

ALASKA CONSTITUTIONAL CONVENTION

December 8, 1955

THIRTY-FIRST DAY

PRESIDENT EGAN: The Convention will come to order. We have with us this morning the Reverend Bert J. Bingle, Presbyterian missionary minister. Reverend Bingle will give us our daily invocation.

REVEREND BINGLE: Let us pray. Our Father in Heaven, we thank Thee for the leadership that Thou has given us in the past and Thy benevolent protection as a Territory. We thank Thee for Thy presence with us even though sometimes the road may not be smooth and the going unseen, And, Our Father, as those meet here to make up a constitution for the new State of Alaska, may the words of their mouths and meditations of their hearts be acceptable in Thy sight. O Lord, our Strength and our Redeemer. Amen.

PRESIDENT EGAN: The Chief Clerk will call the roll.

(Chief Clerk called the roll.)

CHIEF CLERK: Five absent.

PRESIDENT EGAN: A quorum is present. The Convention will proceed with its regular order of business. Does the special committee to report on the journal have a report to make at this time? Mr. White?

WHITE: May I ask unanimous consent that the report be delayed until tomorrow.

PRESIDENT EGAN: Mr. White asks unanimous consent that the report be delayed until tomorrow. Is there objection? If there is no objection, it is so ordered. We will have the report on the journal tomorrow. Are there any petitions, memorials or communications from outside the Convention?

CHIEF CLERK: I have some.

PRESIDENT EGAN: The Chief Clerk may read the communications.

CHIEF CLERK: A letter from Mr. Coghill. (The Chief Clerk read 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.)

PRESIDENT EGAN: The communication will be filed. (At this time the Chief Clerk read a letter from Charles J. Keim of the

House to be held on the University campus from 10 o'clock a.m. to 10 o'clock p.m. Friday, December 9.)

PRESIDENT EGAN: The communication will be filed and the delegates will remember that there is an open house at the University tomorrow. Are there other communications? Are there reports of standing committees? Mr. Riley?

RILEY: Reporting for the Rules Committee, the members will find that before them this morning is a proposed amendment to several of the rules, namely 13, 16 and 44. These proposed amendments have been recommended by the Rules Committee to fill a void in our existing rules which was not anticipated when those rules were originally adopted. It was felt initially that the Committee on Style and Drafting might properly fill the enrollment and engrossing function. but it becomes apparent now that an Enrollment and Engrossment Committee will be desirable because Style and Drafting's work will be at considerably heavier volume at the same time that this function should be accomplished. Now these three proposed changes are interdependent. There is no reason for adopting one and rejecting another. There would be no purpose in taking less than all of them and, accordingly, I ask unanimous consent that the recommended changes be adopted.

PRESIDENT EGAN: Mr. Riley asks unanimous consent that the recommended changes be adopted. Mr. Kilcher?

KILCHER: A point of information. What is engrossment and enrollment?

PRESIDENT EGAN: Will you explain that to Mr. Kilcher. Mr. Riley?

RILEY: I think, Mr. Kilcher, that the change proposed in Rule 16 speaks for itself. In second reading when a proposal is subject to amendment, an amendment will often occur on the floor, and essentially the Committee on Engrossment and Enrollment is to see that the finished product properly reflects those amendments, accurately reflects those amendments, before another draft comes back to the body in copies to be considered from that point on.

PRESIDENT EGAN: Is there other discussion? Mr. Riley has asked unanimous consent. Is there objection that these proposed changes be adopted? If there is no objection it is so ordered and, Mr. Riley, you are asking the President to appoint a committee of three on Engrossment and Enrollment? If there is no objection the President will hold that over and report tomorrow morning on that Committee. Mr. Sundborg?

SUNDBORG: I move and ask unanimous consent that instead of

trying to incorporate these changes in the copies of the rules which we now have, that each delegate simply be furnished with a supplement. This would do the job if each delegate would just attach this to the rules which he now has.

PRESIDENT EGAN: Is there objection to Mr. Sundborg's request? That would relieve a lot of work and readjustment of the rules if each member would insert this page in the copy of rules that he has. If there is no objection, Mr. Sundborg's request will be adopted by the Convention. Are there any other reports of standing committees? Are there reports of select committees? Are there any proposals to be introduced?

BARR: Mr. President, I have a proposal to submit. It is on the Chief Clerk's desk.

EMBERG: I have a proposal to submit. It is also on the Chief Clerk's desk.

PRESIDENT EGAN: If there are no other proposals, the Chief Clerk may proceed with the first reading of proposals.

CHIEF CLERK: "Delegate Proposal No. 40, by Mr. Barr, COMPOSITION OF THE SENATE.

PRESIDENT EGAN: Committee on Suffrage, Elections and Apportionment, Committee No. VI.

CHIEF CLERK: "Delegate Proposal No. 41, introduced by Mr. Emberg, REVERSION OF FUNDS ORIGINATING FROM DISPOSAL OF NATURAL RESOURCES TO SOURCE AREAS."

PRESIDENT EGAN: Committee No. X, Committee on Resources. Mr. Smith?

SMITH: Mr. President, if I understand that correctly, it concerns the Finance Committee to an extent above that of the Resources Committee.

PRESIDENT EGAN: The provision won't be contained in the section on Resources? Then it will be referred to the Committee on Finance, Committee No. XI.

CHIEF CLERK: "Delegate Proposal No. 42, by Mr. Hinckel, MEMBERSHIP IN STATE SENATE."

PRESIDENT EGAN: The proposal is referred to Committee No. VI, Committee on Suffrage, Elections and Apportionment. Are there other proposals? If not, are there any motions or resolutions? Mr. McLaughlin?

MCLAUGHLIN: Mr. Chairman, may I inquire has the Rules Committee taken into consideration and is it now ready to report

on the calendar for tomorrow?

PRESIDENT EGAN: Mr. Riley, could you answer that question?

RILEY: In order to get the calendar around a little more expeditiously, to have it before the members sooner than by placement on the desk this morning, it was put in the mail boxes. Perhaps all delegates have not picked up calendars.

PRESIDENT EGAN: Is there any unfinished business to come before the Convention? Mr. Coghill?

COGHILL: Mr. President, don't we have a special or first order of business on the proposal for the resolution introduced by the Administration Committee yesterday?

PRESIDENT EGAN: Mr. Coghill, your question is well taken. The resolution that was offered yesterday was set over as the first order of business for today. If there is no objection we will take that matter up at this time. Do all the delegates have the particular resolution before them? It is the resolution that deals with the proposed recess and other matters pertaining to the recess. Mr. Victor Fischer?

V. FISCHER: Mr. President, do we have any motions before us left over from yesterday?

PRESIDENT EGAN: Would the Chief Clerk ascertain if there was any motion held over. The remembrance of the Chair is that we voted on the particular motions before us, unless you have the feeling that something was hanging fire.

CHIEF CLERK: No, there was no motion left over.

SUNDBORG: It is my recollection, Mr. President, that we did have before us a motion by Mr. Coghill that we adopt the report, and then we amended that in several ways and finally the final amendment was to hold it over until today. I wonder if that motion is not still before us. Perhaps Mr. Coghill would have some recollection of that.

PRESIDENT EGAN: The motion was not withdrawn before it was held over?

CHIEF CLERK: No, it was not.

PRESIDENT EGAN: Then the motion does hold over, Mr. Sundborg. The Chair had felt there had been a motion to withdraw prior to the time that we held this over. Mr. Coghill?

COGHILL: Mr. Chairman, apparently it was the objection of the body as to several of the ramifications of this resolution. I would like to offer an amendment and ask unanimous consent

that on the "resolve" of the first line, "December 19" be struck and "December 20" be inserted. And after "1956" on the second line, insert "both dates inclusive". I ask unanimous consent for the adoption of that amendment.

PRESIDENT EGAN: Insert the words "both dates inclusive", Mr. Coghill?

COGHILL: Yes sir.

PRESIDENT EGAN: Under this Resolution, the proposed recess would begin on December 20 and end on January 3, so, Mr. Coghill, it would not be inclusive on the 19th.

COGHILL: I changed that to the 20th. That was the amendment. Change the 19th to the 20th and both dates inclusive. I ask unanimous consent that it be adopted.

PRESIDENT EGAN: That would make 15 days -- both dates inclusive?

KILCHER: Mr. President, I don't quite make out what changes we have here. In the first paragraph, is that December 20 there?

PRESIDENT EGAN: No, Mr. Kilcher. It would be after the words, "Therefore be it resolved" at the bottom on the first section of that it would say that "the Convention recess from December 20, 1955, to January 3, 1956, both dates inclusive." You did what I did first. I marked the first paragraph.

HERMANN: That would mean we would not meet until the 4th of January?

PRESIDENT EGAN: That is right. It would clarify the fact it was a full 15 days. Is there objection to the request of Mr. Coghill? I believe Mr. Coghill asked unanimous consent.

ROBERTSON: I object, Mr. President. I thought Mr. White moved for division.

PRESIDENT EGAN: I believe that division motion was withdrawn in order to clear the way for holding this over. Is that correct, Mr. White? So unanimous consent is asked to adopt this change in the wording of the resolution. Is there objection to that? Mr. White, do you object?

WHITE: No.

PRESIDENT EGAN: Hearing no objection it is so ordered, and Mr. Coghill's proposed changes are ordered adopted. Mr. White?

WHITE: Mr. President, I move to divide the question -- that is to divide paragraphs 1 and 2 on one hand and paragraphs 3, 4, 5, 6 on the other.

V. FISCHER: I second it.

PRESIDENT EGAN: It is moved by Mr. White, seconded by Mr. Fischer that the question be divided so that paragraphs 1 and 2 are taken up by the Convention on the one hand and that paragraphs 3, 4, 5 and 6 be taken up by the Convention on the other. Is there objection to that motion to divide the question? Mr. Coghill?

COGHILL: I object temporarily for a point of information. I have before me an estimated cost of the transportation, the salary and per diem that would be needed for hearing dates as set up by the ruling of that special committee and for the per diem to carry home the delegates or the ones that were going to stay here in the Fairbanks area and the total amount. Now before the makers of the motion to divide the question, might well want to hear this out so the Convention can decide just what we are going to be doing on this Convention. Are we going to hold hearings at recess time and how is the pay going to be established and what not.

PRESIDENT EGAN: Mr. White, would it be satisfactory to you to hear the report of the Administration Committee prior to acting on your motion to divide the question?

WHITE: That is perfectly satisfactory, Mr. President.

PRESIDENT EGAN: Your motion will hold, Mr. White. Mr. Coghill may proceed with the report by the Committee on Administration.

COGHILL: This is not a report on the Committee of Administration, Mr. President. It is a finding that we were directed to find yesterday on the floor. The question that was raised as to just how much this is going to cost. The Committee on Administration had an estimate of around \$6,000 and figured that was what it would cost. However, we find that it raised quite a lot more than that. The transportation for delegates, according to the questionnaires that were placed before everyone, the transportation costs to their homes would be \$3,182.98. The per diem for that travel would be \$1,720. The hearings, if a one-day hearing was held as provided in the special report, would cost \$1,230 for the salary and \$3,320 for the per diem.

KILCHER: Mr. President, may I interrupt for a point of information. It was \$1,230 for salary? How much?

COGHILL: \$1,230.

KILCHER: That figure of \$3,000 can't be correct because it must be more than one-third of \$1,200, per diem being only one-third more than salary, so I am afraid your second figure is a total figure of salary and per diem. You are adding something wrong there.

SUNDBORG: Mr. President, I had a little bit to do with the preparation of these figures and I believe Mr. Coghill, that the figure of \$1,230 is for salary during days of travel which is provided for in the resolution which came from the Administration Committee.

COGHILL: \$1,000 for salary in route, \$1,290.

SUNDBORG: You have not given that figure yet?

COGHILL: The first figure is transportation, \$3,182.98, the days in route traveling home and back. Now this is the days enroute, you're traveling home now and back. That is round trip. Salaries in route \$1,290, per diem \$1,720. Now, for holding the hearings, salary \$1,230, per diem is \$2,640 for the hearings, \$2,640, and the per diem for those who are going to remain in Fairbanks is \$1,680, bringing us an approximate total cost for this recess of \$10,742.98. It seems quite high, Mr. President.

PRESIDENT EGAN: That is assuming that the Convention adopted all the recommendations in this resolution. Mr. Kilcher? Is that right?

KILCHER: I would like to question two figures there. The salary for hearings, if I am correct, you quoted \$1,230 and for per diem on hearings \$2,640, and that is the same amount of days?

COGHILL: Should be.

KILCHER: I am afraid again that your per diem figure for hearings is an inclusive figure of salary and per diem. It must be so because the difference between per diem and salary is one-third, so that figure \$2,640 should be \$1,640. You have a thousand bucks too much, roughly speaking.

PRESIDENT EGAN: Is that correct. Mr. Coghill?

ARMSTRONG: May we have a recess so this can be straightened out?

COGHILL: The reason for that figure there, we had to make an inclusion of the per diem for the people that were going to be staying here in Fairbanks and that was run into that column. I had to divide it with a new figure.

PRESIDENT EGAN: So Mr. Kilcher was correct in his observation. The total is the same.

COGHILL: The total is \$10,742.98.

PRESIDENT EGAN: Mr. Smith.

SMITH: I take it that these figures are all more or less the maximum that can be allowed to the delegates. I wonder if that is clearly understood. The actual expense involved will be determined by the actions of this body if we so desire we can eliminate a lot of that cost.

PRESIDENT EGAN: That is right, Mr. Smith.

COGHILL: I quite agree with Mr. Smith. This is just to inform you that if the provisions of this resolution are adopted, that is what it is going to cost.

PRESIDENT EGAN: The Chair will allow other discussion of these figures.

KILCHER: I would like to make a motion.

SUNDBORG: Mr. President, point of order. There is a motion before the body that is not debatable or amendable according to our rules.

PRESIDENT EGAN: If there is objection Mr. Kilcher, we will have to revert back to the motion that Mr. White so kindly held up while Mr. Coghill read his report and then we can go into this later. Mr. McNeese?

MCNEESE: Mr. President, may I rise to a point of information. Why was the question requested to be divided?

PRESIDENT EGAN: Mr. White.

WHITE: Mr. President, in answering the question, I thought they were two entirely separate matters embodied in this resolution and that it might unduly confuse the whole business if you considered it all at once. I thought we could settle on the dates of any adjournment very easily, separately from the matter of how much cost we were going to allow in pursuing the business of the adjournment.

PRESIDENT EGAN: If there is no objection the Chair will order that the motion of Mr. White, seconded by Mr. Fischer this morning, be stricken from the record inasmuch as your motion of yesterday was not acted upon, so we have the same motion for division of the question before us. Mr. Sundborg?

SUNDBORG: Mr. President, I wonder if Mr. White and Mr. Fischer would consent, and if the Convention would consent, to including the preamble of the resolution with the first half of the question if it is divided.

WHITE: I will consent to that.

PRESIDENT EGAN: It would appear that would not endanger the motion. The question is, "Shall the paragraphs contained in the resolution be divided so that paragraphs 1 and 2 be acted upon first and that paragraphs 3, 4, 5, and 6 be acted upon later?" All those in favor of the division of the question will signify by saying "aye", all opposed by saying "no". The "ayes have it, and the question has been divided. The question is, "Shall the preamble of the resolution and paragraphs 1 and 2 be adopted by the Convention?" The question is open for discussion.

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: Mr. White, will you move?

WHITE: I so move, Mr. President, that page 1 of this resolution, that page 1 including the "Whereases" and paragraphs 1 and 2 be adopted by the Convention and ask unanimous consent.

PRESIDENT EGAN: Unanimous consent has been asked by Mr. White that page 1 of the resolution be adopted by the Convention. Is there objection? Hearing no objection it is so ordered and page 1 of the resolution has been adopted by the Convention. Mr. Coghill?

COGHILL: Mr. President, a point of information. When a question is divided is not the main motion for adoption still in order, so therefore Mr. White would not have to make a motion? My motion is still in order even though the question is divided?

PRESIDENT EGAN: The Convention accepted the division, Mr. Coghill, and therefore when the Convention accepted the division it is the feeling of the Chair it divided your main motion, had the effect of changing your main motion by vote of the Convention, and now the only thing we have before us after this adoption are the remaining four paragraphs of the resolution, but that motion is before us. That part would be before us now.

V. FISCHER: Do we have Mr. Coghill's motion before us then?

PRESIDENT EGAN: We would have in effect, we would have these four paragraphs before us for action without any further motion.

COGHILL: That was my question, Mr. Chairman, whether Mr. White had to make a motion to have the first part adopted. I thought my motion still held even in division.

PRESIDENT EGAN: I believe he would have had to make the first motion but is not necessary on the second part. Mr. Victor Fischer?

V. FISCHER: Mr. President, I move and ask unanimous consent that in paragraph 3, in line 3, the words "compensation and" be stricken.

PRESIDENT EGAN: Mr. Fischer moves and asks unanimous consent that on page 2 line 3, the words "compensation and" be stricken.

GRAY: Mr. President, I object until I can read it.

COGHILL: Mr. Chairman, I object for purpose of amendment.

PRESIDENT EGAN: Objection is heard. Is there a second?

SUNDBORG: I second Mr. Fischer's motion.

PRESIDENT EGAN: Mr. Sundborg seconds Mr. Fischer's motion.

Mr. Coghill.

COGHILL: I move and ask unanimous consent that that motion be amended to read "per diem".

PRESIDENT EGAN: You mean to strike the words "per diem" also?

V. FISCHER: I accept the amendment.

PRESIDENT EGAN: Mr. Fischer accepts the amendment. Is there objection?

SUNDBORG: It certainly won't read like anything then. I think probably what Mr. Coghill intends is that we should amend the motion to strike out also the words "and to". Mr. Coghill's motion I believe was to strike out "and to" and "per diem".

PRESIDENT EGAN: Mr. Fischer, would you object to having reference to your original motion stricken from the record and start over again?

V. FISCHER: No. Do you want me to rephrase the original motion?

PRESIDENT EGAN: If it would be acceptable to you to withdraw your original motion and the proposed amendment. Is there objection to that request of Mr. Fischer's?

V. RIVERS: I just want to know what his request is now.

PRESIDENT EGAN: His request, Mr. Victor Rivers, would be to start from scratch in effect, to withdraw the original request in order to have a motion appear in the record that would reflect the complete intention.

V. RIVERS: No objection to withdrawing his request but I want to know where we stand before I --

PRESIDENT EGAN: Then the resolution and the motion, if his motion was withdrawn, would stand exactly as it reads before us now. Is there objection to withdrawing the motions before us? Hearing no objection it is so ordered. Mr. Fischer?

V. FISCHER: Mr. President, I move and ask unanimous consent that paragraph 3 be amended by deleting all the language after the word "recess" in line 3 and putting a period after the word "recess".

PRESIDENT EGAN: Mr. Fischer moves that the resolution be amended by inserting a period after the word "recess" in line 3 on page 2 and deleting the rest of the sentence.

COGHILL: I ask unanimous consent.

KILCHER: I object.

PRESIDENT EGAN: Unanimous consent has been asked. Objection is heard. Is there a second?

TAYLOR: I second the motion.

PRESIDENT EGAN: Mr. Taylor seconds the motion of Mr. Fischer. The question is, "Shall the language after the word 'recess' in line 3 on page 2 be deleted? Mr. Kilcher?"

KILCHER: I object for two reasons. We have a Section 5 down there which is logically connected with Section 3. If you pass one, I would say prematurely, logically if we are going to be logical, which is not necessarily the case, we are also --

COGHILL: Point of order. We are taking this in chronological order going down 1, 2, 3, 4 and 5 and that is not before the house at the time.

PRESIDENT EGAN: The delegate is referring, if he feels that section is connected with his debate on this motion, the Chair feels that he is in order. Mr. Kilcher?

KILCHER: I object on the grounds that hasty action taken in 3 will either compel a certain action to be taken under Section 5, if you want to be logical, and if we are not, we

affecting a similar situation, we will have to rescind what action we take in No. 3 again, provided you want to be logical and fair, namely, that is one ground. The other ground is just exactly what do actual travel costs mean? I would like to have an explanation of the two words "actual travel costs" before I can elaborate on my main objection. Mr. Coghill might be able to explain that to me.

PRESIDENT EGAN: In Section 3 you are speaking of the words, "actual travel cost"? Mr. Coghill, if you would care to answer the question.

COGHILL: "Actual travel costs" is the transportation being paid to the delegates to go to their homes and return, their tickets in other words, just the ticket portion.

KILCHER: Why don't we say "transportation costs"? "Actual travel costs" in my opinion, includes other items too. It may include a taxi, hotel bill, meals, if weather is bad, you have to stay in a hotel for two days. You have expenses which are normally included in per diem. Consequently, I advise against changing of Article 3 to make a period after "recess" on line 3 in accordance with Mr. Fischer's motion and leave "per diem". We need per diem to go home on. Later on in 5 we assume that per diem is needed, and justly so, by the people who will not be able to travel home. They need per diem, and I need per diem until I am home. I am not able to be home before I get there, and while I get there I am entitled to per diem as well as the man who stays in Fairbanks who can't go home for 15 days. I can't go home for two days and I should get that per diem for two days. It costs money to get there, besides the ticket. That is the logical point I was going to bring up.

PRESIDENT EGAN: Mr. McLaughlin.

MCLAUGHLIN: In support of Mr. Kilcher, Mr. Kilcher has a better argument than that. He has a point of order. This Convention, that is if you are entitled to per diem under the Act creating this assemblage while you are in a travel status, then this Convention by any action cannot deprive you of your right to secure it from the Territory. I believe that is pertinent in Mr. Kilcher's argument.

PRESIDENT EGAN: Mrs. Sweeney.

SWEENEY: Mr. President, I want to speak on paragraph 4, you might rule me out of order but I won't know how to vote on 3 or 5 or 6 without a discussion on the whole thing.

PRESIDENT EGAN: Mrs. Sweeney, if it is your feeling that in voting on this particular amendment that you have to refer to

other paragraphs, you are in order.

SWEENEY: Mr. Coghill states that for one day hearings, there would be a salary of 1200 something and per diem of 26 something. Paragraph 4 says "if it is necessary for the delegates to travel from their homes for such period". I don't know what they're basing their per diem on but we will be at home to hold these hearings according to the report of the special committee, so I see no expense in that connection. We will not be getting any per diem with salary for holding hearings. All we will be getting is travel reimbursement and the per diem while we travel. That is all that I can see that this provides. There is no expenses for holding hearings unless we are out of our home town. I would like to hear from Mr. Coghill.

PRESIDENT EGAN: Your point was, Mrs. Sweeney, that Mr. Coghill's report of the cost with relation to this particular resolution was in error on that point?

SWEENEY: I feel that some of the delegates might go along with compensation and per diem during travel status if they knew there was not going to be this additional cost of salary and per diem during the time of holding hearings. I don't find that the resolution covers that.

COGHILL: I assume that the question was directed at me. But after finding the costs of the total recess on hearings, transportation, per diem and travel, and compensation to the delegates, I feel that we should as a body take this resolution and strike in all parts the compensation and the per diem and just allow the travel to and from the homes. I think we have a definite commitment to the people to have hearings and without cost. The cost for travel, if we just took the travel into consideration, would be \$3,182, where if we add the per diem and compensation it is going to raise that figure to \$10,000 and over.

SWEENEY: That's my point, Mr. Coghill. Actually the picture does not come to 10,000 because you are including in the report per diem and salary for days we are holding hearings, and that resolution does not state that.

COGHILL: It is my intent to amend the resolution as such.

SWEENEY: That would be a further job, it isn't what we're studying now as I understand it.

SUNDBORG: Mr. McLaughlin a moment ago raised a point of order. I don't believe we've taken care of it.

PRESIDENT EGAN: He said he felt Mr. Kilcher had raised a point of order. Since that time the Chair has been thinking

he raised a very pertinent point of question, and if there is no objection the Chair would like to declare a recess at this time and refer this matter to the Rules Committee and have those who would like, to appear before the Rules Committee and thrash out this question if possible.

COLLINS: Before we recess, this might throw some light on the argument we've been having. I call the Convention's attention to the Act itself. Section 1 provides for the 15 day recess for the object of holding meetings. Then it goes on and the Act provides a Section 19, "Delegates shall receive a per diem of \$20 for each day in attendance, including the time spent going to and returning from the Convention and they shall be reimbursed for their actual travel costs incurred attending upon their duties as delegates. In addition they shall receive for their services the sum of \$15 per day as compensation for each day's attendance while the Convention is in session."

PRESIDENT EGAN: If there is no objection then the Convention will stand at recess and the Rules Committee will take this question under advisement.

RECESS

PRESIDENT EGAN: The Convention will come to order. We have before us the motion to strike the words "and to compensate for the per diem for the days involved in such travel", beginning on the third line of Section 3. We have the report of the Rules Committee.

RILEY: Mr. President, Mr. McLaughlin's point of order was to the effect that the Convention could not properly deprive the members of a per diem entitlement which he felt was theirs under the law. The Rules Committee, in coming to a decision on that, felt obliged to interpret the meaning of passages of the Act in terms of the resolution from the Committee on Administration, which is before us. In doing so, as to paragraph No. 3 on page 2, it is the opinion of the Rules Committee that Chapter 46, under the provisions of Chapter 46 delegates shall be paid actual travel costs to and from places where hearings will be held as directed by the Convention and per diem for days of actual travel but not salary. Now as to paragraph No. 4 on the same page of the resolution, it is the opinion of the Committee that the Act does not authorize salary or per diem during a recess for days of hearings as distinguished from days of travel. It is conceivable that a travel day may also be a hearing day, but to distinguish between them it is the feeling of the Committee that salary or per diem during the recess for days of hearings, as distinguished from travel, is not authorized. As to paragraph 5, the Rules Committee would like to give that further consideration before reporting.

PRESIDENT EGAN: You submit this as the opinion of the Rules Committee on Mr. McLaughlin's point of order, is that right?

RILEY: Yes. As a matter of fact we have enlarged upon it somewhat but felt it necessary to do so in order to cover the point of order fully.

PRESIDENT EGAN: The Chair will accept the opinion of the Rules Committee as being the opinion of the Chair on the question. Mr. Victor Rivers?

V. RIVERS: Is the matter still open for discussion?

PRESIDENT EGAN: The motion is still open for discussion.

V. RIVERS: It seems to me there is some considerable concern about what this is going to cost and of course I can see this motion is along that line. I heard the reading of the Rules Committee report and it seems that is somewhat counter to the verbal opinion expressed by the Attorney General. I am of the opinion that if there are hearings and meetings, the delegates should receive pay for whatever they are actually entitled to receive pay under the Act. It seems to me the final decision would rest in the hands of the Attorney General. I just wanted to point out here primarily that I think the matter of not only what it will cost to take the vacation but what it will cost not to take the vacation should be considered. It costs \$2,500 a day to operate in round figures. If we don't take this recess for hearings, we will have four days, we will have Christmas, two Sundays and New Years which we will pay \$2,500 for each day that will not be work days of this Convention, if we do not recess. I want to put that out. I think it's important that we consider one against the other, that we balance the thing out if the dollars seem to be so important in the matter of the final decision. It seems to me we should consider the matter in both aspects. I do believe in order to resolve it we could get a vote on this and that's why I bring this up. It seems we cannot be saving money whichever action we take. We are going to be paying out what is justly entitled to be paid out to the delegates whether they stay here or whether they go.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Mr. President, in harmony with the ruling of the Chair and the opinion of the Rules Committee, which I may mention was the unanimous opinion of the Rules Committee, I believe the motion before us is out of order, at least in part, and I wonder if I may have a ruling of the Chair on that. The motion was to put a period after the word "recess" and strike the rest of the Section 3, and according to the opinion of the Rules Committee, per diem is authorized.

PRESIDENT EGAN: You are correct, Mr. Sundborg, in your point of order. It is well taken under those circumstances that the matter has been brought to the attention of the delegates that the law itself specifically authorizes the per diem, and it is the opinion of the Chair that this Convention cannot override the law. Therefore, relative to the words "per diem" the particular motion would be out of order.

SUNDBORG: Mr. President, then I would like to move and ask unanimous consent that paragraph 3 be amended as follows: After the word "from" on line 2, strike the word "their", strike all of line 3 through the word "and", and insert in -- insert in lieu thereof the words "hearings authorized by the Convention and to". The whole paragraph would then read as follows: "3. That the delegates shall be entitled to reimbursement for their actual travel costs going to and returning from hearings authorized by the Convention and to per diem for the days involved in such travel."

V. FISCHER: Mr. Chairman, I will accept that amendment since my original motion is still on the floor. I will accept the words per diem" or should I withdraw mine and substitute that?

PRESIDENT EGAN: Under the ruling of the Chair the motion as it appeared would be out of order. Mr. Sundborg, feeling that the Chair had ruled the entire motion out of order because of the word "compensation" being in there, that Mr. Sundborg has moved that his motion be unanimously adopted by the Convention. Is there objection to the acceptance?

GRAY: I don't object. Under that line of reasoning, the word that bothers me is the word "actual" travel costs. I am speaking only for myself, but this Christmas recess is a matter of personal convenience, and everyone can make up their own minds whether it is or is not. But for myself the matter of the recess and the going home is a matter of personal convenience.

COGHILL: Mr. Chairman, I rise to a point of order. Mr. Gray may interpret it as a personal convenience, but the resolution as provided by the Committee on Administration you will notice on the first whereas" of the resolution it says "to recess for a period not to exceed 15 days for the purpose of holding public hearings." It has nothing to do with personal recessing to go home for Christmas.

GRAY: The only thing I have to say is that you might strike out the word "actual" if it has no difference in the meaning there, then people would be entitled to their travel costs whether they went home or whether they didn't go home. That is the point I am trying to point out. Does the word "actual" have to be in there? So when we adopt this resolution, you

won't tie anybody's hands by the word "actual". It may be people would take travel transportation and travel some place else.

PRESIDENT EGAN: Mr. Gray, the Chair will hold that you should have, in order to get that open for discussion, offered some kind of amendment. There is nothing before us.

SUNDBORG: I raise a point of order to it. If I may, I would like to read something here of the Act which established this Convention. It says, in Section 19, "They", (the delegates) "shall be reimbursed for their actual travel costs incurred in attending upon their duties as delegates." I think we have no jurisdiction, no right to change the provision of the Legislature in that respect.

PRESIDENT EGAN: The Chair wonders if the First Vice President will take the Chair at this time.

(Mr. Peratrovich took the Chair at this time.)

VICE PRESIDENT PERATROVICH: Mr. Egan.

EGAN: I would like to rise to a question of personal privilege.

VICE PRESIDENT PERATROVICH: You may state your privilege.

EGAN: I would like to speak on this proposition as to why these hearings are asked and why we are confronted with the question at this time.

VICTOR FISCHER: Point of order, Mr. President. Did you want the wire recorder going during this?

EGAN: No, I would just as soon the wire recorder be turned off and save that time.

HILSCHER: I rise to a point of order. I think Mr. Egan's comments are sufficiently important that they should be on the record.

V. FISCHER: My point of order is based on the fact that at an earlier decision the wire recorder was to be turned off on personal privilege and Committee of the Whole.

EGAN: The only reason I asked for a personal privilege was that the general question was not open at this time. It is immaterial to me.

VICE PRESIDENT PERATROVICH: Mr. Egan you may proceed.

EGAN: The Act that created this Convention set up, as has been pointed out, a 15-day recess for hearings, if the Convention so chooses to have hearings during that 15-day period.

Prior to the time that the Act became the law of the Territory, a joint committee of the House and Senate considered each and every provision in the Act. Now in the first draft that was presented to the Legislature in the bill's introduction in the House, in that first draft the particular section relating to the 15-day public hearings was there I am certain. All the way through the discussions in the joint committee that 15day clause stood intact and for this reason, that in many treatises or papers or books that have been written by men who have had a close relationship with constitutional conventions in the past, they made almost this uniform statement that a break during a constitutional convention somewhere along the mid-way mark had been proven to be, some two or three weeks' break, had been proven to be highly fruitful and served a very practical purpose in that it allowed the tensions that may have been created during the time when committee hearings had been held for many many hours, day after day, and after hearing many witnesses in public hearings, after the many meetings and the general tenseness that would naturally be evident in members of the Convention, that that break had proven very fruitful in that it let the convention members relax and that they could get a feeling different than the feeling that might entail upon them at their daily and nightly meetings of the particular convention, that it also was very helpful in allowing them to find what the real opinion at home was on certain matters that might still come before the convention and on matters that were considered by the convention. That Act up to the last few days, as I recall it, had the particular convening date of the Convention set in January of 1956, and it was more or less generally accepted by the joint committee of the House and Senate that the convening date of the proposed Convention would be set sometime in January, 1956. Then there arose the question if it would be possible to have consideration of this, as to whether or not it would be possible to have consideration of the statehood question again by Congress, in 1956. The question naturally arose at that time, well if we set the convening date in January, that the ratification date would then fall so far into the summer that we could not even be hopeful that the Congress would consider it in a new light because of the ratification of the constitution by the Territory of Alaska. Consequently, the date was set back to November 8, 1955, believing that if there was any possibility of Congressional approval of the Alaska Statehood Bill in 1956 that the ratification would have to come sufficiently early in the spring months that the constitution could be before the Congress early in the summer of 1956. I point that out to show all members that this particular 15-day recess was not set up, that section was not set up in the Act, taking into consideration Christmas or New Year's whatsoever. It is just coincidental that Christmas and New Year's fall within the time that we are now considering taking a recess. Thank you, Mr. President.

VICE PRESIDENT PERATROVICH: Do you wish to take the Chair again?

EGAN: You can do it.

VICE PRESIDENT PERATROVICH: Is there any further discussion? Mr. Riley?

RILEY: Was objection raised to Mr. Sundborg's request for unanimous consent?

GRAY: I withdraw the objection.

RILEY: There is no objection pending, is that right?

VICE PRESIDENT PERATROVICH: I would have to ask Mr. Sundborg, what is your request please?

SUNDBORG: My request, Mr. President, was that paragraph 3 be amended by striking in line 2 the word "their" and in line 3 all of the line through the word "and" and inserting in lieu thereof "hearings authorized by the Convention and to". The whole paragraph would read as follows: That the delegates shall be entitled to reimbursement for their actual travel costs going to and returning from hearings authorized by the Convention and to per diem for the days involved in such travel." I ask unanimous consent.

VICE PRESIDENT PERATROVICH: Do I hear any objection? If not, it is so ordered. Is there any further discussion on that? Mr. Sundborg?

SUNDBORG: I would now like to move and ask unanimous consent that in line with the opinion of the Rules Committee and the ruling of the Chair, all of paragraph 4 be stricken.

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

MCNEES: Mr. President, is there a motion before the floor at the present time?

VICE PRESIDENT PERATROVICH: We are still in the process of amending the last half of this resolution, as I understand it.

MCNEES: There is no motion on the floor at the present time? In view of that I'd like to make one.

COGHILL: I rise to a point of information. There is a motion on the floor -- the divided motion to adopt the second half of this resolution.

VICE PRESIDENT PERATROVICH: That is still open for amendment, however. You are in order, Mr. McNees.

MCNEES: My opinion is there was a special committee of three set up the other day by the President in order to schedule these hearings and poll the delegates as to their vacation plans. Today we have heard an expression from the Rules Committee, an expression from the Administration Committee. We do not have the Attorney General's opinion yet in writing, but we think we know what it is. We have the Act before us. I would like to suggest in view of the fact that everybody has had at least a reasonable chance to express their opinions, now it be placed back in the hands of either this original committee of three or another similar committee and that the floor abide by their decision.

VICE PRESIDENT PERATROVICH: Mr. Riley.

RILEY: In reporting for the Rules Committee a moment ago, I mentioned that the Rules Committee would like to give further consideration to paragraph 5 before action is had on that, and I ask for a five-minute recess accordingly, and ask unanimous consent.

VICE PRESIDENT PERATROVICH: Without any objection we will have a five-minute recess.

RECESS

PRESIDENT EGAN: The Convention will come to order. Does the Rules Committee have a report to make at this time? Mr. Riley?

RILEY: Mr. President, to conclude the report of the Rules Committee, it is the opinion of that Committee that paragraph No. 5, page 2 of the resolution before us, is not out of conformity with Chapter 46 of 1955 S.L.A. which creates the Convention.

PRESIDENT EGAN: You have heard the report of the Rules Committee as to paragraph No. 5. Is there any discussion of that report? Mr. Sundborg?

SUNDBORG: I would like to move and ask unanimous consent that paragraphs 5 and 6 be renumbered 4 and 5 respectively to take account of the fact that we have stricken what was paragraph 4.

PRESIDENT EGAN: Mr. Sundborg moves and asks unanimous consent that paragraphs 5 and 6 be renumbered 4 and 5 respectively in order to conform with the amendments made in the resolution. Is there objection? Hearing no objection it is so ordered. Mr. Robertson?

ROBERTSON: Mr. President, the words "compensation and" in paragraph 6 shouldn't that be omitted?

RILEY: We have not gone that far.

ROBERTSON: In conformity with the past rules and what has been numbered paragraph 6, I ask for unanimous consent to eliminate the words "compensation and".

PRESIDENT EGAN: Mr. Riley, in the report of the Rules Committee on the point of order, did you eliminate the mention of compensation at all relative to those delegates who might be holding hearings? Compensation in your ruling was eliminated entirely, is that right?

RILEY: Well, the point of order raised by Mr. McLaughlin touched only on per diem. However, the Rules Committee held that compensation in paragraph 3 was not the proper expenditure. They interpreted the Act and the same would carry through in the Committee's judgment of original paragraph 6. It would support Mr. Robertson's request for unanimous consent.

PRESIDENT EGAN: Mr. Robertson moves and asks unanimous consent that paragraph 5, the words "compensation and" be deleted from the paragraph. Is there objection?

KILCHER: I object.

COGHILL: I second the motion.

PRESIDENT EGAN: Mr. Kilcher objects. Mr. Coghill seconds Mr. Robertson's motion.

KILCHER: My objection was meant to be temporary rather in the form of a point of information. Section 3, has that been adopted now in the revised form?

PRESIDENT EGAN: Yes.

KILCHER: New Sections 4 and 5 have not been adopted, only agreed that numbers be changed and 4 be stricken? The sections have not been adopted yet? All right. In new Section 5 we were advised to strike "compensation and". I would like to know if the Rules Committee could not foresee the possibility of the rightness of paying compensation on the hearing day, if this is against the Act or what. If it is against the Act that settles it, but if it is not I think it would be fair on the hearing date specifically if it is in a locality farther than home, that besides per diem, compensation would be in place. Because if we consider that each 55 of us has, as Mr. Hilscher likes to call it, a job of selling to do, I think it is futile to quibble about an extra 500 or 600 dollars and possibly jeopardize the expenditure of \$300,000. I for one am not at all optimistic, or let's say overly optimistic about the ratification of this constitution if we don't come up with a good one. In order to come up with a good one we have to go home and we have a selling job to do. The people in the States are not at all convinced about a lot of matters. We have a lot

populated places as possible. We have to hustle and in my opinion it is as expert a job as that of many of the experts that are getting \$100 a day here. I think \$35 a day for a day well spent is not too much money. If it is at all legally possible to get it, I would suggest we get it and it be not stricken from paragraph 5.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Mr. Kilcher was asking for information, and I believe the information is contained again in Section 19 of the Act creating the Constitutional Convention. "In addition they, the delegates, shall receive for their services the sum of \$15 per day as compensation for each day's attendance while the Convention is in session." So it was the opinion of the Rules Committee that it is not proper to pay compensation while the Convention is in recess.

KILCHER: I object to that interpretation to the following grounds -- I think that the Convention if we so choose, has the power to designate anybody for any specific job and we could not claim to be in Convention, but it would be an expense like any other expense, like a wire sent someplace, a man sent someplace, for a specific purpose to do a specific job, to gather information and also to contact the public and make possible the ratification of the Act. That is germane to the expense of the \$300,000, that it be well spent.

PRESIDENT EGAN: Mr. Riley.

RILEY: Mr. President, I want to raise a point of order. I don't want to propose discussion, but I think the matter has been covered. The Rules Committee does not happen to be the Convention counsel but this point of order raised an hour ago did require some interpretation, and accordingly our interpretation was advanced just on the Act itself and without respect to the convenience of the members, the fairness of the situation in which we all find ourselves or the cost which might be incurred by individual members and perhaps not by others. It will work a hardship possibly in many directions. I should like to ask Mr. Robertson's consent to include in his request that the last word on the first line of 6 be changed to read "that".

ROBERTSON: I agree to that, Mr. President.

PRESIDENT EGAN: Mr. Robertson's original motion then would ask that the words "compensation and " be stricken and also that the word "those" in the first line of Section 5 would be changed to the word "that".

PRESIDENT EGAN: Mr. Cooper?

COOPER: Do I understand, now that we have discussed this thoroughly, and I believe the total figure in adding up the three sections here amounts to \$6,582.98 to disburse these delegates to the 15-day public hearing period. I think it is fairly reasonable in that it is considerably less than the \$8,000 that would be spent if the Convention remained here. I also think that if any delegate here felt as though he should be reimbursed for duty that I personally think that he owes to the public, he would have the right to file a claim to the Territory. Therefore, I move the previous question.

PRESIDENT EGAN: Mr. Cooper moves the previous question. Is there a second?

HERMANN: What is the previous question?

PRESIDENT EGAN: The previous question is, "Shall Mr. Robertson's proposed amendment be adopted, deleting the words in Section 5 'compensation and' and at the end of the first line changing the word 'those' to 'that'?" Is there a second to the motion for the previous question?

WHITE: I second Mr. Cooper's motion.

PRESIDENT EGAN: Mr. White seconded Mr. Cooper's motion. The question is, "Shall the previous question be ordered?" All in favor say "aye", all opposed say "no". The previous question has been ordered. The question is, "Shall Mr. Robertson's proposed amendment be adopted?" All in favor will say "aye", all opposed "no". The "ayes" have it and Mr. Robertson's amendments are ordered adopted. Mrs. Hermann?

HERMANN: Mr. President, may I ask Mr. Riley a question in regard to Section 4?

PRESIDENT EGAN: You may, Mrs. Hermann.

HERMANN: It was my understanding that was to apply not only to those people whose normal residences are outside of the Fairbanks area but also to Fairbanks residents. Am I correct in that?

RILEY: Mrs. Hermann, I think it was noted that Section 4 is narrower than the Act, but I believe its text is that which we have adopted as it reads.

PRESIDENT EGAN: Mr. Barr.

BARR: Mr. President, I have an amendment to offer to Section 5, and I have it written out -- rather it is paragraph 4 now.

TAYLOR: Point of order. As I remember Section 4 was by practically unanimous vote of the Convention, was stricken.

PRESIDENT EGAN: The original Section 4 was, Mr. Taylor. We have moved the numbering up.

TAYLOR: While I was here there was no motion to do that.

PRESIDENT EGAN: The new 4 was Section 5. Mr. Barr's amendment is with relation to the new Section 4. Will the Chief Clerk read the proposed amendment.

CHIEF CLERK: "Paragraph 4, line 1, after the word 'delegates' strike the words, 'whose normal residence is outside the Fairbanks area' and substitute therefore the words, 'remaining in attendance upon the Convention'."

COOPER: I object.

BARR: I move that this amendment be adopted.

PRESIDENT EGAN: Mr. Barr moves his amendment be adopted? Did the Chair hear a second?

KILCHER: Second the motion.

DOOGAN: Point of order. That in effect amounts to rescinding an action already passed upon. We adopted Section 4, the new Section 4, without amendment, and now we are going back.

PRESIDENT EGAN: The Chair does not recall having adopted the section. If it was adopted and a new amendment was asked for, it would still probably be in order. Mr. Barr?

BARR: The principal change it makes here is that it more definitely establishes who is entitled to per diem. In other words, under this amendment, the people remaining in Fairbanks, who live outside of Fairbanks, are included. It also includes those who live in Fairbanks. The session will not be adjourned. It will be in session but will be in recess, and those who are here, willing and able to attend in Fairbanks, then will receive the per diem no matter whether they live here or outside.

PRESIDENT EGAN: Mr. White.

WHITE: If I understand this, it appears to me it would be a rather extraordinary suggestion that Fairbanks residents who live here ordinarily would be entitled to collect per diem throughout the recess, in direct contrast to every other delegate of this Convention, who returns to their homes. I am certainly opposed to the amendment.

HELLENTHAL: Along that line, the way 4 presently reads, a person from Anchorage who maintains an apartment here during the Convention would be entitled to per diem. Then he could take his \$300 in per diem, buy a round-trip ticket to Anchorage

for \$70 or \$80 and make himself \$220 or \$230, which is not a bad idea, but then to carry that to exclude that privilege from those who live in Anchorage and allow the people who stay in their own homes here in Fairbanks to draw per diem but not those who live in Anchorage or other cities who maintain apartments here, is getting pretty far afield.

PRESIDENT EGAN: Mr. Hellenenthal, the paragraph says now, "that those delegates whose normal residence is outside the Fairbanks area shall be entitled to per diem for the days of Convention recess spent in the Fairbanks area."

HELLENTHAL: You would have to be physically present here?

PRESIDENT EGAN: That is correct.

COGHILL: Mr. Chairman, I move that we lay the amendment on the table.

PRESIDENT EGAN: Mr. Coghill moves that Mr. Barr's amendment be laid on the table. Is there a second?

GRAY: I second the motion.

PRESIDENT EGAN: Mr. Gray seconds the motion. The question is, "Shall Mr. Barr's proposed amendment be laid on the table?" All those in favor will signify by saying "aye", all opposed by saying "no". The 'ayes have it and the amendment --

TAYLOR: Roll Call.

PRESIDENT EGAN: The Chief Clerk will call the roll.

SUNDBORG: Before the roll call I would like to make a parliamentary inquiry. If we lay Mr. Barr's amendment on the table, does it carry anything else before this body with it?

PRESIDENT EGAN: No, just carries his amendment, Mr. Sundborg.

NORDALE: Could we have the section read now as it would appear with Mr. Barr's amendment in it?

PRESIDENT EGAN: Would the Chief Clerk do that please.

CHIEF CLERK: "That those delegates remaining in attendance upon the Convention shall be entitled to per diem for the days of Convention recess spent in the Fairbanks area."

PRESIDENT EGAN: Does everyone understand the question? Then the question is, "Shall Mr. Barr's proposed amendment be laid on the table?" The Chief Clerk will call the roll.

(The Chief Clerk called the roll 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, McNeas, Marston, Nolan, Reader, V. Rivers, Stewart, Taylor, VanderLeest.

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

CHIEF CLERK: Thirty-six yeas, 15 nays and four absent.

PRESIDENT EGAN: So Mr. Barr's amendment has been laid on the table. Are there other amendments to the resolution? Mr. McNeas?

MCNEES: Mr. President, in as much as we have now completed the discussion of all five articles as they now appear in the proposed resolution; inasmuch as anyone in attendance here must know the many varied opinions existing; inasmuch as I don't think any 55 delegates are going to come up with any one single answer, I would like to propose that the President name a committee of three or use his old original committee of three consisting of Mr. Hellenthal, Mr. Nerland and Mr. Sundborg, who I believe was Chairman, to come to a decision by which we agree to abide. I make that in the form of a motion.

MARSTON: I second that motion.

PRESIDENT EGAN: We have a motion before us and that is on a point of order, this motion would not be in order at this time. There is a motion on the floor that pertains directly to the paragraphs 3, 4, and 5 of this resolution, and that is, "Shall these paragraphs be adopted by this Convention?" Mr. Harris?

HARRIS: I move the previous question.

PRESIDENT EGAN: Mr. Harris moves the previous question.

WHITE: I second it.

PRESIDENT EGAN: Mr. White seconds the motion to ask that the previous question be called. All in favor of ordering the previous question will signify by saying "aye", all opposed by "no". The "ayes" have it and the previous question is ordered. The question is, "Shall Paragraphs 3, 4, and 5 of the proposed resolution be adopted by the Convention?"

ROBERTSON: Mr. President, I call for roll call.

PRESIDENT EGAN: Mr. Robertson asks for roll call. The Chief Clerk will call the roll.

(The Chief Clerk called the roll 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, Riely, 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.)

SUNDBORG: Mr. President, before the vote is announced I would like to rise to a point of order and say that under our rules, Mr. Kilcher is required to vote. He may not pass.

PRESIDENT EGAN: Mr. Sundborg, the Chair feels that Mr. Kilcher was not quite aware of what the question was. It is not proper to put the question to him during the roll call. We will have to hold that he had the right to pass.

KILCHER: As a point of information, can one pass temporarily and be put at the end of the roll call?

PRESIDENT EGAN: You can before the call is announced by the Chief Clerk, vote or change your vote.

KILCHER: That is what I intended to do. My vote is "yes".

PRESIDENT EGAN: Mr. Kilcher will have been recorded as having voted "yes".

SUNDBORG: Mr. President, as a point of order, I certainly think that is an improper procedure, and I will oppose it and appeal for a ruling from the Chair, if it is the Chair's ruling that any delegate during the calling of a roll may pass and be called last. If so, that would give the delegates who do so a great advantage.

PRESIDENT EGAN: Well, at the time Mr. Kilcher's name was called, the Chair would rule Mr. Sundborg, that ordinarily your objection would be in order, but Mr. Kilcher indicated that he didn't know, he wasn't aware of what we were voting on and that is the reason that the Chair allowed his vote to pass. The indication from him was that at that moment --

KILCHER: Mr. President, that is the reason, I actually had intended to ask before the roll call that the whole section be read. I wasn't quite aware of the many notes and striking and I had to go over the notes and that was why at that moment I wasn't prepared to vote. That is the sole reason. I would have liked to have the whole section read before the vote. That didn't happen so I was confused.

PRESIDENT EGAN: Inasmuch as he has cast his vote, Mr. Sundborg, I would say that the point of order was non-existent at this time. Inasmuch as this vote has been cast prior to announcement of roll call, but you are correct, Mr. Sundborg, that if a person, if he is not voting, should if he is going to abstain, state his reason.

SUNDBORG: Mr. President, may I say I feel this is a fairly basic matter, and I would like assurance from the Chair that it will not be the policy of the Chair to permit members to abstain from voting and if they so abstain, to vote last. Any member may change his vote during the roll call. Mr. Kilcher might have said "yes" and before it is announced, changed it to "no", if he could in the meantime find out what the question is about. I wonder if I may read our rule on that question.

PRESIDENT EGAN: Of course, Mr. Sundborg, the Chair feels that if Mr. Kilcher hadn't expressed himself, you are asking that he be forced to vote, which is in effect correct that he should vote unless it is a matter personally, pertaining to something he is interested in and states for that reason he is not voting.

SUNDBORG: And he must announce before the roll is called that he intends to abstain, according to our rules, Rule No. 30.

TAYLOR: Mr. President, I feel that Mr. Sundborg's objection is well taken. To allow that vote to go the way it is, would allow any person on this floor, if he wanted to vote last, to withhold his vote, to get up and say, "I don't want to vote now because I don't understand the question." Therefore, the vote is taken and then he votes this way or that way. He holds the balance of power. It is very difficult to understand.

V. FISCHER: Point of order. It seems to me this whole debate is completely out of order until after the roll call has been

announced.

PRESIDENT EGAN: Of course it has to be made before the roll call is announced. It is in order.

TAYLOR: It is difficult to understand how a person sitting in here and who possibly had more to say upon this one particular question than anybody in the house would refrain from voting and then come in and vote after the last man had voted.

PRESIDENT EGAN: Mr. Taylor, if there is no objection the Chair will declare a recess and ask the Rules Committee to make a decision.

SUNDBORG: I object. I would like to withdraw my point of order.

PRESIDENT EGAN: Mr. Sundborg asks unanimous consent that his point of order be withdrawn.

KILCHER: Mr. President, can I withdraw my vote?

PRESIDENT EGAN: With no objection, Mr. Kilcher may withdraw his vote.

CHIEF CLERK: He didn't vote. Thirty-seven yeas, 13 nays, 4 absent and 1 not voting.

PRESIDENT EGAN: And so the sections of the resolution have been adopted by the Convention. Is there any other unfinished business to come before the Convention? Mr. Barr.

BARR: Mr. President, now that we have dealt with both sides of that divided question is it in order for me to propose an amendment to paragraph 1?

PRESIDENT EGAN: The resolution has been adopted by the Convention. If you so desire to offer an amendment the resolution is at this time still before us, Mr. Barr.

BARR: I would like to at this time offer an amendment to paragraph 1. It is a little lengthy. I will submit it in writing, but I would like to state it.

SUNDBORG: Mr. President, point of order. My point of order is that paragraph 1 has been adopted and if Mr. Barr desires to present some kind of amendment he would first have to obtain approval of the motion to rescind the action we have taken adopting paragraph 1 as it stands.

PRESIDENT EGAN: If there is unanimous consent or a two-thirds vote of the Convention allowing him to make the motion --

BARR: May I make the motion? The body would not know why I want to rescind unless I am allowed to state my reasons. I would like to have that paragraph 1 stricken completely and a new one substituted.

PRESIDENT EGAN: Mr. Peratrovich.

PERATROVICH: Mr. Chairman, I would like to rise to a point of information. I feel this way about Mr. Barr's proposal. I think he is in order. It seems to me we divided these questions for mere consideration. Therefore, when we get through considering on both divisions of the question we still have to adopt the resolution as a whole. Therefore, I think he is in order, if he has an amendment to offer.

PRESIDENT EGAN: Mr. Peratrovich, when we divided the question we voted in effect, adopted the first page. When we voted on the new sections 3, 4 and 5, we voted to adopt those. The whole resolution was adopted. Now if Mr. Barr rises to offer a motion to amend the resolution further it will take a two-thirds vote to allow him to offer that at this time.

BARR: Then, Mr. President, I would like to state that in adopting the second page it changed my thinking entirely on the length of the recess, and I hereby move that we rescind our action regarding paragraph 1 in order that I may make a motion in connection with it.

PRESIDENT EGAN: Now if we rescind at this time it will take a two-thirds vote. Is there a second to the motion?

KILCHER: A point of information, Mr. President. When notice is given it takes only a majority.

PRESIDENT EGAN: That is right. If his motion were acted upon tomorrow it would take a majority vote.

BARR: I would rather act on it today.

PRESIDENT EGAN: Mr. Barr moves that the Convention rescind its action as regards the first paragraph on page 1. Is there a second to the motion?

SUNDBORG: Mr. President, I will second the motion if he will include in the motion the matter that he desires to change. In other words, he moves to rescind and with respect to paragraph 1 then we will know what is following.

KILCHER: Point of order. That is not necessary. It will come out in a debate. The motion is debatable, the reasons will come out in debate.

MCCUTCHEON: Point of order. The point that Mr. Sundborg has

raised makes a compound motion of it and you can't make a compound motion.

PRESIDENT EGAN: You are correct, Mr. McCutcheon.

HERMANN: I second the motion.

SUNDBORG: I ask unanimous consent that we rescind our action with respect to paragraph 1 only, for the purpose of allowing Mr. Barr to propose an amendment.

UNIDENTIFIED DELEGATE: I object.

PRESIDENT EGAN: Objection is heard. Mr. Hellenthal?

HELLENTHAL: I rise to a point of information. What does Mr. Barr have in mind to propose?

PRESIDENT EGAN: Mr. Barr, if he so chooses --

BARR: Mr. President, my motion has been seconded and it is before the house now. Therefore, I will explain what I have in mind. Of course, from a personal viewpoint, if we have a two weeks vacation, the people in Fairbanks will receive no per diem and no pay. I myself and perhaps some others who live here just cannot afford to take a two weeks vacation under those circumstances. If we receive half pay, say just the per diem, then I could. I contend that this Convention is in session until we adjourn. A recess makes no difference. Therefore, while we are in recess and in town in attendance upon the Convention we are entitled to per diem, but that has been more or less ruled against. Therefore, I would like to make the motion, if this is rescinded, that we recess for a total of five days for the holidays for the purpose of taking a holiday, those five days being Christmas, the day before and day after, and New Years and the day after, and that we are in session the intervening five days, that during that intervening period the Chair may grant leave of members living out of town to go home for the purpose of holding hearings and those remaining here doing the committee work and hearings. That is the reason for my motion.

PRESIDENT EGAN: Mr. White.

WHITE: Mr. President, I can't help but feel that Mr. Barr and some others apparently misunderstand what action we have taken. The people resident in Fairbanks are being treated no differently from any other delegates to this Convention. Those of us returning to our homes for Christmas is as perfectly normal procedure in any deliberative body, and has added incentive of holding public hearings in this case, are not receiving any extra pay, we are not receiving per diem but merely being reimbursed for travel expenses. I have the definite

feeling that as this day has proceeded that the people in Fairbanks feel they are being put upon in some way. Actually it should be very convenient for them, living here and I don't feel that in denying them per diem during this recess they are being unfairly treated. I think the matter has been perfectly clear. We have passed upon the dates of the recess. Those dates are necessary, I think to allow people to return to distant points and accomplish the purpose of the recess I feel the amendment is without merit.

PRESIDENT EGAN: Mr. Londborg.

LONDBORG: Mr. President, I believe I can see Mr. Barr's point now. I had not noticed it before. It does become a matter of each individual. There are some who no doubt can resume business during the Christmas holidays at home and in that way take care of their necessary expenses, where some may, even though living in the Fairbanks area, be on a strict vacation. They have had to give up their job to even be at the Convention, and in that way they are left without any income at all during that time.

COOPER: Mr. President, I want to make it specifically clear right at this time. One of the previous speakers referred to delegates from Fairbanks in a unanimous state. I want to make it specifically clear that I for one as a delegate from Fairbanks do not intend to accept any form of remuneration whatsoever from this Convention while it is recessed.

BARR: Mr. President, I did not speak for all of the members who reside here. I spoke for myself, and said very likely some others, and I want that in the record clearly. Now I was thinking specifically of the people who live outside of the Fairbanks area who are remaining here and are being allowed per diem. They are being allowed that per diem because it is legal and because they are in attendance upon the Convention which is only in recess. We who live here are still in attendance upon the Convention while it is in recess and we have no other income just like the people who are staying here from out of town. Mr. Cooper of course, is in business as are two or three others and they have steady incomes or at least have made enough money to put it aside for their living expenses. I have not. I am on a salary. When I am off that salary I have no other income. As long as it is legal for me to receive per diem as well as those people who are remaining in Fairbanks, I don't see why we should not receive it.

PRESIDENT EGAN: Is there further discussion on the motion? Mr. McCutcheon.

MCCUTCHEON: In support of Mr. Barr's contention, I would say this, that the 15-day recess for specific purpose is no different than a recess that this Convention has already accomplished

for a specific purpose. The only difference is that we recessed over one Saturday for a specific purpose. This time we intend to recess for 15 days. It doesn't appear to me that there is any difference at all in that the delegates here would be entitled to per diem.

PRESIDENT EGAN: Mr. Victor Fischer.

V. FISCHER: Mr. President, I would like to point out that when we recessed over that Saturday it counted against 75 days of total Convention time. If we recess for anything but hearings, it will count against Convention time. That is why we can't recess for holidays or any other purpose.

PRESIDENT EGAN: Mr. McLaughlin.

MCLAUGHLIN: Mr. President, merely referring to one delegate's suggestion that we are entitled, as a matter of law to per diem and compensation for 15 days, shocks the conscience. One of the opinions that was presented to the Attorney General, and he approved, was an opinion that suggested that it is the universal custom and the courts will uphold it, to pay per diem and compensation over short periods of time when the Convention is in recess because the presumption is that the committees of the Convention are going about their work, but to suggest for 15 days that this Convention, or any one of its delegates, be entitled to compensation or per diem while being absent from the Convention actually shocks the conscience and probably should.

BARR: My motion in case the action to rescind is upheld, my motion will be to recess for five days for vacation purposes in which case there would be no pay or per diem and then during the intervening five days, between Christmas and New Years, we would be in full session and carry on our work. So in that case there would be no question of illegal payments of any kind.

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

COLLINS: There is nothing in this Act that refers to a vacation except for the purpose of hearings.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Mr. President, Mr. Londborg said a few minutes ago he had been somewhat convinced to Mr. Barr's point of view by reason of the fact that some delegates would be in a position to take up the threads of their private careers and some would not, and I think that is just as true of the ones who might be going somewhere to hold hearings as it is of the ones who remain in Fairbanks. We don't draw the line between those who are inconvenienced by this and between those who are remaining here

and live in Fairbanks and those who are going to their homes wherever they are. I think that is no argument for it at all. I also feel that throughout the Convention those who live in the Fairbanks area have been getting \$20.00 per diem for every day they have been here. That is a great advantage to them who do not have to maintain two establishments, one at a home which may be at a great distance and one here temporarily. I think they are not being disadvantaged at all by not being paid a per diem for the 15 days of the recess.

DOOGAN: I move the previous question.

PRESIDENT EGAN: Mr. Doogan moves the previous question. Is there a second?

GRAY: I second the motion.

PRESIDENT EGAN: Seconded by Mr. Gray. The question is, "Shall the previous question be ordered?" All those in favor of ordering the previous question will signify by saying "aye", all opposed by saying "no". The "ayes" have it and the previous question is ordered. The question is, "Shall the Convention rescind its action relative to the first paragraph of the resolution relating to the recess?" All those in favor --

UNIDENTIFIED DELEGATE: Roll call.

PRESIDENT EGAN: The Chief Clerk will call the roll.

(The Chief Clerk called the roll 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.)

CHIEF CLERK: Ten yeas, 41 nays and 4 absent.

PRESIDENT EGAN: So the motion to rescind the action has failed. Is there other business? Mr. Harris.

HARRIS: Am I correct in assuming we can go on to something new?

PRESIDENT EGAN: That is correct, Mr. Harris. Mr. Marston?

MARSTON: I rise to a point of information. There is some part we have left out of this thing right here. We have forgotten our secretarial staff entirely. I think they should be considered. What are we going to do? Have you information on what's to be done about it?

PRESIDENT EGAN: Mr. Sundborg, you may answer the question.

SUNDBORG: In a resolution of the Administration Committee which was adopted in the early days of the session, it would provide that should the Convention recess that the salaries of the secretarial staff would cease. Am I correct in that?

COGHILL: That is correct. It is the understanding of the Administration Committee stemming from that decision that the secretariat was hired on the spot here at Fairbanks and that they would be thoroughly informed that if the Convention recessed for any period of time to hold hearings, that their salary would not continue.

PRESIDENT EGAN: That was brought to the attention of the secretarial staff of the Convention in the early days.

MARSTON: These people from out of town -- are we going to leave them here? I think they would like to go home same as we would. We have brought them in here from out of town, part of them, I think they should be considered.

PRESIDENT EGAN: Mr. Marston, the Chair would suggest that that perhaps is a subject you might take up before the Board of Administration at its next meeting. Would that be satisfactory?

MARSTON: Thank you, sir. Will do.

PRESIDENT EGAN: Mr. Harris.

HARRIS: Mr. President, I have a resolution on the Chief Clerk's desk. I will ask her to read it, then I will ask for a unanimous vote for adoption.

PRESIDENT EGAN: Is there objection to reverting to the introduction of resolutions at this time? Mr. Hellenenthal?

HELLENTHAL: Yes. I think we should follow through with this arrangement for hearings and finish it up so we won't take another full morning on it, and then tackle anything new that might come up. I object to Mr. Harris's request.

PRESIDENT EGAN: Do you object to Mr. Harris's request then Mr. Hellenenthal?

HELLENTHAL: Yes, if it's going to take longer than two minutes, yes.

PRESIDENT EGAN: Well, do you object?

HELLENTHAL: I object.

HARRIS: I so move.

JOHNSON: I second the motion.

PRESIDENT EGAN: Mr. Harris moves and Mr. Johnson seconds the motion that we revert to the introduction of resolutions at this time. Mr. Gray?

GRAY: I rise to a point of information. Are we all finished now so far as the resolution is concerned?

PRESIDENT EGAN: So far as the resolution is concerned. The hearings has not come before us yet. The question is, "Shall the Convention revert to the introduction of resolutions at this time?" All those in favor of reverting to the introduction of resolutions at this time will signify by saying "aye", all opposed by saying "no". The ayes have it and we have reverted to the introduction of resolutions. The Chief Clerk may read the resolution.

CHIEF CLERK: Resolution by Mr. Harris:

"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."

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

HARRIS: I ask for unanimous consent that the resolution be adopted.

PRESIDENT EGAN: Mr. Harris asks unanimous consent that the resolution be adopted.

ROBERTSON: I object.

HARRIS: I so move.

TAYLOR: I second the motion.

PRESIDENT EGAN: Mr. Harris so moves that the resolution be adopted. Mr. Taylor seconds the motion. The question is open for discussion. Mr. Hurley.

HURLEY: Mr. President, I don't object to the resolution but I think it should be handled more as a proposal than as a motion and should be referred to the committee that previously had the resolutions pertaining to that subject.

PRESIDENT EGAN: Mr. Hurley, the rules say that a resolution can be considered the same as a motion on the floor if the proposer of the resolution so requests. Is there other discussion on the resolution?

PRESIDENT EGAN: Mr. White.

WHITE: I would like to direct a question to Mr. Harris. Mr. Harris, would it carry out the intent of your resolution if it said the Constitution did not name the site of the state capital?

HARRIS: That is the intent.

WHITE: Mr. Chairman, I ask of Mr. Harris if he would so amend the resolution.

PRESIDENT EGAN: You are asking Mr. Harris if he would be amenable to accepting such an amendment? The Chief Clerk will read what it says on that particular subject.

CHIEF CLERK: "That the Constitution shall be silent on the matter of the seat of government for the State of Alaska." The amendment would say "That the Constitution shall not name the site of the state capital."

PRESIDENT EGAN: There is nothing before us. Mr. Sundborg.

SUNDBORG: I move and ask unanimous consent that Mr. Harris's motion be amended to provide that his proposed resolution be referred to the Committee on Recommendations and Resolutions. I so move.

HARRIS: I object.

HELLENTHAL: Point of order. We had this out once before here by labeling a proposal a motion. I do not think that one can properly force his attention on the delegates at a time of his choosing. This matter is essentially a proposal, although labeled a motion, and for that reason I think it is out of order,

that it should be treated as a proposal and referred to the proper committee.

PRESIDENT EGAN: What does the Chief Clerk --

CHIEF CLERK: I didn't get a second to the motion.

TAYLOR: I seconded the motion.

PRESIDENT EGAN: Mr. Taylor seconded the original motion.

CHIEF CLERK: Yes, but this one that Mr. Sundborg just made now. Somebody seconded it.

PRESIDENT EGAN: Mr. Cooper seconded the motion. The Chair would have to hold that that resolution states that it is the feeling of the Convention in effect, not of the committee, Mr. Hellenthal, but it is a resolution. Mr. Riley?

RILEY: Mr. President, I wish to speak in support of Mr. Hellenthal's suggestion and perhaps to amplify a part, a bit, to suggest that while this may not be phrased precisely as a proposal, it has the effect of defeating consideration, further consideration of several proposals now before the Convention. In effect, it becomes a proposal. Its subject matter is proper subject matter for proposals which already are under consideration by several Committees, or I should say, several such proposals which are under consideration and have been by one or more committees. I feel that simply by labeling it a resolution it has not necessarily become a resolution and it is not entitled to more expeditious treatment than was given the resolution to which it refers.

PRESIDENT EGAN: Mr. Riley, the Chair will have to express why the Chair feels that it is a resolution in that it refers in its first paragraph, as I recall, to the fact that the Convention adopted a resolution in the early days of the Convention that only basic fundamental constitutional matters would be considered in the constitution. Mr. Taylor.

BARR: Mr. President, I have been trying to get the floor.

TAYLOR: I yield to Mr. Barr.

PRESIDENT EGAN: Mr. Barr, you may have the floor.

BARR: This resolution is definitely a resolution because a proposal contains matter to be included in the constitution and this does not. It treats the manner in which we are to write the constitution. Therefore, it is definitely a resolution, and our rules say, no matter what we want now, our rules say that a resolution may be treated as a motion. Therefore, we have to do that or change the rules.

PRESIDENT EGAN: Mr. Taylor.

TAYLOR: Mr. President, it is hard for me to understand as to how either Mr. Hellenthal or Mr. Riley can say that this is a proposal. We have a motion. We have a resolution that has been adopted by this body in which we said that we were going to put only into the constitution those things which would be the basic laws of the Territory of Alaska. It is equally hard for me to see, attempting to choose, or choosing where the capital is going to be, has anything to do with the basic laws of the State of Alaska. And, therefore, if this is now a resolution treating, or calling this body's attention to the fact that a previous resolution which was adopted, which would prevent us from attempting to choose the place of the seat of government. Now, I think that should be a matter left to the Legislature or to the people of Alaska and to come after the adoption of the constitution. And I feel that this is the time and place for the hearing on this resolution because it cannot be considered anything more than a resolution. I have a proposal in, I suppose before that committee providing for a matter of choosing the Convention, but that matter of choosing will be after the constitution is ratified and we become a state of the United States, and I think that this is perfectly feasible and proper for us to consider this resolution, which is not a proposal, at this time.

PRESIDENT EGAN: Mr. Londborg.

LONDBORG: Mr. President, I would like to inquire as far as this resolution of Mr. Harris is concerned, does that exclude any possibility of a resolution for giving the consideration, such as your proposal, Mr. Taylor, if I may direct a question to Mr. Taylor.

TAYLOR: I feel that if this resolution carries, it could still provide for a method of selection, but as to any particular place, I think we should be absolutely silent.

LONDBORG: I think that is fine. I would just like to say this then, that somewhere in our deliberation we must either state the site or make provision for a site because if our constitution is ratified by the people and Congress accepts it, as we hope this coming spring, we would perhaps be allowed to become a state. I would doubt if it could be as soon as next fall, but let's say it is. Where would we meet then and conduct our business if we did not either provide for a capital or name a capital?

PRESIDENT EGAN: Mr. White.

WHITE: All of this is precisely why I directed a question to Mr. Harris. To clear up the record, I move his resolution be amended.

SUNDBORG: There is a motion before the house which has been seconded.

PRESIDENT EGAN: Would you state your motion for Mr. White, Mr. Sundborg?

SUNDBORG: I made a motion which was seconded, to provide that Mr. Harris's resolution be referred to the Committee on Resolutions and Recommendations.

PRESIDENT EGAN: Mr. Sundborg, now in order to accomplish your motion, it would take a two-thirds vote because the rules give Mr. Harris a right to ask for a vote on it at this time. Who seconded Mr. Sundborg's motion?

COOPER: I seconded the motion.

PRESIDENT EGAN: So the question as to whether or not it will be referred to committee is in order although it calls for a suspension of the rules. Therefore the motion is not debatable, and this motion is in effect the motion to suspend the rules.

GRAY: All I have to say is that we have a committee for

TAYLOR: Point of order.

PRESIDENT EGAN: Your point of order is well taken.

UNIDENTIFIED DELEGATE: Roll call.

SUNDBORG: Have you just declared that it is a rule of this Convention that a motion to suspend the rules is not debatable?

PRESIDENT EGAN: That is right, Mr. Sundborg. Robert's Rules of Order. Our own rules, I believe, are silent on the matter, but Robert's Rules provides that a motion for suspension of the rules or, in effect, to suspend the rules is undebatable.

SUNDBORG: I wonder if I may ask if that is the understanding of the Rules Committee Chairman?

RILEY: May we defer that just a moment while --

MCCUTCHEON: Point of order, Mr. President.

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

MCCUTCHEON: Mr. Sundborg's motion was incorrectly put and the Chair could rule it out of order. I think you have been kind to the Delegate by stating a suspension in his motion for him.

PRESIDENT EGAN: However, as it stands now the motion asks that the rules be suspended and that the resolution be referred to

the Committee on Resolutions and Recommendations.

SUNDBORG: When I was originally recognized, I think the record of the Chief Clerk will show, that my motion was to amend the motion of Mr. Harris to provide that instead of settling this matter now, that the proposed resolution be referred to the Committee on Resolutions and Recommendations. I take the view that this is a perfectly proper amendment and does not require suspension of the rules or a two-thirds vote.

PRESIDENT EGAN: The Chair will hold that it is in effect a motion to suspend the rules to amend such a motion that is in order, Mr. Sundborg.

MCCUTCHEON: Mr. President, if Mr. Sundborg's motion was actually a motion for amendment, then he was perfectly in order, but I didn't understand it as a motion for amendment.

SUNDBORG: May I ask the Chief Clerk to read my motion as it was put.

CHIEF CLERK: Mr. Sundborg "Moved and asked unanimous consent that Mr. Harris's motion be amended to provide that his proposed resolution be referred to the Committee on Resolutions and Recommendations."

PRESIDENT EGAN: The Chair will still hold that an amendment of that nature puts the motion in the category of a suspension of the rules inasmuch as the rules specifically state that a member can bring a motion if he so chooses before the Convention on a resolution and acted upon at this time, and to change the method of the rules, which Mr. Sundborg's motion for amendment is, in effect asking that that rule be suspended and that it be sent to the Committee. The question is, "Shall Mr. Sundborg's proposed amendment be adopted? The Chief Clerk will call the roll.

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

Yeas: 35 - Armstrong, Awes, Boswell, Coghill, Collins, Cooper, Doogan, Gray, Hellenthal, Hermann, 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.)

WHITE: Mr. President, I wish to change my vote from "yes" to "no".

PRESIDENT EGAN: Mr. White asks that his vote be changed from "yes" to "no".

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

PRESIDENT EGAN: So the resolution by two-thirds majority vote of the members present is ordered sent to the Resolutions Committee.

BARR: Mr. President, I rise to a point of personal privilege. Our rules specifically say that a member may do a certain thing. Now this body has voted to override those rules preventing him from doing that certain thing. I want to state I am not very proud of belonging to a body that would do that.

COOPER: Point of order. The rule was not carried. Rule 59 states "... two-third's of the membership to which the Convention is entitled." and 35 votes is not two-thirds.

NOLAN: Mr. President, may we have a short recess?

PRESIDENT EGAN: If there is no objection the Convention is at recess.

RECESS

PRESIDENT EGAN: The Convention will come to order. The Chair would like to state that the point of order raised by Mr. Cooper was well taken. It is the first time the Chair has ever been confronted with such a rule. Usually the rule is that on the final passage of proposals or something as momentous as that, it takes a majority of those to which a body is entitled. However, Rule 59 does state, and the Chair was in error in saying that the resolution is referred to the Resolutions Committee. The resolution is still before us.

WHITE: Mr. President, I move the resolution be amended and to strike the words "shall be silent on the matter of" and insert in lieu thereof "not name".

KILCHER: I second the motion.

PRESIDENT EGAN: It has been moved and seconded that Mr. White's proposed amendment be adopted. Will the Chief Clerk read the proposed amendment as it has been offered by Mr. White.

CHIEF CLERK: "That the Constitution not name the seat of government for the State of Alaska."

PRESIDENT EGAN: In other words, the effect of the proposed

amendment by says, "The Constitution shall be silent as to the proposed seat of government" that it will say "The Constitution will not name the seat of government."

HARRIS: Mr. President, I will accept that as my original motion.

PRESIDENT EGAN: If there is no objection -- you ask unanimous consent Mr. White?

WHITE: I put it in the form of an amendment. I ask unanimous consent.

UNIDENTIFIED DELEGATE: I object.

PRESIDENT EGAN: Objection is heard. Mr. Kilcher seconded the motion by Mr. White. The subject is open for discussion. Mrs. Hermann?

HERMANN: I think before we adopt any amendment of that nature we should be very sure that we may do that and that it is not necessary that we have a seat of government named. I have talked to two or three of the consultants we have here about that particular matter, and it has been their opinion that we have to name a seat of government in the constitution, and I think all state constitutions do name the seat of government except in one or two cases where it is named by implication rather than by outright designation. I am not particularly opposed to the resolution, but I think we should find out if we are in order in adopting it, and maybe we ought to have the advice of some of our consultants on that matter.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: I rise to a point of order. I believe that the amendment now removes any questions and that the matter is now properly a proposal and that it should be referred to the proper committee just as four or five similar resolutions have already been so referred.

PRESIDENT EGAN: Of course, Mr. Hellenthal, for instance the resolution by Mr. Poulsen, was considered as a resolution and was referred to a committee. The committee accepted it and no one objected. Mr. Poulsen did not ask that it be considered by the Convention at that time. Mr. Harris is asking that his resolution be considered at this time, and the Chair would feel he is in order and has already stated that. Mr. Fischer?

V. FISCHER: Mr. President, in regard to the motion made by Mr. White to amend, it would seem more proper that we should not preclude some inclusion or reference to have a capital may be named in the future, or a seat of government may be

named, and therefore a substitution, the elimination of the language, "silent on" may be much better. And an additional point I would like to make is that in any case the matter of a capital could probably best be treated in a separate ordinance anyway rather than in the body of the constitution.

PRESIDENT EGAN: Mr. Londborg.

LONDBORG: Mr. President, I believe as we stated before it will be necessary to have some place for the government to be in operation, some seat of capital, and I would like to move that that resolution be amended to say that we decide on a permanent site of the capital, that a temporary capital site be named for the transitional period.

PRESIDENT EGAN: We have before us the particular amendment offered by Mr. White, is that correct? Mr. Taylor?

TAYLOR: To overcome some of the objections that have been voiced by members as to this amendment that I am in favor of, I might call attention to the body that in the separate committee here is a proposal in which established a method of choosing a seat of government and also as to tide it over until such selection can be made by the people of Alaska, there is a section there that "Juneau shall be the seat of government until such time as the people of Alaska choose the capital." So that proposal if enacted or any part of it, will take care of the question that is now confronting the delegates.

LONDBORG: I would like to have it clear that by voting on this proposal and accepting that this does not stop anything of Mr. Taylor's nature. My understanding is that if we accept this resolution that the proposals relative to the capital will be just null and void.

PRESIDENT EGAN: That would be the effect, the Chair would feel, that the adoption of this proposal would lend to the Convention. Mr. White.

WHITE: Mr. President, to explain my amendment, it is to take care of the very matter that you raised. I feel personally the constitution should deal with the method of choosing the state capital. I do not feel that the constitution should name the state capital. I felt that Mr. Harris's wording, where he said "shall be silent on the matter of" would preclude any formula for adopting a state capital in the future. Therefore, I inserted my words to allow any formulas to be considered but to preclude only the naming of the specific place in the constitution.

PRESIDENT EGAN: Mr. Davis.

DAVIS: Mr. President, I wonder if we could have the proposed

resolution, including Mr. White's amendment read so that we will know, have the thing down in front of us.

PRESIDENT EGAN: The Chief Clerk will, at the request of Mr. Davis, read the resolution including Mr. White's proposed amendment to the Convention.

CHIEF CLERK: "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 not name the seat of government for the State of Alaska."

LONDBORG: Mr. President, to make that resolution consistent, I still believe the word "permanent" should be in the latter reference to the capital site so that the proposals that are now in committees can take care of temporary sites for the capital. I would still like to move again that the word "permanent" be put in --

PRESIDENT EGAN: There is a motion on the floor already, Mr. Londborg. It would be in order that you hold yours. Mr. Hilscher?

HILSCHER: Mr. President, there are 22 state constitutions that make no reference to the capital at all in the constitution.

SUNDBORG: I have to object to that. All but eight state constitutions do name the capital by the name of a city. I will present the evidence and read the constitutions to Mr. Hilscher or anyone else.

PRESIDENT EGAN: Mr. Hilscher has the floor.

HILSCHER: I would like to add to what I said. We have some consultants here who are authorities on the subject. Let's settle this matter through intelligence rather than through a political hassle.

WHITE: If it would help anyone, I would agree to the insertion of the word "permanent" in my amendment.

PRESIDENT EGAN: Mr. White asks that he amend the original

amendment by adding the word "permanent". Would you read it as you would like to have it, Mr. White?

ROBERTSON: Mr. President, I move that we table the resolution and the proposed amendment.

HERMANN: I second the motion.

PRESIDENT EGAN: It has been moved and seconded that the proposed resolution with the pending amendment be tabled. All those in favor of tabling the proposed resolution along with the proposed amendment will signify by saying "aye", all opposed by saying "no". The proposed amendment has been laid on the table. Is there other unfinished business to come before the Convention? Mr. Johnson?

JOHNSON: Mr. President, I move that the Convention --

PRESIDENT EGAN: Mr. Johnson, before we put that motion, if the Chair may, we have with us today in the gallery Mr. Dayton McKean, the Dean of the Graduate School of the University of Colorado. The Chair would like to take this opportunity of introducing Mr. McKean to the delegates. If you wish to speak a few words to the delegates, Mr. McKean --

MR. MCKEAN: I am very glad to have the opportunity to accept the invitation to come here and meet with you for a couple of weeks and I hope to be of some help. Maybe at least I can say in some of the things, don't do it the way we did and save the posterity of Alaska from lots of trouble. And I hope to get acquainted with everybody in the next few days. (Applause)

PRESIDENT EGAN: Thank you, Mr. McKean. Mr. Johnson, you had the floor.

JOHNSON: Mr. President, I now move that the Convention stand adjourned until tomorrow morning at 9 o'clock.

PRESIDENT EGAN: Mr. Johnson moves and asks unanimous consent that the Convention stand adjourned until 9 o'clock tomorrow morning.

SUNDBORG: I object.

STEWART: I second the motion.

PRESIDENT EGAN: Objection is heard. Mr. Stewart seconded the motion. All those in favor of adjournment until tomorrow morning at 9 a.m. will signify by saying aye, all opposed by saying no. The "ayes have it and the Convention will stand adjourned.