

Constitutional Convention

Journal/28

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ALASKA CONSTITUTIONAL CONVENTION

JOURNAL OF THE THIRTY-SIXTH CONVENTION DAY, Tuesday, December 13, 1955

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

The Invocation was given by the Rev. B. P. Wilson of the Assembly of God Church of Fairbanks.

Roll call showed all members present except Mr. R. Rivers, who was absent because of illness. The President declared that a quorum was present.

The President stated that the delegates should make it a matter of practice to call up their own amendments to avoid any confusion as to which amendment was placed on the Secretary's desk first.

Mr. Coghill moved and asked unanimous consent that letters be written to Mr. Frank Whaley and Col. Farrell expressing thanks for the opportunity given the delegates to view the films presented the previous evening, and that a letter also be written to the Dean of the School of Mines, Mr. Earl Beistline, for the use of the Mines Building. There being no objection, it was so ordered.

Mr. Barr moved and asked unanimous consent that Rule 38 be referred to the Rules Committee for further study and possible change.

The President stated that after reading the rule he had come to the conclusion that even though several delegates might put their names on an amendment the only person who would be entitled to speak last would be the maker of the motion to adopt the amendment.

Mr. Barr withdrew his motion to refer Rule 38 to the Rules Committee.

Committee Proposal No. 1 was considered again.

The President stated that Mr. McNealy's reconsideration of his vote of the previous day was before the Convention.

Mr. McNealy moved to reconsider his vote on Mr. Robertson's, Mr. White's and Mr. Taylor's amendment at this time. Mr. Johnson seconded.

36th Day, Tuesday, Dec. 13

Mr. Johnson spoke on the amendment.

Mr. Riley stated that the Convention should be operating under a suspension of Rule 33 to debate the motion.

The President stated that Mr. Riley was correct and that Mr. Johnson was out of order.

Mr. Hurley moved and asked unanimous consent that the Rules be suspended so as to permit debate on the motion. There being no objection, it was so ordered.

Mr. Hellenthal spoke on the amendment.

Mrs. Sweeney requested a short recess.

AFTER RECESS

The President announced that members of the Junior Class of the Fairbanks High School were present in the gallery.

After Mr. White, Mr. Buckalew, Mr. Gray, Mr. Metcalf, Mrs. Hermann and Mr. McLaughlin spoke the President declared a short recess.

AFTER RECESS

Mr. Marston, Mr. Barr, Mr. Metcalf and Mr. McNealy spoke on the amendment. Mr. McCutcheon rose to a point of order on remarks made by Mr. McNealy regarding racial prejudice in Georgia.

The President ruled that the question of racial prejudice had nothing to do with the question on the floor.

Mr. Barr rose to a point of order to appeal the ruling of the Chair. Mrs. Hermann and Mr. Taylor stated they believed Mr. McNealy was in order.

The President referred the matter to the Rules Committee and declared a recess.

AFTER RECESS

Mr. Riley, Chairman of the Rules Committee, reported that the Rules Committee was of the opinion that Mr. McNealy was not out of order.

The President stated that the finding of the Rules Committee would be the ruling of the Chair.

Mr. McNealy continued. Mr. Hinckel, Mr. Coghill, Mrs. Wien, Mr. McNees and Mr. V. Fischer spoke.

Mr. Harris moved the previous question. Mr. Davis seconded. The question being "Shall the previous question be ordered?", the roll was called with the following result:

- Yeas: 27 - Awes, Barr, Coghill, Collins, Cross, Davis, H. Fischer, Harris, Hellenthal, Hilscher, Hinckel, Kilcher, King, Knight, McLaughlin, McNealy, Marston, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Rosswog, Stewart, Taylor, VanderLeest, Wien
- Nays: 27 - Armstrong, Boswell, Buckalew, Cooper, Doogan, Emberg, V. Fischer, Gray, Hermann, Hurley, Johnson, Laws, Lee, Londborg, McCutcheon, McNees, Metcalf, Reader, Riley, V. Rivers, Robertson, Smith, Sundborg, Sweeney, Walsh, White, Mr. President
- Absent: 1 - R. Rivers

and so the previous question was not ordered.

After Mr. Emberg, Mr. White, Mr. Metcalf, Mr. Robertson, Mr. V. Rivers, Mr. McCutcheon and Mr. Londborg spoke, Mr. Metcalf moved the previous question.

There being no second, Mr. Fischer spoke again as did Mr. Londborg.

There being no further debate, the question was called.

The question being "Shall the amendment offered by Mr. Robertson, Mr. White and Mr. Taylor be adopted?", the roll was called with the following result:

- Yeas: 23 - Armstrong, Awes, Barr, Boswell, Collins, Cooper, Doogan, Hinckel, Johnson, King, Knight, Laws, Londborg, McNealy, Metcalf, Nolan, Reader, Robertson, Sweeney, Taylor, Walsh, White, Wien
- Nays: 31 - Buckalew, Coghill, Cross, Davis, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hurley, Kilcher, Lee, McCutcheon, McLaughlin, McNees, Marston, Nerland, Nordale, Peratrovich, Poulsen, Riley, V. Rivers, Rosswog, Smith, Stewart, Sundborg, VanderLeest, Mr. President.
- Absent: 1 - R. Rivers

and so the amendment failed.

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

AFTER RECESS

Mr. Cooper asked unanimous consent for and was granted personal privilege of the floor to discuss Rule 38.

The President stated that he realized that the delegates were only entitled to speak twice on an issue, but that there were many times delegates rose merely to ask questions and this was not counted.

Mr. Robertson moved the adoption of the following amendment to Section 1 of Proposal No. 1: Line 9, delete "or" and insert "and". Mr. Metcalf seconded.

After Mr. Robertson, Mr. Marston, Mr. Peratrovich, Mr. Coghill, Mr. Smith, Mr. Stewart, Mr. V. Rivers, Mr. Londborg, Mr. Buckalew, Mr. Metcalf, Mr. Cross and Mrs. Nordale spoke on the amendment, Mr. Johnson requested a roll call.

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

Yeas: 18 - Armstrong, Barr, Collins, Cooper, Hinckel, Hurley, Johnson, Laws, Londborg, Metcalf, Nerland, Reader, V. Rivers, Robertson, Sweeney, Taylor, Walsh, Mr. President

Nays: 36 - Awes, Boswell, Buckalew, Coghill, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Kilcher, King, Knight, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Nolan, Nordale, Peratrovich, Poulsen, Riley, Rosswog, Smith, Stewart, Sundborg, VanderLeest, White, Wien

Absent: 1 - R. Rivers

and so the amendment failed.

Mrs. Hermann moved that Committee Proposal No. 1 be referred to committee for specific amendment. Mrs. Sweeney seconded.

Mr. Taylor stated he had a motion to present which might accomplish what Mrs. Hermann desired.

Mrs. Hermann stated that the reason behind her motion was that she felt the matter in Section 1 was properly a legislative matter and not a constitutional matter.

Mrs. Hermann asked unanimous consent that with the consent of her second she be allowed to withdraw her motion. There being no objection, it was so ordered.

The President declared a short recess.

AFTER RECESS

Mr. Riley moved that the Convention recess until 1:30 o'clock p.m. for the purpose of Committee meetings. Mr. McCutcheon objected. Mr. Coghill seconded.

COMMITTEE ANNOUNCEMENTS

The following Committee meetings to be held during recess were announced: Preamble and Bill of Rights, Local Government, Resources, Resolutions and Recommendations, Finance, Executive, Subcommittee on Apportionment.

In answer to a question from Mr. McLaughlin, the President announced a meeting of the Committee Chairmen at 1 o'clock p.m.

The question being "Shall the Convention recess until 1:30 o'clock p.m.?", the roll was called with the following result:

- Yeas: 36 - Armstrong, Barr, Boswell, Buckalew, Coghill, Collins, Cross, Davis, Doogan, Emberg, Gray, Hilscher, Hinckel, Hurley, King, Knight, Laws, Lee, Londborg, McLaughlin, McNealy, Marston, Nerland, Nordale, Peratrovich, Poulsen, Reader, Riley, Rosswog, Smith, Stewart, VanderLeest, Walsh, White, Wien, Mr. President
- Nays: 18 - Awes, Cooper, H. Fischer, V. Fischer, Harris, Hellenthal, Hermann, Johnson, Kilcher, McCutcheon, McNees, Metcalf, Nolan, V. Rivers, Robertson, Sundborg, Sweeney, Taylor
- Absent: 1 - R. Rivers

and so the Convention recessed.

AFTER RECESS

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

Strike Sections 1, 2 and 3 and insert in lieu thereof, Section 1 which shall read as follows: "Section 1. The legislature of the State may provide by law the age and qualifications of voters of the State."

Mr. Coghill objected. Mr. Taylor moved. Mr. Metcalf seconded.

Mr. Hellenthal, Mr. McNees, Mr. Taylor, Mr. Riley, Mrs. Hermann, Mr. White and Mr. Buckalew spoke on the amendment.

On voice vote the motion failed.

Mr. Metcalf moved the adoption of the following amendment to Section 1:

Page 1, line 12, beginning after the comma following the word "only" insert the following: "And shall have reached their legal majority for purposes of being sued in State courts on actions of contract." Mr. Robertson seconded. On voice vote the motion failed.

Mr. Hinckel moved the adoption of the following amendment to Section 1:

Substitute the following for Section 1: "Every citizen of the United States, having other qualifications prescribed by law, shall be qualified to vote in any State or local election."

Mr. McLaughlin rose to a point of order to state he believed the motion out of order on the grounds that this amendment was similar to the one Mr. Taylor had proposed which had been defeated.

Mrs. Hermann seconded Mr. Hinckel's motion.

The President declared the motion out of order.

Mrs. Hermann moved the adoption of the following amendment to Committee Proposal No. 1: Add to Section 1 the following: "The right of secrecy of ballot shall be preserved." Mr. McNealy seconded. ✓

Mr. Fischer stated he believed the amendment should more properly be to Section 4 which deals with elections.

Mrs. Hermann by unanimous consent amended her motion to read: add "Section 5. The right of secrecy of ballot shall be preserved." On voice vote the amendment was adopted.

Mr. Johnson moved the adoption of the following amendment to Section 4: Line 16, page 2, strike the word "second" at beginning of line and insert the word "first", after the word "Tuesday" add the following: "after the first Monday", strike the word "October" and insert the word "November". Mr. Metcalf seconded.

After Mr. Johnson, Mr. McCutcheon, Mr. Hellenthal, Mr. Sundborg, Mr. Barr, Mr. Coghill, Mr. Taylor had spoken, Mr. Londborg requested a short recess. There being no objection, it was so ordered.

AFTER RECESS

Mr. Sundborg and Mr. Emberg spoke on the amendment. On voice vote the amendment failed.

Mr. V. Fischer moved and asked unanimous consent for the adoption of the following amendment to Section 4: page 2, lines 16 and 17 delete the words "and every second year thereafter on the same day" and substitute "of every even numbered year". Mr. Johnson objected. Mr. Sundborg seconded.

After Mrs. Hermann, Mr. Hellenthal and Mr. Sundborg spoke, the question was called. On voice vote the amendment was adopted. ✓

Mrs. Sweeney moved the adoption of the following amendment to Section 1: Page 1, line 2, change "19" to "20".

Mr. Sundborg rose to a point of order to state that the amendment was out of order because the Convention had already acted on this.

The President ruled the amendment out of order.

Mr. Taylor moved to suspend the rules so that the amendment could be considered. Mr. Buckalew objected. Mrs. Sweeney seconded.

The President declared a recess.

AFTER RECESS

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

Yeas: 33 - Armstrong, Barr, Boswell, Collins, Cooper, Doogan, Gray, Hellenthal, Hermann, Hinckel, Hurley, Johnson, King, Knight, Laws, Londborg, McNealy, Metcalf, Nolan, Nordale, Reader, Riley, Robertson, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, Mr. President

Nays: 21 - Awes, Buckalew, Coghill, Cross, Davis, Emberg, H. Fischer, V. Fischer, Harris, Hilscher, Kilcher, Lee, McCutcheon, McLaughlin, McNees, Marston, Nerland, Peratrovich, Poulsen, V. Rivers, Rosswog

Absent: 1 - R. Rivers

and so the rules were not suspended.

Mr. Knight moved the adoption of the following amendment to Section 2, and asked unanimous consent: Page 2, line 3, delete the figure "2,500" and insert the figure "1,000".

Mr. McCutcheon objected. Mr. Buckalew seconded.

Mr. Cooper moved and asked unanimous consent to amend Mr. Knight's amendment by putting a period after "registration". Mr. McCutcheon objected.

Mr. Hurley rose to a point of order that the amendment was out of order because it changed the content of Mr. Cooper's amendment.

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

Mr. Riley stated that perhaps Mr. Knight would withdraw his original amendment since he had agreed to Mr. Cooper's amendment.

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

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

AFTER RECESS

Mr. Cooper yielded to Mr. White who had an amendment with which he agreed.

Mr. White moved and asked unanimous consent for the adoption of the following amendment to Section 2: Lines 2 and 3 delete the words "in municipalities with populations over 2,500". Mr. McCutcheon objected. Mr. Cooper seconded.

Mr. V. Fischer stated that if this amendment were adopted he would propose that an ordinance be adopted which would specify that all those who vote at the first state election shall be automatically put upon the permanent registration list of the state.

Mr. Taylor moved to amend Mr. White's amendment by changing "shall" to "may" in line 1.

The President ruled the amendment out of order because it involved material not under consideration.

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

Yeas: 29 - Awes, Boswell, Cooper, Davis, Doogan, H. Fischer, V. Fischer, Gray, Hinckel, Hurley, Johnson, King, Knight, Laws, Lee, Nerland, Nolan, Nordale, Poulsen, Reader, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, VanderLeest, White

Nays: 25 - Armstrong, Barr, Buckalew, Coghill, Collins, Cross, Emberg, Harris, Hellenthal, Hermann, Hilscher, Kilcher, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Peratrovich, Riley, Taylor, Walsh, Wien, Mr. President

Absent: 1 - R. Rivers

and so the amendment was adopted. ✓

Mr. Taylor asked unanimous consent for the adoption of the amendment which had been ruled out of order earlier. Mr. Fischer objected. Mr. Gray seconded.

After Mrs. Nordale, Mr. Gray, Mr. Peratrovich, Miss Awes, Mr. Knight, Mr. McLaughlin, Mr. McNealy, Mr. V. Fischer and Mr. Cooper spoke, Mr. Harris moved for a fifteen minute recess. Mr. Coghill objected. Mrs. Sweeney seconded. On voice vote the motion carried.

AFTER RECESS

Mr. Coghill rose to a point of personal privilege to call attention to the amount of work at hand and need to get proposals out of Committees for action before recess.

Mr. Coghill moved and asked unanimous consent that the Convention adjourn at 4 o'clock p.m. after completion of action on the matter at hand and convene at 1:30 o'clock p.m., Wednesday, and asked unanimous consent.

Mrs. Hermann requested an amendment so that it would read until Thursday morning.

Mr. Sundborg, Mrs. Hermann, Mr. V. Rivers, Mr. Hellenthal, Mr. King and Mr. Marston spoke on personal privilege on the subject of committee work and plenary sessions.

Mrs. Hermann withdrew her amendment. Mr. Coghill withdrew his motion.

Mr. Boswell moved that, *when considered adjournment it* the Convention, adjourn until 9 o'clock a.m., Wednesday, have a short plenary session to hear Dr. Ira N. Gabrielson and then adjourn until 1:30 o'clock p.m., Thursday. Mr. Buckalew seconded. There being no objection, it was so ordered.

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

Yeas: 38 - Armstrong, Awes, Boswell, Buckalew, Coghill, Collins, Cross, Davis, Emberg, H. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hurley, Kilcher, King, Lee, McCutcheon, McLaughlin, McNealy, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Riley, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Taylor, VanderLeest, Walsh

Nays: 16 - Barr, Cooper, Doogan, V. Fischer, Hinckel, Johnson, Knight, Laws, Londborg, McNees, Poulsen, Reader, Sweeney, White, Wien, Mr. President

Absent: 1 - R. Rivers

and so the amendment was adopted. ✓

Mr. V. Rivers moved and asked unanimous consent for the adoption of the following amendment to Section 1:

Page 1, line 16, after the word "voted" strike the balance of lines 16 and 17 and insert in lieu thereof "in Alaska prior to its becoming a State".

Mr. Fischer objected. Mr. McCutcheon seconded.

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

AFTER RECESS

Mr. V. Rivers asked unanimous consent to withdraw his amendment with the understanding the matter will be taken care of in transitory provisions. There being no objection, it was so ordered.

Mr. Hellenthal moved and asked unanimous consent that the last sentence of Section 1 be deleted and the following be substituted in its place to be included in the transitory provisions: "Those citizens who legally voted in the general election of November 4, 1924, shall not be deprived of their voting rights by any provision of this section of the constitution."

Mr. McCutcheon rose to a point of order to state that Mr. Hellenthal's motion was out of order because it was a compound motion and the motion should merely be to strike the sentence and substitute another.

The President stated that he believed that was what Mr. Hellenthal intended.

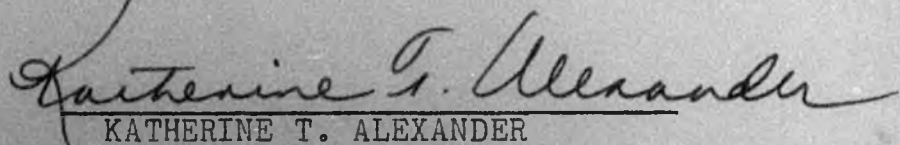
Mr. Hellenthal moved and asked unanimous consent that the last sentence of Section 1 be stricken and the following sentence substituted in its place: "Those citizens who legally voted in the general election of November 4, 1924, shall not be deprived of their voting rights by any provision of this section of the constitution." Mr. Cooper objected. Mr. Gray seconded. ✓

After Mr. Fischer, Mr. Davis, Mr. Cooper, Mr. Hellenthal and Mr. Sundborg spoke, the amendment was ordered adopted by voice vote.

Mr. V. Rivers moved and asked unanimous consent for the adoption of the following amendment to Section 1:

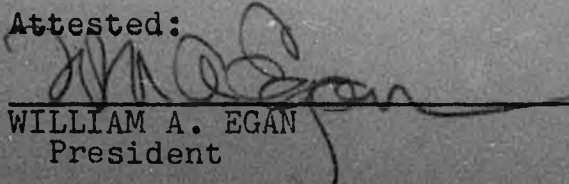
Page 1, line 9, after the words "votes and" strike the balance of the line, strike lines 10 and 11 and the first part of line 12 up to and including "only, and" and on line 15 after "election." insert the following line "Additional qualifications may be established by law." Mr. Buckalew objected. Mr. Knight seconded.

Mr. McLaughlin moved and asked unanimous consent that the Convention adjourn until 9 a.m., Wednesday. Mr. V. Rivers seconded. There being no objection, it was so ordered.


KATHERINE T. ALEXANDER

Chief Clerk

Attested:


WILLIAM A. EGAN
President