, King, Knight, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Riley, R. Rivers, Victor Rivers,

Robertson, Rosswog, Smith, Stewart, Sundborg,  
VanderLeest, White, Wien, Mr. President

**Absent:** 4 - Armstrong, Buckalew, Hellenthal, Taylor

and so the amendment failed.

Mr. Doogan moved and asked unanimous consent for the adoption of the following amendment: Section 6, page 3, line 3, add after "officers" the following "of the Superior and Supreme Courts". Mr. McCutcheon objected. Mr. McNealy seconded. On voice vote the motion failed.

Mr. Smith moved the adoption of the following amendment to Section 3: page 1, line 9, strike the period and insert a comma and add "except as herein provided."

Mr. R. Rivers seconded. After discussion by Mr. Smith, Mr. Sundborg and Mr. R. Rivers, the question was called.

The question being "Shall Mr. Smith's amendment be adopted?", the roll was called with the following result:

Yeas: 33 - Boswell, Collins, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hermann, Hilscher, Hinckel, Hurley, Kilcher, King, Knight, Lee, Marston, Nerland, Nolan, Nordale, Peratrovich, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sweeney, Walsh, White, Wien, Mr. President

Nays: 18 - Awes, Barr, Coghill, Cooper, Cross, Johnson, Laws, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Metcalf, Poulsen, Reader, Robertson, Sundborg, VanderLeest

Absent: 4 - Armstrong, Buckalew, Hellenthal, Taylor

and so the amendment was adopted.

Mr. V. Fischer moved and asked unanimous consent for the adoption of the following amendment to Section 6: Insert the following before the last sentence of Section 6:

"Such number of such voters as shall equal twenty percent of the number of votes cast at the preceding general election for all of the candidates for the office held by such official, may by petition, which shall be known as a recall petition, demand his recall. The petition shall contain a statement in not more than 200 words of the grounds for recall. If the official concerned shall not have resigned within 5 days after

the required number of voters have signed a recall petition, a special election shall be ordered to be held within the state or political subdivision as the case may be, not less than 60 nor more than 90 days after such order, to determine whether such official shall be recalled."

Mr. McCutcheon objected. Mr. Kilcher seconded. After discussion by Mr. V. Fischer, Mr. White, Mr. Barr, Mr. McNealy, Mr. Metcalf, Mr. Gray, Mr. Kilcher, Mr. Peratrovich and Mr. Sundborg, the question was called. On voice vote the amendment failed.

Mr. White moved and asked unanimous consent for the adoption of the following amendment to Section 6: Insert before last line of Section 6 "Grounds for recall shall be set forth in a recall petition." Mr. McCutcheon objected. Mr. Gray seconded.

After discussion by Mr. White and Mr. R. Rivers, Mr. Riley requested a two-minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

After discussion on the amendment by Mr. White, Mr. Hurley and Mr. McCutcheon, the question was called. On voice vote the amendment failed.

Mr. R. Rivers moved the adoption of the following amendment to Section 6: page 3, line 7, strike the period and add to the end of that sentence "and grounds for recall." Mr. Metcalf seconded. The roll was called with the following result:

Yeas: 39 - Awes, Boswell, Coghill, Collins, Cooper, Cross, Davis, Emberg, H. Fischer, Gray, Harris, Hermann, Hilscher, Hinckel, Hurley, King, Knight, Lee, Londborg, McLaughlin, McNealy, Metcalf, Nerland, Nolan, Nordale, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, VanderLeest, Walsh, Wien, Mr. President

Nays: 11 - Barr, V. Fischer, Johnson, Kilcher, Laws, McCutcheon, McNees, Marston, Peratrovich, Poulsen, White

Absent: 5 - Armstrong, Buckalew, Doogan, Hellenthal, Taylor

and so the amendment was adopted.

Mr. Barr spoke on a matter of personal privilege.

Mr. Sundborg requested a fifteen-minute recess. There being no objection, it was so ordered.

AFTER RECESS

Mr. Riley asked unanimous consent that the first part of Proposal No. 3 be referred to the Committee on Engrössment and Enrollment so that the committee could start processing the amendments.

The President stated that without objection this would be ordered with the understanding that amendments could still be made to the proposal until work had been completed on the whole proposal. There being no objection, it was so ordered.

The Chief Clerk read the Article on Revision and Amendment. ~~of Proposal No. 3.~~

Mr. Cooper moved the adoption of the following amendment to the Article on Revision and Amendment:

Strike Section 1 in its entirety and insert in lieu thereof a new Section 1: "Revision of this Constitution may be adopted by a two-thirds affirmative vote of two successive legislatures, a constitutional convention, or by a three-fourths affirmative vote of the legislature. Amendments to this Constitution may be adopted by the affirmative vote of three-fifths of all votes cast by qualified voters, voting on such amendment."

Section 2, line 5, delete "two-thirds" and insert "three-fourths".

Section 2, line 9, after the word "a" before "majority" insert "three-fifths".

Mrs. H. Fischer objected. Mr. Coghill seconded. After discussion by Mr. Cooper, Mr. Smith, Mr. R. Rivers, Mr. Marston and Mr. Barr, the question was called. Mr. V. Rivers requested a roll call.

The question being "Shall the amendment offered by Mr. Cooper be adopted?", the roll was called with the following result:

Yeas: 5 - Coghill, Cooper, Kilcher, Reader, Rosswog

Nays: 45 - Awes, Barr, Boswell, Collins, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hermann, Hinckel, Hurley, Johnson, King, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Riley, R. Rivers, V. Rivers, Robertson, Smith, Stewart, Sundborg, Sweeney, VanderLeest, Walsh, White, Wien, Mr. President

Absent: 5 - Armstrong, Buckalew, Hellenthal, Hilscher, Taylor

and so the amendment failed.

Mr. Hurley moved the adoption of the following amendment to the Article on Revision and Amendment: Section 1, lines 2 and 3, strike "adopted by two succeeding legislatures, or be", change "proposed" to "adopted" and add "proposed" after "or".

Section 2, strike lines 12, 13, 14, 15 and 16.

Mr. Harris seconded.

Mr. McCutcheon stated that he believed the amendment should be in two parts and would request a division of the question if Mr. Hurley would not do so himself.

Mr. Hurley requested a short recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. Hinckel spoke on a matter of personal privilege.

After discussion by Mr. Davis, Mr. Hinckel, Miss Awes, Mr. V. Fischer and Mr. R. Rivers regarding the intent of the Committee, Mr. Davis suggested that action be taken first on the second part of Mr. Hurley's motion.

Mr. Hurley moved and asked unanimous consent that his amendment be amended by striking the reference to Section 1. Mr. Hinckel objected. Mr. V. Rivers seconded. On voice vote the amendment to the amendment was adopted.

After discussion by Mr. Hurley, Mr. McCutcheon, Mr. Sundborg, Mr. Davis, Mr. V. Rivers and Mr. Metcalf, the question was called. Mr. V. Rivers requested a roll call.

The question being "Shall Mr. Hurley's amendment be adopted?", the roll was called with the following result:

Yeas: 33 - Barr, Boswell, Coghill, Cooper, H. Fischer, Gray, Harris, Hilscher, Hurley, Johnson, Kilcher, Knight, Laws, Lee, Londborg, McNealy, Nerland, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Smith, Stewart, Sundborg, Sweeney, VanderLeest, Walsh, White, Mr. President

Nays: 18 - Awes, Collins, Cross, Davis, Doogan, Emberg, V. Fischer, Hermann, Hinckel, King, McCutcheon, McLaughlin, McNees, Marston, Metcalf, Nolan, Rosswog, Wien

Absent: 4 - Armstrong, Buckalew, Hellenthal, Taylor

and so the amendment was adopted.

Mr. Johnson moved the adoption of the following amendment to the Article on Revision and Amendment: Section 2, line 7, page 1, strike "may" and insert "shall". Mr. Robertson seconded. Mr. R. Rivers asked unanimous consent. There being no objection, it was so ordered.

Mr. R. Rivers moved the adoption of the following amendment to the Article on Revision and Amendment: strike Section 1 and substitute the following new Section 1: "Revisions of or amendments to this Constitution may be adopted by the Legislature or by constitutional convention as hereinafter authorized subject to ratification by the people." Mr. Hurley seconded. Mr. R. Rivers requested unanimous consent. Mr. McCutcheon objected. The roll was called with the following result:

Yeas: 38 - Awes, Boswell, Coghill, Collins, Cross, Davis, Emberg, H. Fischer, Gray, Harris, Hermann, Hilscher, Hinckel, Hurley, Johnson, King, Knight, Laws, Lee, Londborg, Marston, Metcalf, Nerland, Nordale, Peratrovich, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, VanderLeest, Walsh, Wien, Mr. President

Nays: 13 - Barr, Cooper, Doogan, V. Fischer, Kilcher, McCutcheon, McLaughlin, McNealy, McNees, Nolan, Poulsen, Reader, White

Absent: 4 - Armstrong, Buckalew, Hellenthal, Taylor

and so the amendment was adopted.

Mr. Johnson moved to amend Section 2 of the Article on Revision and Amendment as follows: line 10, strike the word "adoption" and insert the word "ratification" and on line 11, strike the word "adopted" and insert the word "ratified". Mr. R. Rivers seconded.

After discussion of whether this could not be taken care of in Style and Drafting, the question was called. On voice vote the amendment was adopted.

Mr. Davis moved the adoption of the following amendment to Section 2 of the Article on Revision and Amendment: line 10, strike the words "tallied on the question" and substitute the words "cast at the election" in lieu thereof. Mr. Johnson requested unanimous consent; Mr. R. Rivers objected. Mr. Riley seconded.

After discussion by Mr. R. Rivers, Mr. Kilcher, Mr. Gray, Mr. V. Fischer, Mr. Rosswog, Mr. Marston and Mr. Hinckel, the question was called. The roll was called with the following result:

Yeas: 25 - Awes, Barr, Boswell, Davis, Gray, Hermann, Hurley, Johnson, Laws, Londborg, McCutcheon, McNealy, McNees, Nerland, Nolan, Nordale, Poulsen, Riley, V. Rivers, Robertson, Rosswog, Sundborg, Sweeney, VanderLeest, Walsh

Nays: 26 - Coghill, Collins, Cooper, Cross, Doogan, Emberg, H. Fischer, V. Fischer, Harris, Hilscher, Hinckel, Kilcher, King, Knight, Lee, McLaughlin, Marston, Metcalf, Peratrovich, Reader, R. Rivers, Smith, Stewart, White, Wien, Mr. President

Absent: 4 - Armstrong, Buckalew, Hellenthal, Taylor

and so the amendment failed.

Mr. Sundborg moved to recess until 1:30 p.m. There being no objection, it was so ordered.

#### AFTER RECESS

A telegram from the Juneau Chamber of Commerce congratulating the Convention on its accomplishments to date and extending best wishes for success, was read and ordered filed.

A letter from Honorable Clair Engle, Chairman of the Committee on Interior and Insular Affairs of the U. S. House of Representatives, commending the Convention on the necessary and important work being done, extending good wishes and sincere and vigorous support toward the final objective, Statehood for Alaska, was read and ordered filed.

Mr. Rosswog asked unanimous consent to revert to Committee announcements. There being no objection, it was so ordered.

Mr. Rosswog announced a meeting of the Committee on Local Government at 8 p.m. at Apartment 19, Alaskan Inn.

Mr. Smith announced a meeting of the Committee on Resources at 7:30 p.m. in the Northward Building lobby.

Mr. Kilcher moved the adoption of the following amendment to the Article on Revision and Amendment:

Page 1, line 18 strike the word "if" and all that follows in the first paragraph of Section 3 through line 3 on page 2, and substitute the following:

"After the lapse of fifteen years during which a constitutional convention has not been convened, delegates to a constitutional convention shall be elected at the next regular election."

Mrs. Hermann seconded. After discussion by Mr. R. Rivers, Mr. Kilcher, Mr. Taylor, Mr. McCutcheon, Mr. V. Rivers, Mr. McNealy and Mr. Hinckel, the question was called. Mr. Kilcher requested a roll call. The roll was called with the following result:

Yeas: 10 - Emberg, V. Fischer, Harris, Hermann, Hurley,  
Kilcher, Londborg, McNees, Peratrovich, Poulsen

Nays: 42 - Awes, Barr, Boswell, Coghill, Collins, Cooper,  
Cross, Davis, Doogan, H. Fischer, Gray, Hilscher,  
Hinckel, Johnson, King, Knight, Laws, Lee,  
McCutcheon, McLaughlin, McNealy, Marston,  
Metcalf, Nerland, Nolan, Nordale, Reader, Riley, R.  
Rivers, V. Rivers, Robertson, Rosswog, Smith,  
Stewart, Sundborg, Sweeney, Taylor, VanderLeest,  
Walsh, White, Wien, Mr. President

Absent: 3 - Armstrong, Buckalew, Hellenthal

and so the amendment failed.

Mr. R. Rivers moved the adoption of the following amendment to the Article on Revision and Amendment: Section 3, page 1, line 18, change "ten-Year" to "twenty-year". Mr. Robertson seconded. On voice vote the amendment failed.

Mr. Johnson moved the adoption of the following amendment to the Article on Revision and Amendment: Add a new Section 4. "No amendment to this Constitution shall alter the republican form of government established by it or abolish its bill of rights." Mr. Cooper seconded. After discussion by Mr. Taylor, Mr. Johnson, Mr. Gray and Mr. Stewart, the question was called. On voice vote the amendment failed.

Mr. V. Rivers moved and asked unanimous consent for the adoption of the following amendment to the Article on Revision and Amendment: Section 3, page 1, line 18, strike "ten-year" and insert in lieu thereof "sixteen-year". Mr. Taylor objected. Mrs. Fischer seconded. Mr. V. Rivers requested a roll call. The roll was called with the following result:

Yeas: 20 - Boswell, H. Fischer, Harris, Johnson, Laws, Londborg,  
McNealy, Nerland, Nolan, Nordale, Reader, Riley,  
R. Rivers, V. Rivers, Robertson, Sundborg, Sweeney,  
Walsh, Wien, Mr. President

Nays: 32 - Awes, Barr, Coghill, Collins, Cooper, Cross, Davis,  
Doogan, Emberg, V. Fischer, Gray, Hermann, Hilscher,  
Hinckel, Hurley, Kilcher, King, Knight, Lee,  
McCutcheon, McLaughlin, McNees, Marston, Metcalf,  
Peratrovich, Poulsen, Rosswog, Smith, Stewart,  
Taylor, VanderLeest, White

Absent: 3 - Armstrong, Buckalew, Hellenthal

and so the amendment failed.

Mr. Kilcher moved the adoption of the following amendment to the Article on Direct Legislation:

Amend Section 1, line 2, to add after the first word "laws", the words "and amendments to this constitution" and add after the second word "laws" the words "and amendments to this constitution".

Add a new section to be numbered Section 7 and to read as follows:

"Section 7. An initiative petition proposing a constitutional amendment shall be signed by twenty per cent of the number of votes cast for governor in the next preceding general election in which the governor was chosen. Initiative petitions proposing constitutional amendments shall be filed with the attorney general. If the proposed constitutional amendment, in substantially this form in which it was submitted, is not presented by the Legislature to the voters for their approval or rejection by the next regular session of the Legislature, the proposed constitutional amendment shall be submitted to the voters for their approval or rejection at the next general election, and be enforced, if sixty-five per cent of the votes cast are in favor of the amendment."

Mr. V. Rivers seconded. After discussion by Mr. Kilcher, Mr. Hinckel and Mr. Robertson, the question was called. On voice vote the amendment failed.

Mr. Sundborg moved and asked unanimous consent for the adoption of the following amendment to the Article on Revision and Amendment: Section 3, page 1, line 21, after the word "Convention" insert before the question mark the words "for the purpose of revising the Constitution of the State of Alaska". Mr. Doogan objected. Mrs. Hermann seconded. Mr. Doogan withdrew his objection. After discussion by Mr. Hurley, Mr. Sundborg, Mr. Kilcher, Mr. Cooper, Mrs. Hermann, Mr. Londborg and Mr. Taylor, Mr. R. Rivers moved and asked unanimous consent to amend Mr. Sundborg's amendment by inserting after the word "revising" the words "and amending". Mr. Taylor objected. Mr. Londborg seconded.

The President declared a short recess.

#### AFTER RECESS

The question being "Shall Mr. R. Rivers' amendment to Mr. Sundborg's amendment be adopted?", the roll was called with the following result:

Yeas: 26 - Awes, Boswell, Coghill, Cross, Davis, H. Fischer, V. Fischer, Gray, Hermann, Hinckel, Kilcher, Laws, Londborg, Nolan, Nordale, Peratrovich, Poulsen, Reader, R. Rivers, V. Rivers, Robertson, Smith, Stewart, Sundborg, Walsh, Mr. President

Nays: 24 - Barr, Collins, Cooper, Doogan, Emberg, Harris, Hurley, Johnson, King, Knight, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Riley, Rosswog, Sweeney, Taylor, VanderLeest, Wien

Absent: 5 - Armstrong, Buckalew, Hellenthal, Hilscher, White

and so the amendment to the amendment was adopted.

The question being "Shall Mr. Sundborg's amendment as amended be adopted?", Mr. V. Rivers requested a roll call. The roll was called with the following result:

Yeas: 17 - Boswell, Coghill, H. Fischer, Hinckel, Kilcher, Laws, Londborg, Peratrovich, Poulsen, Reader, R. Rivers, V. Rivers, Stewart, Sundborg, Sweeney, Walsh, Mr. President

Nays: 33 - Awes, Barr, Collins, Cooper, Cross, Davis, Doogan, Emberg, V. Fischer, Gray, Harris, Hermann, Hurley, Johnson, King, Knight, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Riley, Robertson, Rosswog, Smith, Taylor, VanderLeest, Wien

Absent: 5 - Armstrong, Buckalew, Hellenthal, Hilscher, White

and so the amendment failed.

Mr. Kilcher requested a short recess in order to prepare an amendment. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. McNees and Mr. Kilcher presented the following amendment to the Article on Revision and Amendment: page 2, line 3, add "If 20 years should lapse during which a constitutional convention has not been convened, delegates to a constitutional convention shall be elected at the next regular election specifically for the purpose of amendment and revision." Mr. McNees moved the adoption of the amendment and asked unanimous consent. Objection was heard. Mr. Kilcher seconded. On voice vote the amendment failed.

Committee Proposal No. 3 was referred to the Committee on Engrossment and Enrollment.

Committee Proposal No. 7 was read the second time.

After a general discussion and questioning of the Chairman of the Committee on Bill of Rights regarding the intent of the Committee, amendments were called for to the Preamble.

Mr. Harris moved to recess for fifteen minutes. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. Taylor moved and asked unanimous consent for the adoption of the following amendments to Section 1: page 1, line 10, after word "persons" insert "are created equal and". Mr. Cooper objected. Mrs. Hermann seconded.

After discussion by Mr. Taylor, Mr. Harris and Mr. Cooper the question was called. On voice vote the amendment failed.

Mr. Taylor moved the adoption of the following amendment to Section 1: page 2, line 1, strike words "are equal and". Mr. Gray seconded. After discussion by Mrs. Nordale, Mr. Robertson, Mr. Johnson and Mr. Hinckel, Mr. Taylor asked unanimous consent to withdraw the amendment. There being no objection, it was so ordered.

Mr. Robertson moved the adoption of the following amendment to Section 1: strike the second word "are". Mr. Hurley asked unanimous consent. There being no objection, it was so ordered.

Mr. Rosswog moved and asked unanimous consent for the adoption of the following amendment to Section 3, line 11, after the word "color" insert the word "sex". Mrs. Wien objected. Mr. Cooper seconded.

Mr. R. Rivers moved and asked unanimous consent to amend Mr. Rosswog's amendment by inserting the word "sex" on line 10 after the word "of". There being no objection, it was so ordered.

The question being "Shall Mr. Rosswog's amendment as amended be adopted?", the roll was called with the following result:

Yeas: 15 - Barr, Coghill, Cooper, Cross, Davis, H. Fischer, Harris, Kilcher, Metcalf, Nolan, R. Rivers, Robertson, Rosswog, Sundborg, Mr. President

Nays: 37 - Awes, Boswell, Collins, Doogan, Emberg, V. Fischer, Gray, Hermann, Hilscher, Hinckel, Hurley, Johnson, King, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Nerland, Nordale, Peratrovich, Poulsen, Reader, Riley,

V. Rivers, Smith, Stewart, Sweeny, Taylor, VanderLeest,  
Walsh, White, Wien

Absent: 3 - Armstrong, Buckalew, Hellenthal

and so the amendment failed.

Mr. V. Fischer moved the adoption of the following amendment to Section 3: page 2, line 10, after "civil" insert comma and add the word "economic". Mr. Coghill objected. Mr. White seconded. After discussion by Mr. Davis, Mr. V. Fischer, Mr. Johnson, Mrs. Nordale, Mr. Coghill, Mr. Cooper, Mr. McNealy and Mr. Taylor, the question was called. On voice vote the amendment failed.

Mr. Robertson moved the adoption of the following amendment to Section 4: page 2, line 18, after the word "department" insert "bureau, agency or subdivision". Mr. Kilcher objected. Mr. Taylor seconded. The roll was called with the following result:

Yeas: 22 - Boswell, Coghill, Cooper, Cross, H. Fischer, Harris, Johnson, Knight, Laws, McNealy, Nerland, Nolan, Peratrovich, Poulsen, Reader, R. Rivers, V. Rivers, Robertson, Sweeney, Taylor, VanderLeest, Mr. President

Nays: 30 - Awes, Barr, Collins, Davis, Doogan, Emberg, V. Fischer, Gray, Hermann, Hilscher, Hinckel, Hurley, Kilcher, King, Lee, Londborg, McCutcheon, McLaughlin, McNees, Marston, Metcalf, Nordale, Riley, Rosswog, Smith, Stewart, Sundborg, Walsh, White, Wien

Absent: 3 - Armstrong, Buskalew, Hellenthal  
and so the amendment failed.

Mr. White moved and asked unanimous consent for the adoption of the following amendment to Section 4: page 2, line 18, strike the first four words. Mr. Taylor objected. Mr. Kilcher seconded. On voice vote the amendment was adopted.

Mr. Davis moved the adoption of the following amendment to Section 7: page 3, lines 11 and 12, strike the words "or information, which shall be concurrent remedies" and insert the following in lieu thereof: "unless indictment be waived by the accused. If right to indictment be waived, proceedings may be by information." Mrs. Nordale seconded.

Mr. Taylor requested a three minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. Davis asked unanimous consent that Section 7 be passed over

at this time until Mr. Buckalew and Mr. Hellenthal could be present. There being no objection, it was so ordered.

Mr. R. Rivers moved the adoption of the following amendment to Section 10: page 4, line 3, delete last sentence commencing on line 3 and substitute the following: "The administration of criminal justice shall be founded upon the principle of reformation as well as upon the need to protect the public." Mr. Knight seconded.

After discussion by Mr. R. Rivers, Mr. McLaughlin, Mr. Doogan, and Mrs. Hermann, the question was called. On voice vote the amendment was adopted.

Mr. Taylor moved the adoption of the following amendment to Section 11: page 4, line 12, after the word "siezed", insert the following sentence: "That the legislature shall provide by law for penalties for officers of the state or any subdivision thereof violating the right of the citizens under this section." Mr. Kilcher seconded. After discussion by Mr. Taylor, Mr. Metcalf, Mr. Peratrovich, Mr. Davis, Miss Awes, Mr. Doogan, and Mr. R. Rivers, the question was called. On voice vote the amendment failed.

Mr. Robertson moved and asked unanimous consent for the adoption of the following amendment to Section 12: line 15, page 4, remove period and insert "of twelve, except". Change capital "I" to small letter "i" in the word "in".

Mr. Johnson asked if the Convention could be at ease for a few minutes. There being no objection, it was so ordered.

#### AFTER RECESS

There being no objection to Mr. Robertson's request for unanimous consent, the amendment was ordered adopted.

Miss Awes asked unanimous consent to insert the word "that" after the word "except" in Mr. Robertson's amendment. There being no objection, it was so ordered.

Mr. Taylor asked unanimous consent for the adoption of the following amendment to Section 12: line 17, strike the period following the word "persons" and insert "with the consent of the accused." Miss Awes objected. Mr. Taylor so moved. Mr. VanderLeest seconded.

Mr. R. Rivers suggested an amendment to Mr. Taylor's amendment.

The President declared a short recess.

AFTER RECESS

Mr. Taylor asked unanimous consent to withdraw his amendment to Section 12. There being no objection, it was so ordered.

R. Mr. Taylor moved the adoption of the following amendment to Section 12: line 15, after second word "jury" insert "with the consent of the accused." Line 16, strike "not more than 12 nor less than". Mr. Rivers seconded. After discussion by Mr. V. Fischer, Mr. R. Rivers, Mr. McNealy, Mr. Londborg, Mr. Cross, Mr. Hurley, Mr. Taylor, Mr. Sundborg and Mr. McLaughlin the question was called. On voice vote the amendment failed.

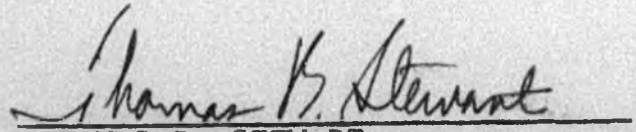
Mr. Gray moved to adjourn until 9 a.m. Friday.

Before putting the question, the President reminded the delegates of the invitation from Pan American World Airway to attend the opening of their new offices this date.


The President requested the delegates to prepare amendments in advance of the plenary session as much as possible.

Mrs. Hermann reminded the delegates to read the Public Administration Service studies on the articles before the proposals come up for amendment.

Mr. Gray asked unanimous consent that the Convention adjourn until 9 a.m. Friday. There being no objection, it was so ordered.

  
THOMAS B. STEWART  
Secretary

Attested:

  
WILLIAM A. EGAN  
President

Constitutional Convention

Journal/34

Approved

Jan. 9, 1956

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL OF THE FORTY-THIRD CONVENTION DAY, Wednesday, January 4, 1956

The Convention was called to order at 10 a.m. by President Egan.

The Invocation was given by Rev. Alwyn Reiners, of St. George's in the Arctic, the Episcopal Church of Kotzebue.

Roll call showed all delegates present except Mr. Armstrong, Mr. Buckalew, Mr. Davis, Mr. Nolan, Mr. Peratrovich and Mr. Robertson. The President declared a quorum to be present.

Miss Awes asked the delegates to check their copies of the Bill of Rights Proposal to make certain they had a complete report including the commentary.

Mr. Gray presented the report of the public hearings held in Juneau.

Mrs. Sweeney stated that the statements presented by witnesses at the Juneau hearings would be placed on file with the Secretary. She also stated she was turning over to Mr. Rosswog a statement regarding Proposal No. 6.

Mr. Sundborg reported that he had received a statement from Mr. Don Dafoe, Commissioner of Education, regarding the Executive Article and was referring it to the Chairman of the Committee on the Executive Branch, Mr. V. Rivers.

Mr. Rosswog reported on the hearings held in Cordova.

Mr. Boswell reported on the hearings held in Fairbanks.

Mrs. Fischer stated that a report on the hearings held in Anchorage would be presented as soon as it could be typed.

Mr. Harris reported on the Valdez hearings.

Mr. Knight stated he was unable to hold a public hearing in Sitka, but he had appeared at a Chamber of Commerce meeting and had spoken on the radio.

Mrs. Hermann reported on the Nome hearings.

43rd Day, Wednesday, Jan. 4

Mr. Londborg reported on the hearings held at Unalakleet.

Mr. Hinckel reported on the Kodiak hearings.

Mr. McNees reported he had stopped in Kotzebue and left copies of the Proposals for study.

Mr. Coghill reported on the hearings held in Nenana.

Mr. Smith reported on the Ketchikan hearings.

Mr. Emberg reported on hearings held at Dillingham and told of his attempt to hold hearings at other places in Bristol Bay, which were not held because of weather.

Mr. Metcalf reported that the hearing in Seward was a failure.

Mr. Kilcher reported on the hearings in Homer.

Mr. King reported on the hearings held at Haines.

Mr. Hurley submitted reports on the hearings held at Palmer and Wasilla.

Mr. Lee reported on the hearings held in Petersburg.

Mr. Johnson asked unanimous consent for a fifteen-minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. Barr reported that he had addressed two high school classes in Fairbanks during the recess.

Mr. White reported that the Committee to read the Journal had placed mimeographed corrections to the Journals for the first four convention days on the delegates' desks and would call for the approval of those Journals the next day.

The President suggested that it would be a good idea to recess until after lunch to allow the delegates to bring themselves up to date on Proposal No. 3 which would be considered again at that time.

Mr. Marston moved and asked unanimous consent that the Convention recess until 1:30 p.m.

Before calling for the question the President allowed the following Committee announcements to be made:

The President announced a meeting of Committee Chairmen at 12:30 p.m. in the cafeteria.

Mr. Riley announced a meeting of the Rules Committee on recess.

Mr. Rosswog announced a meeting of the Committee on Local Government at 11:30 a.m.

Mrs. Sweeney announced a meeting of the Committee on Engrossment and Enrollment on recess.

Mrs. Fischer announced a meeting of the Anchorage delegation immediately on recess.

Mr. McNealy announced a meeting of the Committee on Ordinances on recess.

There being no objection to Mr. Marston's request for a recess, the Convention recessed until 1:30 p.m.

#### AFTER RECESS

The President announced the return of the Secretary of the Convention, Mr. Thomas B. Stewart, who had been absent during the past month because of illness.

Mr. Smith asked unanimous consent to revert to Committee announcements. There being no objection, it was so ordered.

Mr. Smith announced a meeting of the Committee on Resources at 7:30 p.m. in the lobby of the Northward Building.

Miss Awes announced a meeting of the Committee on Bill of Rights at 7:30 p.m. at Apartment 1009, Polaris Building.

Mr. Rosswog announced a meeting of the Committee on Local Government at Apartment 19, Alaskan Inn at 8 p.m.

Mr. Coghill announced a meeting of the Committee on Administration on adjournment.

Mr. Sundborg reported that the Committee Chairmen recommended that the Convention have no evening sessions until Monday, January 9, and that starting Monday evening sessions be held as long as necessary. The Chairmen also recommended that the plenary sessions be held from 9 a.m. until 12 noon, that the Convention then recess until 1:30 and meet again at 1:30 until 5:40 daily, and that only two fifteen-minute recesses be called, one at 10:30 a.m. and the other at 3:30 p.m. After discussion Mr. Sundborg moved and asked unanimous consent that for the balance of the week plenary sessions be held daily from 9 a.m. until 12 noon; then recess until 1:30 p.m. and reconvene at 1:30 and continue until 5:40 p.m. and that recesses of fifteen minutes be called at 10:30 a.m. and 3:30 p.m.

Mrs. Hermann rose to a point of order to state that the motion was out of order because motions to recess and adjourn are always in order.

The President stated that Mrs. Hermann was correct and under the circumstances without objection it would be the general understanding among the delegates that the suggestion contained in the recommendation from the Committee Chairmen would be the manner in which the Convention would arrange its meetings until Monday, January 9.

Mr. R. Rivers objected.

The President called for a short recess.

#### AFTER RECESS

The President stated that the suggestion of the Committee Chairmen as to length of plenary sessions would be the manner in which the Convention would proceed until Monday morning.

Mr. V. Rivers asked unanimous consent that Committee Proposal No. 12 be recommitted to the Committee on the Executive Branch. There being no objection, it was so ordered.

Mr. Riley stated that the Rules Committee had met and would be submitting a calendar later in the day showing the amount of work before the Convention at this time so that the Convention could better budget its time.

Mr. Hellenthal stated that since Proposal No. 14 had not been read the first time before recess it be considered in first reading at this time. There being no objection, it was so ordered.

#### INTRODUCTION AND FIRST READING OF PROPOSALS

Committee Proposal No. 14, by the Committee on Suffrage, Elections and Apportionment, entitled LEGISLATIVE APPORTIONMENT was introduced, read the first time and referred to the Rules Committee for assignment to the calendar.

Mr. Rosswog requested that Committee Proposal No. 6 be returned to the Committee for further revision. There being no objection, it was so ordered.

#### COMMUNICATIONS

The Secretary summarized communications received from Adlai E. Stevenson, Senator Warren G. Magnuson, Colonel Ray J. Will and a petition from 22 residents of Bristol Bay.

Mrs. Hermann moved that the communications which were summarized be spread upon the Journal in their entirety.

Mrs. Nordale objected. Mr. Taylor seconded.

After discussion by Mr. Coghill, Mr. Gray and Mr. White, the question was called. Mr. Poulsen requested a roll call.

The question being "Shall the communications summarized be spread on the Journal in their entirety?", the roll was called with the following result:

Yeas: 17 - Cross, H. Fischer, Hermann, Hilscher, Knight, McCutcheon, McNees, Nordale, Riley, R. Rivers, V. Rivers, Smith, Stewart, Taylor, VanderLeest, Walsh, Mr. President

Nays: 32 - Awes, Barr, Boswell, Coghill, Collins, Cooper, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hinckel, Hurley, Johnson, Kilcher, King, Laws, Lee, Londborg, McLaughlin, McNealy, Marston, Metcalf, Nerland, Poulsen, Reader, Rosswog, Sundborg, Sweeney, White, Wien

Absent: 6 - Armstrong, Buckalew, Davis, Nolan, Peratrovich, Robertson

and so the motion failed.

Mr. V. Fischer suggested that consideration be given by the Convention to a method whereby at the end of the Convention all communications could be included in a separate report which would be appended to the Journal.

Mrs. Hermann moved and asked unanimous consent that the Secretary read in full the communications which had been summarized. Mr. Metcalf objected. Mrs. H. Fischer seconded.

After discussion by Mr. V. Rivers and Mr. Marston the question was called.

The question being "Shall the communications which were summarized be read in full?", the roll was called with the following result:

Yeas: 31 - Awes, Boswell, Coghill, Cooper, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Hellenthal, Hermann, Hilscher, Hurley, Kilcher, Knight, McCutcheon, McNees, Nordale, Riley, R. Rivers, V. Rivers, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, Mr. President

Nays: 18 - Barr, Collins, Cross, Harris, Hinckel, Johnson, King, Laws, Lee, Londborg, McLaughlin, McNealy, Marston, Metcalf, Nerland, Poulsen, Reader, Rosswog

Absent: 6 - Armstrong, Buckalew, Davis, Noland, Peratrovich, Robertson

and so the motion carried.

Two telegrams from Adlai E. Stevenson, one expressing his conviction that the rights and responsibilities of self-rule, which he implied meant statehood, can give impetus to the greater growth of which Alaska is capable, and the other thanking President Egan for inviting him to speak to the Convention and expressing regrets because of his crowded schedule, were read and ordered filed.

A letter from Honorable Warren G. Magnuson, United States Senator from the State of Washington, stating he hoped this Congress would act on the bill to grant statehood to Alaska and expressing the belief that having a constitution ready which is acceptable to Congress would shorten the time between passage of the bill and statehood, was read. He also expressed the assurance that the Convention would make every effort to draw a fair, sensible and acceptable document. The letter was ordered filed.

A letter from Colonel Ray J. Will, Commander, 5010th Air Base Wing, Eielson Air Force Base, expressing appreciation for the letter of sympathy given by the Convention to the tragedy which occurred at the Base November 29, was read and ordered filed.

A petition from 22 residents of the South Naknek-Kvichak area of Bristol Bay expressing confidence in the members of the Convention and extending wishes of success and pointing out that they felt Bristol Bay should be represented in both the House and the Senate of any future legislative body of the state, was read and ordered filed.

An opinion from the Attorney General in response to a request from the President of the Convention regarding the exact time for adjournment of the Convention was read.

The President stated that in accordance with the opinion of the Attorney General the time for the Convention will have terminated at 10 a.m. February 6.

Mrs. Hermann stated that the reason she had asked that the communications be spread on the Journal was because of their inspirational quality.

SECOND READING OF COMMITTEE PROPOSALS

Committee Proposal No. 3 was considered again.

Mr. Riley moved to reconsider his vote on the amendment to strike lines 20 and 21 after the word "Governor". Mr. Doogan seconded.

Mr. Riley asked unanimous consent that the Rules be suspended in order to allow debate on the amendment. There being no objection, it was so ordered.

After discussion by Mr. Riley, Mr. Hellenthal, Mr. V. Fischer and Mr. Kilcher, the question was called.

The question being "Shall Section 4 of Committee Proposal No. 3 be amended by striking lines 20 and 21 after the word 'Governor'?", the roll was called with the following result:

Yeas: 9 - Barr, V. Fischer, Johnson, Londborg, McLaughlin, McNealy, Poulsen, Reader, Rosswog

Nays: 39 - Awes, Boswell, Coghill, Collins, Cooper, Cross, Doogan, Emberg, H. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Kilcher, King, Knight, Laws, Lee, McCutcheon, McNees, Marston, Metcalf, Nerland, Nordale, Riley, R. Rivers, V. Rivers, Smith, Stewart, Sundborg, Sweeney, VanderLeest, Walsh, White, Wien, Mr. President

Absent: 7 - Armstrong, Buckalew, Davis, Nolan, Peratrovich, Robertson, Taylor

and so the amendment failed.

Mr. R. Rivers asked unanimous consent for the adoption of the following amendment to Committee Proposal No. 3: Section 4, Page 2, line 20, delete "amended or" and on the last line of Section 4 after the word "years", change period to a comma and add "but may be amended at any time."

Mr. White objected. Mr. R. Rivers so moved. Mr. McCutcheon seconded.

After discussion by Mr. R. Rivers, Mr. White, Mr. McCutcheon, Mr. Kilcher and Mr. Johnson, the question was called.

The question being "Shall the amendment offered by Mr. R. Rivers be adopted?", the roll was called with the following result:

- Yeas: 40 - Awes, Barr, Boswell, Coghill, Collins, Cooper, Cross, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Kilcher, King, Knight, Lee, McCutcheon, McNealy, McNees, Marston, Metcalf, Nerland, Nordale, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, VanderLeest, Walsh, Wien, Mr. President.
- Nays: 8 - Hurley, Johnson, Laws, Londborg, McLaughlin, Poulsen, Reader, White
- Absent: 7 - Armstrong, Buckalew, Davis, Nolan, Peratrovich, Robertson, Taylor

and so the amendment was adopted.

Mr. Kilcher moved the adoption of the following amendment:

Page 2, line 21, after last word of Section 4 as amended, add the following: "by an affirmative vote of two-thirds of the members elected to each house." Mr. Marston seconded.

After discussion by Mr. Kilcher, Mr. Barr and Mr. Marston, the question was called.

The question being "Shall the amendment offered by Mr. Kilcher to Section 4 be adopted?", the roll was called with the following result:

- Yeas: 22 - Coghill, Cooper, Emberg, H. Fischer, Harris, Hilscher, Hurley, Johnson, Kilcher, Knight, Lee, McNees, Marston, Metcalf, Nerland, Nordale, R. Rivers, Smith, Stewart, Sundborg, VanderLeest, Wien
- Nays: 26 - Awes, Barr, Boswell, Collins, Cross, Doogan, V. Fischer, Gray, Hellenthal, Hermann, Hinckel, King, Laws, Londborg, McCutcheon, McLaughlin, McNealy, Poulsen, Reader, Riley, V. Rivers, Rosswog, Sweeney, Walsh, White, Mr. President
- Absent: 7 - Armstrong, Buckalew, Davis, Nolan, Peratrovich, Robertson, Taylor

and so the amendment was not adopted.

Mr. Londborg moved the adoption of the following amendment: In the fifth section of Section 4 as amended by Mr. R. Rivers, after the word "signatures" delete the rest of the sentence and substitute

the following: "from each of two-thirds of the election districts of the State with signatures equalling not less than 3% of the number of voters casting ballots for governor in each such district in the preceding general election at which a governor was elected." Mr. Johnson seconded.

After discussion by Mr. Londborg, Mr. R. Rivers, Mr. Hurley and Mr. V. Rivers, the question was called.

The question being "Shall the amendment to Section 4 as offered by Mr. Londborg be adopted?", the roll was called with the following result:

Yeas: 17 - Barr, Boswell, Cross, Hinckel, Johnson, Kilcher, Laws, Londborg, McNealy, Metcalf, Nerland, Poulsen, Reader, R. Rivers, Stewart, Sweeney, Walsh

Nays: 31 - <sup>Arves</sup>~~Barr~~, Coghill, Collins, Cooper, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hurley, King, Knight, Lee, McCutcheon, McLaughlin, McNees, Marston, Nordale, Riley, V. Rivers, Rosswog, Smith, Sundborg, VanderLeest, White, Wien, Mr. President

Absent: 7 - Armstrong, Buckalew, Davis, Nolan, Peratrovich, Robertson, Taylor

and so the amendment failed.

Mr. Sundborg moved and asked unanimous consent for a fifteen-minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. Smith asked unanimous consent to revert to Committee announcements. There being no objection, it was so ordered.

Mr. Smith announced the meeting of the Committee on Resources scheduled earlier would be postponed until Thursday, but would be held at the same hour and place.

Mr. Rosswog moved the adoption of the following amendment to Committee Proposal No. 3: Page 2, Line 21, change word "three" to "two". Mr. White seconded.

After discussion by Mr. Rosswog and Mr. Taylor the question was called.

The question being "Shall the amendment offered by Mr. Rosswog be adopted?", the roll was called with the following result:

Yeas: 39 - Awes, Barr, Boswell, Collins, Cooper, Cross, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Nordale, Reader, Riley, R. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien

Nays: 10 - Coghill, Doogan, Emberg, H. Fischer, Hurley, Metcalf, Nerland, Poulsen, V. Rivers, Mr. President

Absent: 6 - Armstrong, Buckalew, Davis, Nolan, Peratrovich, Robertson

and so the amendment was adopted.

Mr. Kilcher offered the following amendment: Section 4, page 2, line 20, after the word "Governor" delete balance and substitute the following: "nor may it be amended or repealed by the legislature within a period of 2 years except by a two-thirds majority vote of the members to which each house is entitled."

Mr. Hellenthal rose to a point of order to state he believed the amendment was out of order.

The President stated he believed the amendment in order in that it was an entirely new idea.

After explanation by Mr. Kilcher, Mr. Hellenthal withdrew his point or order.

Mr. Kilcher moved the adoption of his amendment. Mr. Barr seconded.

After discussion by Mrs. Hermann, Mr. Kilcher, Mr. Marston and Mr. R. Rivers, the question was called. On voice vote the amendment failed.

Mr. Smith moved the adoption of the following amendment: in the fourth sentence of Section 4 as amended, after the word "chosen" change period to a comma and add "but not to exceed eight thousand signatures in any event." Mr. Emberg seconded.

After discussion by Mr. Smith, Mr. Sundborg, Mr. Marston, Mr. Emberg, Mr. Barr, Mr. Taylor and Mr. Kilcher, the question was called. On voice vote the motion failed.

Mr. Hellenthal moved the adoption of the following amendment: in the fourth sentence of Section 4 as amended, strike "qualified

electors equal to 10% of the number of votes cast for governor" and substitute "10% of the voters who cast votes for governor". Mr. Smith seconded.

Mr. Johnson objected.

Mr. Hellenthal asked unanimous consent that with the consent of his second he be allowed to amend his amendment to strike the words "for governor".

After discussion by Mr. Taylor, Mr. Londborg, Mr. Metcalf, Mr. Hellenthal and Mr. Kilcher, Mr. Johnson rose to a point of inquiry to ask whether Mr. Hellenthal's amendment had been amended.

The President stated that Mr. Hellenthal had asked unanimous consent to amend his amendment by striking the words "for governor". Mr. Taylor objected. Mr. Hellenthal so moved. Mr. Smith seconded. By voice vote the amendment to the amendment was adopted.

After Mr. Cooper spoke on the amendment, Mr. Hellenthal asked unanimous consent to amend his amendment by striking from the sentence the following: "at which the Governor was chosen." Mr. V. Rivers objected. Mr. Hellenthal so moved. Mr. Cooper seconded. On voice vote the amendment to the amendment was adopted.

After discussion by Mr. Lee, Mr. Riley, Mr. Gray, Mr. Taylor, Mr. McLaughlin, Mr. Cooper, Mr. Marston and Mr. Hellenthal, the question was called. The question being "Shall Mr. Hellenthal's motion as amended be adopted?", on voice vote the motion failed.

Mr. Cooper moved and asked unanimous consent for the adoption of the following amendment: in Section 4 as amended, after the word "cast" in the fourth sentence delete "for governor" and insert a period after "election".

Mr. Riley objected. Mr. Sundborg seconded.

After discussion by Mr. Taylor, Mr. Gray, Mr. Cooper and Mr. Londborg, Mr. Cooper requested a brief recess to write an amendment to the amendment. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. Cooper moved to amend his amendment by deleting the word "votes" in the fourth sentence and inserting the word "ballots". Mr. Cooper asked unanimous consent for the adoption of the amendment to the amendment. Mr. V. Rivers objected. Mrs. Fischer seconded.

After discussion by Mr. Londborg, Mr. Kilcher and Mr. McCutcheon, the question was called. On voice vote the amendment to the amendment failed.

Mr. Londborg moved to amend the amendment by striking the words "votes cast" and inserting in lieu thereof the words "voters who voted".

Mr. McNealy moved to table the amendment. Mr. Metcalf seconded. The roll was called with the following result:

Yeas: 15 - Collins, Gray, Kilcher, Knight, McNealy, Marston, Metcalf, Poulsen, Riley, R. Rivers, V. Rivers, Rosswog, Taylor, VanderLeest, White

Nays: 33 - Awes, Barr, Boswell, Coghill, Cooper, Cross, Emberg, H. Fischer, V. Fischer, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, King, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNees, Nerland, Nordale, Reader, Smith, Stewart, Sundborg, Sweeney, Walsh, Wien, Mr. President

Absent: 7 - Armstrong, Buckalew, Davis, Doogan, Nolan, Peratrovich, Robertson

and so the amendment was not tabled.

Mr. Londborg moved to amend the amendment by striking the words "votes cast" and inserting in lieu thereof the words "voters who voted". Mr. Barr seconded. Mr. Londborg asked unanimous consent for the adoption of the amendment to the amendment. Mr. Taylor objected. On voice vote the amendment to the amendment was adopted.

The question being "Shall Mr. Cooper's amended amendment be adopted?", the roll was called with the following result:

Yeas: 28 - Awes, Barr, Boswell, Coghill, Cooper, Cross, Emberg, H. Fischer, V. Fischer, Hinckel, Johnson, Kilcher, Knight, Laws, Lee, Londborg, McNees, Nerland, Poulsen, Reader, Riley, R. Rivers, Stewart, Sundborg, VanderLeest, Walsh, Wien, Mr. President

Nays: 20 - Collins, Gray, Harris, Hellenthal, Hermann, Hilscher, Hurley, King, McCutcheon, McLaughlin, McNealy, Marston, Metcalf, Nordale, V. Rivers, Rosswog, Smith, Sweeney, Taylor, White

Absent: 7 - Armstrong, Buckalew, Davis, Doogan, Nolan, Peratrovich, Robertson

and so the amendment was adopted.

Mr. Hellenthal moved the adoption of the following amendment to Section 6: page 3, line 6, strike the words "involving moral turpitude". Mrs. Hermann seconded.

After discussion by Mr. Hellenthal, Mr. V. Rivers, Mr. McLaughlin, Mr. McCutcheon, Mr. R. Rivers, Mr. Johnson and Mr. Taylor, the question was called. On voice vote the amendment failed to be adopted.

Mr. Johnson moved to adjourn until 9 a.m. Thursday.

The President asked if there were any announcements to be made prior to adjournment.

Mr. Johnson withdrew his motion to adjourn.

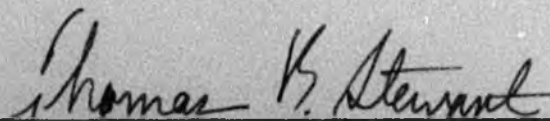
Mr. V. Rivers asked Mr. Taylor through the chair whether Section 6 of Committee Proposal No. 3 would apply to city officials. Mr. Taylor stated that it would, but that cities would have to provide for it by ordinance and that the legislature would have to implement the Constitution.

Mr. V. Fischer asked whether if lines 5 and 6 were stricken the Legislature could not establish grounds for recall. Mr. Taylor stated that would be possible.

The President asked why judicial officers were excepted. Mr. Taylor stated that judicial officers were excepted because the Judiciary Article covers the removal of judges.

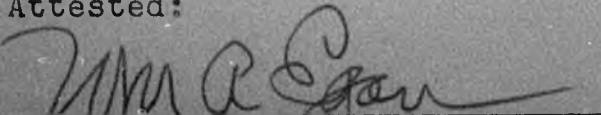
Mr. V. Fischer moved to amend Section 6 by deleting lines 5 and 6 on page 3 and asked unanimous consent. Mr. Taylor objected. Mr. Sundborg seconded.

After discussion by Mr. White, Mr. McCutcheon, Mr. R. Rivers, Mrs. Hermann, Mr. Hellenthal, Mr. Kilcher, and Mr. Fischer, Mr. Coghill moved and asked unanimous consent that the Convention adjourn until 9 a.m. Thursday. There being no objection, it was so ordered.



THOMAS B. STEWART  
Secretary

Attested:

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WILLIAM A. EGAN  
President