

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL FOR THE THIRTY-FIRST CONVENTION DAY, Thursday, December 8, 1955

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

The Invocation was given by the Rev. Bert J. Bingle, Presbyterian missionary.

The roll call showed all members present except Mr. Buckalew and Mrs. Fischer whose absences were excused because of illness. The President declared that a quorum was present.

Mr. White asked unanimous consent that the consideration of the Journal be delayed until the next Convention day. There being no objection, it was so ordered.

A letter from Mr. Coghill expressing thanks for the granting of leave permitting him to attend the White House Conference on Education and stating that the Alaska conferees found Alaska's educational system equal to if not better than that of any of the other states or territories in administration procedures as well as in teaching methods and standards, was read and ordered filed.

A letter from <sup>Mr.</sup> Charles J. Keim of the University of Alaska inviting the delegates to attend an Open House to be held on the University campus from 10 o'clock a.m. to 10 o'clock p.m. Friday, December 9, was read.

Mr. Riley presented a report of the Rules Committee recommending the following changes in the rules:

"Rule 13 - Insert XV - Committee on Engrossment and Enrollment  
three members

Rule 16 - Insert new sub-section (g) The Committee on Engrossment and Enrollment shall see that all amendments approved in second reading are properly engrossed upon the original committee proposal and that the engrossed proposal is returned to the Chief Clerk for filing as part of the records of the convention. The Committee shall also arrange for distribution to all delegates of copies of the proposal in completed form after second reading.

Rule 44 - Insert following new sub-sections under Section 5.

- a. Reference to Committee on Engrossment and Enrollment.
- b. Report of Committee on Engrossment and Enrollment.
- c. Action on report of Committee on Engrossment and Enrollment."

Mr. Riley moved and asked unanimous consent for the adoption of the report. There being no objection, it was so ordered.

Mr. Sundborg moved and asked unanimous consent that the members insert the mimeographed page of changes in their rules to avoid remimeographing the rules. There being no objection, it was so ordered.

#### INTRODUCTION AND FIRST READING OF PROPOSALS

Delegate Proposal No. 40, by Mr. Barr, entitled COMPOSITION OF THE SENATE, was introduced, read the first time and referred to the Committee on Suffrage.

Delegate Proposal No. 41, by Mr. Emberg, entitled REVERSION OF FUNDS ORIGINATING FROM DISPOSAL OF NATURAL RESOURCES TO SOURCE AREAS, was introduced, read the first time and referred to the Committee on Resources. At the request of Mr. Smith the proposal was referred to the Committee on Finance.

Delegate Proposal No. 42, by Mr. Hinckel, entitled MEMBERSHIP IN STATE SENATE, was introduced, read the first time and referred to the Committee on Suffrage.

Mr. McLaughlin inquired into the setting of the calendar. Mr. Riley advised that the calendar for Friday, December 9, was prepared yesterday and put in the delegates' mailboxes.

#### SPECIAL ORDER

Mr. Coghill stated he believed there was a matter before the Convention as a first order of business'.

The President advised that Mr. Coghill was correct and the Resolution regarding the recess was before the Convention at this time.

Mr. Fischer asked if there were any motions before the Convention held over from the previous day.

The President stated that the motion to adopt the resolution was before the Convention.

Mr. Coghill moved and asked unanimous consent to amend the resolution by making the dates conform to the fifteen days allowed by changing the date in the resolve to December 20 and by adding the words "both dates" after "1956". There being no objection, it was so ordered.

Mr. Coghill reported that estimated costs of the recess in accordance with the provisions of the resolution would be approximately \$10,742.98.

The President announced that Mr. White's motion to divide the question made yesterday was still before the Convention.

Mr. Sundborg asked if Mr. White would include in his motion the provision that the preamble of the resolution would be part of the first half of the division.

The question being "Shall the question be divided and paragraphs 1 and 2 and the preamble, on the one hand, and paragraphs 3, 4, 5 and 6, on the other, be considered separately?", on voice vote the motion carried.

Mr. White moved and asked unanimous consent that page 1 of the resolution be adopted. There being no objection, it was so ordered.

Mr. Coghill rose to a point of order regarding his main motion for adoption of the resolution.

The President stated that the adoption of the motion to divide the question made it necessary for a motion to be made to adopt the first half of the resolution, but that Mr. Coghill's motion to adopt made it unnecessary for a motion to be made to adopt the last half and that that question was now before the Convention.

Mr. Fischer moved and asked unanimous consent that paragraph 3 in the resolve be amended as follows: on line 3 delete the words "compensation and". Mr. Gray objected. Mr. Sundborg seconded.

Mr. Coghill asked if Mr. Fischer would strike "per diem" also. Mr. Fischer accepted the amendment.

Mr. Sundborg rose to a point of order that the amendment required rewording to achieve the intent of Mr. Coghill's amendment.

The President asked Mr. Fischer if he would withdraw his motion and restate the motion.

Without objection Mr. Fischer was allowed to withdraw his motion.

Mr. Fischer moved and asked unanimous consent that paragraph 3 in the resolve be amended as follows: Line 3, place a period after "recess" and delete the remainder of the sentence. Mr. Kilcher objected. Mr. Taylor seconded.

Mrs. Sweeney pointed out that the estimates of costs were not in accordance with the provisions of the resolution and that the cost of recess would not be as much as stated by Mr. Coghill.

Mr. Kilcher stated that he objected on the grounds that actual travel costs do not take care of the fact that some delegates need to stay in a hotel and have meals while travelling to their homes, and he felt that the motion was out of order.

Mr. McLaughlin rose to a point of order that under the law the Convention could not deprive delegates ~~from~~ per diem while traveling to attend to Convention business. *of*

After further discussion, Mr. Sundborg requested that the chair rule on Mr. McLaughlin's point of order.

The President referred Mr. McLaughlin's point of order to the Rules Committee and declared a short recess.

#### AFTER RECESS

Mr. Riley, Chairman of the Rules Committee, reported that with respect to paragraph 3 of the resolution it was the Rules Committee's opinion that under the provisions of Chapter 46 - *S.L.A. 1955* delegates shall be paid actual travel costs to and from places where hearings will be held as directed by the Convention together with per diem for days of actual travel, but not salary. As to paragraph 4 of the resolution it is the opinion of the Rules Committee that the act did not authorize salary or per diem during the recess for days of hearings as distinguished from days of travel. He further stated that the Rules Committee would like to give further consideration to paragraph 5.

The President stated he would accept the opinion of the Rules Committee as the opinion of the chair.

Mr. Sundborg rose to a point of order that in view of the ruling Mr. Fischer's motion was out of order in part.

The President stated that Mr. Sundborg was correct that the Convention could not override the law and that in its reference to per diem Mr. Fischer's motion would be out of order.

Mr. Sundborg moved and asked unanimous consent that paragraph 3 be amended as follows: lines 2 and 3, strike "their homes for the recess and to compensation and" and substitute in lieu thereof "hearings authorized by the Convention and to".

Mr. Gray objected.

The President asked the First Vice-President, Mr. Peratrovich, to take the Chair.

Mr. Egan asked for and was granted personal privilege of the floor to give the background of the reason a recess for hearings was provided for in the Act establishing the Convention.

There being no objection, Mr. Sundborg's motion to amend paragraph 3 of the resolution was adopted.

Mr. Sundborg moved and asked unanimous consent that in view of the ruling of the chair, based on the opinion of the Rules Committee, paragraph 4 be stricken from the resolution. There being no objection, it was so ordered.

Mr. McNeas suggested that the President appoint a committee of three to decide the issue of hearings and that the Convention abide by their decision.

Mr. Riley asked unanimous consent for a five-minute recess to permit the Rules Committee to consider paragraph 5 of the resolution. There being no objection, it was so ordered.

#### AFTER RECESS

The President took the chair.

Mr. Riley reported that the Rules Committee had ruled that paragraph 5 was not out of conformity with Chapter 46, S.L.A. 1955.

Mr. Sundborg moved and asked unanimous consent that paragraphs 5 and 6 be renumbered 4 and 5 respectively. There being no objection, it was so ordered.

Mr. Robertson moved and asked unanimous consent for the adoption of the following amendment to paragraph 5: delete the words "compensation and".

Mr. Kilcher objected. Mr. Coghill seconded.

Mr. Kilcher stated that the grounds for his objection were that it was not fair not to pay salary for holding hearings.

Mr. Riley rose to a point of order to state that this matter had been covered by the interpretation of the Rules Committee.

The President stated that Mr. Riley was correct.

Mr. Riley asked if Mr. Robertson would agree to include in his amendment changing the word "those" to "that". Mr. Robertson, with the consent of his second, accepted the change in his amendment.

Mr. Cooper moved the previous question. Mr. White seconded. On voice vote the previous question was ordered.

The previous question being the adoption of Mr. Robertson's amendment, on voice vote the amendment was adopted.

Mr. Barr moved the adoption of the following amendment to paragraph 4 of the resolution: line 1, after the word "delegates" strike the words "whose normal residence is outside the Fairbanks area" and substitute therefor the words "remaining in attendance upon the Convention". Mr. Kilcher seconded.

Mr. Coghill moved to lay the amendment on the table. Mr. Gray seconded.

The roll was called with the following result:

Yeas: 36 - Armstrong, Awes, Boswell, Coghill, Cooper, Cross, Davis, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hilscher, Hurley, Johnson, King, Knight, Lee, Londborg, McLaughlin, Metcalf, Nerland, Nordale, Peratrovich, Poulsen, Riley, Robertson, Rosswog, Smith, Sundborg, Sweeney, Walsh, White, Wien, Mr. President.

Nays: 15 - Barr, Collins, Hermann, Hinckel, Kilcher, Laws, McCutcheon, McNees, Marston, Nolan, Reader, V. Rivers, Stewart, Taylor, VanderLeest

Absent: 4 - Buckalew, H. Fischer, McNealy, R. Rivers

and so the amendment was laid on the table.

Mr. McNees moved that the President name a committee of three to decide the issue of hearings and that the Convention agree to abide by that decision.

Mr. McNees was ruled out of order because the motion to adopt the last portion of the resolution had not been taken.

Mr. Harris moved the previous question. Mr. White seconded. On voice vote, the previous question was ordered.

The question being "Shall paragraphs 3, 4 and 5 of the resolution be adopted?", Mr. Robertson requested a roll call and the roll was called with the following result:

Yeas: 37 - Armstrong, Awes, Barr, Boswell, Coghill, Collins, Cooper, Davis, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hilscher, Hinckel, King, Knight, Lee, Londborg, McLaughlin, Metcalf, Nerland, Nordale, Peratrovich, Poulsen, Riley, V. Rivers, Rosswog, Smith, Sundborg, Sweeney, VanderLeest, Walsh, White, Wien, Mr. President.

Nays: 13 - Cross, Hermann, Hurley, Johnson, Laws, McCutcheon, McNees, Marston, Nolan, Reader, Robertson, Stewart, Taylor.

Absent: 4 - Buckalew, H. Fischer, McNealy, R. Rivers

Not Voting: 1 - Kilcher

and so the last paragraph of the resolution was adopted. Before the result of the vote was announced Mr. Sundborg rose to a point of order that Mr. Kilcher could not under the rules abstain from voting.

The President stated that Mr. Kilcher had not abstained from voting, but had not been clear on the issue so had voted last.

Mr. Sundborg stated that this being a basic matter he would like assurance from the Chair that members would not be given the advantage of choosing to vote last.

Mr. Fischer rose to a point of order to state he believed Mr. Sundborg was out of order since the vote had not been announced.

The President stated he would call a short recess and refer the matter to the Rules Committee.

Mr. Sundborg stated he would withdraw his point of order. There being no objection, the point of order was withdrawn and the result of the roll call was announced.

Mr. Barr moved to amend paragraph one of the resolution.

Mr. Sundborg rose to a point of order that the paragraph had already been adopted and that what Mr. Barr would have to do was move to rescind action.

Mr. Peratrovich rose to a point of information to state he believed Mr. Barr was in order since the question had been divided and the resolution needed to be adopted as a whole.

The President ruled that the resolution had been adopted pursuant to division of the question.

Mr. Barr moved to rescind action on part one of the resolution. Mrs. Hermann seconded. Mr. Sundborg asked unanimous consent. Mr. Johnson objected.

Mr. Doogan moved the previous question. Mr. Gray seconded. On voice vote, the previous question was ordered.

The previous question being "Shall the Convention rescind its action on the adoption of part one of the resolution?", the roll was called with the following result:

Yeas: 10 - Barr, Hermann, Laws, Londborg, McCutcheon, McNees, Nolan, Peratrovich, Reader, Stewart

Nays: 41 - Armstrong, Awes, Boswell, Coghill, Collins, Cooper, Cross, Davis, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Lee, McLaughlin, Marston, Metcalf, Nerland, Nordale, Poulsen, Riley, V. Rivers, Robertson, Rosswog, Smith, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, Mr. President.

Absent: 4 - Buckalew, H. Fischer, McNealy, R. Rivers.

and so the motion failed.

Mr. Marston inquired into the matter of the staff in relation to the recess.

Mr. Sundborg stated that the Committee on Administration had stated previously that the staff had been hired with the knowledge that there might be a recess, a statement which Mr. Coghill, Chairman of the Committee on Administration, confirmed.

The President suggested that arrangements for the staff during recess be considered by the Committee on Administration, with which suggestion Mr. Marston agreed.

Mr. Harris moved and asked unanimous consent that the Convention revert to the introduction of resolutions.

Mr. Hellenthal objected. Mr. Johnson seconded. On voice vote, the motion carried.

Mr. Harris introduced the following resolution:

"Whereas: the first resolution adopted by the Alaska Constitutional Convention stated 'that it is the intent of this Convention that the Constitution should be a document of fundamental principles of basic government and contain the framework for state government', and

Whereas, the location of the permanent seat of the capital cannot be regarded as a fundamental principle of government, nor as part of the framework of government

Now Therefore Be It Resolved: That the Constitution shall be silent on the matter of the seat of government for the State of Alaska."

Mr. Harris moved and asked unanimous consent for the adoption of the resolution. Mr. Robertson objected. Mr. Taylor seconded.

Mr. Hurley objected, stating that the resolution should be referred to a Committee.

Mr. Sundborg moved and asked unanimous consent to amend the motion to provide that the proposed resolution be referred to the Committee on Resolutions and Recommendations. Mr. Cooper seconded. Mr. Hellenthal objected, on the grounds that the resolution, though so described, was actually a proposal.

The President stated that he believed it to be a resolution.

Mr. Riley stated that he supported Mr. Hellenthal's contention because the resolution in effect would defeat further consideration of several proposals now before a committee of the Convention.

The President ruled that the motion by Mr. Harris could be considered at this time since it was actually a resolution and referred to another resolution adopted by the Convention earlier.

Mr. McCutcheon rose to a point of order that Mr. Sundborg's motion was out of order in that it was a request for a suspension of the rules and should have been so stated.

The President stated that Mr. Sundborg's motion was in order, but since it involved, in effect, a suspension of the rules, it would require a two-thirds vote.

The question being "Shall the rules be suspended and Mr. Harris' resolution be referred to the Committee on Resolutions?", the roll was called with the following result:

Yeas: 35 - Armstrong, Awes, Boswell, Coghill, Collins, Cooper, Doogan, Gray, Hellenthal, Herman, Hilscher, Hurley, King, Knight, Lee, Londborg, McLaughlin, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, V. Rivers,

Robertson, Rosswog, Smith, Stewart, Sundborg,  
Sweeney, VanderLeest, Walsh

Nays: 16 - Barr, Cross, Davis, Emberg, V. Fischer, Harris,  
Hinckel, Johnson, Kilcher, Laws, McCutcheon,  
McNees, Taylor, White, Wien, Mr. President

Absent: 4 - Buckalew, H. Fischer, McNealy, R. Rivers

The President announced that the rules had been suspended and that Mr. Harris' resolution was referred to the Committee on Resolutions and Recommendations.

Mr. Cooper rose to a point of order that the Rules of the Convention require a vote of two-thirds of the membership of the Convention to suspend the rules.

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

#### AFTER RECESS

The President stated that the point of order raised by Mr. Cooper was well taken and the Chair was in error. He declared that Mr. Sundborg's motion had failed.

Mr. White moved and asked unanimous consent to amend the resolution to strike the words "shall be silent on the matter of" and insert in lieu thereof the words "not name".

Mr. Kilcher seconded. Mr. Barr objected. Mr. White moved to add ~~to~~ word "permanent" before the word "seat" in the resolve clause. <sup>(the</sup>

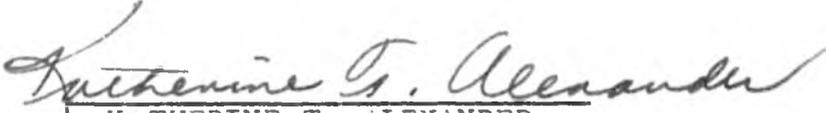
Mr. Robertson moved to table the resolution and the pending amendment. Mrs. Hermann seconded. On voice vote the motion carried.

Mr. Johnson moved to recess.

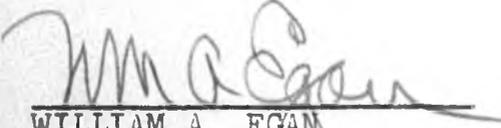
The President asked Mr. Johnson to delay his motion. Mr. Johnson agreed.

The President introduced Dr. Dayton McKean from the University of Colorado, consultant to the Committee on Legislative Branch. Dr. McKean spoke briefly to the delegates.

Mr. Johnson moved and asked unanimous consent that the Convention adjourn until 9 o'clock ~~am~~, Friday morning. Mr. Sundborg objected. Mr. Stewart seconded. On voice vote the motion carried.

  
KATHERINE T. ALEXANDER  
Chief Clerk

Attested:

  
WILLIAM A. EGAN  
President