

Constitutional Convention
Journal/52
Approved Jan. 2, 1956

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL OF THE SIXTY-FOURTH CONVENTION DAY, Wednesday, January 25, 1956

The Convention was called to order at 1:30 p.m. by President Egan.

The Invocation was given by the Rev. James Gamble of the Pentacostal Holiness Church.

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

The Convention was declared at ease so that the delegates could sign their names for the use of the Fairbanks News-Miner in their special edition concerned with the ceremony of signing the constitution.

AFTER RECESS

Mr. Robertson asked unanimous consent that it be the policy of the Convention when it adjourns on the last day that it do so in honor of Judge James Wickersham who submitted the first Statehood bill to Congress when he was delegate. Mr. V. Rivers asked if Mr. Robertson would include Judge Anthony J. Dimond. Mr. Robertson stated he thought the Convention had recessed in honor of Judge Dimond at the Christmas recess. Mr. Riley advised that the Convention had adjourned in honor of Judge Dimond one day in November in honor of Anthony J. Dimond Day.

Mr. Robertson agreed to the inclusion of Judge Dimond in his unanimous consent request. There being no objection, it was so ordered.

A telegram addressed to Delegate Hilscher from Cliff Webber of Anchorage, criticizing him for neglecting to make provisions for fish and wildlife in the Constitution, was read and ordered referred to the special committee composed of Mr. Smith, Mr. White and Mr. Boswell, who will attempt to answer each and every message received relating to the subject.

Mr. Smith stated that the Committee on Resources had several minor amendments to Proposal 8a and requested that it be made a first order of business so the proposal could be referred to the Committee on Engrossment and Enrollment.

64th Day, Wednesday, Jan. 25, 1956

Mr. Sundborg reported to the Convention the Style and Drafting Committee's redraft on the Legislative Article and the Preamble and Declaration of Rights. The reports were referred to the Rules Committee for assignment to the calendar.

Mr. Sundborg asked unanimous consent that Mr. Kimbrough Owen, adviser to the Committee on Style and Drafting, be given the privilege of the floor to speak to the delegates to point out the matter with which the Committee is concerned. There being no objection, Mr. Owen was given the privilege of the floor and gave an account of the matters Style and Drafting were checking on to make each article conform with the other.

The approval of the Journal was delayed until later in the day.

Mr. Marston asked that his resolution regarding friendly relations with Canada be taken up at this time, and stated that he had a revised version.

Mr. Riley, as Chairman of the Rules Committee, suggested that Mr. Marston could either withdraw his original resolution or submit the revised version as an amendment when the resolution came up for consideration.

Mr. Marston advised that he would hold the matter and submit it as an amendment at the proper time.

Mr. Smith asked unanimous consent to revert to the consideration of Committee Proposal No. 8a for amendment purposes. There being no objection, it was so ordered.

The President declared a short recess so the delegates could obtain copies of the proposal.

AFTER RECESS

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

Page 1, line 10, strike "now"; page 1, line 11, strike period and add "upon the date of ratification of this constitution by the people of Alaska."

Mr. V. Rivers objected in order to discuss the matter. Mr. Riley so moved. Mr. White seconded. Mr. V. Rivers and Mr. Buckalew spoke on the amendment. On voice vote the amendment was adopted.

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

Section 2, pages 1 and 2, strike lines 15, 16 and 17 of page 1 and strike through "state," on line 1 of page 2.

Mr. White seconded. On voice vote the amendment was adopted.

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

Page 2, line 6, change period to a comma and add: "subject to preferences among beneficial uses".

Mr. Stewart seconded. On voice vote the amendment was adopted.

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

Page 2, line 7, strike "as defined by the Legislature" and insert the same language on page 6, line 2, following word "state".

Mr. Knight seconded. On voice vote the amendment was adopted.

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

Page 4, lines 1 and 2, strike "or interests therein".

Mr. Stewart seconded. On voice vote the amendment was adopted.

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

Page 5, line 20, the insert material should follow "shall" instead of "use" and be set off by commas.

Mr. Knight seconded. On voice vote the amendment was adopted.

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

Page 5, line 24, strike "of" and substitute "among".

Mr. Marston seconded. On voice vote the amendment was adopted.

Mr. Riley called attention to Style and Drafting to transpose Sections 7 and 8.

Committee Proposal No. 8a was referred to the Committee on Engrossment and Enrollment.

Mr. White moved reconsideration of his vote on the amendment of Mr. Smith on Section 2 of Committee Proposal No. 16 and asked for a one-minute recess so that a new Section 2 which he proposed may be placed on the delegates' desks because it was germane to the question to know that he proposed to substitute another Section 2 if the Smith amendment failed. There being no objection to the recess, it was so ordered.

AFTER RECESS

Mr. White moved his reconsideration at this time. Mr. Marston seconded.

After discussion by Mr. White, Mr. Robertson, Mr. Smith, Mr. Sundborg and Miss Awes, Mr. Hurley asked unanimous consent that the discussion of Mr. White's amendment be allowed even though it had not been presented. There being no objection, it was so ordered.

Discussion by Mr. McLaughlin, Mr. Hilscher, Mr. V. Fischer, Mr. Barr, Mr. Coghill, Mr. V. Rivers, Mr. Marston, Mr. Davis, Mr. Buckalew, Mr. Hurley and Mr. Metcalf followed.

Mr. McNees moved recess until 4:05 p.m. Mr. Johnson seconded. On voice vote the motion failed.

After discussion by Mrs. Hermann and Mr. Hinckel, Mr. White closed the argument. The roll was called with the following result:

- Yeas: 31 - Armstrong, Awes, Buckalew, Collins, Cooper, Davis, Emberg, H. Fischer, V. Fischer, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Kilcher, Knight, Lee, McCutcheon, McLaughlin, McNees, Nordale, Peratrovich, Riley, R. Rivers, Rosswog, Smith, Stewart, Taylor, VanderLeest, Wien, and Mr. President
- Nays: 22 - Barr, Boswell, Coghill, Cross, Gray, Harris, Johnson, King, Laws, Londborg, Marston, Metcalf, Nerland, Nolan, Poulsen, Reader, V. Rivers, Robertson, Sundborg, Sweeney, Walsh, and White
- Absent: 2 - Doogan and McNealy

and so the amendment was adopted.

Mr. McNees asked unanimous consent that the Convention recess until 4:10 p.m. There being no objection, it was so ordered.

AFTER RECESS

The President asked if there were further amendments to Committee Proposal No. 16.

Mr. V. Fischer stated that the calendar showed consideration of the reports of the Committee on Style and Drafting were the next order of business.

The President stated that Mr. White's reconsideration of the amendment to Committee Proposal No. 16 brought the proposal before the Convention.

Mr. Hellenthal moved the adoption of the following amendment:

Delete Section 1.

Mr. Taylor seconded. After discussion by Mr. Hellenthal, Mr. Johnson, Mrs. Nordale, Mr. Hellenthal, Mr. V. Fischer, Mr. McLaughlin, Mr. Sundborg and Mr. Smith, the question was called. On voice vote the amendment failed.

There being no further amendments, Committee Proposal No. 16 was referred to the Committee on Engrossment and Enrollment.

The report of the Committee on Style and Drafting on Committee Proposal No. 5, Article II, The Legislature, was read.

Mr. Sundborg stated that a subcommittee of Style and Drafting consisting of Mr. Davis, Mr. Fischer and Mr. Sundborg had worked on the article and he asked Mr. Fischer to explain the changes made by the Committee and to answer any questions.

Mr. Fischer gave an explanation of the changes made in style.

After Mr. McNees asked several questions, Mr. Cooper requested a two-minute recess. There being no objection, it was so ordered.

AFTER RECESS

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

Strike "be" and substitute the words "have been" and delete the words "who has been a resident".

The President stated that amendments were not in order at this time; only questions of the committee as to changes in language were in order.

After questions from Mrs. Sweeney, Mr. Hellenthal, Mr. Hurley, Mr. V. Rivers, Mr. Kilcher, Mr. Johnson and Mr. R. Rivers, Mr. Sundborg moved and asked unanimous consent that the report of the Committee on Style and Drafting as to Article II, The Legislature, be accepted. There being no objection, it was so ordered.

The President declared a short recess.

AFTER RECESS

Mr. Hellenthal moved the adoption of the following amendment:

Section 2, lines 7 and 8, strike "filing for" and insert "election to".

Mr. Knight seconded. Mr. Hinckel asked unanimous consent. Mr. Metcalf objected. After discussion by Mr. Sundborg, Mr. V. Rivers, Mr. Hellenthal, Mr. Taylor and Mr. McCutcheon, Mr. Hellenthal withdrew the amendment.

Mr. Hilscher moved and asked unanimous consent that the Convention recess until 7 p.m. The following committee announcements were made: Legislative Branch on recess; Direct Legislation at 6:45 p.m.; Suffrage, Elections and Apportionment at 6:45 p.m.; Ordinances at 6:30 p.m.; Style and Drafting throughout the dinner hour.

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

AFTER RECESS

Mr. White asked unanimous consent that the Journals of the 57th and 58th days be approved as read. There being no objection, it was so ordered.

Committee Proposal No. 5, Article II, The Legislature, as reported by the Style and Drafting Committee, was considered again.

Mr. Barr offered an amendment to the proposal.

The President stated committee amendments would be considered first.

Mr. McCutcheon asked unanimous consent for the suspension of the rules to return Article II to second reading for the following specific committee amendment:

Page 2, Section 5, line 4, begin the section with the following sentence: "No legislator shall hold any other office or position of profit under the United States or the State."

There being no objection, the rules were suspended.

Mr. McCutcheon asked unanimous consent for the adoption of the amendment.

The President declared a short recess.

AFTER RECESS

There being no objection, ~~it was so ordered.~~ *The amendment was adopted.*

Mr. McCutcheon asked unanimous consent to suspend the rules to return Article II to second reading for the following specific committee amendment:

Section 5, page 2, beginning on line 9, strike lines 9 and 10 and insert the following: "This section does not prohibit the election of any person as governor, secretary of state or member of a constitutional convention or the employment of any person by a constitutional convention."

Mr. Riley objected for the purpose of inquiry. The President declared a short recess.

AFTER RECESS

Mr. McCutcheon asked that the phrase "or election to the Congress" be inserted at the end of the amendment.

After discussion the President declared another recess for the purpose of adding to the amendment.

AFTER RECESS

Mr. McCutcheon asked that the following words be added to the amendment after "election" on line 1: "appointment or succession".

There being no objection, the rules were suspended.

Mr. McCutcheon asked unanimous consent for the adoption of the amendment. There being no objection, it was so ordered.

Mr. McCutcheon asked unanimous consent for the suspension of the rules to return the proposal to second reading for the following specific amendment:

Page 2, Section 6, line 12, after word "made" strike the words "or action taken". On line 13, strike the period after "duties" and add "while the legislature is in session".

There being no objection, the rules were suspended. Mr. McCutcheon asked unanimous consent for the adoption of the amendment. There being no objection, the amendment was adopted.

Mr. McCutcheon asked unanimous consent for the suspension of the rules to return the proposal to second reading for the following specific committee amendment:

Section 12, page 4, line 4, change "may" to "shall".

Mr. Hellenthal objected. Mr. McCutcheon so moved. Mr. Knight seconded. The roll was called 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 and Mr. President

Absent: 2 - Robertson and VanderLeest

and so the rules were suspended.

Mr. McCutcheon moved the adoption of the amendment. Mr. McNees seconded. On voice vote the amendment was adopted.

Mr. McCutcheon asked unanimous consent for the suspension of the rules to return the proposal to second reading for the following specific committee amendment:

Page 5, Section 16, beginning on line 4, strike the words "and bills dealing with taxation or affecting expenditures" and insert in lieu thereof the following: "and bills to raise revenue".

There being no objection, the rules were suspended.

Mr. McCutcheon asked unanimous consent for the adoption of the amendment. There being no objection, it was so ordered.

Mr. McCutcheon asked unanimous consent to suspend the rules to return the proposal to second reading for the following specific committee amendment:

Strike Section 18, page 5 and insert "Laws passed by the legislature become effective ninety days after enactment unless otherwise provided by law."

Mr. Johnson objected. Mr. R. Rivers so moved. Mr. Taylor seconded. Mr. White asked unanimous consent. There being no objection, the rules were suspended. Mr. McCutcheon moved the adoption of the amendment. Mr. McNees seconded.

After discussion by Mr. R. Rivers and Mr. Johnson, the President declared a short recess.

AFTER RECESS

Mr. Kilcher asked if the question could be divided.

The President called a recess to discuss the matter with the Rules Committee.

AFTER RECESS

The President ruled that a motion to divide the question would not be in order since the rules had been suspended for a specific amendment only.

After further discussion by Mr. Kilcher, Mr. Hurley, Mr. V. Rivers and Mr. Sundborg, the President declared a short recess.

AFTER RECESS

After Mr. Riley spoke, the question was called. The question being "Shall the Committee amendment to Section 18 be adopted?", the roll was called with the following result:

Yeas: 18 - Awes, Buckalew, Coghill, Collins, Cross, Doogan, H. Fischer, Hellenthal, Hilscher, Knight, Lee, McCutcheon, McNealy, McNees, Marston, Metcalf, Nolan, and Taylor

Nays: 33 - Armstrong, Barr, Boswell, Cooper, Davis, Emberg, V. Fischer, Gray, Harris, Hermann, Hinckel, Hurley, Johnson, Kilcher, King, Laws, Londborg, Nerland, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Walsh, Wien, and Mr. President

Absent: 4 - McLaughlin, Nordale, VanderLeest, and White

and so the amendment failed.

Mr. McCutcheon presented the following Transitional Provision related to Section 5 of Article II:

"The provisions of Section 5 of Article II of this constitution shall not prohibit the appointment of any member of the legislature first organized under this constitution to any state civil office or position created by this constitution or created during his first term."

The President referred the Transitional Provision to the Committee on Ordinances and Transitional Measures for inclusion in its report.

Mr. Riley asked unanimous consent for the suspension of the rules to return the proposal to second reading for the following specific amendment:

Page 5, lines 18 and 19, strike "except general appropriation acts, do not"; line 19 strike "until"; line 20 substitute "enactment" for "adjournment"; place period after "enactment" and strike the balance of the sentence.

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

Mrs. Hermann inquired into the use of "earlier" instead of "another" and incorporating the change in Mr. Riley's amendment. Mr. Armstrong rose to a point of order that the rules were suspended for a specific amendment and no amendments to the amendments were in order. The President stated that Mr. Armstrong's point of order was well taken.

Mr. Hellenthal objected to the unanimous consent request for the suspension of the rules.

Mr. Riley moved that the rules be suspended. Mr. Taylor seconded. The roll was called with the following result:

Yeas: 50 - 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, Lee, Londborg, McCutcheon, McLaughlin, McNealy, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, Walsh, White, Wien and Mr. President

Nays: 4 - Hellenthal, Hinckel, Laws, and McNees

Absent: 1 - Vanderleest

and so the rules were suspended.

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

AFTER RECESS

Mr. Riley moved the adoption of the amendment. Mr. Knight seconded. On voice vote the amendment was adopted.

Mr. Barr offered the following amendment:

Section 16, page 5, line 1, after the word "message" strike the comma and the balance of the sentence on lines 2 and 3 and substitute

the following: "The house receiving it shall immediately reconsider its passage, and, if passed, shall transmit it to the other house without delay."

Mr. Sundborg rose to a point of order to state that this amendment had been voted down previously.

Mr. Johnson rose to a point of order that under the suspension of the rules the matter could be taken up again.

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

Mr. Barr moved and asked unanimous consent for the suspension of the rules to return Article II to second reading for specific amendment. Mr. Coghill objected. Mr. Barr so moved. Mr. Johnson seconded. The roll was called with the following result:

Yeas: 21 - Armstrong, Barr, Boswell, Collins, Cross, Harris, Hurley, Johnson, Knight, Laws, Londborg, Metcalf, Nerland, Nolan, Poulsen, Reader, Robertson, Rosswog, Sweeney, Walsh, and Mr. President

Nays: 33 - Awes, Buckalew, Coghill, Cooper, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Hellenthal, Hermann, Hilscher, Hinckel, Kilcher, King, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Nordale, Peratrovich, Riley, R. Rivers, V. Rivers, Smith, Stewart, Sundborg, Taylor, White, and Wien

Absent: 1 - VanderLeest

and so the rules were not suspended.

Mr. R. Rivers moved to suspend the rules to return the proposal to second reading for the following specific amendment:

Section 18, lines 22 and 23, change "earlier" to "another"; line 23, put period after word "date" and strike balance of the section.

Mr. Knight seconded.

Mr. R. Rivers requested the privilege of the floor to explain the amendment.

The President declared a short recess.

AFTER RECESS

Mr. R. Rivers renewed his unanimous consent request for the privilege to speak on the amendment. Mr. Doogan objected.

The roll was called on the suspension of the rules with the following result:

Yeas: 38 - Armstrong, Boswell, Cooper, Cross, Doogan, Emberg, H. Fischer, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Kilcher, King, Knight, Laws, Londborg, McLaughlin, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Walsh, Wien, and Mr. President

Nays: 16 - Awes, Barr, Buckalew, Coghill, Collins, Davis, V. Fischer, Gray, Johnson, Lee, McCutcheon, McNealy, McNees, Robertson, Taylor, and White

Absent: 1 - VanderLeest

and so the rules were suspended.

Mr. R. Rivers moved the adoption of the amendment. Mrs. Hermann seconded.

After discussion by Mr. R. Rivers, Mr. Hellenthal, Mr. McCutcheon and Mr. Barr, the question was called. On voice vote the amendment was adopted.

Mr. Sundborg asked unanimous consent that the article on the legislature be referred back to the Committee on Style and Drafting. Mr. Hellenthal rose to a point of order to inquire whether Style and Drafting would be confined to work on amendments offered this date only. The President stated that would be the instruction given to the Committee.

Mr. Sundborg asked Mr. McCutcheon if the Committee had considered the question of the time from which residence should start in the case of those filing for office.

Mr. McCutcheon stated that the Committee had decided to leave the article as is.

Mr. Sundborg moved and asked unanimous consent that the rules be suspended and that the Committee on Style and Drafting be instructed to insert the words "filing for office" in the Executive article in place of the language now there, "prior to his election". There being no objection, the Style and Drafting Committee was ordered to make that change.

The report of the Committee on Style and Drafting with regard to the Preamble and Declaration of Rights was read.

Mrs. Nordale explained the changes made by the Committee on Style and Drafting.

After discussion of the report by Mr. Taylor, Miss Awes, Mr. Hellenthal, Mr. Buckalew, Mr. R. Rivers and Mr. Robertson, Mr. Buckalew moved for a five-minute recess. Mr. V. Rivers seconded. On voice vote the motion failed.

After Mr. McNealy and Mr. McLaughlin spoke, Mr. Hellenthal requested and was granted the privilege of the floor.

After further discussion by Mrs. Nordale, Mr. Barr, Mr. McCutcheon, Mr. Coghill, Mr. Hurley, Mr. Armstrong, Mr. Taylor and Mr. McNealy, Mr. Harris moved that the reconsideration of his vote on Mr. Kilcher's amendment to Section 2 of Committee Proposal No. 16 be taken up at this time.

Mr. Hurley asked unanimous consent that the rules be suspended and the matter of the reconsideration of Mr. Harris' vote be made a first order of business at the next plenary session. There being no objection, it was so ordered.

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

The report of the Committee on Style and Drafting submitting its redraft of the Article on Health, Education and Welfare was referred to the Rules Committee for assignment to the calendar.

Mr. White asked unanimous consent that the Convention revert to the business of introduction of motions. There being no objection, it was so ordered.

Mr. White moved and asked unanimous consent that the Rules Committee consider adopting rules regarding (a) the amending procedure during consideration of the report of the Committee on Style and Drafting and (b) reference of the report of the Committee on Style and Drafting to the full substantive committee prior to the time the report is submitted to the Convention. There being no objection the two matters were referred to the Rules Committee.

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

Committee Proposal No. 17b, entitled SCHEDULE, was introduced, read the first time and referred to the Committee on Rules for assignment to the calendar.

Mr. Hellenthal announced a meeting of the Committee on Suffrage, Elections and Apportionment at 1 p.m. Thursday. Miss Awes announced a meeting of the Committee on Bill of Rights at 1 p.m., Thursday.

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

Mr. Riley announced a meeting of the Rules Committee just prior to the plenary session Thursday.

Mr. Londborg asked unanimous consent that the Convention adjourn until 1:30 p.m., Thursday. Mr. Davis objected. Mr. Londborg so moved. Mr. V. Rivers seconded. The roll was called with the following result:

Yeas: 28 - Awes, Barr, Buckalew, Collins, Cross, Emberg, H. Fischer, Harris, Hellenthal, Hinckel, King, Laws, Londborg, Marston, Nerland, Nolan, Poulsen, Reader, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sweeney, Taylor, Walsh, and White

Nays: 26 - Armstrong, Boswell, Coghill, Cooper, Davis, Doogan, V. Fischer, Gray, Hermann, Hilscher, Hurley, Johnson, Kilcher, Knight, Lee, McCutcheon, McLaughlin, McNealy, McNees, Metcalf, Nordale, Peratrovich, Riley, Sundborg, Wien, and Mr. President

Absent: 1 - VanderLeest

The Chief Clerk announced that the result of the roll call was 27 "yeas", 27 "nays" and 1 "absent", and the President declared the Convention still in session.

Mr. Hellenthal asked a question regarding Committee Proposal No. 7. Mr. V. Fischer answered the question.

Mr. McCutcheon rose to a point of order regarding taking up Mr. Harris' reconsideration at this time. The President ruled that since it had been put over by unanimous consent it was not before the Convention at this time.

Consideration of the Style and Drafting Report on the Preamble and Declaration of Rights continued.

After discussion of the report by Mr. R. Rivers, Mr. Hellenthal and Mr. Hurley, Miss Awes, Chairman of the Committee on Preamble and Bill of Rights, asked to make a statement regarding the fact that the Committee on Style and Drafting had met with representatives of the Committee on Bill of Rights and the changes made by the Committee had been approved.

Mr. Taylor moved that the Convention adjourn until 1:30 p.m., Thursday. Mr. Poulsen seconded. On voice vote the motion failed.

Mr. Sundborg moved and asked unanimous consent that the report of the Committee on Style and Drafting as to Article I, Preamble and Bill of Rights, be accepted by the Convention. Mr. Hinckel objected. Mr. Sundborg so moved. Mr. Riley seconded. On voice vote the report was accepted.

Mr. Doogan moved that the rules be suspended and Article I be advanced to third reading, read by title only and put upon final passage. Mr. McCutcheon seconded.

Mr. Londborg rose to a point of order regarding amendments.

The President stated it would take a suspension of the rules to amend at this time or after the article had been advanced to third reading.

Mr. Hellenthal rose to a point of information regarding a meeting Miss Awes had scheduled for Thursday which he understood was called for the purpose of discussing Article I with Style and Drafting.

The roll was called on the question of the suspension of the rules to advance the article to third reading with the following result:

Yeas: 17 - Boswell, Cross, Doogan, Gray, Harris, Johnson, King, Laws, Londborg, McCutcheon, Metcalf, Nolan, Riley, Robertson, Sweeney, Taylor, and Walsh

Nays: 37 - Armstrong, Awes, Barr, Buckalew, Coghill, Collins, Cooper, Davis, Emberg, H. Fischer, V. Fischer, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Kilcher, Knight, Lee, McLaughlin, McNealy, McNees, Marston, Nerland, Nordale, Peratrovich, Poulsen, Reader, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, White, Wien, and Mr. President

Absent: 1 - VanderLeest

and so the rules were not suspended.

Mr. V. Fischer requested a fifteen-minute recess for the purpose of letting the Bill of Rights Committee hold a meeting. Mr. Doogan seconded. Mr. V. Fischer asked unanimous consent. There being no objection, it was so ordered.

AFTER RECESS

The President announced that the Chief Clerk had sent a note to the President shortly after the roll call relative to adjournment, advising that an error had been made in announcing the result of the

vote and that the correct result was 28 "yeas", 26 "nays" and 1 "absent", but he had not read the note immediately and since this constituted something which could not be undone, the business of the Convention continued.

Mr. Hinckel rose to speak on a matter of personal privilege. Mr. Sundborg spoke on a matter of personal privilege.

Miss Awes reported that the Committee on Preamble and Bill of Rights had met during the recess and had voted four to two to go along with the changes made by the Committee on Style and Drafting.

Mr. McNeas also spoke to a question of privilege.

Mr. White moved the adoption of the following amendment to the Preamble:

Strike the preamble in Style and Drafting report and reinsert the preamble from the first enrolled copy. Mr. Metcalf seconded.

Mr. Riley rose to a point of order that the amendment would have to be considered under a suspension of the rules.

The President stated that the point of order was not well taken since the amendment merely sought to insert the language which had been adopted by the Convention.

After discussion by Mr. White, Mr. Hinckel, Miss Awes, and Mr. Cross, the question was called. On voice vote the amendment failed.

Mr. Hellenthal moved the adoption of the following amendment:

Delete Section 2 of the Style and Drafting Committee report and insert Section 2 of the first enrolled copy in its place.

Mr. Buckalew seconded. Mr. Taylor asked unanimous consent. Mr. McCutcheon and Mr. Doogan objected. After discussion by Mr. Hellenthal, Mr. Buckalew, Mr. McNealy, Miss Awes, Mr. McLaughlin, and Mr. Marston, Mr. Sundborg asked unanimous consent for the adoption of the amendment. Mr. McCutcheon objected.

Mr. Davis spoke on a matter of personal privilege regarding the work of the Committee on Style and Drafting. Mr. McCutcheon also spoke on a matter of personal privilege regarding the work of the Committee on Style and Drafting.

Mr. Hellenthal asked unanimous consent to withdraw his amendment. Mr. Poulsen objected.

The question being "Shall Mr. Hellenthal's amendment to Section 2 of the Committee on Style and Drafting report on Article I be adopted?", the roll was called with the following result:

Yeas: 27 - Awes, Barr, Boswell, Buckalew, Collins, Cooper, Emberg, Harris, Hellenthal, Hinckel, Hurley, Kilcher, King, McLaughlin, McNees, Marston, Metcalf, Nolan, Poulsen, Reader, Robertson, Rosswog, Smith, Stewart, Taylor, White, and Wien

Nays: 27 - Armstrong, Coghill, Cross, Davis, Doogan, H. Fischer, V. Fischer, Gray, Hermann, Hilscher, Johnson, Knight, Laws, Lee, Londborg, McCutcheon, McNealy, Nerland, Nordale, Peratrovich, Riley, R. Rivers, V. Rivers, Sundborg, Sweeney, Walsh, and Mr. President

Absent: 1 - VanderLeest

and so the amendment failed.

Mr. McNealy served notice of his intention to reconsider his vote on the Hellenthal amendment.

Mr. Metcalf submitted the following amendment:

Strike Section 3 of the report of the Committee on Style and Drafting and insert in lieu thereof Section 3 of the enrolled copy.

The President declared a short recess.

AFTER RECESS

Mr. Metcalf moved the adoption of the amendment. Mr. Barr seconded. The roll was called with the following result:

Yeas: 18 - Barr, Collins, Cooper, Hellenthal, Hinckel, Kilcher, Laws, McNees, Metcalf, Poulsen, Reader, R. Rivers, Robertson, Rosswog, Stewart, Taylor, White, and Wien

Nays: 36 - Armstrong, Awes, Boswell, Buckalew, Coghill, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hermann, Hilscher, Hurley, Johnson, King, Knight, Lee, Londborg, McCutcheon, McLaughlin, McNealy, Marston, Nerland, Nolan, Nordale, Peratrovich, Riley, V. Rivers, Smith, Sundborg, Sweeney, Walsh, and Mr. President

Absent: 1 - VanderLeest

and so the amendment failed.

Mr. McNealy served notice of his intention to reconsider his vote on Mr. Metcalf's amendment.

Mr. McLaughlin moved that the Convention adjourn until 1:30 p.m., Thursday. Mr. White seconded. On voice vote the amendment failed.

Mr. Barr requested and was granted the privilege of the floor.

Mr. McNealy moved the adoption of the following amendment:

Section 18, line 12, substitute "in civil causes" for "common law suit".

The President declared a short recess.

AFTER RECESS

Mrs. Sweeney moved that the rules be suspended and that the matter of Mr. McNealy's reconsideration of his vote on Mr. Metcalf's amendment be considered at this time.

Mr. McNealy rose to a point of order that it was his intention to reconsider his vote on Section 2 at this time and to withdraw his reconsideration of the Metcalf amendment and the amendment to Section 18.

Mrs. Sweeney withdrew her motion.

Mr. McNealy moved to suspend the rules to bring up his reconsideration of the vote on the amendment to Section 2 at this time. Mr. Knight seconded. On voice vote the rules were suspended.

After discussion by Mr. Harris, Mr. V. Fischer, Mr. McNealy, and Mr. Davis, the question was called. The question being "Shall Mr. Hellenthal's amendment to Section 2 be adopted?", the roll was called with the following result:

Yeas: 34 - Armstrong, Awes, Barr, Boswell, Buckalew, Collins, Cooper, Emberg, H. Fischer, V. Fischer, Harris, Hellenthal, Hinckel, Hurley, Kilcher, King, Knight, Laws, McLaughlin, McNealy, McNees, Marston, Metcalf, Nolan, Poulsen, Reader, V. Rivers, Robertson, Rosswog, Smith, Stewart, Taylor, White, and Wien

Nays: 19 - Coghill, Cross, Davis, Doogan, Gray, Hermann, Hilscher, Johnson, Lee, Londborg, McCutcheon, Nerland, Nordale, Peratrovich, Riley, Sundborg, Sweeney, Walsh, and Mr. President

Absent: 2 - R. Rivers and VanderLeest

and so the amendment was adopted.

Mr. McNealy asked unanimous consent to withdraw his notice of reconsideration on Section 3. Mr. Barr objected. Mr. McNealy so moved. Mr. Doogan seconded. Mr. White objected.

Mr. V. Rivers served notice that he would move to rescind the action taken on Mr. White's amendment to the Preamble at a future time.

Mr. White withdrew his objection to Mr. McNealy's withdrawal of his motion to reconsider.

After discussion by Mr. Barr, Mr. Metcalf, Mr. Coghill, Mr. Cooper, and Mr. Hurley, Miss Awes asked if anyone could move reconsideration after notice had been given. The President stated that Miss Awes was correct that anyone can move the reconsideration once the notice has been given.

Mr. Davis asked unanimous consent that the rules be suspended and the Convention consider Mr. McNealy's motion to reconsider at this time. There being no objection, it was so ordered.

The President stated that the motion to withdraw his reconsideration made by Mr. McNealy was superseded by the unanimous consent action of the Convention to reconsider the amendment offered by Mr. Metcalf at this time. Mrs. Hermann requested permission to abstain, ~~since she had been absent during the debate.~~

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

Yeas: 19 - Armstrong, Barr, Collins, Cooper, Harris, Hellenthal, Hinckel, Hurley, Kilcher, McNealy, McNees, Metcalf, Poulsen, R. Rivers, V. Rivers, Robertson, Smith, Stewart, and Wien

Nays: 34 - Awes, Boswell, Euck, G. Hill, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Hilscher, Johnson, King, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, Marston, Nerland, Nolan, Nordale, Peratrovich, Reader, Riley, Rosswog, Sundberg, Sweeney, Taylor, Walsh, White, and Mr. President

Absent: 1 - VanderLeest

Abstaining: 1 - Hermann

and so the amendment failed.

Mr. Davis moved that the Convention discharge its committee on Style and Drafting and appoint a new committee. Mr. Johnson seconded.

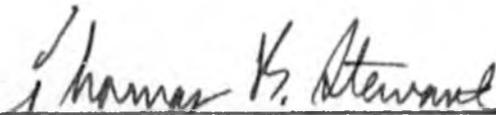
The President declared the motion out of order.

After discussion by Mr. Davis, Miss Awes, Mr. V. Rivers, Mr. Buckalew and Mr. McLaughlin, the President again stated that Mr. Davis' motion was out of order, that the Committee is a permanent committee of the Convention.

Mr. McLaughlin asked unanimous consent that the Convention adjourn until 1:30 p.m., Thursday.

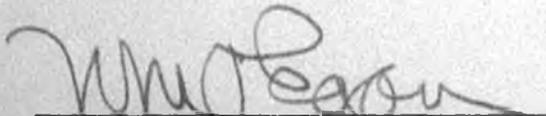
Mr. Davis asked unanimous consent that the Style and Drafting Committee be allowed to make a substantive change in Section 18. There being no objection, it was so ordered.

There being no objection to the unanimous consent request, the Convention adjourned at 11:50 p.m. until 1:30 p.m., Thursday.



THOMAS B. STEWART
Secretary

Attested:



WILLIAM A. EGAN
President