

ALASKA CONSTITUTIONAL CONVENTION

January 28, 1956

SIXTY-SEVENTH DAY

PRESIDENT EGAN: The Convention will come to order. We have with us this morning Father Boileau of the Catholic Church. Father Boileau, will you give us our daily invocation.

FATHER BOILEAU: Grant, almighty God, to us that that which we have begun in humility, courage, and charity may be prospered by you and brought to a happy conclusion for the good of our country and Your glory. Through Christ, our Lord, Amen.

PRESIDENT EGAN: The Chief Clerk will call the roll.

(The Chief Clerk called the roll.)

CHIEF CLERK: Six absent.

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

KNIGHT: Mr. President, going back to the journal of the 59th day, page 14 has been corrected and I now ask unanimous consent for it to be passed.

PRESIDENT EGAN: Mr. Knight asks unanimous consent for the adoption of the journal of the 59th day. Is there objection? Hearing no objection, the journal of the 59th day is ordered adopted. Mr. White.

WHITE: Mr. President, reporting to the Convention for the 62nd Convention day, Monday, January 23, page 1, at the bottom of the page, change 1955 to 1956. On page 4, third paragraph, second line, change the "C" in "Chair" to a small "c". With those corrections, Mr. President, we ask unanimous consent for the approval of the journal of the 62nd day.

PRESIDENT EGAN: Mr. White asks unanimous consent for the approval of the journal of the 62nd Convention day, incorporating the corrections by the special Committee to read the journal. Is there objection? Hearing no objection, it is so ordered. Are there any communications or petitions from outside the Convention? Are there reports of standing committees? Mr. Sundborg.

SUNDBORG: The Committee on Style and Drafting reports its redraft of Article No. IX on finance and taxation, and Article No. XIII on amendment and revision, copies of which have been distributed to the delegates.

PRESIDENT EGAN: Are there reports of special committees: Mrs. Sweeney.

SWEENEY: Mr. President, your Committee on Engrossment and Enrollment to whom was referred Committee Proposal No. 12, has compared same with the original and find it correctly engrossed. Enrolled copies are being placed on the delegates' desks, and I ask unanimous consent for the adoption of it.

PRESIDENT EGAN: Unanimous consent is asked that the report of the Committee on Engrossment and Enrollment be adopted. Is there objection? Hearing no objection, it is so ordered. Mr. Sundborg, did you ask that that report be referred?

SUNDBORG: I ask that it be referred to the Rules Committee for assignment on the calendar.

PRESIDENT EGAN: Yes, but under the regular order -- but you had asked yesterday that it be referred to....

SUNDBORG: I am sorry, Mr. President, I was still talking about the reports that I made to you and which I don't think you referred.

PRESIDENT EGAN: That is right, because it was not officially before the Convention.

SUNDBORG: Now we would like to have Mrs. Sweeney's report referred to Style and Drafting.

PRESIDENT EGAN: If there is no objection, it is so ordered, and Committee Proposal No. 12 is referred to the Style and Drafting Committee. Are there other reports of standing committees? Are there reports of select committees? Are there any motions or resolutions? Is there any unfinished business? We would have before us, then, in second reading, Committee Proposal No. 14. Mr. Hellenenthal.

HELLENTHAL: Each delegate has before him two papers that were handed out last night entitled "Committee Amendments to Committee Proposal No. 14". Each consists of a schedule describing, on the one hand, election districts by their name, number, and by the number of representatives they will have based on the 1950 census, and the other paper represents the composition of the senate, giving the name of the senatorial district, the composition of the district, listing the election districts comprising it, and showing the number of senators from each district. The members will recall that during the discussion it was determined through amendment on the floor that a distinction would be made between the election districts at large, in the sense that they were combined, there being four such districts, and the paired senatorial districts, and the one amendment does that. You will notice that they refer to the Ketchikan-Prince of Wales Senate

District; the Wrangell-Petersburg-Sitka District; Juneau-Yakutat; Cordova-Valdez; Seward-Kenai; Fairbanks-Fort Yukon; etc. That is new matter. The remaining new matter in the other committee amendment is to change an error in mathematics in the application of the method of equal proportion that was mentioned during the floor discussion when Committee Proposal No. 14 was adopted, with regard to Sitka and Juneau. The paper that you have before you now shows the number of representatives from Sitka to be two; the number of representatives from Juneau likewise to be two based upon the method of equal proportions in the 1950 census; and that error must be corrected. So with that point in mind and the naming of the paired senate districts, I move first that the amendment to the apportionment schedule....

PRESIDENT EGAN: Mr. Hellenthal, first, in order that the record would be clear, the Chair feels that the rules be suspended.

HELLENTHAL: I move and ask unanimous consent that the rules be suspended to consider the two schedules.

PRESIDENT EGAN: Is there objection to the suspension of the rules? Hearing no objection, it is so ordered. Mr. Hellenthal.

HELLENTHAL: I now move, Mr. President, that the amendment to the apportionment schedule be adopted. This amendment is the one dealing with election districts, their names and the number of representatives.

PRESIDENT EGAN: Mr. Hellenthal moves and asks unanimous consent that the apportionment schedule be adopted.

ROBERTSON: I object.

HELLENTHAL: I did not ask unanimous consent.

PRESIDENT EGAN: Did you just so move, Mr. Hellenthal?

HELLENTHAL: Yes, Mr. President.

PRESIDENT EGAN: Is there a second?

HINCKEL: I'll second it.

PRESIDENT EGAN: Mr. Hinckel seconds the motion. The question is, "Shall the apportionment schedule be adopted?" Mr. Robertson.

ROBERTSON: Mr. President, I will admit I have been misled by this. I was going by the schedule which shows the Juneau precinct is entitled to three representatives and, in my opinion, it is very unjust to the Juneau recording district to reduce the number to two. It puts it in the same category in representation, although we all know the population is much larger, as Sitka, Nome, and Kodiak. And I don't believe the people of Juneau district

are going to be very well pleased with that representation. I was satisfied to go along with three, but I am not satisfied to go along with two, based upon what I think is entirely a theoretical apportionment.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: Mr. Robertson, I believe, was not here the evening that the application of the method of equal proportion was explained, when the Committee Proposal No. 14 was adopted in second reading, and, at that time, it was shown that the application of the method of equal proportion indicated clearly that Juneau was to receive two representatives based on the 1950 census and Sitka, two. It was also shown that in 1960, or following the 1960 census and the first reapportionment, that Juneau would be the second most deserving. In any event, it would be the second most deserving, and if anyone was entitled to an extra member of the house, Juneau would be considered first after one other election district -- I forget the name of that district -- and that if Juneau's population remained the same as it is now and there were no further sensational growths elsewhere, that Juneau would probably get two or three more representatives. That same rule will likewise apply to other districts, and I can assure Mr. Robertson that Juneau is not being singled out and is not being given any treatment other than any of the other districts.

PRESIDENT EGAN: Is there further discussion on the motion for the adoption of the apportionment schedule? If not, the question is, "Shall the apportionment schedule be adopted as a part of Committee Proposal No. 14?"

ROBERTSON: Roll call.

PRESIDENT EGAN: The Chief Clerk will call the roll.

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

Yeas: 43 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Cooper, Cross, Davis, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Kilcher, King, Knight, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nordale, Peratrovich, Poulsen, Reader, R. Rivers, V. Rivers, Smith, Stewart, Walsh, White, Wien, Mr. President.

Nays: 7 - Collins, Johnson, Laws, Nolan, Robertson, Sundborg, Sweeney.

Absent: 5 - Doogan, Riley, Rosswog, Taylor, VanderLeest.)

COGHILL: Mr. President, may I change my vote to "yes"?

PRESIDENT EGAN: Mr. Coghill changes his vote to "yes".

HELLENTHAL: Mr. President, I move and ask unanimous consent....

PRESIDENT EGAN: Mr. Hellenthal, the Chief Clerk hasn't tallied the vote.

CHIEF CLERK: 43 yeas, 7 nays, and 5 absent.

PRESIDENT EGAN: So the "yeas" have it and the proposed amendment has been adopted. Mr. Hellenthal.

HELLLENTHAL: Mr. President, I move and ask unanimous consent that the spelling of "Wrangell" in the amendment to the apportionment schedule as just adopted be corrected.

PRESIDENT EGAN: Is there objection? If there is no objection, it is so ordered and the spelling will be corrected.

HELLENTHAL: Mr. President, I now move that the amendment to Committee Proposal No. 14 with regard to senate districts be adopted.

PRESIDENT EGAN: Mr. Hellenthal moves that the proposed amendment to Committee Proposal No. 14 with regard to senate districts be adopted.

COOPER: I second it.

PRESIDENT EGAN: Seconded by Mr. Cooper.

HELLENTHAL: Again I invite the attention of the group that the only new matter in this is the lettered designations of districts and the naming of the paired districts. Now, as a matter of local pride, some people here might have suggestions that weren't presented to the committee when they chose these names for the paired districts.

PRESIDENT EGAN: Mr. Robertson.

ROBERTSON: May I have a copy of that? I don't seem to have a copy.

PRESIDENT EGAN: May Mr. Robertson have a copy of the proposal relating to senate districts? The Convention will come to order. Is there discussion on this proposed amendment? Mr. Robertson.

ROBERTSON: My objection to that is the same as I have heretofore made that the apportionment is based upon both geography and population as I understand it, which I think is a departure from the bicameral system of the legislature.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: Mr. President, there was some discussion that met with some support, I know, that the name of the Central district be changed to I think it was the North Central or something like that. May I ask that there be a recess for one minute?

PRESIDENT EGAN: If there is no objection, the Convention is at recess for one minute.

RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. Hellenenthal.

HELLENTHAL: I think this matter was discussed and I doubt if there are any amendments along that line.

PRESIDENT EGAN: Is there other discussion? Mr. Victor Rivers.

V. RIVERS: I wonder, Mr. President, these are long names because of local pride, seem to me to be very cumbersome. I wonder if the Committee gave any thought to trying to make one name for every district. I can just visualize the speaker of the house getting up and saying, "The Chair recognizes the gentleman from the Wrangell-Petersburg-Sitka-Southeastern Alaska District".

UNIDENTIFIED DELEGATE: It's nothing like that.

V. RIVERS: Well, you have got to recognize them from some area; you wouldn't want to use any local name. It looks to me like these names should be shortened considerably. It seems to me that they are just about as convenient and efficient as a pocket in your underwear.
(Laughter)

PRESIDENT EGAN: The Convention will come to order. The question is, "Shall the amendment relating to the senate districts be adopted by the Convention."

ROBERTSON: Roll call.

PRESIDENT EGAN: The Chief Clerk will call the roll.

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

Yeas: 45 - Armstrong, Awes, Boswell, Buckalew, Coghill, Collins, Cooper, Cross, Davis, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nordale, Peratrovich, Poulsen, Reader, R. Rivers, V. Rivers, Smith, Stewart, Sundborg, Walsh, White, Wien, Mr. President.

Nays: 5 - Barr, Laws, Nolan, Robertson, Sweeney.

Absent: 5 - Doogan, Riley, Rosswog, Taylor, VanderLeest.)

LAWS: Mr. President, I would like to change my vote to "no".

PRESIDENT EGAN: Mr. Laws changes his vote to "no". The Convention will come to order.

CHIEF CLERK: 45 yeas, 5 nays, and 5 absent.

PRESIDENT EGAN: So the "yeas" have it and the amendment is ordered adopted. Mr. Hellenthal.

HELLENTHAL: Mr. President, I move and ask unanimous consent that in the name of Election District No. 9, the name "Palmer-Wasilla-Talkeetna" as shown on the amendment be adopted rather than its original designation of "Talkeetna-Palmer-Wasilla".

PRESIDENT EGAN: Is there objection? Hearing no objection, the amendment is ordered adopted. Mr. Sundborg.

SUNDBORG: Mr. President, I would like to say that the Style and Drafting Committee will probably shortly be considering this schedule and, if any delegates have suggestions as to changing these names, particularly in the senate districts, we would be considering that along with the rest of the schedule; we would be glad to have such suggestions.

PRESIDENT EGAN: If there are no other amendments to the schedule, this part of the schedule with relation to the election districts -- Mr. Hilscher.

HILSCHER: Mr. President, if I may say so, if Mr. Rivers is serious about his suggestion, we could call it the "Pa-Wa-Ta" -- that would be Section 9, And "Ke-Co" would be Kenai-Cook Inlet. That would shorten things up nicely, and we could have a lot of fun.

PRESIDENT EGAN: The Convention will come to order. If there are no other amendments to be offered, the schedule with relation to the election districts is referred to the Committee on Engrossment and Enrollment to become a part of that part of the schedule which relates to the description of election districts, which is already in Engrossment and Enrollment. If there is no objection, it is referred to the Engrossment and Enrollment Committee. Mr. Sundborg.

SUNDBORG: Mr. President, your Committee on Style and Drafting wishes to report its redraft on Article VI on legislative apportionment. Copies either have been or will shortly be distributed to delegates.

PRESIDENT EGAN: Article VI is referred to the Rules Committee for assignment on the calendar -- but the Chair notes that it is already on the calendar. We have before us Committee Proposal No. 17/b. The proposal has been read for the second time and it is in

the amendment stage. At the time we left this proposal yesterday, an amendment as offered by Mr. Nerland was pending, was it not?

CHIEF CLERK: No, we passed over it and went on.

PRESIDENT EGAN: We passed over it and went on, then. Mr. Nerland, did you wish to renew your request for adoption of that amendment at this time or what was your pleasure?

NERLAND: The Finance Committee met yesterday and had considerable discussion on this subject, and it seemed to be the consensus of opinion that there was a variance -- a wide variance of opinion as to just what the status of these transitional articles would be. One school of thought seemed to be that they were just for the period until the Territory was converted into a state, and others felt it was something that would go on for perhaps many years, and the Committee felt that some clearer understanding or statement by the Convention should result for the record in that matter, and it would largely influence our recommendations as to whether this particular section should be left in the ordinances and transitional measures or transferred over to finance. Our present thinking is that it should be transferred over to finance.

PRESIDENT EGAN: Would you at this time, then, ask to pass it over again, or what is your desire?

NERLAND: Perhaps for the time being, it might be just as well to pass over that and let the delegates give some thought to the whole matter.

PRESIDENT EGAN: Are there amendments to Section 8, then? Section 9? Mr. McNealy.

MCNEALY: Mr. President, I might state to the Chair on Section 9 and Section 10, it was suggested to the committee by possibly two or three delegates that these sections be included. I think that all of the members of the Convention realize that they are not essential to be included since they are presently a part of Territorial law, but we put them in. If any delegate or if the Convention desires to strike those two sections, it will cause no harm.

PRESIDENT EGAN: Mr. White.

WHITE: Mr. Chairman, may I address a question to the Chairman of the Committee?

PRESIDENT EGAN: If there is no objection, Mr. White.

WHITE: Mr. McNealy, what happened to the bird and the song?

MCNEALY: Our answer to that is that we are going to be consistent.

The willow grouse might also be included here.

PRESIDENT EGAN: Mr. White, did you wish to offer an amendment to preserve the song, as it were? (Laughter)

WHITE: (answer inaudible)

PRESIDENT EGAN: The Convention will come to order. Mr. Hellenenthal.

HELLENTHAL: I move that Sections 9 and 10 be deleted.

PRESIDENT EGAN: Mr. Hellenenthal moves that Sections 9 and 10 be deleted. Is there a second to the motion?

MARSTON: I'll second the motion.

PRESIDENT EGAN: Seconded by Mr. Marston. The question is, "Shall Sections 9 and 10 be deleted from the proposal? Is there discussion? Mr. Hellenenthal.

HELLENTHAL: I make this motion solely to be consistent with our expressed desire to make the constitution as brief as possible and to omit anything that is considered unnecessary, and if the Committee feels this is unnecessary, and I do myself, I think we should delete it.

PRESIDENT EGAN: Mr. Hilscher.

HILSCHER: Mr. President, that is just as consistent as a statement that was made on the floor here the other day that, unless we specified where the capital would be, the legislature wouldn't know where in the world it was supposed to go. I think it would be better to be left in.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: Which law is it, Mr. McNealy, that carries over in regard to retaining the flag and the seal?

MCNEALY: I forget the section about the...

R. RIVERS: Was it in the Territorial code or an Act of Congress?

MCNEALY: It could be in...

R. RIVERS: I think it ought to be left in.

PRESIDENT EGAN: Mr. Ralph Rivers, I think what you meant -- that what law is on the statute that would say that the seal becomes the seal of the state and the flag, the flag of the state.

R. RIVERS: There is an act that says such and such will be the flag and such and such will be the seal, but what law is there

that is going to change the word "Territory" to "State", and in both of those deals unless we have one that says in all the laws of the Territory of Alaska, the word "state" shall be substituted for the word "Territory". Will we have a transitory measure like that?

UNIDENTIFIED DELEGATE: Section 3.

MCNEALY: We didn't spell out the words "transfer from Territory to state"; that would be a side matter, and if this were stricken -- in other words, it would leave it up to the first state legislature in due time to adopt.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: Mr. President, my understanding of Section 3 is that it obviates the necessity of a whole series of provisions changing the word "Territory" to "state", and that a law dealing with the seal or the flag under the provisions of Section 3 that we have adopted so far would continue in force until altered or repealed. That is why I think that 9 and 10 are unnecessary.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: In the last two months, we have gone over these matters and compared them with other constitutions, and, in each one of them, we have found a reference to the seal as well as to the flag, and I, for one, think that -- this is a complete surprise to me that it should be suggested to be stricken. So far, it has always been considered essential for the state to have it here subject to change by the legislature, if they so see fit, and I certainly think they should be in here like in all other constitutions and I am in favor of leaving Sections 9 and 10 in there.

PRESIDENT EGAN: Mr. McNealy.

MCNEALY: This pins it down. However, it pins it down for the interim period, and would maybe constitute a directive to the first state legislature, but once the state comes into being, as I have mentioned before, these particular sections here, 9 and 10, of course, would be no longer operative as ordinances. Then the first state legislature could change the flag or make any change in the seal as they saw fit.

KILCHER: Pardon me, I didn't quite understand Mr. McNealy's explanation. Do you mean to say, Mr. McNealy, that if Sections 9 and 10 stay in there they would, like any other ordinance or transitional measures, be subject to change by the legislature?

MCNEALY: Yes, Mr. Kilcher, that is correct.

KILCHER: Thank you. In other words, that is the purpose of most of these amendments which are in there.

PRESIDENT EGAN: The question is, "Shall the amendment as offered by Mr. Hellenthal be adopted by the Convention?" All in favor of adopting the proposed amendment will signify by saying "aye"; all opposed by saying "no". The "noes" have it and the amendment has failed of adoption. Are there other amendments for Sections 9 or 10? Section 11? Section 12? Are there amendments to be offered to Section 12? Do you have an amendment, Mr. Fischer?

V. FISCHER: No, sir.

PRESIDENT EGAN: Are there amendments to be offered to Section 13? Section 14? Are there amendments for Section 15? Section 16? Section 17? Mr. Victor Rivers.

V. RIVERS: Mr. President, may I ask the Chairman a question on Section 16?

PRESIDENT EGAN: You may.

V. RIVERS: Was it determined that the third day of January in an odd-numbered year is the regular date of expiration of all of the regular terms of the Senate and the House of the United States?

MCNEALY: The day slips my mind for the moment. It was either on that day or the day after that that Congress convenes in the new session of Congress.

V. RIVERS: This is in conformity with the expiration of their terms as you understand it, is it?

MCNEALY: Yes. If the Chair will permit, Mr. Rivers, we included the words there "to be determined by the authority of the United States" on lines 19 and 20 so it would not conflict with any rule of the Senate regarding an election of a third of them every two years.

PRESIDENT EGAN: Are there other questions relating to Section 16, or amendments? Section 17? Section 18? Section 19? Mr. Hellenthal.

HELLENTHAL: Mr. President, the election which is contemplated in Section 14 and thereafter will be conducted under Territorial laws -- is that the intention of the Committee?

PRESIDENT EGAN: Mr. McNealy.

MCNEALY: Mr. President, the election there will be conducted, actually, under the provisions of the constitution as nearly as possible, with the Territorial laws making up the difference, for that part of the constitution that can't be applicable at the time of election will be supplemented by Territorial laws.

HELLENTHAL: Do you anticipate there might be some difficulty

there where under the constitution you have 24 election districts and considerable changes from the time-honored custom, with thought given to making it quite clear so that it would avoid the possibility of, perhaps, litigation or controversy over the exact method and manner of holding that election?

MCNEALY: If I might ask Mr. Hellenenthal a question?

PRESIDENT EGAN: If there is no objection.

MCNEALY: Was the thought, Mr. Hellenenthal, did your question include the election of state officers as well as for the purpose of ratifying the constitution? If it is for ratifying the constitution, that is the Territorial laws. The first election -- that is, the election of the state legislature would come under the election districts as provided in the constitution.

PRESIDENT EGAN: Mr. Hellenenthal.

HELLENTHAL: I think that answers my question.

PRESIDENT EGAN: Are there questions relating to Section 20, or amendments? Section 21? Mr. Ralph Rivers.

R. RIVERS: May I address a question to Mr. McNealy?

PRESIDENT EGAN: You may.

R. RIVERS: On line 13 of page 7, Section 21, we find this thought: "within thirty days after the legislators are elected if a regular session of the legislature would not normally fall within that period". This refers to the convening of a special session of the first state legislature by the governor. Does "elected" mean the day they are certified by the canvassing board to have been elected?

MCNEALY: That was the intent, Mr. Rivers. Now whether that is clear enough or not -- I remember this, there was some discussion on that in the Committee. It was left in this way because of brevity. Now if the interpretation there is a place where possibly an interpretation of the "elected" is not sufficient, it might be deemed to be "elected" upon the very date that they received the largest number of ballots, is from the election date.

R. RIVERS: Mr. President, I would like to propose an amendment from the floor. After the word "are" on line 13, page 7, Section 21, insert "certified to have been"; and I move the adoption of the amendment and ask unanimous consent.

PRESIDENT EGAN: Mr. Ralph Rivers moves the adoption of the amendment and asks unanimous consent. Mr. Victor Fischer.

V. FISCHER: May I address a question to Mr. Rivers?

PRESIDENT EGAN: You may, Mr. Fischer.

V. FISCHER: What would happen in case there is some contest in the election and some of the legislators are not certified at the same time? I mean, say the certifications are different?

R. RIVERS: Well, under our present practice, if the canvassing board has any doubt it just goes ahead and certifies them and lets the house or the senate decide the argument in deciding upon the membership of its own body, and they complete their canvass before they issue their certificates, and under our existing law, which will carry over, they will certify them all on the same day. If there was one stray that the canvassing board wouldn't certify, then his case might go to court, but they would still certify the rest of them.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: I would like to ask for a one-minute recess.

PRESIDENT EGAN: If there is no objection, the Convention will be at recess for one minute.

RECESS

PRESIDENT EGAN: The Convention will come to order. Is there objection to Mr. Ralph Rivers' unanimous consent request. Mr. McNealy.

MCNEALY: Mr. President, I will object for the purpose of having an opportunity to speak.

PRESIDENT EGAN: Objection is heard. Is there a second to Mr. Ralph Rivers' motion?

COOPER: I'll second the motion.

PRESIDENT EGAN: Mr. Cooper seconds the motion. Mr. McNealy.

MCNEALY: Mr. President, the members of the Committee called my attention to exactly what the conversation in committee was on this and the reason for not putting in the certification, and since we had realized that, in setting up the state government, it was important that the legislature get into operation as soon as possible, and, when we spoke of the certification, we thought it very possible that it might take 20 or 30 days, even for the legislators to be certified, and, if we included the word "certified", then it would mean 30 days after that before under this wording; at least it would be 30 days after that before the legislature could be convened and there would be a lapsed time of possibly 60 days, then, from the date of their actual election, and it was our thought that, at that time, it was very important for the state government to get the show on the road just as soon as possible. That is the reason it was left out, as the members of the Committee refreshed my memory on it.

R. RIVERS: Mr. President, may I ask a question?

PRESIDENT EGAN: You may.

R. RIVERS: Is it your thought, then, that it would be 30 days from election day?

MCNEALY: We had assumed that they would be certified within 30 days from election day.

R. RIVERS: Wait a minute. I am talking about the language in your section here. Shall the governor call them into session 30 days from the election day, or 30 days from the day they are certified?

MCNEALY: The Committee's thought was 30 days from the date they were elected, and assumed that they would be certified within that 30 days, so it was the election date they had in mind.

R. RIVERS: I see. Now, if the canvassing board doesn't complete its canvass within 30 days from the election date, then could you convene the legislature before they are certified?

MCNEALY: It was the thought that this canvassing board would be pretty much on their toes during that period, too.

R. RIVERS: Well, would it be all right with you if we left them on their toes and said "thirty days from date of certification"?

MCNEALY: The Committee felt that that would carry it over for possibly too long a time; it would maybe result in a stalemate in government for possibly 60 days.

R. RIVERS: Mr. President, now that we are pinning this down, my contention being we should state a certain period of time from the date of certification, I would like to ask Mr. McNealy another question. Would it be all right if we shortened the period of time to two weeks, for instance, after date of certification, or one week after date of certification? But let's get them all certified, at least, before you call the legislature together.

PRESIDENT EGAN: Would you, Mr. Ralph Rivers, like to have a short recess to talk this matter over?

R. RIVERS: I believe so.

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

RECESS

PRESIDENT EGAN: The Convention will come to order.

MCNEALY: I believe, Mr. President, that Mr. Rivers has an amendment to offer to his amendment.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: Mr. President, I would like to include in my amendment a change on line 12 of Section 21, page 7, change "thirty" to "ten" and I ask unanimous consent for changing my proposed amendment.

PRESIDENT EGAN: Mr. Ralph Rivers asks unanimous consent that his proposed amendment be amended to change, on line 12, "thirty days" to read "ten days". Is there objection? Mr. White.

WHITE: A question. What does this now mean? When are they elected?

R. RIVERS: Well then, I am retaining my former amendment, and it would be ten days after certification.

WHITE: Oh, I see.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: Could we hear how it reads:

PRESIDENT EGAN: Would the Chief Clerk please read that section as it would read if Mr. Ralph Rivers' present amendment is adopted with the suggested change.

CHIEF CLERK: "The governor shall convene a special session of the first state legislature without limit as to duration within ten days after the legislators are certified to have been elected if a regular session of the legislature would not normally fall within that period."

PRESIDENT EGAN: Is there objection to the unanimous consent request to change "thirty" to "ten" in line 12?

UNIDENTIFIED DELEGATE: I object.

PRESIDENT EGAN: Objection is heard. Do you so move, Mr. Rivers?

R. RIVERS: I so move.

PRESIDENT EGAN: Is there a second?

STEWART: I second the motion.

PRESIDENT EGAN: Mr. Stewart seconds the motion. Mr. Ralph Rivers.

R. RIVERS: I would like to clarify the matter now. I would like to ask unanimous consent to change "thirty" to "ten". That would be all we are voting on at this point.

PRESIDENT EGAN: Well, you have now moved that the "thirty" be changed to "ten", Mr. Ralph Rivers, and that is the question. Mr. Victor Rivers.

V. RIVERS: I object to that because the section says "the governor shall convene within thirty days" and it would now say "shall convene within ten days". I think if he called a session within 10 days he would be doing good, but I am not too sure he could convene a session within 10 days. It seems to me it says "within thirty days". If this governor is on the ball, and I expect he will be, he will probably call it the second or third day after he takes office, and he has authority to do so within this thirty-day clause. To me, convening a session within 10 days doesn't quite all add together in my way of thinking.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: I had more or less overlooked the fact that it said "within thirty days", but the point is that the thinking -- "within thirty days" was written when they used the word "elected". The Committee was thinking of 30 days after election day. We are trying to change this to be more specific to say within a certain time after the legislators are certified to have been elected. Well, if you say "within thirty days" -- Mr. Victor Rivers' point is well taken, but the Committee wanted me to agree on 10 days. May I hear from the Committee on that?

PRESIDENT EGAN: Mr. McNealy.

MCNEALY: Mr. President, I believe Mr. Victor Rivers probably stated correctly that if the governor is actually on the ball and wants to get things moving, he could call it in 10 days even though we left in the word "thirty". I see a point. The Committee felt it should be tied down rather specifically -- not to allow too much time. It may be that we should have greater convictions here so as not to hold up time on the floor, but the important thing is that the first legislature get started in passing laws here, but, if it is the contention of the body here that the governor will actually do it and do it as soon as possible, then, of course, the words "thirty days" -- we have no particular objection to it.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: Inasmuch as it says "within thirty days", I withdraw my motion to change the "thirty" to "ten".

PRESIDENT EGAN: Mr. Ralph Rivers asks unanimous consent to withdraw his motion changing the proposed amendment to the amendment from "thirty" days to "ten". Is there objection?

KILCHER: I object.

PRESIDENT EGAN: Objection is heard. The question is, "Shall the "thirty days" be changed to read "ten days"? All in favor of the adoption of the amendment to the amendment will signify by saying "aye"; all opposed by saying "no". The "noes" have it and the proposed amendment to the amendment has failed of adoption. Mr. Ralph Rivers.

R. RIVERS: Mr. President, I renew my request now for unanimous consent for the adoption of my original amendment.

PRESIDENT EGAN: It was so moved and seconded, but if you wish to ask unanimous consent -- Mr. Marston.

MARSTON: Does the Committee go along with this thinking?

PRESIDENT EGAN: Mr. McNealy.

MCNEALY: Mr. President, I hesitate to speak for the other members of the Committee on this. I do know that we all feel that there should be no chance of a time lag. I say, personally, I have no objection, but there are other members of the Committee who are more or less positive in their feelings on this.

PRESIDENT EGAN: Well, it has been moved by Mr. Ralph Rivers and seconded by Mr. Cooper that the proposed amendment be adopted. The question is, "Shall the proposed amendment be adopted?" All those in favor of adopting the proposed amendment will signify by saying "aye"; all opposed by saying "no". The "ayes" have it and the amendment is ordered adopted. The Convention will come to order. Are there other amendments to be proposed for Section 21? If not, are there amendments for Section 22? Section 23? The Chair notes an amendment -- a mimeographed amendment. Mr. McNealy.

MCNEALY: Mr. President, the Committee has an amendment to offer to Section 23.

PRESIDENT EGAN: Will the Chief Clerk please read the proposed Committee amendment for Section 23.

CHIEF CLERK: "delete Section 23, page 8, and insert:

'Until Alaska is admitted as a state and the courts provided for in the judicial article are organized, the courts, jurisdiction, and judicial system in the territory shall remain as at present constituted until otherwise provided by law or this constitution.

'When the state courts are organized, new actions shall be commenced and filed therein, and all pending causes in the present constituted courts brought under or by virtue of territorial law shall be transferred to the proper state court, or agency, as though commenced, filed, or lodged therein at the first instance, subject to applicable acts of Congress.'

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

MCNEALY: I move the adoption of the amendment.

PRESIDENT EGAN: Mr. McNealy moves the adoption of the amendment. Mr. Buckalew seconds the motion. Mr. McNealy.

MCNEALY: Mr. President, the purpose of offering the amendment here is that Section 23 as it is constituted there in the article represents the work of one of the experts here, which we feel did not take into consideration fully the fact that we have a different situation here in the type of court system that we have, and it would be safer for us to pattern after, so far as possible, those states which had a federal -- were under federal jurisdiction at the time the transfer was made over to the state court. The language we have adopted here in the first paragraph as to court jurisdiction and judicial system will definitely leave the present constituted courts open for both civil and criminal actions without any question, and, further, the language providing for the filing of new actions in the state courts and then the transfer of actions as though commenced, filed, or lodged therein, the language is carefully taken from that of other jurisdictions. I won't take the time on the floor, unless it is necessary, to name the states or cite the cases in which the courts held that this was an orderly procedure in all instances. There have been some very involved matters come up in state courts concerning this transfer of legal procedure, and the language that we propose in the amendment has, without fail, been upheld in the supreme courts of the other states. And then, of course, we have had at least two leading cases in West Virginia and Idaho where the courts of those states have held and stated in their opinion that it is the general law that, where the constitutional ordinances containing the same language is upheld under one jurisdiction, then, under the principle as the attorneys know as stare decisis the same language and ordinance will be upheld in another state. There are two very good opinions written on that in the courts of Idaho and the courts of West Virginia, which are the controlling cases, and we feel that under this section here we would be taking no chance, and also where we stated in the first paragraph "unless otherwise provided (provided) by law" and in the second paragraph "subject to applicable acts of Congress". I think most of the delegates are familiar with page 57, and going along for two or three pages under H.B. 2535 where the Congress spells out in detail in lawyers language, the transfer in which we actually incorporate herein "and subject to applicable acts of Congress". I think this amendment will take care of the judicial system in very good shape.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: Mr. President, can I ask a question of Mr. McNealy?

PRESIDENT EGAN: You may.

HELLENTHAL: "At present" in the first paragraph of the proposed amendment, by the words "at present", do you mean, in effect, on the date of ratification by the people?

MCNEALY: That is correct, Mr. Hellenthal.

HELLENTHAL: Had you given thought to using that language rather

than the unqualified use of the words "at present", which remind me of B. D. Stewart's story of the French Canadians on the riverboat but is not to the point here. (Laughter)

MCNEALY: Mr. President, the language here was taken, as I remember and construed from cases in California, Arizona, and New Mexico. The language is not original, as is practically nothing in this article or anywhere else in the ordinances. We adopted language that the courts had passed on, and there is no pride of authorship throughout these ordinances.

PRESIDENT EGAN: Is there further discussion? Mr. Ralph Rivers.

R. RIVERS: May I address a question to Mr. McNealy? Mr. McNealy, in the act of Congress, does it specially provide for cases where the trial has already been had but the proceedings and judgment haven't been entered to retain those in the courts that conducted the trial and not transfer them to another court so that the court in which the trial was conducted could complete his proceedings?

MCNEALY: Yes, Mr. Rivers. The act provided that, if a case shall continue to judgment in the district court -- if a case is in process of trial or has been tried, then it shall continue in the district court of the Territory until final judgment. And then it also provides further that an appeal from that judgment can be taken to the Ninth Circuit Court and continued on; or, if after judgment transferred to the state court, it can be appealed within the state court, or if we left it open, it can also be taken to the Ninth Circuit.

R. RIVERS: Mr. President, in that case I support the amendment.

PRESIDENT EGAN: Mr. Poulsen.

POULSEN: Mr. President, may I ask Mr. McNealy a question? In plain language, all the cases, the backlog in the district courts, would that be an expense of the state when they take over the judicial -- would you take over all those cases?

MCNEALY: It would depend, Mr. President, upon the act of Congress that is passed at the time of admission. There is provision under H.R. 2535 -- putting it this way -- that those actions that are not too far along would be transferred. They speak about pending cases in the house bill. With your permission, Mr. President, I might read: "That all causes pending in the District Court of the Territory of Alaska at the time of admission of Alaska as a state which are of such nature as to be within the jurisdiction of the District Court of the United States shall go to the United States District Court, and all other causes pending at the time of admission shall be transferred to the appropriate state court." So I fear, except that where they are in the process of final judgment, that the state would have to take over those cases; that is under this enabling act.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: If I may add to the question -- it is, however, provided, or most likely will be, that several million dollars for such and other purposes will be made available to the future state by the federal government, so actually we won't have to pay for them.

BUCKALEW: Mr. President, this same bill we are talking about provides \$17,000,000 the first year.

PRESIDENT EGAN: For courts, Mr. Buckalew?

BUCKALEW: Yes.

PRESIDENT EGAN: Is there other discussion? Mr. Hellenthal.

HELLENTHAL: I have another question of Mr. McNealy. The enabling act that we have been guided by to a large extent here says that "pending cases at the time of the admission of Alaska as a state", and don't you feel that the words "at present" are intended to mean cases pending at the time of admission of Alaska as a state?

MCNEALY: Mr. President, I believe that I would stand corrected on that because the constitution would have no effect except for the purpose of starting the process of bringing the state into being; until such time as it was actually admitted, none of these transfers can be made or attempted -- until such time as there is the proclamation of admission.

HELLENTHAL: Isn't it likewise your intent that the organization and judicial system shall remain constituted the same as it was on the date of admission unless otherwise provided by law, or do you mean it to remain constituted as it will be on April 26, 1955, or April 24, 1955? There is quite a lag there -- or could be.

MCNEALY: I don't quite --

HELLENTHAL: I am trying to decide what the Committee meant by the use of the words "at present".

PRESIDENT EGAN: Mr. Hellenthal, would you object to having our morning recess now? Perhaps the attorneys might be able to confer on this.

HELLENTHAL: Not at all.

PRESIDENT EGAN: If there is no objection, the Convention will be at recess until 10:45.

RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. Hilscher.

HILSCHER: Mr. President, I ask for the privilege of the floor for a moment.

PRESIDENT EGAN: If there is no objection, Mr. Hilscher, you may have the privilege of the floor.

(Mr. Hilscher then spoke under personal privilege of the floor.)

PRESIDENT EGAN: The Convention will be at recess.

RECESS

PRESIDENT EGAN: The Convention will come to order. We have an important communication, and the Chief Clerk -- if the Chief Clerk needs assistance, she may call upon one of the delegates. Mr. McLaughlin, you might read the communication.

(Mr. McLaughlin read a letter addressed to Mr. Doogan from the Chief of the Editorial Department of the New York Daily News regarding the various pronunciations of the word "borough".)

PRESIDENT EGAN: The communication may be filed. Mr. Fischer.

V. FISCHER: I would like to ask unanimous consent that this communication be mimeographed and copies be made available to all delegates.

PRESIDENT EGAN: If there is no objection, it is so ordered.

BARR: Wouldn't it just be a lot simpler to do away with the word and simply call it "division"? (Laughter)

PRESIDENT EGAN: The Convention will come to order. We have before us the committee amendment to Section 23 of 17/b. Mr. McNealy.

MCNEALY: Mr. President, after discussion with some of the attorneys here I would like to at this time move an amendment to the amendment. In line 4 of the first paragraph, strike the words "at present", and after the word "constituted" at the end of the line, add the words "on date of admission".

PRESIDENT EGAN: Mr. McNealy moves the adoption of the proposed amendment. Is there a second?

MARSTON: I second the motion.

PRESIDENT EGAN: Seconded by Mr. Marston.

TAYLOR: I'll ask unanimous consent.

PRESIDENT EGAN: Would the Chief Clerk please read part of the section as it would read if the amendment were adopted.

CHIEF CLERK: "Until Alaska is admitted as a state and the courts provided for in the judicial article are organized, the courts, jurisdiction, and judicial system in the Territory shall remain

as constituted on the date of admission."

PRESIDENT EGAN: Unanimous consent is asked that the amendment be adopted. Is there objection? Hearing no objection, the amendment is ordered adopted. Mr. Hellenthal.

HELLENTHAL: Mr. President, the remaining last line is still a part of the amendment, is it not?

CHIEF CLERK: Yes

PRESIDENT EGAN: Mr. McNealy.

MCNEALY: Mr. President, in that connection, I move further the adoption of the amendment to the amendment: in line 3 of the second paragraph, strike the word "present", and after the word "courts", add "on date of admission".

PRESIDENT EGAN: Do you move the adoption of the amendment?

MCNEALY: I so move.

PRESIDENT EGAN: Mr. McNealy moves the adoption of the amendment. Is there a second?

KNIGHT: I'll second it.

PRESIDENT EGAN: Mr. Knight seconds the motion. Will the Chief Clerk please read the proposed amendment.

CHIEF CLERK: "When the state courts are organized, new actions shall be commenced and filed therein, and all pending causes in the constituted courts on date of admission" etc.

PRESIDENT EGAN: The question is, "Shall the amendment be adopted?" All in favor of adopting the amendment will signify by saying "aye"; all opposed by saying "no". The "ayes" have it and the amendment is ordered adopted -- the amendment to the amendment. The question is, "Shall the proposed amendment as amended be adopted by the Convention? All those in favor of adopting the proposed amendment as amended will signify by saying "aye"; all opposed by saying "no". The "ayes" have it and the proposed amendment is ordered adopted. Are there other amendments for Section 23? If not, are there amendments for Section 26? Are there other amendments to be proposed for Committee Proposal No. 17/b? Miss Awes.

CHIEF CLERK: "Section 10, line 1 --

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: Before we proceed with that, I wonder if I may ask the Chairman of the Committee a question with relation to Section 26?

PRESIDENT EGAN: Mr. Johnson, you may ask a question with relation

to Section 26 before we consider this proposed amendment.

JOHNSON: Mr. McNealy, as I understand Section 26, it says that "the Territorial legislature shall enact" etc., "measures designed to give effect to the provisions of this article". Now, if this provision becomes effective, it cannot be until after we are granted statehood, as I understand it. And upon the granting of statehood, would the Territorial legislature still be active or have any power?

MCNEALY: The Committee thinking on that, Mr. Johnson, was that should there be some necessary act required to, in any manner, supplement these transitory measures -- do something that we had overlooked there, that this section would give the Territorial legislature the authority to enact a law to supplement or to speed up the transitory period. Right offhand, I can think of nothing there, and the background for this may not be of the best. I think it is similar but it doesn't go quite as far as the language set out in the Fourth Amendment to the Constitution, and it was merely a safeguard, as I say. I personally can think of no situation right at the moment. There may be other members of the Committee that could speak more fully upon that, but it was put in there in the event that some matter would come up that these -- some little additions or some little supplement was needed to really make these articles effective during the transitional period; that is, from the date that Congress first voted to admit us to the union until we finally became a state, it would leave that power in the hands of the legislature.

R. RIVERS: May I ask a question of Mr. McNealy?

PRESIDENT EGAN: You may ask a question, Mr. Rivers.

R. RIVERS: I think Mr. Johnson has brought up an important point. The way it is written, it sounds as though most of this article is not self-executing. It is self-executing after we obtain statehood. We are creature of the Territorial legislature; we are not telling them what to do. We are laying down the law for the first state legislature and subsequent state legislatures. We know that the Territorial legislature is going to be confronted with a few problems, but I don't think it is up to us to put in this particular schedule any such language to the Territorial legislature. Do you think we need it?

MCNEALY: Mr. President, frankly, noticing the word "shall" in there -- that the Territorial legislature "shall" enact a measure I think is improper. My own opinion is that, if we insert the word "may", then it wouldn't mean any more than if we didn't have it in there, and I think it's a matter that was brought out here mainly for the consideration of the body and I question whether it is necessary. The only constitution that I have ever found it in is that of Puerto Rico.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: Mr. Johnson's point is excellent. The language there preferably should be either entirely stricken or, if a vestige is to remain, the word "may" should be substituted.

PRESIDENT EGAN: Is there an amendment to be offered? Mr. Johnson.

JOHNSON: Mr. President, I move that Section 26 be stricken.

PRESIDENT EGAN: Mr. Johnson moves that Section 26 be deleted. Mr. McNees.

MCNEES: I was wondering if we couldn't get around that by striking just the word "Territorial". Whatever legislature is in effect at the time would be the acting body.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: Mr. President, may I have the privilege of answering that question?

PRESIDENT EGAN: If there is no objection, Mr. Rivers.

R. RIVERS: Then, under this wording, this whole thing would not be in effect until the legislature took some action, Mr. McNees. This is a self-executing document.

PRESIDENT EGAN: Is there a second to Mr. Johnson's motion?

METCALF: I'll second it.

PRESIDENT EGAN: Mr. Metcalf seconds the motion. The motion is open for discussion. The proposed amendment is that Section 26 be deleted from the proposal. Mr. Johnson.

JOHNSON: Mr. President, very briefly, it occurs to me that, as Mr. Ralph Rivers has pointed out, that the entire document is self-executing, or should be, and these transitory provisions in particular, and it looks to me like we would be running into loggerheads with the Territorial legislature if we attempted to retain any power in that organization because, once we are granted statehood, then certainly the authority of the Territorial legislature would cease, and it doesn't strike me that it lends itself or adds anything that we do not already have.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: Mr. President, the thought of the Committee has been that, not knowing exactly when statehood will be achieved, it may well be that the Territorial legislature will be in session at that very time and certainly, as we view the mechanics of the other sections in this article here, we can see that a considerable amount of time will elapse from the first proclamation to the smooth functioning of the first newly elected state legislature.

Now, it is the very nature of these transitional measures to take care of all possibilities, and it has been the thought that the whole Territorial government -- that is the executive as well as the legislature -- will have to act as a sort of transitional provisional government; and as such they have to fulfill their past duties and such duties as are necessary by the very act of transition. And that is why this article is in here. There are certain things they shall have to do. So I think the article has a very good place in here, and it should not be stricken.

PRESIDENT EGAN: The question is, "Shall the proposed amendment as offered by Mr. Johnson be adopted by the Convention?" All those in favor of adopting the proposed amendment will signify by saying "aye"; all opposed by saying "no". The "ayes" have it and the amendment is ordered adopted. The Chief Clerk may read the proposed amendment by Miss Awes to Section 10.

CHIEF CLERK: "Section 10, line 11, after 'flag' add a comma and words 'official song and official bird'; line 12, after 'flag' add a comma and words 'official song and official bird'."

PRESIDENT EGAN: Miss Awes.

AWES: I move its adoption.

PRESIDENT EGAN: Miss Awes moves the adoption of the proposed amendment. Is there a second?

BUCKALEW: I'll second the motion.

PRESIDENT EGAN: Mr. Buckalew seconds the motion. Miss Awes.

AWES: When we voted on whether to delete Section 10, I voted to delete it. I don't think it's necessary, but as long as the body wants it, then I think since the Territory has adopted these three things they should all be mentioned to be consistent. Otherwise, there is an implication that we tend to reject the acts of the state legislature on these two things.

PRESIDENT EGAN: Mr. Stewart.

STEWART: Didn't the Territory also adopt an official flower?

PRESIDENT EGAN: Yes, it has. The Convention will come to order.

Mrs. Hermann.

HERMANN: There'll be an amendment covering the flower in a moment.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: Mr. President, the Committee has given this matter some thought -- that only matters that have an immediate need and use should be mentioned in the article on the transitional measures. Certain acts will have to be committed in the transitional period

where a seal is needed, and certain acts will be committed. Occasions will arise where a flag is needed, and the other matters will be decided -- should be decided by the legislature. Most likely the same thing will come up. Maybe a contest will be held for other emblems -- the smaller ones. We shouldn't be tied too much in those respects, we thought, except for things that are outstanding and actually needed. We need the seal and the flag.

PRESIDENT EGAN: Mr. Davis.

DAVIS: Mr. President, it seems to me that we are getting pretty far off the job here. We have on our calendar today four of our substantive provisions. Now, this may or may not be necessary, but, if it is necessary, we should take care of it after we get the work of the Convention done. I will vote "no" on this amendment and any further amendments along this line.

PRESIDENT EGAN: The question is, "Shall the proposed amendment as offered by Miss Awes be adopted by the Convention?" All those in favor of adopting the proposed amendment will signify by saying "aye"; all opposed by saying "no". The "noes" have it and the amendment has failed of adoption. Are there other amendments to Committee Proposal No. 17/b? Mr. McNealy.

MCNEALY: The Committee has an amendment to offer to Section 21.

PRESIDENT EGAN: The Chief Clerk may please read the proposed Committee amendment.

CHIEF CLERK: "Line 13, strike the words 'the legislators are certified to have been elected', and insert 'the President's proclamation announcing the results of the elections'."

MCNEALY: I move the adoption of the amendment.

PRESIDENT EGAN: Mr. McNealy moves the adoption of the amendment. Is there a second?

BUCKALEW: I second it.

PRESIDENT EGAN: Seconded by Mr. Buckalew. The Chief Clerk will read the proposed amendment once more.

(The Chief Clerk read the proposed amendment again.)

PRESIDENT EGAN: Mr. McNealy.

MCNEALY: Mr. President, I am sorry the Committee has to take up this time on the floor, but it was called to our attention during the recess, and rightly so, that these words should have been in there originally because it relates back to the election of all the officers of the Territory. And under the Enabling Act of House Bill 2535 where it states that, "When such state and other

officers and members of the state legislature, a representative and senators in Congress, shall be so elected and the returns thereof made, canvassed, and certified as herein provided, the governor of the Territory shall certify the results of said election to the President of the United States, who thereupon immediately shall issue his proclamation announcing the results of the election", and it goes on, "Alaska being admitted as a state"; on that basis, I would ask that the amendment be adopted.

PRESIDENT EGAN: Mr. Ralph Rivers.

RIVERS: May we hear how the section would read?

PRESIDENT EGAN: The Chief Clerk will please read that section as if the amendment had been adopted.

CHIEF CLERK: "The governor shall convene a special session of the first state legislature without limit as to duration within thirty days after the President's proclamation announcing the results of the elections if the regular session of the legislature would not normally fall within that period."

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: I admit I haven't given this the thought that the Committee has, but I have here the act and I don't see any reference to the President's proclamation in it.

PRESIDENT EGAN: Of the United States?

HELLENTHAL: Yes, the President of the United States. I don't see any reference to a proclamation.

PRESIDENT EGAN: It's the federal enabling act.

HELLENTHAL: Now, this is taken care of in Section 16 of the Territorial Act of 1955, and it speaks there of, "There shall be an election" where you elect state officials and the representatives and senators to Congress. Now I just wonder about the wisdom of tying it in with a house bill again. If the legislature didn't see fit to do that in 1955 why should we do it now?

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: Well, Mr. Hellenthal, historically the same procedure has been followed. The returns are submitted to the President of the United States and then he issues his proclamation, and you wouldn't call your first state legislature together until after the proclamation was issued. It has been done the same way for years -- I mean, our bill wouldn't have any effect on it.

HELLENTHAL: That is what your bill says: "Persons elected hereunder shall assume their offices and the state government shall

become in effect" -- now they don't tie it in with the proclamation -- they say "at the time and in the manner that the Congress may provide in the enabling act."

PRESIDENT EGAN: Mrs. Wien.

WIEN: Mr. President, in the enabling legislation it states, "When such state and other officers and members of the state legislature, and a representative and senators in the Congress of the United States shall be so elected, and the returns thereof made, canvassed, and certified as herein provided, the governor of said Territory shall certify the results of said election to the President of the United States who shall thereupon immediately issue his proclamation announcing the results of said election so ascertained, and upon issuance of said proclamation by the President of the United States, the State of Alaska shall be deemed admitted by Congress into the Union by virtue of this Act', etc."

PRESIDENT EGAN: The question is, "Shall the proposed amendment be adopted by the Convention?" All those in favor of adopting the proposed amendment will signify by saying "aye"; all opposed by saying "no". The "ayes" have it and the amendment is ordered adopted. Mr. Johnson.

JOHNSON: May I direct a question to the Chairman with reference to Section 12?

PRESIDENT EGAN: You may, Mr. Johnson.

JOHNSON: Mr. McNealy, in the proposition which you have set out, there is no mention as to the date of the Constitutional Convention and I am just wondering whether or not that might be necessary. For instance, the enabling act says that "this Convention shall convene and assemble at the University of Alaska on the 8th day of November, 1955". In other words, is the official title of this convention "The Alaska Constitutional Convention of 1955" and should that be mentioned in this proposition or is that necessary?

PRESIDENT EGAN: Mr. McNealy.

MCNEALY: Mr. President, we have stated that the ballot shall in substance contain that wording. This wording was suggested, I believe, by Mr. Bebout and the Committee we didn't do a great deal of talking on that. Originally the Committee had the words in there "For the Constitution" and "Against the Constitution" was the thinking of the psychological effect and that was the only words the Committee had in, but it was stated that New Jersey used the same language here in adopting their recent Constitution. I have no opinion as to whether the use of the word "1955" is necessary or not.

PRESIDENT EGAN: Are there other questions or proposed amendments?

Mr. Ralph Rivers.

R. RIVERS: I have given some thought to Section 7 about debts and liabilities and records. I talked to two or three people about it and have concluded in my own mind that that subject matter could better be handled in the finance and taxation article where the Chairman says they might make specific reference to records in there to cover the whole subject, so I move that we strike Section 7 and renumber the remaining sections.

PRESIDENT EGAN: Mr. Ralph Rivers, there is a pending motion on that -- or was it withdrawn?

CHIEF CLERK: Unanimous consent was asked--

PRESIDENT EGAN: Oh, that's right. You never moved and got a second on that motion, is that right, Mr. Nerland?

NERLAND: I don't recollect.

PRESIDENT EGAN: Then your motion would be in order.

R. RIVERS: I so move.

NERLAND: I second the motion.

PRESIDENT EGAN: Mr. Ralph Rivers moves that Section 7 be deleted from the proposal, seconded by Mr. Nerland. Mr. Smith.

SMITH: Mr. President, I would like to ask Mr. Rivers a question. Did you intend that this whole section be stricken, Mr. Rivers?

R. RIVERS: Yes, I did, because we speak about records here. That isn't justified where a slight amendment to finance and taxation can include those. They might change the word "assets" to "property", and they might say "claims and records"; so whatever adjustments we make to cover all of these points I think should be in the one place. We don't need any part of this.

PRESIDENT EGAN: It would be understood that Style and Drafting -- that Mr. Nerland would take that matter up with Style and Drafting with relation to the finance article.

NERLAND: Mr. President, we have the Style and Drafting report but it is the intention of the Finance Committee to change this last sentence something along this line: "Assets and records of the Territory shall become the property of the state."

PRESIDENT EGAN: The question is, "Shall the proposed amendment be adopted? All those in favor of adopting the proposed amendment will signify by saying "aye"; all opposed by saying "no". The "ayes" have it and the amendment is ordered adopted. Are there other amendments to be proposed for Committee Proposal No. 17/b? If not -- Mr. Victor Rivers.

V. RIVERS: Mr. President, I have no amendment but under the privilege of the floor I would like to say --

(Mr. Victor Rivers spoke for a few moments under privilege of the floor.)

PRESIDENT EGAN: Mr. Peratrovich.

PERATROVICH: I would like to ask a question here. It seems to me that we are abusing the privilege of special privilege. I think you are supposed to state your privilege when you stand or rise, and you state your privilege, you request, and you are supposed to talk on that alone. Now, Mr. Rivers called somebody on that the other day -- on the very same thing he is doing today. I think it is time we clamp down on those things.

V. RIVERS: I asked for the privilege of the floor which has to do with the good and interest of the entire body. I did not ask for personal privilege.

PRESIDENT EGAN: Mr. Rivers, the Chair has been allowing, on previous occasions, persons, and the Chair does not recall just the number of people who have raised a point of order when people have had privilege of the floor. If they had some point of order that was a point of order, most of the time there was no point of order, but there never had been any objection to that previously. Whether or not. when a man has the privilege of the floor, another delegate can rise to a point of order is questionable. However, the Chair feels that Mr. Peratrovich has a point in saying that a delegate should state what he wants the privilege of the floor for. Mr. McCutcheon.

MCCUTCHEON: Mr. President, it appears that a question of privilege is designed to obtain the attention of the Chair at once -- to ask a question or to attend to some matter of business that cannot wait. In this particular instance, Mr. Kilcher was perfectly in order because there was a discrepancy between the record on one side and the record on the other side in this matter of privilege, and I think he arose under a proper point. However, it will be a matter for the Chair to decide, I am sure.

PRESIDENT EGAN: In this case, Mr. Kilcher was probably in order in raising a point of order if he so chose to do, as many delegates have done in the past. Are there other proposed amendments for Committee Proposal No. 17/b? If not, the proposal is referred to the Committee on Engrossment and Enrollment. We have before us Article III, the article on the executive. Mr. Sundborg.

SUNDBORG: Mr. President, I believe the only reason we have Article III before us is so that the Style and Drafting Committee can report on three substantive amendments that were adopted at the last moment and after our report has been accepted, these amendments being requested and moved by the Committee on the

Legislative Branch. Now, we are not ready and will not be until after the noon hour to give you our report on these amendments.

PRESIDENT EGAN: We will hold it over until later in the day when Style and Drafting is prepared later in the day to submit a report. Then, we will have before us the article on finance, Article No. IX. Mr. McNealy.

MCNEALY: Point of information.

PRESIDENT EGAN: Your point of information.

MCNEALY: As I remember, there was a matter of reconsideration on Sections 20 and 21 of the Committee Proposal No. 8/a, and there was something said about taking that up when it came up under Sections 24 and 25 today; the reconsideration should have been made yesterday.

PRESIDENT EGAN: Well, it was agreed yesterday that Mr. McNees' reconsideration could be taken up at a later time, at such time as the Proposal No. 17/a would be before us. Now, 17/a does not appear on the calendar and if you wish to go through the calendar and then bring that matter up -- Mr. Riley.

RILEY: Mr. President, I believe that it was decided two or three days ago that these various items in the 17 series were presented severally, were fairly severable, and would be considered as separate items. I don't believe that those sections are before us.

PRESIDENT EGAN: That is correct, Mr. Riley, they are not before us at the present time. We have the article on finance before us at this time. The Chief Clerk will please read the report of the Committee on Style and Drafting.

(The Chief Clerk read the report of Style and Drafting on Article IX.)

PRESIDENT EGAN: Does the Chairman of the Style and Drafting Committee have a report to make at this time? Mr. Sundborg.

SUNDBORG: Mr. President, the article on finance and taxation was redrafted initially by a subcommittee consisting of Mr. Johnson, Mrs. Nordale, and Mr. McLaughlin. It has been presented to the Committee on Finance and Taxation and we understand it is their belief that we have had no changes in substance. We would like to have such changes as we have made in language explained by Mr. Johnson who will also answer questions of delegates.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: Mr. President, as Chairman Sundborg has said, the subcommittee and the full Committee on Style and Drafting has made

some changes; however, certainly nothing of any substantive nature; and all of the changes that were made in wording have been cleared, not only with the representative of the Finance Committee assigned to the subcommittee, Mr. Barrie White, but also the full Finance Committee. I don't know that it would be necessary to go through the entire article and point out exactly what changes have been made in wording. Those of you who have your enrolled copies will note that on many sections no change has been made at all, and we believe that in those sections where there has been some rearrangement that the Style and Drafting Committee report puts it in a little better form and makes it more readable, and makes it conform to other articles that have already been adopted in the constitution. I am referring specifically to Section 9. There were some changes made there. The wording was rearranged somewhat from the enrolled copy and cut down, but, if you will read Section 9 in the Style and Drafting report and compare it with Section 9 of the enrolled copy, I believe that you will find that all of the substance is contained in the proposed Section 9 -- that it does read, I think, more smoothly. In Section 11, there has been some change with reference to the last exception, which is, if you look on your enrolled copy, on page 4, line 9. You will note after the semicolon the words "or special assessments". The Finance Committee had prepared and delivered to the Committee on Style and Drafting a proposed change there which we have included in our report. And our report, now, in Section 11, which appears on page 3 at the bottom of the page, beginning on line 23: "The restrictions do not apply to indebtedness to be paid from special assessments on the benefited property nor do they apply to refunding indebtedness of the state or its political subdivisions." As you can see, there has been some change in wording with reference to special assessments. In other words, we have added "on the benefited property". These words were suggested by the Finance Committee. They had intended making this as a committee amendment, but Style and Drafting Committee felt that it could just as well be included in this report and save the time of the Convention in the amending process. If there are any questions that I can answer, I will be glad to do so.

PRESIDENT EGAN: Are there any questions to be directed to Mr. Johnson?
Mr. Ralph Rivers.

R. RIVERS: Are we going to retain Section 12 about the governor's budget in this, or are we going to strike it? I think it would be retained in the executive.

V. RIVERS: No, in the legislative.

R. RIVERS: Or in the legislative.

JOHNSON: That I cannot say; the Finance Committee didn't indicate one way or the other about it. We felt that, if it ever should become necessary to remove it from this section and place it in the executive section, that when the Style and Drafting Committee

makes its final rearrangement of the entire constitution, then we could, under the rules, move the section from one place to the other. We left it here for the time being.

PRESIDENT EGAN: Are there other questions? Mr. Nerland.

NERLAND: May I ask for a one-minute recess?

PRESIDENT EGAN: If there is no objection, the Convention will be at recess for a time.

RECESS

PRESIDENT EGAN: The Convention will come to order.

Mr. Johnson.

JOHNSON: Mr. President, it has been called to my attention that I forgot to explain that, in Section 9 of the Committee on Style and Drafting report, some words that were contained in the enrolled copy, namely "additional qualifications and requirements of voters at these elections may be prescribed by law" were left out of the Style and Drafting report. Now I forgot to mention that that was done purposely because that same language in reference to this same type of election is contained in Section 1 of the article on suffrage and elections, which we have already adopted, and the Committee felt that it wasn't necessary to duplicate that language here because the point was already taken care of in the suffrage and elections article.

PRESIDENT EGAN: Mr. White, did you have a question to ask of Mr. Johnson?

WHITE: Mr. President, I wanted to ask two of them; that clears up one. The second had to do with Section 3, page 3, line 2, where it now says, "The state may by law contract debt for the purpose of repelling invasion". The words "by law" are a change from the Style and Drafting substantive report since the last time I saw it, which the report said, "The state may without ratification contract debts for the purpose of repelling invasion". Now the words "without ratification" conveyed the intent of the Finance Committee in this matter. My question is, do you feel that the words "by law" convey the same intent?

PRESIDENT EGAN: Mr. Johnson, would you care to answer?

JOHNSON: I wonder if I might ask Mr. Davis to explain that particular matter, because it took place at a meeting when I was absent from the Style and Drafting.

PRESIDENT EGAN: Mr. Davis.

DAVIS: Mr. President, I will try. As I remember it, this matter came from one of the experts who was with us last night who pointed out that since in the first part of the section we had

required ratification for certain types of state debts, that then, if we went ahead and said in the next section that the state debts of the kind there intended could be provided by law, that the words "without ratification" were surplusage, and that is why it was done that way. Now that is my remembrance of it.

PRESIDENT EGAN: Mr. White.

WHITE: Mr. President, I would then address a further question to Mr. Davis. Mr. Davis, in Section 8, we not only provide for ratification in the first instance, but we specify capital improvements. Now couldn't it be -- the second sentence -- couldn't it be construed to be that this is an exception to capital improvements rather than an exception to the ratification process? If that construction could be put the sentence, had we not better put back in "without ratification"?

DAVIS: Well, I might state, Mr. President, in answer to Mr. White's question that, so far as I am concerned, I have no objection at all to putting "without ratification" back in. The Committee, after the talk with Mr. Owen last night, felt otherwise.

PRESIDENT EGAN: Mr. Sundborg has been attempting to get the floor.

SUNDBORG: Mr. President, there is another matter at issue here. I believe. In the first sentence of Section 8, we say that the state debt may be authorized by a majority vote in each house of the legislature, and then ratification. Now, a majority vote in each house of the legislature is not equivalent to passing a law, because it does not require the signature of the governor, and it does not require conformance with the provisions of this constitution and the provisions of such laws as will be passed under it with respect to the procedure in enacting a law. So, when we say in the second sentence, "The state may by law", we are saying that that law must be passed by the legislature in the manner that is required by the constitution and the statutes, and either signed by the governor or passed over his veto or become law without his signature in the manner provided in the constitution, which we felt was the real intention of the body rather than merely requiring that the legislature by a majority in each house and without adhering to any of those other restrictions and without any reference to the governor could contract debt on behalf of the state.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: Mr. President, may I ask Mr. Sundborg a question? Mr. Sundborg, would you object to saying, "The state may by law without ratification contract debt"?

SUNDBORG: I certainly have no objection to that. I think the question should be addressed to the Committee on Finance and Taxation rather than to us.

HELLENTHAL: Your remarks were addressed to the retention of the words "by law"?

SUNDBORG: That is correct.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: Mr. President, I don't think you incur debts by law. You incur debts by contract through your administrative setup. You might authorize the incurring of debts by law. You don't contract by law either. You contract administratively after the legislature has authorized such a contract. So I would like to see the words "by law" knocked out of there and "without ratification" or something that fits in with the facts of life go in there.

PRESIDENT EGAN: Is there a group here who would like to get together and discuss this matter? The Chair notes that it is noon right now, and it might be advisable to have a recess and this subject be taken up by the Finance Committee and other interested parties. Mr. Hellenthal.

HELLENTHAL: Mr. President, I think one of the reasons for knocking off at 12:00 rather than 12:30 was that there was a big backlog upstairs or something. Does that reason still exist now?

PRESIDENT EGAN: Mr. Hellenthal, one of the other reasons is that, very often and almost every day, committees do have important questions to come before them during that extra half hour and it seemed to be a profitably spent time, and now in this instance here, it might be. Mr. Johnson.

JOHNSON: Mr. President, I move that we stand at recess until 1:30.

PRESIDENT EGAN: Delegate Johnson moves that the Convention stand at recess until 1:30. Are there committee announcements to be made at this time? Mr. Sundborg.

SUNDBORG: Mr. President, the Committee on Style and Drafting will meet immediately upon recess at the rear of the gallery, and we invite any delegates who may be interested in this particular question of the "by law" or "without ratification" to meet with us at that time and we also invite members of the Finance and Taxation Committee to meet so that maybe we can resolve this before the delegates come back from noon recess.

PRESIDENT EGAN: Style and Drafting at the rear of the gallery immediately upon recess. Mr. Nerland.

NERLAND: I would like members of the Finance Committee (Committee) to make themselves available for that meeting with Style and Drafting.

PRESIDENT EGAN: The finance Committee will meet with Style and Drafting Committee immediately upon recess. Mr. Coghill.

COGHILL: Committee on Administration will meet at 3:30 this afternoon.

PRESIDENT EGAN: Committee on Administration at 3:30 this afternoon. Are there other Committee announcements? If not, the Committee will stand at recess until 1:30 p.m.

RECESS

PRESIDENT EGAN: The Convention will come to order. We have Article IX, the article on finance and taxation before us. The Chair recalls that we were on Section --

CHIEF CLERK: I have an amendment now. Are we ready for them?

PRESIDENT EGAN: The Chief Clerk may read the -- no, we are not ready for amendments as yet; we are still in the question period.

SUNDBORG: Mr. President, I might announce now that the Style and Drafting Committee will have two committee amendments at the proper time, which I think will clear up the questions that were raised just before the noon recess.

PRESIDENT EGAN: Are they substantive amendments, Mr. Sundborg?

SUNDBORG: No, Mr. President, they are only amendments as to phraseology.

PRESIDENT EGAN: That will come though before you move to adopt -- to accept the report. Are there other questions to be directed to the Committee with relation to the work done by Style and Drafting on this article? Mr. Victor Rivers.

V. RIVERS: Only by the work done by Style and Drafting or by substance?

PRESIDENT EGAN: At the present time we are only dealing with the work done by Style and Drafting. If there are no other questions, are there amendments to be proposed as to phraseology? Mr. Sundborg.

SUNDBORG: Mr. President, before we start on that, if I could have about one minute I think I could present the Style and Drafting Committee's amendment as to phraseology and then we could get the report adopted.

PRESIDENT EGAN: The Convention will be at recess.

RECESS

PRESIDENT EGAN: Mr. Sundborg

SUNDBORG: Mr. President, Style and Drafting Committee submits an amendment to Section 8, page 3. I have submitted it to the Chief Clerk, Mr. President.

PRESIDENT EGAN: Will the Chief Clerk please read the proposed amendment.

CHIEF CLERK: "Section 8, page 3, line 2, strike the words 'by law' and substitute 'as provided by law and without ratification'."

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: The sentence would then start "The state may as provided by law and without ratification contract debts" etc. I move and ask unanimous consent for the adoption of the amendment.

PRESIDENT EGAN: Mr. Sundborg moves and asks unanimous consent that the amendment be adopted. Is there objection? Mr. Kilcher.

KILCHER: I would like an explanation; I would like to know what the necessity of it is.

PRESIDENT EGAN: Is there a second to the motion?

HERMANN: I second it.

PRESIDENT EGAN: Mrs. Hermann seconds the motion. Mr. Sundborg.

SUNDBORG: It was pointed out to us on the floor this morning, Mr. President, and during the recess at a joint meeting between the Finance Committee and the Style and Drafting Committee that the enrolled copy did carry this thought, that the debt which could be contracted for the special purposes of repelling invasion, etc., could be contracted without ratification of the action of the legislature, and the reason it is necessary here is that we have divided what was formerly one sentence into two, and "without ratification" is necessary in order to keep the substantive idea which was expressed in the enrolled copy.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: Another question, Mr. President. In other words, the administration -- in this case the state -- the administration may raise money in an emergency? Is that the idea?

SUNDBORG: Mr. President, that is correct. They can do it as provided by law and without ratification by the people.

PRESIDENT EGAN: Mr. Sundborg moves. Do you ask unanimous consent, Mr. Sundborg?

SUNDBORG: I will renew my request for unanimous consent.

PRESIDENT EGAN: Unanimous consent is asked for the adoption of the amendment. Is there objection? Hearing no objection, the amendment is ordered adopted. Mr. Sundborg.

SUNDBORG: We have an amendment to Section 15 on page 4, which I will ask the Chief Clerk to read.

PRESIDENT EGAN: The Chief Clerk will please read the proposed amendment.

CHIEF CLERK: "On line 26, page 4, after the word 'assets', insert 'and records', and on line 27, strike the word 'assets' and substitute 'property'."

SUNDBORG: I am sorry, Mr. President, I left out the word "the" in the last insertion. Strike "assets" and insert "the property". The sentence would then read "The assets and records of the Territory shall become the property of the state." I move and ask unanimous consent for the adoption of the amendment.

PRESIDENT EGAN: Mr. Sundborg moves and asks unanimous consent that the amendment be adopted. Is there objection? Hearing no objection. the amendment is ordered adopted. Does the Committee have any other phraseology amendments? Mr. Taylor.

TAYLOR: Mr. President, it might have been a typographical error, but I believe the word "benefited" in the last line of page 3 is not properly spelled. They put two "t's" in there. I think there is only one.

PRESIDENT EGAN: Do you ask unanimous consent that that correction be made, Mr. Taylor?

TAYLOR: Well, I thought Style and Drafting might want to check on the spelling of it.

PRESIDENT EGAN: Style and Drafting won't get this back again. Mr. Nerland.

NERLAND: May I ask the Chairman of the Style and Drafting Committee a question?

PRESIDENT EGAN: You may, Mr. Nerland.

NERLAND: Mr. Sundborg, was it the intention of the Committee in Section 6, after the word "levied" on line 10, and after the word "made" on line 11, that there should be commas? Would that express the intention of it?

SUNDBORG: I think it would be exactly the same meaning if they were in there, and just as one individual, I might say I think

it would be preferable if there should be commas in the two places you indicate. I don't think our committee is any member of it would object if you should want to ask that those commas be inserted.

PRESIDENT EGAN: Do you ask, Mr. Sundborg?

SUNDBORG: Line 10, on page 2, after the word "levied", insert a comma; line 11, after the word "made", insert a comma. I ask unanimous consent.

PRESIDENT EGAN: Mr. Sundborg asks unanimous consent for the adoption of the amendment. Is there objection? Do you also ask unanimous consent to change that word "benefited" to be spelled properly?

SUNDBORG: I don't feel sufficiently sure of my spelling prowess. I would like to refer to the dictionary.

TAYLOR: I did look that up, Mr. President, it didn't look right to me the way it was and I went and looked it up, and there is only one "t" in there.

SUNDBORG: In that case, Mr. President, on page 3, line 25, I ask unanimous consent to drop one "t" out of the word "benefitted" so that only one will remain.

PRESIDENT EGAN: Unanimous consent is asked. Hearing no objection it is so ordered. The Convention will come to order. Are there other amendments, phraseology amendments to the article? If not -- Mr. Riley.

RILEY: I have failed to clear with the Style and Drafting Committee on this, but we have discussed it with the Finance Committee and, as I see it, it is mostly a matter of phrasing; it doesn't change the meaning. I have an amendment to offer. On page 2, line 6 -- it simply involves inserting the word "possessory" after the first word "other" on line 6. I had failed to catch that when we were first considering the finance article. It has some bearing on the resources article. I think all of you will recall that Delegates Vic Fischer and Ralph Rivers raised the question -- perhaps others did too -- as to what the resource article meant by "interests in land". At that time I had not noted this mention of "interests in land" in the finance article and would not care to have, in the future, the sense in which "interests in land" is here used applied to limit the use of that phrase in the resource article. By inclusion of the word "possessory" here to qualify all of the "interests in land" concerned in the finance article, I think we correct any possible misconstruction in the resource article, and I ask unanimous consent that that be adopted.

PRESIDENT EGAN: Mr. Riley moves and asks unanimous consent that the amendment be adopted.

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BARR: I object.

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

STEWART: I'll second it.

PRESIDENT EGAN: Seconded by Mr. Stewart. Mr. Barr.

BARR: I am not certain just what change this will make, but it seems on the face of it that possessory interest would not include, for instance, timber on the land. Here we are speaking of taxing interests on land, on federally owned lands. Now is that a possessory interest?

RILEY: Well, you would have a contract, would you not, for the timber?

BARR: I assume so, yes.

RILEY: Well, contracts are covered. I feel that the word "possessory" is consistent with the rest of the language in this section, Mr. Barr, but my fear is that because of the mention of "interests in land" in Section 5 of the finance article we run into a little difficulty in the resource article for the very reason you mention. In the resource article, we think not only of the possessory interests which are evidenced by an instrument of some sort, but we think also of the physical interests in the lands themselves, the resource, the content of the land and the cover of the land. I should not care to chance this narrower use of the phrase being taken to limit the use of the phrase in the resource article.

BARR: I disagree with you in that I think the word "possessory" narrows it quite a bit, and I am afraid that, if we use that, we might cut out the possibility of taxing some part of this land that is not necessarily a contract or an interest in the land itself.

RILEY: Mr. President, may we have a one-minute recess?

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

RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. Riley.

RILEY: Mr. President, it appears that there are those who feel this is a matter of substance and, consequently, I will withdraw my motion until the proper time.

PRESIDENT EGAN: Mr. Riley asks unanimous consent that his amendment be withdrawn. Hearing no objection, it is so ordered. Are

there other phraseology amendments to be proposed to the article? Mr. Sundborg.

SUNDBORG: If there are not, Mr. President, I move and ask unanimous consent that the report of the Style and Drafting Committee on the article on finance and taxation be accepted and that the amendments made by the Committee be adopted.

PRESIDENT EGAN: Mr. Sundborg moves and asks unanimous consent that the report of the Style and Drafting Committee with relation to Article IX, the article on finance and taxation, be accepted, and that the changes as made by the Style and Drafting Committee be adopted. Is there objection? Hearing no objection it is so ordered. Mr. White.

WHITE: Mr. President, the Finance Committee has an amendment to offer which may or may not be one of substance. It will take care of any eventuality, and we will ask that the rules be suspended so that we may be able to offer the amendment which is on the Chief Clerk's desk.

PRESIDENT EGAN: Would the Chief Clerk please read the amendment that would be offered if the rules are suspended.

CHIEF CLERK: "Section 8, page 2, lines 23 and 24, strike 'a majority vote in each house of the legislature' and insert in lieu thereof the word 'law'."

WHITE: Mr. President, I ask unanimous consent for suspension of the rules.

PRESIDENT EGAN: Mr. White, was that just the word "law" to be inserted in there?

WHITE: Well, it is qualified by the word "by". We left the "by" in.

PRESIDENT EGAN: Mr. White asks unanimous consent that the rules be suspended in order that the Finance Committee might submit this specific amendment. Is there objection to the suspension of the rules? Hearing no objection, the rules have been suspended. Mr. White you may offer your amendment.

WHITE: We now offer the amendment just read, and ask unanimous consent for its adoption.

PRESIDENT EGAN: Mr. White moves and asks unanimous consent that the proposed Committee amendment may be adopted. Is there objection?

GRAY: I object.

PRESIDENT EGAN: Objection is heard.

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GRAY: I object to a point of what difference has been made, Mr. White?

WHITE: I'm not sure that any difference has been made.

PRESIDENT EGAN: Do you so move, Mr. White?

WHITE: I so move.

KNIGHT: I second it.

PRESIDENT EGAN: Seconded by Mr. Knight that the amendment be adopted.
Mr. White.

WHITE: I am not sure that any difference is made, Mr. Gray, except that it was stated on the floor this morning that when you phrase it this way, it may mean without the approval of the governor. That, of course, was never our intent in the first place. As this came from the Committee originally, it said "by law", and, if you recall, we got into a long amendment which involved a two-thirds vote of both houses -- or a majority vote of both houses and ratification by the people. In that sense this wording made sense and was necessary. Once that amendment had been amended, it no longer made sense, and it may be away from our intent. And this amendment will shorten our constitution.

GRAY: I withdraw my objection.

PRESIDENT EGAN: Mr. Boswell.

BOSWELL: A point of inquiry. Did that withdraw the "a" in the last word in line 23?

WHITE: Yes.

PRESIDENT EGAN: Now would the Chief Clerk please read that sentence with the amendment in it.

CHIEF CLERK: "No state debt shall be contracted unless authorized for capital improvements by law with ratification by a majority of the qualified voters of the state who vote on the question."

PRESIDENT EGAN: Mr. Taylor.

TAYLOR: Mr. President, there is one question which occurs to me. There might not be much basis to it, but it seems to me that, if we would adopt this amendment, we would be opening this question up to a decision by an initiative, because if you put it "by law", it can be an initiative matter, where in our initiative and referendum, such a method is not allowed. I think it would make an inconsistent matter in the constitution. I think, to be on the safe side, we should leave it the same as it is. I am not

arguing the motion because it is not before us yet because there hasn't been a suspension of the rules, but I --

PRESIDENT EGAN: There has been a suspension of the rules, motion is now before us.

TAYLOR: Pardon me, but I just thought that I would bring that up, that we may have an initiative put out where I don't think it would be proper to have one.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: Mr. President it occurs to me there is no conflict between this act and the initiative and referendum because, as I recall it, the initiative and referendum exempts any such procedure as this, so it wouldn't apply in any event, and I think adding the words "by law" strengthens this section because it could be that, if the wording were left as it is, that other than an actual law passed by the legislature, some other method might be used to create the indebtedness to begin with.

PRESIDENT EGAN: Mr. Barr.

BARR: Mr. President, I would also like to point out the meaning is fairly clear here when we say "by law with ratification" because, if we would hold an initiative election, we would have to turn right around and have that ratified again, so this must mean "by the usual process of law", meaning the legislature.

PRESIDENT EGAN: The question is, "Shall the proposed amendment be adopted by the Convention?" All in favor -- Mr. Buckalew.

BUCKALEW: One question before we vote on this. I think we ought to give it a little more consideration to make it clear. I think probably the language in other bills would probably take care of it. I just thought of it this minute, that would indicate approval by the governor, but I don't know what this means -- whether the governor has to approve it or not. It doesn't make sense to me. Maybe I am not following the discussion.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: If I may help, Mr. President -- the usual process of making laws includes the approval by the governor or it becomes a law without his approval. So, when you say "by law", you take in all those steps. The way it was before though, it might have been argued that you meant to exclude the governor, so I think this improves matters and would like to see it pass.

PRESIDENT EGAN: Would the Chief Clerk please read that sentence in Section 8 as it would read if the amendment was adopted.

CHIEF CLERK: "No state debt shall be contracted unless authorized for capital improvements by law with ratification by a majority of the qualified voters of the state who vote on the question."

PRESIDENT EGAN: The question is, "Shall the proposed amendment be adopted by the Convention?" Mr. Londborg.

LONDBORG: I would like to ask one question regarding this. If the governor vetoes this, would that necessitate three-fourths to override that on appropriations?

UNIDENTIFIED DELEGATE: No.

PRESIDENT EGAN: The question is, "Shall the proposed amendment be adopted by the Convention?" All those in favor will signify by saying "aye"; all opposed by saying "no". The "ayes" have it. and the amendment is ordered adopted. Are there any other amendments to be proposed for Article IX, the article on finance and taxation? Mr. Victor Rivers.

V. RIVERS: This would be an amendment of substance. Would I have to have a suspension of the rules?

PRESIDENT EGAN: Yes, Mr. Rivers.

V. RIVERS: I ask unanimous consent for a suspension of the rules to present an amendment and then discuss it.

PRESIDENT EGAN: Would you read the amendment that you would then propose.

V. RIVERS: Lines 19 and 20, page 2, I would change "upon the date of ratification" to "upon the effective date of this constitution" and strike the words "by the people of Alaska".

PRESIDENT EGAN: Mr. Rivers moves and asks unanimous consent that the rules be suspended.

UNIDENTIFIED DELEGATE: I object.

PRESIDENT EGAN: Objection is heard.

V. RIVERS: I so move.

PRESIDENT EGAN: Mr. Victor Rivers so moves. Is there a second?

MCNEALY: I second the motion.

PRESIDENT EGAN: Mr. McNealy seconds the motion. The question is, "Shall the rules be suspended?" The Chief Clerk will call the roll.

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

Yeas: 42 - Armstrong, Awes, Boswell, Buckalew, Collins, Cross, Davis, Doogan, Emberg, H. Fischer, Gray,

Harris, Hermann, Hilscher, Hinckel, Hurley, Kilcher, King, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Walsh, Wien, Mr. President.

Nays 9 - Barr, Cooper, Hellenthal, Johnson, Knight, Laws, Londborg, Taylor, White.

Absent 4 - Coghill, V. Fischer, Metcalf, VanderLeest.)

ROBERTSON: I will change my vote from "no" to "yes".

PRESIDENT EGAN: Mr. Robertson changes his vote from "no" to "yes".

CHIEF CLERK: 42 yeas, 9 nays, and 4 absent.

PRESIDENT EGAN: So the "yeas" have it and the rules are suspended. Mr. Victor Rivers.

V. RIVERS: Mr. President, I have just been advised that is the most effective argument I have made yet. (Laughter) Now, this matter of whether or not we can make the retroactive date of earmarked funds effective on the date of ratification, I mentioned once before. I have done a little work on it --

PRESIDENT EGAN: Do you move the adoption?

V. RIVERS: I move the adoption. On lines 19 and 20, strike the words "date of ratification" and put in the words "effective date of this constitution period" and strike "by the people of Alaska".

PRESIDENT EGAN: Mr. Victor Rivers moves the adoption of the amendment. Is there a second?

R. RIVERS: I second it.

PRESIDENT EGAN: Seconded by Mr. Ralph Rivers.

V. RIVERS: The question of whether we can earmark funds and make the prohibition of earmarking effective on the date of ratification is one I have given some thought to. I checked this and discussed it with some of the committee chairmen including Mr. McNealy, who had a number of legal opinions upon the effective date of when a constitution took effect. I am just going to mention some of them. One of them is in reciting the instances regarding one case in the State of Utah in 1895. It says, "Under all circumstances it seems to be the unanimity of the authorities that it is absolutely necessary that Congress expresses its assent before a state can enter the Union; that a state does not come into existence until such assent is given." Another one is

referred to, a case of Scott v. Detroit Young Men's Society's Lessee, 1 Douglas, Michigan. "The question is to when a state -- a territory ceases to be such and becomes a state and as to when the constitution and governmental machinery of a new state go into operation as one upon which even courts and constitutional lawyers are not agreed. One theory is that a territory continues in all respects a territory until admitted into the Union by Act of Congress; but until such Act of Admission, the proposed state constitution cannot take effect nor any part of the machinery of a state government go into operation." Retroactively, we would be putting into operation a law here prohibiting actions -- nullifying actions taken by a territorial legislature while it is still the only government body of this Territory under the Congressional Acts of the United States which established this as a territory. Now, it is my opinion that the ratification date does not extend back to nullifying any laws passed by that Territorial legislature until such time as the constitution becomes effective, not upon its ratification date. Therefore, I move this amendment.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: Mr. President, in one section of the constitution, we have said that residents or persons who voted in the election, I think, of 1924 may vote. We have, in other words, backdated something. It seems to me that, if we adopt the provision as it now stands without the amendment, all we are doing is saying "dedicated funds existing as of April 1956"; that is all we are saying. We are not passing any ex post facto legislation or anything. The constitution can't annul acts of the Territorial legislature, I don't think there is any question about it, when the constitution goes into effect. To me it seems vital that this existing language be maintained or that some other language be put in which would freeze the existing earmarked funds. Otherwise, we are opening up ourselves, and not just ourselves but the people of Alaska, up to a race for earmarked funds prior to the date of ratification, and that would seem a most dangerous thing to do. I see no reason why we cannot say, "as of such and such a date, any funds existing can continue".

PRESIDENT EGAN: Mr. McLaughlin.

MCLAUGHLIN: Mr. Chairman, this matter has been argued continuously on this floor. In substance, the effect of Mr. (Victor) Rivers' amendment would be that, until the time that we received statehood, that the legislature can go ahead and continue to earmark funds, and all of those earmarked funds then would, in substance, be exempt under the constitution of the State of Alaska and could be exempt. We would be in the identical position of these states that have 90 per cent of their funds earmarked. The intent of this section -- and it is clear and patent and only a sophist could insist that it is something other than what it reads -- is that sometime this year, in the spring, at that date, at a precise date on which this constitution is ratified, that

earmarked funds or dedicated funds existing at that time will at least be permitted to continue under statehood, and it means in substance that if at that time no limited funds are earmarked, that that is the cutoff date. It defines in here "upon the date of ratification of this constitution by the people of Alaska" refers specifically to a specific date that can be determined. Sometime. I presume, in April 1956 is the cutoff date. There will be no more earmarked funds, and earmarked funds which are created by the legislature in future years will not be subject to the provisions of this article. If we substitute the words "effective date", it means that the whole validity of Section 7 is done away with, because the legislature from year to year to year can and will dedicate more and more funds and, eventually, by the time that this constitution becomes effective, the section will be completely ineffective. Insofar as I am concerned, I am sure that this expresses an exact date, an exact time, and the intent of the article would be destroyed by the amendment.

PRESIDENT EGAN: Mr. Barr has been attempting to get the floor.

BARR: Mr. McLaughlin and Mr. Fischer both have stated the exact facts as to the reasons why we must have this language in here. Now I would also like to say that Mr. Rivers' fears are entirely ungrounded. There is no retroactive law stated here whatsoever. It merely says that the continuance of these earmarked funds shall not continue, meaning shall not continue after the date this constitution goes into effect -- the date we become a state. Then the question is, what earmarked funds shall not continue? That is why we put this in here -- the ones that were in effect on the date it was ratified. There is no question of a retroactive law whatever.

PRESIDENT EGAN: Miss Awes, were you attempting to get the floor?

AWES: All that I wanted to say has been said by other delegates.

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: The question is -- Mr. Victor Rivers.

V. RIVERS: Mr. President, I have heard some oratory here that seems to me to be entirely without foundation of facts -- it's a matter of an opinion. It is my opinion from what I have been able to read that this constitution, ratified by the people, does not become effective until also ratified by the Congress and the President of the United States; and that anything that is not effective then, until that time, must be reaching back by this very clause, and I venture to say that, if this clause is adopted, that it will lead to a number of law suits in connection with the actions of the legislature between the time this cutoff date is set up and the time the constitution is ratified. I have heard a number of men say here they are sure. I, for one, am not sure, and I am pretty sure there would be a number of

others that are not sure. I also believe it would be a matter for the courts to decide. I don't believe that, even though we leave the clause in, that it is going to be an active or effective clause, because I am pretty sure that the preponderance of opinions are that we are still a Territory, and that, as such, our people are not able to legislate for the state. We are not able to cut off what the legislature can do. We are not able to postdate what effective actions this constitution will be. We are not able to backdate the time it becomes effective to when the people ratify it. It has no force and effect of law until such time as the Congress and the President of the United States ratify it. For that reason, I think it is probably opening the way to considerable litigation to leave the clause in.

PRESIDENT EGAN: Mr. Rivers was closing. Did you --

KILCHER: May I ask a question of Mr. Rivers?

PRESIDENT EGAN: If there is no objection.

KILCHER: Do you think, Mr. Rivers, your fears could be resolved by putting in a specific date, say April 26, 1956?

V. RIVERS: I don't think so. I think it has no effect or value until such time as the constitution is actually operative -- when it takes effect as my amendment reads.

PRESIDENT EGAN: Mr. Londborg.

LONDBORG: Mr. President, the schedule that we have says that all laws --

HELLENTHAL: Point of order. Mr. President.

PRESIDENT EGAN: Mr. Londborg --

HELLENTHAL: The argument has been concluded on this subject in accordance with our rules, if they are to be adhered to.

LONDBORG: Point of order. The rules state that no one shall speak twice unless all the rest have been heard that want to be heard, and if they are closing, they state they are closing. I don't believe Mr. Rivers stated that he was closing.

PRESIDENT EGAN: The Chair felt that Mr. Rivers felt he was closing, but it wasn't so stated. Do you wish to ask a question?

LONDBORG: No, I just wanted to bring out here, if I have the floor --

V. FISCHER: Point of order, Mr. President

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

V. FISCHER: I think Mr. Rivers was closing, and I don't think we should extend the debate any further.

LONDBORG: Well, I will be glad to withdraw as far as that, although I do feel I have the right of the floor.

PRESIDENT EGAN: The Chair will have to admit that he didn't ask Mr. Rivers if he was closing.

SUNDBORG: I ask unanimous consent that Mr. Londborg be permitted to express his views.

PRESIDENT EGAN: If there is no objection, Mr. Londborg, you may express your objections.

KILCHER: I object.

PRESIDENT EGAN: Objection is heard. All those in favor of allowing Mr. Londborg to be heard will signify by saying "aye"; all opposed by saying "no". The "ayes" have it. Mr. Londborg, you may be heard. The Convention will come to order.

LONDBORG: I believe according to our schedule that all laws are in force that are not inconsistent with the constitution, and to feel that any law passed according to this, after the date of ratification, that that law wouldn't be -- couldn't be annulled or, as he mentioned, the constitution retroactive. I think that it would mean that any law passed from now on by the legislature could supersede the constitution.

PRESIDENT EGAN: Mr. Victor Rivers, if you would wish to make a closing statement, you may have the floor.

V. RIVERS: I have no other comments. What Mr. Londborg refers to are the ordinances and transitory provisions, and what I am talking about is in the body matter of the constitution. I don't think there is any bearing on the question in regard to the point Mr. Londborg has made.

KILCHER: I would like to explain my lone "no" vote. I was of the opinion that Mr. Londborg, in the first place, had the right to speak and did not need unanimous consent.

PRESIDENT EGAN: The Convention will come to order. The question is, "Shall the proposed amendment as offered by Victor Rivers be adopted by the Convention?" All in favor of adopting the proposed amendment will signify by saying "aye"; all opposed, by saying "no". The "noes" have it, and the amendment has failed of adoption. Are there other amendments to be proposed to Article IX? Mr. Riley.

RILEY: Mr. President, I would like to ask for a one-minute recess. I ask unanimous consent.

PRESIDENT EGAN: If there is no objection, Mr. Riley.

RECESS

PRESIDENT EGAN: The Convention will come to order. Are there other amendments? Mr. Riley. Mr. Johnson.

JOHNSON: May I have the floor for just a minute on a point of personal privilege?

PRESIDENT EGAN: If there is no objection, Mr. Johnson.

(Mr. Johnson then spoke briefly on a point of personal privilege.)

PRESIDENT EGAN: The Convention will come to order. Mr. Riley, did you have something?

RILEY: Mr. President, I ask for suspension of the rules to introduce a specific amendment.

PRESIDENT EGAN: Would you state your amendment?

RILEY: The amendment will be to strike the word "other" on line 6, page 2, and I wish to state, simply for the record, that the purpose in striking the word "other" is to avoid any limitation of the meaning "interests in lands" as it appears in the resource article, which will come out later from Style and Drafting and in which article that phrase appears a number of times.

PRESIDENT EGAN: Mr. Riley moves and asks unanimous consent that the rules be suspended. Is there objection? Hearing no objection, the rules have been suspended. Mr. Riley, you may offer your amendment.

RILEY: Mr. Chairman, I move that on page 2, line 6, the word "other" be deleted.

PRESIDENT EGAN: Mr. Riley moves for the adoption of the amendment. Is there a second?

TAYLOR: I ask unanimous consent.

PRESIDENT EGAN: Unanimous consent is asked that the amendment be adopted. Is there objection? Hearing no objection, the amendment is ordered adopted. Are there other amendments for Committee Proposal No. 9? Mr. Hellethal.

HELLENTHAL: I have a question I want to ask of Mr. Nordale for purposes of the record and to assist Style and Drafting in a possible clarification. Mr. Nerland, I mean. In Section 11, where the Committee deals with the nonapplicability of the restrictions on debt, in the case of revenue bonds issued by public

corporations of the state, first; public enterprises of the state, second; and thirdly, any political subdivision. Does the Committee mean by that language that any political subdivision can issue revenue bonds either through a public corporation or through a public enterprise, or directly, like the City of Anchorage did with its Eklutna project; and in the event that they choose to issue them directly without employing the device of the public corporation, will those bonds be exempt from the restrictions applicable to debt?

NERLAND: That was the intention of the Committee, Mr. Hellenthal.

PRESIDENT EGAN: Are there amendments to be offered for Article No. IX? Mr. Sundborg.

SUNDBORG: If there are no amendments, Mr. President, I move and ask unanimous consent that the rules be suspended, that Article IX, Finance and Taxation, be advanced to third reading, read by title only, and placed on final passage.

PRESIDENT EGAN: Mr. Sundborg moves and asks unanimous consent that the rules be suspended as to Article IX, the article on finance and taxation, the article be advanced to third reading, be read the third time by title only, and placed on final passage. Is there objection? Hearing no objection, the rules have been suspended and Article IX is now before us in third reading. The Chief Clerk will please read the article by title only.

CHIEF CLERK: "Article IX, Finance and Taxation."

PRESIDENT EGAN: The article is open for debate. Is there discussion? Mr. Boswell.

BOSWELL: I just wondered if there were some members who are out who would like to be here on this final vote.

PRESIDENT EGAN: Mr. Fischer, Mr. Doogan, Mr. Marston, Mr. Coghill -- did the Sergeant-at-Arms go upstairs to see if any of them were in the committee rooms? The Convention will be at ease for a minute. The Convention will come to order. Is there debate on Article IX, the article on finance and taxation? Mr. Armstrong.

ARMSTRONG: Mr. President, I was not here the day you voted on Section 8 of this article, and I would just like to register that, if I had been here. I certainly would have voted for the inclusion of a two-thirds vote of all the members to which each house is entitled to be included in that, because I think it is a serious mistake and one that will prove to be a liability as we go on through in the building of our state.

PRESIDENT EGAN: The question is, "Shall Article IX, the article on finance and taxation, be adopted as a part of Alaska's state constitution?" Mr. Barr.

BARR: Point of information.

PRESIDENT EGAN: Your point of information.

BARR: I would like to set Mr. Armstrong's mind at ease before he votes. It is true that it has to pass the legislature by a simple majority, but it has to be ratified by the people after that. It was the feeling of the Committee that we should only allow the state to go into debt if the people say so.

PRESIDENT EGAN: Mr. Armstrong.

ARMSTRONG: I'm sorry, but I go on the theory that, when you send a person to the legislature, you empower them to act for you, and you send them there with the complete trust, not only for your social life. but your economic life and your general well being; and that if we can ever come to the place where we can get two-thirds of either one of these houses to agree on a major issue for capital improvement, then that would be something that would be out of this world. I'd say that, if you could get that kind of agreement. you should certainly have the improvement for the state.

PRESIDENT EGAN: Miss Awes.

AWES: May I ask Mr. Armstrong a question.

PRESIDENT EGAN: If there is no objection, Miss Awes.

AWES: You mean that you would have approved of the amendment that was suggested that would allow a debt to be incurred with a two-thirds vote of the legislature without ratification?

ARMSTRONG: That is correct, Miss Awes.

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: The question is, "Shall Article IX, the article on finance and taxation, be adopted as a part of the Alaska's state constitution?" The Chief Clerk will call the roll.

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

Yeas: 51 - Armstrong, Awes, Barr, Boswell, Buckalew, Collins, Cooper, Cross, Davis, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, Walsh, White, Wien, Mr. President.

Nays: 0 -

Absent: 4 - Coghill, Doogan, Marston, VanderLeest.)

CHIEF CLERK: 51 yeas and 4 absent.

PRESIDENT EGAN: The "yeas" have it, and the article on finance and taxation has become a part of the Alaska state constitution. We now have before us in second reading Article XIII, the article on amendment and revision. The Style and Drafting Committee report will be read at this time. The article had been read for the second time previously.

(The Chief Clerk read the report of the Style and Drafting Committee on Article XIII.)

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Mr. President, the redraft of the article on amendment and revision was prepared initially by a subcommittee consisting of Mr. McLaughlin, Mr. Armstrong, and Mr. Johnson. It has been discussed with the Committee on Direct Legislation, Amendment, and Revision, and we understand it meets with their approval. There are one or two substantive amendments, or maybe even more than that. We understand Mr. McLaughlin, who is going to explain the article and answer questions, says he will undertake to convince everybody they are wholly desirable. I will now turn the floor over to Mr. McLaughlin to tell what has been done to this article.

PRESIDENT EGAN: Mr. McLaughlin.

MCLAUGHLIN: Mr. President, as the Chairman of the Style and Drafting Committee says, the Convention may put its mind at ease on the subject of style; we haven't changed much of it; we've only made changes in substance in the article. (Laughter)

PRESIDENT EGAN: The Convention will come to order.

MCLAUGHLIN: The necessity for the changes in substance, which were agreed upon or may not be substance, but we point them out as substance so the Convention can do its will upon the article, were agreed upon by the substantive committee as representing their intent at the time. I might point out that under the enrolled copy -- actually under the literal reading of the enrolled copy -- it turns out that the legislature could prevent the automatic calling of a constitutional convention because of the fact that they can provide for a constitutional convention; and additionally to that they may provide otherwise provisions counter to those of the law providing for the Alaska Constitutional Convention of 1955. It was the intent of the substantive committee to make sure that there could be a constitutional convention every 10 years. As it stood, the legislature could, by making a limited

call for a constitutional convention, limit it to certain subjects, and, limiting the convention powers as expressly set forth therein, could, every nine years, call for a constitutional convention with very limited powers and thereby block the automatic calling of a constitutional convention on the 10th year. In order to overcome that, certain additions were made. In addition, in Section 2, provision was made for submitting by ballot title by the attorney general. By general consent of the Convention, the words "secretary of state" were substituted for "attorney general", but, in the subsequent section, Section 3 of the enrolled copy, the burden was then passed upon the governor. In order to make it uniform, the Style and Drafting Committee made the one individual responsible, the secretary of state. In addition, they put the duty upon the secretary of state to make the call. The reason for that is that, as we recognize, that you cannot mandamus a whole legislature, and you have to have some one that you can impose the will of the courts on to compel the issuance of the call. I shall point out just, section by section. where the new phrases, clauses, or substantive changes are, so that the Convention will know. On line 4 of Section 1, we have added the words, "and proposition summarizing". We took that phrase from the initiative and referendum; we are making them conform. And on line 8, we added the words, "Unless otherwise provided in the amendment, it becomes effective thirty days after the certification of the election returns by the secretary of state". We added that for the obvious reason that it now conforms with most other provisions that we do have in the other portions of the constitution. It means that, on the night of the general election, there might be a very radical constitutional change -- let us say, abolishing the legislature or abolishing the judiciary, and no one would know, possibly for a week, in Alaska, whether or not the courts or the legislature had been abolished. I am using an extreme example, but it points out the difficulty. We want to make it effective 30 days later, but we have not changed the intent, because the legislature, if it so desires, can designate the effective date of the amendment and can literally say, "on the night of election". We just wanted to put in a cautionary note there if the legislature should happen to forget when it became effective. The next change was in Section 3, page 2, line 1. We substituted "secretary of state" for "governor". As you recall, I said, in Section 2, in the enrolled copy, the governor had had the original duty and we figured that we should make -- the secretary of state had the original obligation on constitutional amendments, and we decided that we should make it uniformly the responsibility of one man, the secretary of state. On line 6, we used the expression "statewide election" -- "statewide" was added; and then we put parenthetically "unless the legislature provides for the election of the delegates at a special election". On line 8, additionally added was "The secretary of state shall issue the call for the convention." As I said, that was so the courts would have some one to mandamus. I think the only expression in your constitution permitting the mandamus of the governor is to be found in

your apportionment article. The secretary of state, the duty is imposed upon him to make the call. We have added Section 4. These changes are with the consent of the substantive committee. "Constitutional conventions shall have plenary power to amend or revise the constitution, subject only to ratification by the people. No call for a constitutional convention shall limit these powers of the convention." We had to put in a blanket statement such as that to prevent these limited calls by the legislature, which would normally block and completely block the desire of the people to secure a complete constitutional convention. For that reason, it was set forth that the constitutional convention would have plenary power and that there could be no limitations upon that power to review the constitution. Mr. Chairman, I was wondering if there were any questions on this.

PRESIDENT EGAN: Are there any questions to be asked of Mr. McLaughlin with relation to this? Mr. Smith.

SMITH: Mr. President, first, I want to compliment Mr. McLaughlin on an excellent job, and then I want to ask him, in line 2, page 1, where you say. "Amendments to this constitution may be approved by a two-thirds vote", where I think, in the original draft, it said, "amendments to this constitution may be proposed by a two-thirds vote"; and I notice down below on line 5, you have reference to the amendment as a proposed amendment. It would appear to me that it might not be entirely clear as to the intent in line 2.

MCLAUGHLIN: I think that we changed the wording because we wanted to use distinct words and to make the processes clear. Where originally we said they may be "proposed", we changed that, I believe, to "approved" because we wanted to make, then, the language on line 4, "the proposition" as used in the initiative and referendum -- we wanted it indicated, then, that that was the approved measure for the ballot and that we were conforming on line 4 -- "the ballot title and proposition summarizing each proposed amendment" would conform to the initiative and referendum.

SMITH: One more question, Mr. McLaughlin. Where does this amendment originate?

MCLAUGHLIN: There is no indication in the first enrolled copy where it originates. Apparently it can originate in either house. We have not changed the wording on that at all.

SMITH: The thing that was in my mind was this: you say here that amendments to this constitution may be approved by a two-thirds vote, where actually what they are doing to begin with is they are approving proposed amendments. Isn't that true? They are not amendments until they are ratified by the people.

MCLAUGHLIN: May I request a one-minute recess?

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

RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. McLaughlin.

MCLAUGHLIN: Mr. Chairman, I move and ask unanimous consent that the word "approved" on line 2, page 1, be stricken and, in place thereof, the word "proposed" be substituted.

PRESIDENT EGAN: On line 2 -- you are offering that as a committee amendment?

MCLAUGHLIN: That is a committee amendment. For the word "approved" substitute the word "proposed".

PRESIDENT EGAN: Mr. McLaughlin, would that be a substantive or a phraseology amendment?

MCLAUGHLIN: That, unfortunately, is the first style amendment suggested. (Laughter)

PRESIDENT EGAN: It wouldn't actually be a substantive change, would it?

MCLAUGHLIN: It is not. It is merely a change in style. Regrettably, as I say, Mr. President, it is.

PRESIDENT EGAN: Mr. McLaughlin moves the adoption of the proposed amendment. Is there a second?

BUCKALEW: I ask unanimous consent.

PRESIDENT EGAN: Unanimous consent is asked that the amendment be adopted. Is there objection? Hearing no objection, the amendment is ordered adopted. Mr. McLaughlin.

MCLAUGHLIN: Mr. Chairman, I did mean to mention to you -- I just noticed, on page 2, line 18 -- originally, the enrolled copy made some provision about the claim on the general fund of the state treasury. Since we have no reference, I believe, in our constitution to the general fund, we made it as a first claim on the state treasury, the theory being that it would be a broader claim and merely return it to the general fund.

PRESIDENT EGAN: Are there questions to be directed to Mr. McLaughlin with relation to this article? Mr. Sundborg.

SUNDBORG: Mr. President, I apologize to Mr. McLaughlin because I have had this before me for several days, and this has not

occurred to me. In Section 3, the language is, "If during any ten-year period a constitutional convention has not been held," and so on, the question is placed on the ballot. Now, what if the question is placed on the ballot and the returns of the election are, "No, we don't want to have a constitutional convention"? Does it go on the ballot at the next general election, also, and at every general election until we have one? Under this language, there would not have been a constitutional convention in the ten-year period; there would have been a referendum, that is true, on whether the people wanted one, but if they vote negatively, what happens?

MCLAUGHLIN: Is this on Section 3?

SUNDBORG: Yes, sir.

MCLAUGHLIN: There is only one call; there is only required under this one call for a constitutional convention in any ten years, and the secretary of state is required -- Section 3 refers specifically where no constitutional convention has been held -- we didn't say called -- where it hasn't been held within the ten-year period -- then the secretary of state must place it on the ballot at the next general election. Now, if they vote it down, then you don't have it for another ten years.

SUNDBORG: You don't have another referendum for another ten years?

MCLAUGHLIN: That's right.

SUNDBORG: Under what language?

MCLAUGHLIN: Under the language that it is only required to do it once; that is, the whole implication is that he does it once.

SUNDBORG: That may be the implication, but it says, I think, "If during the ten-year period a constitutional convention has not been held".

MCLAUGHLIN: May we have a one-minute recess?

PRESIDENT EGAN: If there is no objection. The convention will be at recess.

RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. McLaughlin.

MCLAUGHLIN: Mr. Chairman, I have a proposed amendment, and I know it will be subject to objection.

PRESIDENT EGAN: Are you going to move -- at this time, until there are no further phraseology amendment, we should be considering --

MCLAUGHLIN: This might prove to be an amendment in substance, and

there is some dispute on what was intended by the Committee at the time they first presented this on the floor.

PRESIDENT EGAN: You may state your proposed amendment.

MCLAUGHLIN: The amendment which I propose is on line 3, page 2, after the word "convention", insert the words, "if the vote is in the negative, the proposition will be placed on the ballot ten years thereafter."

PRESIDENT EGAN: That would be the proposed amendment that you would wish to offer? Is that Correct?

MCLAUGHLIN: I offer it, not on behalf of the Style and Drafting Committee; I offer it merely, Mr. Chairman, to point up the difficulty before the Convention. Actually, as this language now reads, that is unamendable. As the language now reads, it means that, if there is no call by the legislature and the proposition is put on the ballot and fails, that is the people by referendum don't want a convention, then technically, the succeeding year it would again be put on the ballot and yearly thereafter, that is at general elections, until such time as the people would vote for a constitutional amendment. As I say, it is a substantive difficulty because some in the Convention say that it was their intent that it should recur yearly to be voted upon by the people, and others say that was not, that they wanted to give the people every ten years an opportunity to vote on the question of whether or not they wanted a convention.

PRESIDENT EGAN: Mr. McLaughlin, the Chair feels that it is a substantive amendment. The Chair does not recollect that there has been any real discussion on this particular question at the time the article was before us in second reading, and therefore, we will have to go by the statement contained in the first sentence as it is in the article and, consequently, the amendment would be one of substance.

MCLAUGHLIN: I will withdraw it; I merely presented it to point it up.

PRESIDENT EGAN: It would be in order to present that amendment later if you so choose. Mr. Metcalf.

METCALF: Mr. Chairman, does the intent of the members of the Committee mean anything in arriving at conclusions as to whether this is substance or phraseology?

PRESIDENT EGAN: Well, if the Chairman of the Committee would like to make a statement with relation to your question --

HELLENTHAL: Point of order, Mr. President.

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

HELLENTHAL: Might it be possible at this time to refer the matter back -
-

PRESIDENT EGAN: It is a matter of substance, the Chair ruled.

HELLENTHAL: -- to the Committee and proceed on with another article so that we don't have to make up our minds on the floor and can be guided by the Committee's thought on the matter?

PRESIDENT EGAN: Mr. Hellenthal, the Chair has ruled that, at this time, that amendment is not in order because it is an amendment in substance. Are there other phraseology amendments? Are there questions to be directed to Mr. McLaughlin?

MCLAUGHLIN: I hope, Mr. President, that Mr. Sundborg has no further afterthoughts.

PRESIDENT EGAN: Mr. Sundborg, do you have any other questions?

SUNDBORG: No, sir, Mr. President. If there are no more questions as to phraseology, I move and ask unanimous consent that the report of the Style and Drafting Committee on Article XIII, Amendment and Revision, be accepted, and that the amendments made by the Style and Drafting Committee be adopted, and I ask unanimous consent.

PRESIDENT EGAN: Mr. Sundborg moves and asks unanimous consent that the report of the Style and Drafting Committee on Article XIII, the article on amendment and revision, be accepted, and that the amendments made to the article by the Style and Drafting Committee be adopted. Is there objection?

SUNDBORG: Mr. President, I should have included in that motion a suspension of the rules since there have been substantive amendments to this article.

KILCHER: I object. One thing at a time, please.

PRESIDENT EGAN: Mr. Kilcher, in order that the body could accept, there would have to be a suspension of the rules. Now, do you want it to just be included as a suspension of the rules, or do you wish to vote on the suspension of the rules separately?

KILCHER: Can't we adopt the report as such?

PRESIDENT EGAN: If we adopt the report in this case where substantive charges have --

KILCHER: No substantive changes have been made so far as what they have here -- there are some proposed in the future.

PRESIDENT EGAN: Mr. McLaughlin, in giving his explanation, stated in several instances that substantive changes had been

made. He explained all of those instances. This question that he just raised a moment ago was one of --

KILCHER: I withdraw my objection then.

PRESIDENT EGAN: Mr. Sundborg moves that the rules be suspended and asks unanimous consent that the Style and Drafting Committee report on Article XIII be accepted, and that the amendments as contained in that report be adopted by the Convention. Is there objection? Hearing no objection, the report with the amendments is ordered adopted. Now, are there substantive amendments or amendments for Section 1? Mr. Hellenthal.

HELLENTHAL: I have one question. I notice that the certification of election returns shall be made by the secretary of state, who is the same person who prepares the proposition and ballot title. I had been told that that was not in the enrolled copy, and I raise the question of the chairman of either committee or anybody, is that not rather a legislative matter and is it not possible that certification might be made by some other officer of the government? I know now the Director of Finance makes certifications under the reorganization. I wonder if that is a constitutional matter.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: Point of order, Mr. President.

PRESIDENT EGAN: Your point of order.

JOHNSON: I believe that that question is moot now since the Convention by unanimous consent has adopted the report of the Style and Drafting Committee, which included this additional language as a substantive change.

PRESIDENT EGAN: That is correct. Mr. Hellenthal.

HELLENTHAL: In that connection, no. The decision of the Chair was that we approve the report only as to matters of style. I don't care at all, but --

PRESIDENT EGAN: Mr. Hellenthal, that was the question raised by Mr. Kilcher, and the Chair asked just what Mr. Kilcher was objecting to, and it was explained that Mr. Sundborg asked for a suspension of the rules and unanimous consent was granted that the report, including the amendments, was adopted. The report was accepted and the amendments adopted.

HELLENTHAL: That may be very proper.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: Mr. President, now is the time, though, when we may

come in with substantive amendments.

PRESIDENT EGAN: That is right, and Mr. Hellenthal, if he desires to offer a specific amendment, could ask first for the suspension of the rules and then offer his amendment.

HELLENTHAL: I could ask for the deletion of that. That is why is it proper to ask a question as to why it was included now?

PRESIDENT EGAN: Well, that would be proper if there is no objection, Mr. Hellenthal.

HELLENTHAL: Well, that was my question. Is there anyone who would care to answer that?

SUNDBORG: I think Mr. McLaughlin would be best able to answer that.

PRESIDENT EGAN: Mr. McLaughlin.

MCLAUGHLIN: It is true, as Mr. Hellenthal states and as I have stated, that was added on by the Committee, that is, making the effective date 30 days after the certification of the election returns by the secretary of state. What we were trying to do was make the duties in an important thing like a constitutional amendment, which would presumably rarely occur, particularly in view of the fact that it requires a two-thirds vote of each house and ratification, we felt that the duty should be imposed on someone to make the certification, and it wasn't legislation in a sense, because it was something that was sufficiently important that the duties of the specific individual be referred to in the constitution, making one man, in substance, responsible mechanically or ministerially on amendments and revisions and calls of the conventions. Whether or not it is legislation is a matter, of course, for the Convention, but, as I say, that was the reason for its insertion.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: If I may add to that, I believe there was one other consideration by the Committee and that was that it desired to make this as nearly as possible self-executing so that the legislature, if there were a gap in it. could not prevent the working of this process of getting a constitutional convention if the legislature didn't want one, which probably the legislature would not.

PRESIDENT EGAN: Are there other questions or proposed amendments for Section 1? Section 2? Are there amendments to be proposed for Section 3? Mr. Fischer.

V. FISCHER: I move a three-minute recess, Mr. President.

PRESIDENT EGAN: If there is no objection, the Convention will

stand at recess. Perhaps we should take our -- for three minutes.

RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. Fischer, did you have a question? Are there proposed amendments for Section 3? Mr. Sundborg.

SUNDBORG: Mr. President, I know that there will be an amendment, and during the recess, I have had an opportunity to confer with Mr. Collins, the Chairman of the Committee on Direct Legislation, Amendments, and Revision, and he suggested that the Style and Drafting Committee take a hand in the matter of preparing an amendment which would fill the hole which most of us feel exists, and which Mr. McLaughlin was trying to fill by proposing an amendment. But I think that probably should be done after a little study and off the floor. I don't like to ask that this be returned to the Style and Drafting Committee now, because there may be other questions relative to it, and we would like to have the benefit of discussion on other questions so, if there are to be other changes, we can do it all in one session and not have to keep coming back to the floor with it; but, at such time as there are no more questions, I will ask to have it recommitted to the Style and Drafting Committee.

PRESIDENT EGAN: Are there other questions or proposed amendments for Section 3? Mr. Ralph Rivers.

R. RIVERS: I see we are asking for questions now; we started on the amending process.

PRESIDENT EGAN: That is right; we are on the amending process, but, if there are questions that might clear up a possible amendment, it would be in order. Are there amendments for Section 4? Are there other amendments to be proposed for Article XIII? Does any delegate have another amendment to propose for Section 13? If not -- Mr. Sundborg.

SUNDBORG: Mr. President, I ask unanimous consent that the Article XIII on amendment and revision be recommitted to the Committee on Style and Drafting.

PRESIDENT EGAN: Mr. Sundborg moves and asks unanimous consent that Article XIII, Amendment and Revision, be recommitted to the Committee on Style and Drafting.

KILCHER: I object.

PRESIDENT EGAN: Objection is heard.

SUNDBORG: I so move, Mr. President.

PRESIDENT EGAN: Mr. Sundborg so moves. Is there a second?

BOSWELL: I'll second it.

PRESIDENT EGAN: Seconded by Mr. Boswell.

KILCHER: Is a unanimous consent request debatable? There is no change of the rules is it?

PRESIDENT EGAN: That is a motion to commit it. In this position, it just came from the Committee on Style and Drafting, therefore, it would take only a majority vote to send it back to the committee it actually came from. Mr. Kilcher.

KILCHER: I would like to know the specific purpose. As far as I can see here, it has been accepted and it is perfect. I would like to know what the reason is to go back to Style and Drafting. Is Style and Drafting dissatisfied with it, Mr. Sundborg?

PRESIDENT EGAN: Mr. McLaughlin could you answer that?

MCLAUGHLIN: Mr. Chairman, I believe that I had pointed out here when the question was raised by Mr. Sundborg that there is a patent ambiguity in this, and I know that there would be in all probability some amendments offered.

PRESIDENT EGAN: Well, isn't it the intention, Mr. McLaughlin and Mr. Sundborg, that if you get it off the floor -- Mr. Kilcher, the Committee, and other delegates who might be interested in this question could work this problem over and come to the solution and find out what the general intention was.

KILCHER: I was also worried about the propriety of committing it back to the Committee on Style and Drafting. There seems to be a substantial conflict and not a conflict of phraseology, so it would be just as proper to send it back to the original committee.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Mr. President, as I attempted to explain when I made the motion, I have checked with the substantive committee. They say they prefer that the Committee on Style and Drafting work on it. We would again bring it to the floor and, if delegates don't like what we report, they would then have the opportunity to reject our proposed language. If it is language of substance, we would have to have the rules suspended even to propose the change in language, so I don't think Mr. Kilcher has anything to be afraid of.

KILCHER: I was never afraid, Mr. Sundborg, just a little worried once in a while. (Laughter)

SUNDBORG: Mr. President, I see it is the hour of 3:30 and near

our afternoon recess, and I was going to suggest that, when we do recess, I will announce a meeting of the Style and Drafting Committee at the rear of the gallery, and the members of the Committee on Direct Legislation, Amendment, and Revision, and any other delegates who are interested in this question that was raised are invited to meet with us to go into this specific matter if the article is recommitted to our committee.

PRESIDENT EGAN: Mr. Sundborg moves, seconded by Mr. Boswell, that Article XIII be referred back to the Style and Drafting Committee for the purposes as stated by Mr. Sundborg. The question is, "Shall the article be committed to the Style and Drafting Committee?" All those in favor signify by saying "aye"; all opposed by saying "no". The "ayes" have it and the article has been committed to the Style and Drafting Committee. Mr. Sundborg.

SUNDBORG: I announce a meeting of the Style and Drafting Committee for the rear of the gallery. Subject to other committee announcements, I move and ask unanimous consent that we stand at recess for 15 minutes.

PRESIDENT EGAN: Style and Drafting Committee will meet for the purpose outlined at the rear of the gallery immediately upon recess. Mr. Coghill.

COGHILL: Mr. President, your Committee on Administration will meet in the large committee room upstairs on recess.

PRESIDENT EGAN: Committee on Administration upstairs immediately upon recess. Are there other committee announcements? If not, the Convention will stand at recess until 3:55.

RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. Sundborg, what is your pleasure?

SUNDBORG: Mr. President, the Committee on Style and Drafting, having considered the article on revision and amendment, Article XIII, during the recess, reports it unchanged back to the Convention. We understand that at least one delegate will have an amendment to propose.

PRESIDENT EGAN: Mr. Davis.

DAVIS: Mr. President, the Chief Clerk has on her desk a proposed amendment. At this time I would like to request unanimous consent for suspension of the rules to offer, as an individual, an amendment to take care of the situation that has been explained in connection with this Article XIII. The proposed amendment is as follows: In Article XIII, Section 3, page 2, line 3, after the word "constitution", insert the following sentence: "If a majority of the votes cast on the question are in the negative,

the question need not again be placed on the ballot until the end of the next ten-year period." I ask unanimous consent for suspension of the rules to propose that amendment.

PRESIDENT EGAN: Mr. Davis, would that come after the word "convention"?

DAVIS: It would come after the word "convention". It would be just inserting another sentence in that place.

PRESIDENT EGAN: Mr. Davis moves and asks unanimous consent that the rules be suspended in order that this specific amendment might be offered. Is there objection?

UNIDENTIFIED DELEGATE: I object.

PRESIDENT EGAN: Objection is heard. Do you so move, Mr. Davis?

DAVIS: I so move.

V. RIVERS: I'll second it.

PRESIDENT EGAN: Seconded by Mr. Victor Rivers that the rules be suspended. The question is, "Shall the rules be suspended?" The Chief Clerk will call the roll. Mr. Fischer.

V. FISCHER: Could I ask for a two-minute recess?

PRESIDENT EGAN: If there is no objection, the Convention will stand at recess for two minutes.

RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. Davis has offered a motion to suspend the rules in order that he might submit a specific amendment. The Chief Clerk will please read the amendment that would be offered if the rules are suspended.

CHIEF CLERK: "Section 3, page 2, line 3, after the word 'convention', insert the following sentence: 'If a majority of the votes cast on the question are negative, the question need not again be placed on the ballot until the end of the next ten-year period.'"

PRESIDENT EGAN: The question is, "Shall the rules be suspended?" The Chief Clerk will call the roll.

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

Yeas: 48 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Collins, Cooper, Cross, Davis, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, King,

Knight, Lee, McCutcheon, McLaughlin, McNealy, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, Mr. President.

Nays: 5 - Emberg, Kilcher, Laws, Londborg, McNees.

Absent: 2 - Doogan, Marston.)

PRESIDENT EGAN: The Convention will come to order while the Chief Clerk tallies the ballot.

CHIEF CLERK: 48 yeas, 5 nays, and 2 absent.

PRESIDENT EGAN: So the "yeas" have it and the rules have been suspended. Mr. Davis.

DAVIS: Mr. President, at this time I now offer the amendment which has been placed on the Chief Clerk's desk.

PRESIDENT EGAN: Will the Chief Clerk please read the amendment.

CHIEF CLERK: "Section 2, page 2, line 3, after the word 'convention', insert the following sentence: 'If a majority of the votes cast on the question are in the negative, the question need not again be placed on the ballot until the end of the next ten-year period. "

PRESIDENT EGAN: Do you move the adoption, Mr. Davis?

DAVIS: I do move the adoption of the amendment, Mr. President.

PRESIDENT EGAN: Mr. Davis moves, seconded by Mr. Armstrong, that the proposed amendment be adopted. Mr. Davis.

DAVIS: Mr. President, the matter was brought before the Convention here of a possible situation arising under the Article XIII which some of the delegates feel was not intended. In fairness, I should state that some of the delegates feel that it was intended exactly as written. Under the section as written if the matter were placed on the ballot at the end of a ten-year period, and if the people voted "no" on that question, then so far as I can see it, the matter would continue to be placed on the ballot at each election thereafter until such time as the people voted "yes". Now, as I said a minute ago, some people say that that is what is intended. Others say it is not what was intended. The amendment is offered to fill that gap, if in fact it is a gap. The Style and Drafting Committee as such has passed on the proposed amendment and approves the language if the Convention wishes to adopt the language. Style and Drafting has taken no position at all on whether or not the amendment is desirable, as such, it's a matter for the Convention to decide what they want.

PRESIDENT EGAN: Mr. Smith.

SMITH: Mr. President, as a member of the Committee from which this proposal originated, in my own mind I have no doubt but what it was the committee intent that the proposition of holding a constitutional convention should go on the ballot only at ten-year intervals, as will be done if this amendment is adopted.

PRESIDENT EGAN: Mr. Hellenenthal.

HELLENTHAL: I would support the amendment if the word "ten" were changed to "six". First I will tell you why. First, I don't believe in too many constitutional conventions for the purpose of amending the constitution, but if a voter, when he goes to the polls after the ten-year period is faced with this: "If I don't vote for it now I am going to have to wait ten years before I get another crack at it", he is going to vote for the convention right now. It will tend to cause these conventions being held, which I don't think some of the supporters of this desire to do, so, if you make it "six", there will be less tendency of them being held.

SUNDBORG: Point of order.

PRESIDENT EGAN: Your point of order.

SUNDBORG: That isn't the question before us. If Mr. Hellenenthal wants to change it to "six" he can offer an amendment to that effect.

HELLENTHAL: I think it was a very great bearing on an analysis of the effect of this amendment --

SUNDBORG: I would like a ruling on my point of order, Mr. President.

PRESIDENT EGAN: Mr. Sundborg, in speaking to the amendment if Mr. Hellenenthal wishes to state why he is not going to vote for this, and upon which terms he might vote for it, he isn't offering the amendment, but he is explaining his position. The Chair would not hold that he is out of order. It seems that he is getting around to explaining his stand on this particular amendment. Mr. Barr.

BARR: May I address a question to Mr. Davis through the Chair?

PRESIDENT EGAN: If there is no objection, Mr. Barr.

BARR: Section 2 says the legislature may provide for a constitutional convention and I assume that means anytime. Section 3 says it will be placed on the ballot every ten years automatically. Now, with your amendment, it need not be placed there the following election and the one following that, automatically, but that

doesn't prevent the legislature from providing a referendum does it, at any time?

DAVIS: No, it does not. It does not prevent the legislature from providing for a constitutional convention, nor does it prevent the legislature from initiating an amendment itself under the other section.

PRESIDENT EGAN: Is there further discussion of the proposed amendment? Mr. Kilcher.

KILCHER: I have a question to ask Mr. Davis, if I may.

PRESIDENT EGAN: If there is no objection, Mr. Kilcher.

KILCHER: In Section 2, it says the legislature may provide for a constitutional convention. Does that legislature in this case also mean the law, including initiative? We have a general policy that was adopted a few days ago that the legislature would include initiative and also, I think Mr. Robertson yesterday in a discussion seemed to have been of the opinion that an initiative can call an amendment, when we discussed the capital question, so I wanted to have this understood.

DAVIS: If that was addressed to me I was reading a note here and didn't get the first part of it. However, in my opinion the mere use of the word "legislature" at this point under the policy statement we adopted a while ago does not limit it to the word "legislature". Now, it's my remembrance that the initiative article itself is not made applicable to the constitutional amendments, but I am not certain. I haven't checked it.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: If I may, the initiative article is not applicable as far as amending the constitution by initiative, but it wouldn't prevent the initiative from operating to bring about a referendum.

PRESIDENT EGAN: Mr. Kilcher, does that answer your question?

KILCHER: I am not satisfied. I don't quite understand. I mean, my vote on Mr. Davis' amendment will hinge on this question.

PRESIDENT EGAN: Mr. McLaughlin, could you answer?

MCLAUGHLIN: Mr. Chairman, I am convinced that the word "legislature" in Section 2 means that the people can, by the initiative, pass an act calling a constitutional convention and making provision in it.

HINCKEL: Mr. President.

PRESIDENT EGAN: Mr. Hinckel, Mr. Kilcher still has the floor.

KILCHER: No, it was only a question.

PRESIDENT EGAN: Mr. Hinckel.

HINCKEL: I was going to attempt to answer Mr. Kilcher's question. During the Committee meeting, it was discussed at considerable length, and it was the intent of the Committee that through the initiative they could initiate a call for the convention, but the people could not initiate an amendment to the constitution itself.

PRESIDENT EGAN: The question is, "Shall the proposed amendment as offered by Mr. Davis be adopted by the Convention?" All those in favor of adopting the amendment will signify by saying "aye"; all opposed by saying "no". The "ayes" have it and the amendment is ordered adopted. Are there other amendments to be offered to Section 3? Section 4? Mr. Sundborg.

SUNDBORG: Mr. President, if there are no further amendments, I move and ask unanimous consent that the rules be suspended, that Article XIII, Amendment and Revision, be advanced to third reading, that it be read by title only, and placed in final passage.

PRESIDENT EGAN: Mr. Sundborg moves and asks unanimous consent that the rules be suspended as to Article XIII, the article on amendment and revision, that the article be advanced to third reading, be read by title only, and placed in final passage. Is there objection? Hearing no objection, it is so ordered, and the rules have been suspended. Article XIII is now before us in third reading. The Chief Clerk may read the title of the article.

CHIEF CLERK: "Article XIII, Amendment and Revision."

PRESIDENT EGAN: The article is open for debate. If there is no debate, the question is, "Shall Article XIII, the article on amendment and revision, be adopted as a part of Alaska's state constitution?" The Chief Clerk will call the roll.

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

Yeas: 53 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Collins, Cooper, Cross, Davis, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, Mr. President.

Nays: 0 -

Absent: 2 - Doogan, Marston.)

CHIEF CLERK: 53 yeas and 2 absent.

PRESIDENT EGAN: The "yeas" have it and Article XIII, the article on amendment and revision, has been adopted as a part of Alaska's state constitution. Mr. Sundborg.

SUNDBORG: Mr. President, may we revert to the order of introduction of committee reports?

PRESIDENT EGAN: If there is no objection the Convention will revert to the order of business, introduction of committee reports, at this time. Mr. Sundborg.

SUNDBORG: Mr. President, your Committee on Style and Drafting reports with respect to the article on the executive, specifically on the three amendments, substantive amendments which were made on the floor yesterday. Our report is contained in a letter which is on the desks of each delegate, and I would like to ask that the Chief Clerk read it at this time.

PRESIDENT EGAN: Would the Chief Clerk read the report of the Committee on Style and Drafting with relation to the executive article.

(The Chief Clerk read the report of the Style and Drafting Committee with relation to proposed changes by that Committee on the executive article.)

PRESIDENT EGAN: Mr. Sundborg, what is your pleasure?

SUNDBORG: Mr. President, we have cleared our proposed language with the Chairman of the Committee on the Executive, Mr. Victor Rivers, and we understand that our language expresses the substance which was desired by his Committee when it brought in the amendments. I call your attention -- on the fifth line from the bottom of the first page, there is a typographical error where it says "officer", it should say "office"; the fifth line from the bottom on page 1 beginning with "unable to succeed". The next word should be "office" instead of "officer". This is in the report of our Committee, Mr. Gray, which was just read. Mr. President, I ask unanimous consent that the report of the Style and Drafting Committee on the three amendments to the article on the executive be accepted, and that the amendments therein be adopted.

PRESIDENT EGAN: Mr. Sundborg moves and asks unanimous consent that the report of the Committee on Style and Drafting be accepted, and that the amendments therein be adopted. Is there objection? Mr. Taylor.

TAYLOR: I'll object for just a moment. I would like to ask Mr. Sundborg as Chairman of the Committee on Style and Drafting --

PRESIDENT EGAN: Your question, Mr. Taylor?

TAYLOR: Is the typographical error you mentioned in the fifth line from the bottom, it says "succeed to the officer" and that should be "office"?

SUNDBORG: Yes, Mr. Taylor.

TAYLOR: Well, should there not be an "of" so it says succeed to the office of or act as governor"?

SUNDBORG: Not in our belief, Mr. Taylor. As it is now, "Provision shall be made by law for succession to the office of governor and for an acting governor in the event that the secretary of state is unable to succeed to the office or act as governor." It isn't to succeed to the office of or act as governor. I believe it is two separate situations.

PRESIDENT EGAN: Is there objection to the unanimous consent request? Hearing no objection it is so ordered and the report has been accepted and the amendments adopted as a part of Article III, the article on the executive. Mr. Victor Rivers.

V. RIVERS: Mr. President, while we are under this, the amendments as provided, or revised by Style and Drafting, leads us to one other slight change in Section 14. When we set up the article on the executive, we provided for succession from the governor to the secretary of state to the president of the senate to the speaker of the house. Now this body in their wisdom struck the president of the senate and speaker of the house, but under Section 14, we took some of the duties of the secretary or other officer when he succeeds to the office of governor and set them up. It was the opinion of some of the members of the executive and of Style and Drafting that we should strike the words on line 19, Section 14, strike the words "or other officer". Now that will mean that all of the provisions of succession including title, emoluments, and everything else will lie with the legislature and will not be partly in this article and partly in the hands of the legislature. So I will ask unanimous consent for suspension of the rules.

PRESIDENT EGAN: Is there objection to the unanimous consent request for suspension of the rules in order that this amendment might be proposed? Mr. Fischer.

V. FISCHER: May I ask a question, please?

PRESIDENT EGAN: If there is no objection, Mr. Fischer, you may ask your question.

V. FISCHER: Is it necessary to delete this language, since whatever officer succeeds would succeed to all those items mentioned?

V. RIVERS: I am following the suggestion to properly clear this matter with Style and Drafting on this only. Now some of the members of the Committee, a number of them, thought they should

be deleted, and that would then leave all the power in the hands of the legislature to set up all the terms of succession. It would not appear to be an inconsistency. It was merely a nicety that I acceded to and I will now ask unanimous consent that the words on lines 19 and 20, "or other officer" be stricken.

PRESIDENT EGAN: Is there objection to the unanimous consent request for suspension of the rules? Hearing none, the rules have been suspended. Now do you offer your amendment, Mr. Rivers?

V. RIVERS: Didn't I just offer it?

PRESIDENT EGAN: Well, when Mr. Fischer arose, the record would show --

V. RIVERS: All right, I will now ask unanimous consent -- or I will now move that the words "or other officer" on lines 19 and 20, Section 14 -- the words after "state" -- "or other officer" be stricken.

PRESIDENT EGAN: Mr. Victor Rivers moves for the adoption of the amendment. Is there a second?

COOPER: I'll second it.

PRESIDENT EGAN: Mr. Cooper seconds the motion.

V. RIVERS: I'll ask unanimous consent.

PRESIDENT EGAN: Mr. Victor Rivers asks unanimous consent for the adoption of the amendment. Is there objection? Hearing no objection the amendment is ordered adopted. Mr. Sundborg.

SUNDBORG: Mr. President, I now move that the rules be suspended, that Article III, the Executive, be advanced to third reading, be read by title only, and placed on final passage.

PRESIDENT EGAN: Mr. Sundborg moves and asks unanimous consent that the rules be suspended as to Article III, the article on the executive, that the article be advanced to third reading, be read the third time by title only, and placed on final passage. Is there objection? Hearing no objection the rules have been suspended and the article is now before us in third reading. The Chief Clerk will read the title of the article.

CHIEF CLERK: "Article III, The Executive."

PRESIDENT EGAN: The article is open for debate. Mr. Fischer.

V. FISCHER: Mr. President, I would just like to rise and say I think the Committee on the Executive Branch did a wonderful job in preparing this article and that we will probably view this article when we become a state as the best basis for the organization of the executive of any state in the Union.

PRESIDENT EGAN: Is there further discussion or debate? If not, the question is, "Shall Article III, the article on the executive, be adopted as a part of Alaska's state constitution?" The Chief Clerk will call the roll.

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

Yeas: 53 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Collins, Cooper, Cross, Davis, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, Mr. President.

Nays: 0 -

Absent: 2 - Doogan, Marston.)

CHIEF CLERK: 53 yeas and 2 absent.

PRESIDENT EGAN: So the "yeas" have it, and the article on the executive has been adopted as a part of Alaska's state constitution. Mr. Sundborg.

SUNDBORG: Mr. President, I would like to report on behalf of our Committee that we foresee that there will be 15 articles in Alaska's state constitution and we have now passed through third reading nine of them. The total number of pages in the nine articles passed is 39 out of a probable total of about 80 in the entire constitution, so we are just at the halfway mark as far as the number of pages is concerned, but we are well past the halfway mark as far as the number of articles is concerned.

PRESIDENT EGAN: Mr. Coghill.

COGHILL: Mr. President, with that in mind, I would like to place before the Convention if I may at this time, the proposition of whether we are going to work tomorrow -- the plenary session in the afternoon or at any time in the evening. The food service would like to know.

PRESIDENT EGAN: Mr. McNealy, will the ordinance on the Tennessee Plan be in shape so we can handle that tomorrow afternoon, or begin its discussion tomorrow afternoon?

MCNEALY: It will be, Mr. President.

PRESIDENT EGAN: Then, subject to the wishes of the body, the Chair would just venture the suggestion that it would be proper that we work tomorrow afternoon, beginning at sometime in the afternoon, and that there will be an ordinance before us that would take probably the whole afternoon and perhaps part of the evening. Mr. McNees.

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MCNEES: In line with that, I move that we do convene the assembly here tomorrow afternoon at 1:00 o'clock.

PRESIDENT EGAN: Mr. McNees asks unanimous consent that it be the policy of the Convention -- will there be a bus at that time, on Sunday, do you know, Mr. McNees, or could a special bus be provided?

COGHILL: A special bus could be arranged.

PRESIDENT EGAN: The Chair would also like to also inquire, is 1:00 o'clock too early in line with some of the church services in town, if 2:00 o'clock might not be a better time? Would that be a time when all of the services will be completed? Reverend Armstrong, do you know?

ARMSTRONG: That would be satisfactory, I am sure, to anyone who had their dinner after church.

PRESIDENT EGAN: Would that be satisfactory then, Mr. McNees, that it be the policy of the Convention --

MCNEES: I have no objection. I have a bus schedule here and it shows a bus at 12:30 and the next one at 3:45, leaving town for the University.

ARMSTRONG: I thought we were speaking about 2:00.

PRESIDENT EGAN: That is what I was speaking of, Mr. Armstrong, that we might probably interfere in some manner with the church services if we convened at 1:00. Mr. Coghill.

COGHILL: If it is the pleasure of the Convention, then, we will obtain the special bus to leave the Nordale Hotel at say 1:30?

PRESIDENT EGAN: Would that be satisfactory with you, then, Mr. McNees, if we set the time and policy for convening tomorrow at 2:00 p.m., and the Administration Committee will take care of having a bus at the hotel at 1:30 p.m.?

MCNEES: Yes, it will.

COGHILL: Mr. President, I have one other item of importance. Would it be in order to present that at this time?

PRESIDENT EGAN: If there is no objection, Mr. Coghill.

COGHILL: On the wishes of the delegates as to invitations, now, if any of the delegates wish to have any extra invitations other than the 25 that were placed on their desks, if they will leave their name and the amount they will want this evening in the message center room, we will have them Monday afternoon.

PRESIDENT EGAN: That same thing will go for the employees of the

Convention if they so desire to have a few more invitations.

COGHILL: Yes.

PRESIDENT EGAN: Will the Chief Clerk please read the message that is before us?

CHIEF CLERK: Mr. Moberg has sent a message that the following have not turned in their biographical data: Awes, Barr, Collins, Cooper, Cross, Egan, Emberg, Mrs. Fischer, Victor Fischer, Hermann, Laws, Lee, Londborg, McNeas, McLaughlin, Nolan, Peratrovich, Reader, Ralph Rivers, Victor Rivers, Stewart, Smith, Walsh, White, VanderLeest.

PRESIDENT EGAN: The Chair would like to implore all the delegates who have not turned in their data to do so. (Laughter) Mr. Barr.

BARR: I would like to have a little more information about this questionnaire that we received. Has it any official status, who is buying it, etc.? When I answer a lot of personal questions, I would like to know where it is going.

PRESIDENT EGAN: It will probably -- that biography will go into the archives with relation to the history of this Convention, Mr. Barr. That is the understanding of the President. Mr. Johnson.

JOHNSON: Dr. Moberg is the head of the History Department of the University, I believe. It is entirely for the University records.

PRESIDENT EGAN: Miss Awes.

AWES: I don't think I even have it anymore. Is there any place where we can get duplicates?

CHIEF CLERK: I have some.

PRESIDENT EGAN: Those delegates who have not complied with that will --

SUNDBORG: I wonder whether anything has been done about the request of the Nenana school that biographies of the delegates be supplied to them for their use in their school publication?

PRESIDENT EGAN: Mr. Coghill.

COGHILL: Yes. That was turned over to the Secretary and he is having one of the boiler room girls take care of that, and probably in the next day or two you will have a questionnaire on your desks.

PRESIDENT EGAN: We now have before us then, Article VI, the article on legislative apportionment -- the report of the Style and drafting Committee on that article. The Chief Clerk may read

the report of the Committee on Style and Drafting.

(The Chief Clerk read the report of the Style and Drafting Committee on Article VI.)

PRESIDENT EGAN: Mr. Sundborg, does your Committee have a report to make at this time?

SUNDBORG: Mr. President, the Style and Drafting Committee redraft of the article on legislative apportionment was prepared initially by a subcommittee consisting of Mr. Davis, Mr. Fischer, and myself. It has been reviewed by the full Apportionment Committee, we are told, and it meets with their approval. They don't feel that we have changed any matter of substance in it, and I would like to ask Mr. Davis to explain such changes as have been made in phraseology and to answer any questions by delegates.

PRESIDENT EGAN: Mr. Davis.

DAVIS: Mr. President, before proceeding, I would like to call attention of the delegates to page 4 of the Style and Drafting Committee report, line 21, in the middle of that line, it says -- well, in that line it says, "Article XV; A, B, C, D," etc. The "C" which is in there is a typographical error and should be deleted. At this time I would ask unanimous consent that that "C" may be deleted from the report.

PRESIDENT EGAN: Unanimous consent is asked for the deletion. Is there objection? Hearing no objection, the deletion is so ordered. Mr. Davis.

DAVIS: Now, Mr. President, in reviewing this article as against the enrolled copy, some things are apparent to begin with. In the first place, Section 4 of the enrolled copy is matter that was already previously covered in the legislative article, and, accordingly, we have left that section completely out of the redraft. In the second place, the report in the enrolled copy contains certain transitory provisions, one on the senate and one on the house, and we have left them out of the order in which they appear in the enrolled copy, and have placed them in transitory provisions at the end of the redrafted article. The same thing is true of certain language which appeared in Section 1 and Section 2 of the original enrolled copy. There were certain things there of a purely transitory nature and we have taken them from the body of the Style and Drafting report and have moved them into a transitory article, which we have at the end in order that they may be placed in the schedule, and, incidentally, we have talked in here through this article quite a bit about Section 1 and Section 2 of Article XV. Article XV is the schedule. Now, it may be that at a later date, that it will be given another number, but at any rate it is given a special place as an article in the constitution, and, when we make reference to those sections, that is what we mean. You will also note that we have changed the

order of some of the sections, so that they don't come in the same order that they did in the enrolled copy. That change was made for the purpose of trying to work out a logical sequence. Section 1 as we have redrafted has to do with the house of representatives. Now, lest there be some question as to whether the house of representatives or the senate is the higher body, and as to which one may properly have come first, I would like to explain that we have placed the house first because it has to do with -- I notice that a change was not made, and I will stop at this point. In Section 1, line 6, on page 1, it says, "Section 2 of Article XV"; that likewise is a typographical error. That should be Section 1. And in Section 2, line 9, it says, "Section 1"; that should be "Section 2", and I would like at this time to ask unanimous consent to correct those numbers.

PRESIDENT EGAN: Mr. Davis requests unanimous consent that those number changes be made. Is there objection? Hearing no objection the changes are ordered.

DAVIS: Now, as I started to say a while ago, we placed the house first because the reference to the house is in Section 1 of the schedule, where the reference to the senate is in Section 2 of the schedule. We are not attempting to say that the house is first or the senate is first or the other way around. I might say that we met with the full substantive committee on two occasions, and we have met with the Chairman of the Committee and some other members of the Committee on several occasions, and I am satisfied that the redraft as we have written it meets with the approval of the Committee. At the request of the Committee, we have made certain changes in our draft. We have also made one change which might possibly be considered as a substantive change, and we have made that change at the request of the Committee because it apparently was their intent, and we have made that change to carry out their intent in connection with this article. That particular change had to do with the language found in lines 16 and 17 on page 3, which reads: "Deliberations and decisions of the board shall be free from political considerations." Now, you will find in the original enrolled copy that the apportionment board was supposed to be set up as a nonpartisan board. Style and Drafting in their draft of this article changed the nonpartisan, as you will find it in Section 8, the next to last sentence of Section 8, "Appointments shall be made without regard to political affiliation." And we made that change to conform to the same change that had been made in connection with the judicial article so that it all would be the same sort of language. When we brought that change to the attention of the Committee on Apportionment, we were advised that that change by itself did not cover their intent. They intended that the board should actually in all respects act as a nonpolitical body, and accordingly asked us to add another sentence which would make it clear that the board was to act without regard to partisan politics. Following that, then, we prepared the last two lines I mentioned in Section 9 and submitted them to the Chairman of the Committee and they have likewise been approved. Now I will attempt to answer any questions that may be

asked concerning the redraft of this article.

PRESIDENT EGAN: Are there any questions to be directed to Mr. Davis. Mr. Hinckel.

HINCKEL: I have a question on Section 5, but I will take it in order if you're going to do it that way.

PRESIDENT EGAN: Are there questions relating to Section 1?

UNIDENTIFIED DELEGATE: May we have a one-minute recess?

PRESIDENT EGAN: If there is no objection, the Convention will be at recess for a minute or two.

RECESS

PRESIDENT EGAN: The Convention will come to order. Are there questions relating to Sections 1 or 2? Mr. Davis.

DAVIS: Before going ahead it has been called to my attention another error that we might as well correct now; also, on line 21 of page 4, we have a capital "AND" -- upper case "AND". I would like to change that to lower case.

PRESIDENT EGAN: Mr. Davis asks unanimous consent that that change be adopted.

DAVIS: In this line. I would like to let it be known that I am not criticizing the boiler room. After all, those girls worked until well after midnight last night getting this out.

PRESIDENT EGAN: If there is no objection the capitalized "AND" on line 21, page 4, next to last word -- if there is no objection it is so ordered. Mr. Hinckel.

HINCKEL: Section 5. I would like to ask Mr. Davis if, in his opinion, the last three words of the Section 5 on line 11 where it says, "in this article", mean the same as in the enrolled copy on page 8 where it says, "as provided above"? I will wait a minute while you take a look at it.

DAVIS: I won't take time to look at it, Mr. Hinckel. We have used "in this article" in all cases to refer to something else in the particular article in the constitution, so I would say it does mean the same as "as provided above".

HINCKEL: Well, may I make a short statement regarding this, Mr. President?

DAVIS: Mr. Fischer apparently has some different idea.

FISCHER: May I make a suggestion?

PRESIDENT EGAN: Yes, if it is in answer to Mr. Hinckel's question.

V. FISCHER: Yes. In this case it previously said "as provided above". Now this says, "The reapportionment of the new districts shall be determined as provided in this article." The only place where it discusses the apportionment for any district is in Section 4. Actually, you could almost put in "as provided in Section 4", because the subsequent section refers to the redistricting when a new district is created. Here one is created automatically, practically automatically, under this provision of the constitution. So, actually, Section 4 would apply in this case.

HINCKEL: I still would like to state my reasons for asking this question. It's my opinion that when the Committee was discussing this, in referring back to "as provided above", they were referring to the reapportionment as it's described in Section 4, but the words on line 10 where it says, "the new district", is confusing to me in that the only place where any reference is made to a new district is beyond that in Section 6; and then again in Section 6 -- of course, they are talking about new districts which might be created and where they will use the vote quotient in the allocation of the representation, and to me it appears that it would be practically certain that the new district, as they call it, formed by the combining of two districts would cause some confusion. If both of those new districts, say, for instance, Valdez and Cordova districts, had fallen below the half-quotient in this next reapportionment, and then they were combined, it would be very possible that they would not have a new district, have a full quotient and would therefore lose their representative again and have to be recombined again with something else in order to have representation, and I don't think that was the intent of the Committee nor the intent of the Convention, and so, unless I can get an interpretation from the Committee that I am wrong and that that is not the intent of the Committee or that that is not the way the Style and Drafting Committee read it, I would like to have it amended. Of course, I would offer the amendment later but the reason for asking the question was to try and clear this up in my mind at this time.

PRESIDENT EGAN: Mr. Davis, will you answer the question?

DAVIS: Well, only to this extent, Mr. Hinckel. For the benefit of the Convention, we might say that Mr. Hinckel met with us in connection with this section, and he believed if I misquote you, Mr. Hinckel, say so -- he believed that the enrolled copy as it came out did not express the intention of the Committee or of the Convention. I am quoting you correctly on that, Mr. Hinckel?

HINCKEL: Yes, that is approximately correct.

DAVIS: He felt that there had been a change in the thinking of the Committee between the time that they were deliberating on this and final passage and that it was not properly brought out so that the Convention adopted one thing possibly meaning another. Following, I might mention that we had redrafted this particular section with possibly to be more clear on what we thought the Convention meant in adopting this article, but, in meeting with the Committee, the Substantive Committee, on this, we were advised that they had not intended this article to read as we had drafted it and, after consultation with them, we changed it back to the way it was previously. Now the particular places involved are: in line 8 of Section 5 on page 2, it is provided that when a district falls below the one-half quotient that it shall be attached to another district; and then the sentence -- think Mr. Hinckel mentioned it -- farther down we talk about a new district. I'll see if I can find it. Yes, in line 14, Section 6, it talks about "each new district so created". But after our consultations with the Committee, they convinced us that the change we had made was actually a change of substance which was not what they, at least, meant and which they thought the Convention did not mean, and, accordingly, in the Style and Drafting we changed it back to the words that they had used in these two particulars. So, so far as we are concerned, we are reporting the language, we feel, as it came out in the enrolled copy. Now I believe that Mr. Hinckel's question is a matter of substance that is going to have to be resolved by the Convention itself and not by this Committee.

PRESIDENT EGAN: Mr. Hinckel.

HINCKEL: I had other questions at the time I talked to you. At the time I talked to the Committee, I had other questions, too. But this particular question is one I think, while it is of substance, it is a rearrangement of words which has caused the change in substance. I felt that it was not intentional, if I read it correctly, that, where they refer to what is said in it "as provided above", and at where they say "as provided above", they refer back to a certain way of making apportionment. I just wanted to be sure that it was supposed to still read the same way. It says here, "as provided in this article". Well, the article is the whole article, and so, when you say "a new district" and there is no mention of new districts until after you pass that and go into Section 6 where new districts -- the description of new districts, and their creation, and their apportionment is discussed and an entirely different basis, so now, to be blunt about it, do you interpret the thing now that, if two district were combined that they would have to have the full quotient? Is that your interpretation?

DAVIS: Well, I am afraid you are way beyond me here. It was my belief and still is my belief that the Convention intended that, when one district fell below its quotient -- its one-half quotient in this case -- that it lost its identify as an election

district, not as part of a senate district but as an election district, and was combined with another district, and that whole thing became a new district which later could be recreated or not depending on what factors were involved on a reapportionment; but, apparently, that is not the intent of the Committee and not the understanding of the Committee as to what the floor did. So, to try to answer Mr. Hinckel's question, it was our belief that the language we have used here has not changed the language at all as it came off the floor. Now, maybe we are wrong, but that is what we thought we were doing.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: If I may add a little bit more in reply to Mr. Hinckel's question, the new district created under Section 5, according to our understanding, would be subject to reapportionment as any district would under Section 4, and, if the two districts that had been combined into this new one had a major fraction of a quotient, then it would obtain a representative.

HINCKEL: That was the way I thought it was intended to be. I just wanted to make sure the wording did not destroy that.

PRESIDENT EGAN: Mr. Gray.

GRAY: That is correct. I believe that what would answer Mr. Hinckel is, in line 14 where it says "each new district", if you said "such new district", would that clarify your point?

HINCKEL: That might do it.

GRAY: In other words, the new district as in Section 6?

HINCKEL: Can we have a more or less informal discussion in front of the group here?

PRESIDENT EGAN: If there is no objection. Mr. Cooper.

COOPER: This entire substantive (question) can be resolved in line 11 so that it will have the intent of the Committee and of the body. After the word "in", it would read "as provided in Section 4 of this article". That would answer all the problems that are on the floor at this time and that would be in keeping with the enrolled copy which says "as provided above".

DAVIS: Mr. President, we can very easily do that, except that I would like to point out that we have avoided using that kind of language wherever possible in the constitution for the reason that, if one section should be repealed, then you have to go through the constitution to find other references to that section that need changing, where if we don't refer from one section to another in the constitution, that problem doesn't arise. That suggestion, incidentally, was made to me a minute ago, that I

might make that motion, and I didn't for the reason that it may very well upset the plan in that respect. Now, I will admit in a minute that we have done just that in connection with the schedule provision. However, the schedule is something a little different than something in the body of the constitution.

HELLENTHAL: Mr. President

PRESIDENT EGAN: Mr. Hinckel, did you have other questions?

HINCKEL: I'll defer to Mr. Hellenthal.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: I am firmly convinced that absolutely no change or no harm results from the use of the words in this article. I can't see Mr. Hinckel's point at all.

PRESIDENT EGAN: Mr. Hinckel.

HINCKEL: I don't want to disagree with Mr. Hellenthal but I still feel that there is a difference there. I have another suggestion: that the word "new" -- I made a similar suggestion once before and I hate to make the same thing again but I made the suggestion that the word "new" be changed to "combined" and get away from that "new district" which is referred to later on down the line, but, anyway, it accomplishes the purpose --

PRESIDENT EGAN: It may be best when we get to the substantive amendment state that --

DAVIS: Well, that was going to be my suggestion, Mr. President, because it is obvious that there is a certain amount of disagreement here as to just what is meant. Now, I think that the language we have used carries out the intent of the enrolled copy. I think we have carried that forward, but it may or may not carry out the intent of various delegates, so I think the thing to do, if everybody else agrees, is to pass on it as a matter of Style and take care of it as a substantive amendment if something needs to be changed.

PRESIDENT EGAN: Mr. Coghill, did you have a question?

COGHILL: I believe that the Committee thinking is along the lines of what Mr. Hinckel has there that I believe that it is a change just in style as far as the Style and Drafting Committee and that they have overlooked the point that, in our enrolled copy, it says "as provided above", which goes back to the major fraction of the quotient. It might be, for example, that the population increased to the point where the major quotient was 6,000 and, under our apportionment as of now, two districts wouldn't have the major fraction but together they would have the major fraction; well, they should be allowed to have one representative by

being combined, and I believe that it is the feeling of the Committee that that should be done, so, if they put in "as in Section 4", or, as Mr. Hinckel recommended, "combined district", why, it would solve the problem.

V. FISCHER: May we have a two-minute recess?

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

RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. Davis.

DAVIS: Mr. President, in an effort to get this thing going and get this article taken care of, I would move at this time and ask unanimous consent that in line 11, on page 2, at the end of Section 5, after "in", we insert the words "Section 4 of", so it would read "as provided in Section 4 of this article".

PRESIDENT EGAN: That, in your opinion, Mr. Davis, would not be a substantive amendment? It would just clarify what is meant by that language?

DAVIS: I would say that is the case.

PRESIDENT EGAN: That would be the feeling of the Chair, also. In the opinion of the Chair, it is not a substantive amendment. Mr. Davis moves and asks unanimous consent that the proposed amendment be adopted. Is there objection? Hearing no objection, the amendment is ordered adopted. Mr. Davis.

DAVIS: I will try to field any other questions that may be asked.

PRESIDENT EGAN: Are there any other questions relating to Sections 4 or 5? Mr. Londborg.

LONDBORG: I have been wondering if there shouldn't be a differentiation made between the new district defined in line 10 and the new district defined in line 14? I don't feel that I agree with Mr. Hinckel that the word "combined" should be in place of "new"; it's the same meaning, it's just one of clarification.

DAVIS: I don't think there is any question but that this is a change in substance. Mr. President. If the Convention wants to do that, that's fine, but I don't think that that could possibly be considered a change in styling.

PRESIDENT EGAN: That would come at the time, Mr. Londborg, when we consider substantive amendments. Mr. Barr.

BARR: I would like to ask a question; page 3, line 16, on the sentence starting with "Deliberation and decision of the board

shall be free from political considerations". Wasn't the intent there, actually, that the board should be free from partisanship -- partisan politics, in other words? What was the intent?

DAVIS: I feel quite sure that that was the intent, free from partisan politics, because we used that language to substitute for a previous word "shall be a nonpartisan board".

PRESIDENT EGAN: Are there questions relating to -- Mr. McCutcheon.

MCCUTCHEON: Mr. Davis, I notice in the enrolled section here, in the first line of Section 5, it says "nonpartisan board", and on lines 9 and 10 in Section 8 it says, "Appointments shall be made without regard to political affiliation". Is that Style and Drafting's opinion that "without regard to political affiliation" establishes the same principles as "nonpartisan board"?

DAVIS: That was our belief and for that reason we stopped at that point to begin with, then, as I pointed out, a while ago, the Committee advised us they had intended the language to go farther than that, that the board was to be nonpartisan in all respects, not only in its appointment but in its deliberations and otherwise; and for that reason, we made what we considered a change in substance to that extent, the extent of the language at the end of line 9.

PRESIDENT EGAN: Are there questions relating to Sections 5, 6, or 7? Are there questions relating to Section 8 or 9? Section 10? Mr. Davis.

DAVIS: Mr. President, I might make one comment here so that there will not be any misunderstanding. In section 8, in line 7, page 3, we have provided at least one member shall be appointed from each of these various districts. Now, as you will notice by reading the enrolled copy, it says, "one member shall be appointed from each of these districts", and, obviously, since there are five members and four districts, somebody would have had no place to go and we, then, in attempting to meet what was the obvious intent, made it "at least one".

PRESIDENT EGAN: Are there other questions to be asked with relation to Sections 8 or 9? Mr. Hellenthal.

HELLENTHAL: I would like to point out that the words "at least one" are an exact quotation from the enrolled copy.

DAVIS: If so -- yes -- apparently one of our drafts is rather than the enrolled copy. At any rate, we have made it "at least one".

PRESIDENT EGAN: Are there questions relating to Section 10? Section 11? Section 12? Mr. Davis.

DAVIS: Mr. President, I might mention that, if there are questions

as to Section 12, that Mr. Fischer is much more familiar with that than I am and he can answer the questions.

PRESIDENT EGAN: Are there questions relating to Section 12? If not, are there questions relating to Section 13? Section 14? Mr. Johnson.

JOHNSON: I move that the Convention stand at recess until 7:00 o'clock.

PRESIDENT EGAN: Mr. Johnson moves and asks unanimous consent that the Convention stand at recess until 7:00 p.m.

UNIDENTIFIED DELEGATE: I object.

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

KILCHER: I second the motion.

PRESIDENT EGAN: Seconded by Mr. Kilcher. The question is -- are there committee announcements, in case the Convention recesses? Mr. Sundborg.

SUNDBORG: Style and Drafting Committee will meet immediately upon recess at the rear of the gallery.

PRESIDENT EGAN: Style and Drafting Committee will meet immediately upon recess at the rear of the gallery. Mr. Coghill.

COGHILL: May I ask a question of the Chairman of Style and Drafting?

PRESIDENT EGAN: You may, Mr. Coghill.

COGHILL: How much more time would you be needing for your Style and Drafting Committee? If we are going to work tomorrow afternoon, wouldn't it be advisable not to work tonight in plenary session?

SUNDBORG: As far as our Committee is concerned, we have now reported to the floor every article which has been referred to us except the article on resources, the article on local government, and part of an article which came to us today on the subject of general and miscellaneous provisions. We will need some time over the weekend and I know we will be working tonight whenever the Convention adjourns, whether it be at this time or whether it be at 9:30, and we will also, in all likelihood, be working tomorrow morning, and we can use any of the time that the Convention could allow us. We will have nothing else to come on the floor until Monday at the earliest, and it may be that we will not have anything until Monday afternoon.

PRESIDENT EGAN: Mr. Sundborg, it is the feeling of the Chair --

if it is the feeling of the body -- we have hanging from previous actions the question relating to the capital and the question relating to the fish traps. Now, it would be the opinion of the Chair that, if we could get that out of the way this evening, we would have accomplished something that would really clear our calendar and it is something that we are going to have to clear anyway, and it has been two days since that particular Proposal 17/a was held up, and it would seem that we might get on that and see what the outcome of it is.

SUNDBORG: Mr. President, please don't interpret anything I have said as pleading for more time for our Committee. I feel that things are very well in hand by our Committee, and I am much more concerned about the slowness of work here on the floor than I am about the shape of things in our Committee.

PRESIDENT EGAN: The Chair thought that perhaps there might be some feeling as to what we might take up tonight. If it would be the feeling of the delegates, the Chair would feel that it would be a proper time and it might not go until 9:30 if we did come back, but we would have that on the way to Engrossment and Enrollment in one form or another. Are there other committee announcements? The question is, "Shall the Convention stand at recess until 7:00 p.m.?" All those in favor of recessing until 7:00 p.m. will signify by saying "aye"; all opposed by saying "no". The "ayes" seem to have it, and the Convention stands at recess until 7:00 p.m.

RECESS

PRESIDENT EGAN: The Convention will come to order. Will the Sergeant at Arms see if there are any delegates upstairs? The Convention will come to order. The Convention is at ease until the absent delegates present themselves. The Convention will come to order. We have before us Article No. VI, report of the Style and Drafting Committee. Are there questions with relation to Section 8 or Section 9 to the work that has been done by the Style and Drafting Committee? Are there any questions with relation to the work that has been accomplished by the Style and Drafting Committee to any of the sections including Sections 8 or 9? To Section 10? Are there questions to be directed to the Style and Drafting Committee with relation to Section 11? To Section 12? To Section 13? Or to Section 14? Mr. Cooper.

COOPER: Mr. President, I have a question on Section 5. There seems to be a word, part of a word left out of Section 5 that was in the enrolled copy. "Should the total civilian population within any election district fall below one-half of the quotient, the district shall be attached to an election district within its senate subdistrict". Now the word "subdistrict" appears in the enrolled copy but not in the Style and Drafting. I wonder if I might ask Mr. Davis the reason for that?

PRESIDENT EGAN: Mr. Davis, can you answer that question?

DAVIS: I will answer it to the best of my ability. As a matter of fact, in the whole article as it stands, there isn't any such thing as a "subdistrict". Every district is a senate district; that is, every one of these "A, B, C's" that we adopted this morning, the "regions" as we have called them, are only senate districts themselves, except that you elect senators from at large from those districts. That is the reason the so-called subdistrict was left out because it didn't mean anything. Does that answer it?

PRESIDENT EGAN: Mr. Cooper.

COOPER: In answer to Mr. Davis's question to me, to actually answer him, Mr. President, I will have to take the floor on a matter of personal privilege for about one minute.

PRESIDENT EGAN: If there is no objection, Mr. Cooper you may have the floor on personal privilege.

(Mr. Cooper spoke on a matter of personal privilege.)

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

RECESS

PRESIDENT EGAN: The Convention will come to order. Are there any other delegates in the building?

V. RIVERS: Delegates McNealy and Ralph Rivers are in the building and somewhere nearby. I think they are upstairs.

PRESIDENT EGAN: The Sergeant at Arms just went upstairs. Had we completed asking questions with relation to the Style and Drafting Committee? Or, Mr. Davis, you had brought up a question with relation to the deletion of the sub senate districts, or Mr. Cooper had brought that up.

DAVIS: Mr. President, as a result of the conference that has been held by a large portion of the Convention, if not all of it, on behalf of Style and Drafting, I would like to offer a change on page 2, Section 6, line 14. I would like to delete the word "section", and insert in place thereof the word "article". I ask unanimous consent for that change.

PRESIDENT EGAN: Mr. Davis asks unanimous consent that that change be adopted. Is there objection? Hearing no objection, it is so ordered.

DAVIS: Following that then, Mr. President, I have another proposed amendment which may or may not be a question of substance, depending on what was meant by the enrolled copy. In Section 7, lines 23 and 24, page 2, I would like to move and ask unanimous

consent that we strike the words "Southeastern, Southcentral, Central and Northwestern". If we strike those words the section would read, "Section 7. The senate districts, described in Section 2 of Article XV, may be modified to reflect changes in election districts. A district, although modified, shall retain its total number of senators and its approximate perimeter." I offer that amendment and, incidentally, this is not now a Style and Drafting amendment. This is a result of the conference held in the back of the room.

PRESIDENT EGAN: Mr. Davis, it is the opinion of the Chair that that is a phraseology amendment for the reason that previously in line 9 of Section 5, the word "sub" had been there, and the --

DAVIS: I understand that is the Chair's interpretation?

PRESIDENT EGAN: The interpretation of Section 7, then, meant that the "district" meant the "subsenate districts". Mr. Fischer.

V. FISCHER: Mr. President, on a point of order. I don't want to disagree with the Chair, but I think if you look back to the original language from which Section 7 was derived, which is on page 2 of the enrolled copy, line 20 --

PRESIDENT EGAN: Page 2 of the enrolled copy, line 20?

V. FISCHER: Proposal 14, page 2 of the enrolled copy, Mr. President, it seems to me that that definitely was meant to apply to the four regional senate districts. While I do not object to the change that Mr. Davis proposed, I definitely feel it is a substantive change.

PRESIDENT EGAN: It was the opinion of the Chair that Mr. Cooper quoted from the enrolled copy where it said "subdistricts".

COOPER: Line 8, page 2.

DAVIS: I don't think there is any use of getting into a hassle as to whether it is substantive or whether it isn't, Mr. President.

PRESIDENT EGAN: Mr. Fischer, the Chair thought that it was -- that it mentioned "subdistrict" all down through that section.

V. FISCHER: No, this specifically referred to districts where senators at large were elected.

PRESIDENT EGAN: Mr. Taylor.

TAYLOR: I think it would not be a substantive change. It would be merely a change in phraseology because if you say "Southeastern, Southcentral, Central and Northwestern senate districts" you have all the senate districts in the state. If you say "the

senate district" described in Section 2, that includes all the senate district in the Southeastern, Southcentral -- so it is just the same thing; it means absolutely the same, identical thing.

DAVIS: In any case, whatever it may be, I ask for unanimous consent and if unanimous consent should be granted, it would make no difference whatsoever.

PRESIDENT EGAN: Mr. Davis asks unanimous consent.

V. RIVERS: I have to object for a question.

PRESIDENT EGAN: Objection is heard --

V. RIVERS: As I visualized our original apportionment, we had four senate districts, approximately the present judicial divisions from which we would have a given number of senators, some of them at large, some of them from a subdistrict that would revolve around within that district in relation to population. Now, as I see this change, that condition would no longer exist. Is that correct?

DAVIS: There isn't any question that if this change is adopted that each senate district set up on the schedule, including what you have called "subdistricts" --

V. RIVERS: What we have called "subdistricts".

DAVIS: All right, what in the enrolled copy possibly was called "subdistricts", each of those districts will retain its senator from here on out until the constitution is amended. There is no question about that in my mind.

V. RIVERS: They won't revolve around on a population basis within the district, is that right?

DAVIS: My belief is that if this amendment is adopted that each of the districts named will retain the same number of senators as listed in the schedule.

PRESIDENT EGAN: Is there objection to the unanimous consent request?

V. RIVERS: I will object.

MCCUTCHEON: Mr. President, I would like to have Mr. Gray interpret the amendment here.

PRESIDENT EGAN: Do you so move, Mr. Davis?

DAVIS: I do so move.

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COOPER: I second it.

PRESIDENT EGAN: Seconded by Mr. Cooper that the amendment be adopted.

V. FISCHER: Mr. President, is this a suspension of the rules, now?

PRESIDENT EGAN: If there is no objection, the Convention will be at recess while the Chair confers with the Rules Committee.

RECESS

PRESIDENT EGAN: The Convention will come to order. After consultation with the Rules Committee, the Chair feels that, at this point in the proceedings, the proposed amendment will have to be viewed as a substantive change. Mr. Davis, you asked unanimous consent, did you not?

DAVIS: I asked unanimous consent and objection was heard, Mr. President. I so move.

STEWART: I second it.

PRESIDENT EGAN: Mr. Davis so moves, seconded by Mr. Stewart, that the rules be suspended. The question is, "Shall the rules be suspended in order that this amendment might be offered?" The Chief Clerk will call the roll.

V. RIVERS: Is that suspension for that specific amendment only?

PRESIDENT EGAN: That is correct, Mr. Rivers.

SUNDBORG: Mr. President, before we start, I just want to point out that this is a departure from our usual procedure here. We usually go through, and as soon as there are no more amendments as to phraseology, the report of Style and Drafting Committee is accepted; then, if the Convention wants to get into substantive amendments -- I wonder, are we through with all the phraseology amendments?

PRESIDENT EGAN: Mr. Davis.

DAVIS: For that purpose and with the consent of my second, I will at this time withdraw the motion I made and let the motion be made concerning the Style and Drafting report.

PRESIDENT EGAN: Are there any other phraseology amendments to be offered? Mr. Barr.

BARR: Mr. President, I have a very harmless little amendment.

PRESIDENT EGAN: Would you read it please, Mr. Barr.

BARR: On page 3, line 17, before the word "political" insert the word "partisan".

PRESIDENT EGAN: What is your feeling, Mr. Barr? Do you feel that is a phraseology or substantive amendment?

BARR: I asked Mr. Davis during the questioning period what the intent was there, and he told me the intention was to keep the deliberations of this board from being partisan, politically partisan. I don't want to argue on it until I make the motion.

PRESIDENT EGAN: Mr. Barr, are you offering that proposed amendment?

BARR: I move that this amendment be adopted.

PRESIDENT EGAN: Mr. Barr moves that the proposed amendment be adopted. Is there a second?

KILCHER: I second the motion.

PRESIDENT EGAN: Mr. Kilcher seconds it. Now, the Chair has to decide whether that is substantive -- Mr. Sundborg.

SUNDBORG: Mr. President, may I say that in the enrolled copy it said it should be a nonpartisan board, and I do feel that it is not at all substantive matter to offer the word "partisan".

PRESIDENT EGAN: And that is the feeling of the Chair also, Mr. Sundborg, that it is just spelling out what the words "political considerations" mean.

BARR: My reason for offering this is I just believe that we should be technically correct here. It is a small thing really, but the way it reads now, "Deliberation and decision of the board shall be free from political considerations". "Politics" means a science of government. "Political" means pertaining to government. I looked it up in the dictionary, by the way. It also means pertaining to the administration of government. A government board could hardly be free from political consideration, but the intent here is it shall be free from partisan political consideration, so I think we should spell that out. That is why I offer this amendment.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: I ask for unanimous consent.

PRESIDENT EGAN: Is there objection? Hearing no objection, the amendment is ordered adopted. Are there other phraseology amendments to be offered? Mr. Sundborg.

SUNDBORG: Mr. President, I move and ask unanimous consent that the

report of Style and Drafting Committee as to Article VI, Legislative Apportionment, be accepted, and the amendments in the Committee draft be adopted.

PRESIDENT EGAN: Mr. Sundborg moves and asks unanimous consent that the report of the Style and Drafting Committee with relation to Article VI, the article on legislative apportionment, be accepted, and that the amendments contained therein be adopted. Is there objection?

TAYLOR: I will object for the time being. Does that mean that we are barred from offering amendments?

PRESIDENT EGAN: No, Mr. Taylor, if at this time you offered an amendment of substantive nature, it would take a two-thirds majority. You may offer substantive amendments later if you can get a suspension of the rules, the same as you could right now.

TAYLOR: Could I get a ruling of the Chair as to whether or not something is substantive, that is, a motion to strike a matter that has no meaning whatsoever?

PRESIDENT EGAN: Of course, if it is a part of the article, it probably would have some meaning or it would not be there, Mr. Taylor. (Laughter) The Convention will come to order.

TAYLOR: I might say I have an amendment to offer, and I don't want to lose my opportunity.

PRESIDENT EGAN: Objection is heard to the motion to accept. Do you wish to read to the Chair what the proposed amendment would be at this time? Perhaps it might expedite things.

TAYLOR: I have written the motion and it is on the Clerk's desk.

PRESIDENT EGAN: Would the Chief Clerk please read the proposed amendment that Mr. Taylor would offer which he wants a decision on as to whether it is a substantive or phraseology amendment.

CHIEF CLERK: "Section 9, lines 16 and 17, strike the last sentence of Section 9."

PRESIDENT EGAN: Well, Mr. Taylor -- the Convention will come to order. The Chair would have to rule that that would be a substantive amendment, all right. It means something. The Convention will come to order. Do you still object to Mr. Sundborg's unanimous consent request?

TAYLOR: Yes, so I can offer this amendment.

SUNDBORG: Mr. President, have you so ruled that this is a substantive amendment that Mr. Taylor has offered?

PRESIDENT EGAN: That was the ruling of the Chair -- that it was a substantive amendment.

SUNDBORG: Therefore, it would take a suspension of the rules either before or after?

PRESIDENT EGAN: That is right, either now, Mr. Taylor, or later. Do you still object to the unanimous consent request, Mr. Taylor?

TAYLOR: I have no objection.

PRESIDENT EGAN: Hearing no objection, the motion of Mr. Sundborg is ordered adopted. Are there proposed amendments for Section 1? Mr. Davis.

DAVIS: Mr. President, at this time, I again make the motion that I made a while ago to strike the words "Southeastern, Southcentral, Central, and Northwestern" in lines 23 and 24, on page 2, in Section 7 of the Style and Drafting report.

PRESIDENT EGAN: Do you move that the rules be suspended, Mr. Davis?

DAVIS: I do move that the rules be suspended for the purpose of making that motion.

PRESIDENT EGAN: Mr. Davis moves that the rules be suspended for the purpose of making the motion. Is there a second to the motion?

STEWART: I second it.

PRESIDENT EGAN: Seconded by Mr. Stewart.

SUNDBORG: Mr. President, I ask unanimous consent that this be debatable at this time so we can find out what it is about before we have to vote on suspension of the rules.

HARRIS: I object.

PRESIDENT EGAN: Objection is heard.

SUNDBORG: I move that the rules be suspended and that --

PRESIDENT EGAN: The motion for a suspension of the rules is already on the floor, Mr. Sundborg, and I don't see how we could have two motions to suspend the rules before us at the one time. The question is, "Shall the rules be suspended?" The Chief Clerk will call the roll.

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

Yeas: 51 - Armstrong, Awes, Barr, Boswell, Buckalew, Cooper, Cross, Davis, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann,

Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee. Londborg, McCutcheon, McLaughlin, McNealy, McNees, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, Mr. President.

Nays: 0 -

Absent: 4 - Coghill, Collins, H. Fischer, Marston.)

CHIEF CLERK: 51 yeas and 4 absent.

PRESIDENT EGAN: So the rules have been suspended. Mr. Davis.

DAVIS: Mr. President, I trust I am in order this time. I now move that in Section 7, lines 23 and 24, the words "Southeastern, Southcentral, Central and Northwestern" be stricken.

PRESIDENT EGAN: Mr. Davis so moves. Is there a second to the motion?

TAYLOR: I second the motion and ask unanimous consent.

PRESIDENT EGAN: Mr. Taylor seconds the motion and asks unanimous consent for adoption of the amendment.

V. RIVERS: I object.

PRESIDENT EGAN: Objection is heard.

V. RIVERS: I object to ask a question. If you strike those words, Mr. Davis, what becomes of the at-large senators from the overall area and district, the overall senate districts, I am not talking about the senate subdistricts?

DAVIS: Not a thing, Mr. Rivers. The only change would be, then, as the section is written, the at-large senators, the at-large districts are the only ones that have assured senate representation. If we strike these words then the section would read, "The senate districts described in Section 2", which includes those areas I mentioned, "of Article XV, may be modified to reflect changes in election districts. A district, although modified, shall retain its total number of senators and its approximate perimeter." The Section 2 of Schedule 15 describes all the senate districts including the at-large districts that I mentioned. Now I don't think there is any need of my belaboring this point any more because I did it a while ago, I would just be wasting time.

PRESIDENT EGAN: Is there still objection to the unanimous consent request?

V. RIVERS: I want to have further discussion on it.

MCCUTCHEON: Yes, there is, Mr. President; I would like to have Mr. Gray offer us a few observations on this matter.

PRESIDENT EGAN: Mr. Gray, would you care to?

GRAY: After the "brainwashing" I have had in the last hour, I don't know whether I can get back on the road again. You must understand that this whole plan is a compromise. It has come out of being not only one little group meeting that we had this evening -- we have had dozens of them. And we finally came to this. Now in this -- this is a compromise -- my belief in this plan is that the senate lines are too strict and they should be more elastic. I say that because, from the beginning this is government of the people; it is not government of the mountain tops or the lakes or the flats; it is government of the people. If you have a section with mountain goats on it and no people, it is questionable what representation they are entitled to. I lay that in a broad field, so my belief all the way through has been representation of the people. We have an elastic, very elastic, house plan. The senate plan as set up works good for today. How is it going to look tomorrow? It works at present but as long as this is being nailed down strictly, you must project yourselves into the future. What we haven't experienced, and this was deliberated many, many times, was the old rotten boroughs -- excuse the word -- of England. That is what we are staring in the face right now unless there is a way to correct it. Of course, the way to correct it is amendment to the constitution. The plan is very acceptable at the present time, there is no question about that -- but it does not take care of population shifts. If every section grows in relationship, it will still work; but, if some of these senate districts collapse, you could have a position where they could not have one representative and still they could have two or three or four senators. It will never get to that. The theory of the thing is that it is possible under the strict senate rule. As long as it works as it does today and to keep the show on the road in the committee meeting, we agreed, at least I did, to the change as submitted because it works; it is fair today. Now, whether it is going to be fair in 1970 or 1980, I do not know.

V. RIVERS: What change do you speak of, as submitted?

ROSSWOG: May I ask Mr. Gray a question? How could a senate district that lost its population, or stayed the same, or fell below its quota, get two or three senators?

GRAY: In my relationship, a senate district was the senate region, and the subdistricts were subdistricts of the senate district. That was my contention, and it denoted it because we used the word "subdistrict". "Subdistrict" to me means a part of a senate district. That was my belief right up to this moment. As I say, this has been with the discussions, that all the way through that has

been my idea; and using the senate districts, and we can take it then as a senate district, and it is possible with a population shift that they could lose their population to the extent that they could not even retain a half-quotient and still they would be allowed four senators without one representative to the house. Nothing like that will ever happen, I assure you, but the pattern exists, so, in this change, to help the show get on the road, to get the thing going, why as long as the plan works today, I will go for the plan, but it works for today only.

PRESIDENT EGAN: Mr. Victor Rivers.

V. RIVERS: This plan, as we have it now, is counter to my understanding of the Committee's program which I understood was a compromise, and in that compromise, we viewed the four division as we have them now as being an over-all senate district, and in those senate districts were certain subdistricts that would float around within that district in relation as the population shifted. Now that division -- what we call a division now, what we would call a senate district in this would never change except for approximate changes in its perimeter. It would still have a given number of senators, but it would not have what Mr. Gray has rightly referred to as "rotten boroughs". They would either be at large or they would be from some of the election districts, and I for one must necessarily oppose forever freezing these lines within the senate districts. I even think the approximate perimeter clause, as I told the Chairman of the Committee, was too strict to allow the apportionment board to do proper adjusting within very moderate limits. But as I view our whole picture in Alaska, we are not sitting here to prepare a constitution for today, we are sitting here to prepare a constitution for 50 or 100 years from now as well. That is the history of all constitutions, that that is generally as long as they have to last, and we don't want to end up here within a short time with disproportionate representation. This plan is geared first on the election districts to the ratio of population, the proportional population within a district; then they have geared that same election district to a senate subdistrict in which they have then cast into the mold of the over-all division, which I did not particularly object to; but as I see this picture, some of the areas in the sub-senate districts are afraid they would lose population to where they might lose a house representative and also might eventually end up by losing a senate representative. Now, that is not my conception of the future and growth of Alaska. I think that we must necessarily rely upon our vast area and our vast resources to produce our wealth. I think the raw material will be the wealth of Alaska, and in order to get that raw material, we must have people out in the rural areas. I do not visualize Alaska as a great industrial area, because we do not have ready access to great markets, and it will be a long time before we have a great market within our own area, and so, consequently, we must depend upon raw resources for our wealth; and, if we do, it is reasonable to assume that the growth in the rural areas and the outlying areas will either keep abreast of or will exceed the growth

of your urban centers, because industrialization is what brings growth to urban centers, and I cannot see, in my mind, that we freeze these senate subdistricts as well as freezing the senate districts. That was never my concept on this floor or in the committee meetings that that was the intent of the substance matter of this original draft or the enrolled copy. If we adopt this amendment, then we are forever freezing the possibility of a lot of rotten boroughs occurring here in a short time. I agreed with the original committee concept, but I cannot agree with this concept of freezing the lines of the subdistricts as well as the senate districts. If we allow them to float around, I think that is fair and right, they should, possibly part of the senate, follow the population, and the rest of the area be represented by the two over-all senators; but I, for one, cannot see freezing these senate subdistricts down in relation to where there may be a large population over to one side of the same area and no population in that area that is being represented. I know this is a compromise, but it certainly doesn't seem to me that this last measure is a compromise.

PRESIDENT EGAN: Mr. Harris.

HARRIS: I can see Mr. Rivers' viewpoint of wanting these to float around. If I were in Mr. Rivers' position, I would probably want them to float around also.

V. RIVERS: Point of order, Mr. President.

HARRIS: I haven't got started yet. Mr. Rivers, give me a chance. I can easily visualize where 20 years from now, it is very possible, I am not saying it will happen, it is very possible that the senators would be coming from the cities as well as your house representatives. Well, the idea of the whole compromise from the beginning was that one would be based on a geographic standpoint and the other one on a population standpoint, and the rural areas went along with it with that in mind, that they would be guaranteed representation. We went home for the Christmas recess. I know a lot of the other people from the rural areas did the same as I did and said, "We may lose our house representatives, it is very possible, but we will never lose our senator." That was in our minds and we thought that was what the article said. We have found out that wasn't exactly what it said, but we did have other problems confronting us and that is the reason that this amendment tonight was asked for. It is a compromise. It is a guarantee to the rural areas that they will always have representation, and that was the compromise that was made at the beginning with the Apportionment Committee.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: Mr. President, to clear up any doubts that the senate was to be based strictly on area and the house strictly on population, to clear up any doubts that any member may have had as to

whether or not the senate was to be based strictly on area and the house strictly on population (and apparently some delegates felt that was true) let me read from the report of the Committee: "In the composition of the senate, stress was placed upon area with minor stress upon socio-economic groups." Now, I merely say that so there will be no misapprehension in this group that any one was misled by anyone else. It did develop, though, that there was a conflict in the Committee. Some committee members felt one way; some, the other; which, of course, they are entitled to. I frankly agree with Mr. Rivers' contention. A rigid senate plan for Alaska is not advisable, it is not advisable; and with that in mind the minor stress was placed on people, socio-economic areas, people. You have to have people to have socio-areas. That was the reason for it. But as I see, and as we all see, a little trouble developed. There was some misunderstanding over it; and, although I agree with Mr. Rivers we have a good constitution, it can be amended from time to time; it is going to have to be reconsidered from time to time; and I therefore have enough faith in Alaska, in Alaska and all of its segments, to believe that, even if this amendment were not passed, that the problem that Mr. Rivers worries about will never take place. I think we are going to go forward together. For that reason, I voted in the Committee in favor of this amendment that is now before us. The Committee vote was 5 to 1 on it, in case any of you want to know, and I was one of those who voted in favor of this amendment to make it crystal clear, and it is crystal clear. The senate of Alaska, and the constitution is now based strictly, 100 per cent upon area, but the great objective of this group has been secured in that the minor areas are assured of representation. That was what we set out to accomplish, that the minor areas in Alaska, the small hinterland, would be assured of representation, and it wouldn't all go to the cities. We never thought it would all go to the cities. I think that they are all going to -- their population will grow simultaneously, but we have accomplished that objective. This is actually a minor thing, and I therefore speak for two purposes: first, to get the record clear so that no one will have in their minds that there were any misrepresentations made, and secondly, to indicate I feel this amendment is a good amendment.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: Mr. President, for the first time, I think for quite some while, I am in agreement with Mr. Hellenthal. I certainly think that this amendment accomplishes what I believe to be the most serious defect in this whole article. I think one of the essential ingredients in our form of government is, particularly on the apportionment features is stability in the senate district boundaries, and, with the article as it was previously drawn, there certainly was a very grave question as to whether or not that could be accomplished. I think with this amendment that purpose can be accomplished and we have strengthened our constitution and our form of government in the State of Alaska just that much more. I am heartily in favor of the amendment.

PRESIDENT EGAN: Mr. Hinckel has been attempting to get the floor.

HINCKEL: I have very little to add. The previous speakers have said practically everything I wanted to say, except I would like to call attention to the fact that the language we have just deleted was put into the article on January 12. It was after we came back from our holiday and the statements that were made when we went home on our holiday that we explained the arrangement of the senatorial districts, and assured our people that they were going to have senatorial representation no matter what happened. Those statements are correct, because we did do that -- I'm sure most of us did -- because that was the way it was explained to us. It was the way it was written in the article, the explanation that went along with the article. Another thing, I had another point that I wanted to make -- I can't think what it was.

PRESIDENT EGAN: Mr. Walsh.

WALSH: Mr. Chairman, I was a member and still am a member of the Apportionment Committee, and during our various committee meetings, right from the start, I found myself in the minority, and I think every member of the Committee will agree with me, and we battled along, and in due time we came to a compromise, and that compromise is exactly what Mr. Davis's amendment offers to you tonight; and proof further of that is, which I don't want to elaborate on, is that, less than an hour ago, we had a vote of the Committee in favor of Mr. Davis's amendment. Now that is the compromise, and that is what we came back to this floor with.

PRESIDENT EGAN: Mr. McCutcheon.

MCCUTCHEON: Mr. President, if these allegations are all true, I would like to have somebody point out to me the action that took place in putting these several words, "Southcentral", etc., into this article. How did they get in there if you all allege that Mr. Davis's amendment accomplishes the matter which was finally compromised in the Committee. How did we get these words in here? I would like to know.

PRESIDENT EGAN: Mrs. Sweeney.

SWEENEY: Mr. President, I believe I can explain that. In the bill that was sent to Engrossment and Enrollment, you had the Roman numerals I and IV, II, and III, or some such thing -- I don't remember the combination -- but those numbers had been changed I believe on a motion of Mr. Boswell, and, when it was engrossed, I said that those numbers should be changed because I and III, II, and IV was not going to mean anything, so that is where those names come in. After Mr. Boswell changed those district numbers to names, the engrossed copies were then changed.

HELLENTHAL: The Committee approved that change and those names. There is no question about that.

PRESIDENT EGAN: Mr. Taylor.

TAYLOR: I believe, Mr. President, this amendment of Mr. Davis's clarifies this matter and I think makes it a better bill. I was alarmed when Mr. Victor Rivers was talking about these senatorial districts that were going to be floating around. I thought it would be like going hunting, one of them might fall over one, but I got to thinking it over. They are not going to float around so fast as you might think. They are going to stay pretty well bedded where they are for at least 10 years. Ten years is the period in which our constitutional convention is called. If there is anything wrong with this apportionment or this legislative representation, it can be taken care of. I think those senatorial districts will lay dormant until we can do something about it with the constitutional convention to change this. Now, as I said before, I have been a number of times in the legislature, and very near every time we are down there, there has been an effort made by the people in the sparsely populated parts of the Territory to get some representation. Usually they come there -- there might be one or two from Ketchikan, the rest from Juneau representing the First Division. Maybe Mr. Peratrovich might be there, or Frank Johnson from Kake. Then the Third Division was mostly from Anchorage; Mr. President was from Valdes -- that would be about all. The same would hold true with the Fourth Division -- all from Fairbanks. This is a far departure from what we have had in the past. It seems to me that the more populous areas have gone overboard to give the sparsely populated areas ample representation in the legislature; and I believe that I am going along with this on the amendment and going along on the whole article with the exception of a little amendment I am going to put in. (Laughter) I hope we will adopt Mr. Davis's amendment.

PRESIDENT EGAN: Mr. Barr.

BARR: Mr. President, we are writing here a constitution which is patterned after the National Constitution as far as possible, and we have constructed a framework of state government which is patterned after other state governments in the Union, and we have apportioned our representatives in the legislature the same way even using the same formula for apportionment, and yet the Committee wanted to make a compromise on apportioning the senate. Mr. Hellenthal was afraid that we didn't understand that, that we did not understand that they were only partly apportioned according to area and partly according to population. I understood it very thoroughly, and I understand it is very bad. It is un-American. I don't see why we have to change the system of government that has worked so well in all the other states, and also in our national government. Now this amendment corrects that. It is according to area. That is why it is a good amendment. I am even going to vote for the article now.

DAVIS: Mr. President, I will close.

PRESIDENT EGAN: Mr. Davis is closing the argument -- if anyone else wishes to be heard -- Mr. Davis.

DAVIS: Mr. President, I find myself torn two ways on this argument. In the first place, as a member of Style and Drafting, I wrote up the article on the basis of the enrolled bill as it was, and I came out with one result. On the other hand, as a member of the Convention, I know very well that, at the time we were arguing this thing, it was definitely stated on behalf of the Committee that under the plan, no matter what might happen to the house representation, that people would not lose their senate representation no matter what might happen to the population. I would just like to throw out one thought here. When we are voting for the senate, more so than when we are voting for the house, we are not voting for a senator to represent our own district; we are voting for a senator who is going to do the best possible job for the State of Alaska; and I hope that we won't lose sight of that here. This Convention has been completely free of divisions according to traditional division lines, and I venture that it is the first gathering that was ever held in Alaska that was free of those division. And it seems to me that, if we can assure each area a representation, a direct representation in the senate, that we have accomplished what we set out to do, and I believe that a person from one of these smaller districts will represent Alaska just as well as if he were from one of the larger districts in population; and for that reason I am willing to go along with this amendment; that coupled with the fact that there isn't any doubt in my mind at all that that's what at least a large number of people in this Convention thought was being accomplished with the apportionment article as it was written.

PRESIDENT EGAN: Would the Chief Clerk please read the proposed amendment.

CHIEF CLERK: "Page 2, Section 7, lines 23 and 24, strike the words 'Southeastern, Southcentral, Central, and Northwestern'."

PRESIDENT EGAN: The question is, "Shall the proposed amendment as offered by Mr. Davis be adopted by the Convention?" All those in favor of adopting the proposed amendment will signify --

HARRIS: Roll call, Mr. President.

PRESIDENT EGAN: The Chief Clerk will call the roll.

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

Yeas: 45 - Armstrong, Awes, Barr, Boswell, Buckalew, Cooper, Cross, Davis, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McLaughlin, McNealy, McNees, Metcalf, Nerland, Nolan,

Reader, Riley, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, Mr. President.

Nays: 6 - McCutcheon, Nordale, Peratrovich, Poulsen, R. Rivers, V. Rivers.

Absent: 4 - Coghill, Collins, H. Fischer, Marston.)

CHIEF CLERK: 45 yeas, 6 nays, and 4 absent.

PRESIDENT EGAN: So the "yeas" have it, and the proposed amendment is ordered adopted. Are there other amendments up to and including Section 7 of Article No. VI? Mr. White.

WHITE: Mr. President, a point of inquiry. Did we adopt the amendment changing the word "section" to "article" on line 14?

PRESIDENT EGAN: Yes, it was adopted by unanimous consent, as the Chair recalls it. Are there other amendments up to and including Section 7? Are there amendments to be proposed for Section 8? For Section 9?

CHIEF CLERK: Yes, by Mr. Taylor.

PRESIDENT EGAN: Would the Chief Clerk please read the proposed amendment for Section 9.

CHIEF CLERK: "Section 9, page 3, lines 16 and 17, strike the last sentence of the section.

PRESIDENT EGAN: Mr. Taylor, did you move a suspension of the rules?

TAYLOR: I move the suspension of the rules and adoption of the amendment.

PRESIDENT EGAN: Mr. Taylor moves for the suspension of the rules in order that the proposed amendment might be offered. Is there a second to the motion?

KNIGHT: I second the motion.

PRESIDENT EGAN: Mr. Knight seconds the motion. The question is, "Shall the rules be suspended?"

TAYLOR: I ask unanimous consent.

PRESIDENT EGAN: Unanimous consent is asked that the rules be suspended in order that Mr. Taylor might offer this amendment.

ROBERTSON: I object, Mr. President.

PRESIDENT EGAN: Objection is heard. The Chief Clerk will call the roll.

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

Yeas: 31 - Armstrong, Awes, Buckalew, Davis, Doogan, Emberg, V. Fischer, Gray, Harris, Hermann, Hilscher, Hurley, Johnson, Kilcher, King, Knight, Laws, McCutcheon, McLaughlin, McNees, Metcalf, Nordale, Riley, V. Rivers, Sundborg, Sweeney, Taylor, VanderLeest, White, Wien, Mr. President.

Nays: 19 - Barr, Boswell, Cooper, Cross, Hellenthal, Hinckel, Lee, Londborg, Nerland, Nolan, Peratrovich, Poulsen, Reader, R. Rivers, Robertson, Rosswog, Smith, Stewart, Walsh.

Absent: 5 - Coghill, Collins, H. Fischer, McNealy, Marston.)

CHIEF CLERK: 31 yeas, 19 nays, and 5 absent.

PRESIDENT EGAN: So the "nays" have it and the rules have not been suspended. Mr. Robertson.

ROBERTSON: I wonder where they are going to get the members of the board from.

PRESIDENT EGAN: Are there other amendments to be offered for Section 9? For Section 10? Mr. Metcalf.

METCALF: Could I ask Mr. Davis a question?

PRESIDENT EGAN: If there is no objection, Mr. Metcalf.

METCALF: In striking those words, "Southeastern, Southcentral", etc., in Section 7, I notice the same words over in Section 8. Will it be necessary to strike them there?

DAVIS: No, I am sure it won't. Those remain, Mr. Metcalf, as senate districts. The only change that has been made is in the section which we struck. They were the only districts which were entitled to assured senate representation. That is the only effect of that amendment.

PRESIDENT EGAN: Miss Awes.

AWES: May I ask Mr. Hellenthal a question?

PRESIDENT EGAN: You may.

AWES: In Section 8, these districts are mentioned, "Southeastern, Southcentral", etc., where are they defined?

HELLENTHAL: They are defined in the Schedule, Section 2 of the Schedule, where it says, "A. Southeastern", composed of Election Districts 1, 2, 3, 4, 5, and 6; then it goes on to "E. South-

central", composed of Election Districts 7, 8, 9, 10, 11, 12, 13, and 14, and the same for the senate districts, and the last one which is the "Northwestern 21, 22, 23 and 24".

AWES: Oh, I see. Thank you.

PRESIDENT EGAN: Mr. Stewart.

STEWART: Point of inquiry. Was that amendment carried putting the word "partisan" before "political"?

PRESIDENT EGAN: Yes, that was adopted, Mr. Stewart.

STEWART: The same expression appears in Section 9.

PRESIDENT EGAN: That is where it was adopted, Mr. Stewart, line 17, Section 9. Are there proposed amendments for Section 10? For Section 11? For Section 12? Mr. Robertson.

ROBERTSON: Mr. President, I think I understand the various explanation they have given here of what they mean by Article XIV, actually, as far as I can understand Section 2 of Committee Proposal No. 14 -- I admit that was very confusing to me for a while -- I would like to ask, have these A, B, C, D, etc. been carefully checked out by someone? They could lead to a terrible injustice if they have not been properly checked out to see what the senatorial representation is coming out.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: I might say that the breakdown as to who gets a two-year term and what district gets a four-year term was prepared by the Apportionment Committee. These figures, I think, have been checked time and again by the Apportionment Committee and Style and Drafting. We have checked, double checked, and triple checked them.

HELLENTHAL: We hope the members will all do it, too, because it would be catastrophic were there to be an error.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Maybe it should be mentioned for the record that it was determined by the toss of a coin which districts would get the two-year and which would get the four-year terms to start with.

PRESIDENT EGAN: Mr. McCutcheon.

MCCUTCHEON: Mr. President, as a matter of information, I would like to have the Chief Clerk read back the motion that Mr. Taylor made a few moments ago with respect to lines 16 and 17, Section 8, a moment ago.

PRESIDENT EGAN: Was it not Section 9?

MCCUTCHEON: Section 9, I beg your pardon.

PRESIDENT EGAN: Would the Chief Clerk please read the proposed motion.

CHIEF CLERK: For the suspension of the rules?

MCCUTCHEON: Read the motion Mr. Taylor made.

PRESIDENT EGAN: Mr. Taylor never had an opportunity to move for the adoption of his amendment, it was on the suspension of the rules.

MCCUTCHEON: Mr. Taylor made a motion and I would like to hear it read.

CHIEF CLERK: Well, I don't take them literally. I just put down that he moved for the suspension of the rules.

TAYLOR: I believe my motion was for the suspension of the rules and adoption of the amendment.

UNIDENTIFIED DELEGATE: He made a compound motion, Mr. President, and you didn't rule it out of order.

CHIEF CLERK: When he called the question --

PRESIDENT EGAN: The Chair never heard Mr. Taylor use the words "and adoption of the amendment".

MCCUTCHEON: Mr. President, could the body be at ease for a moment or two?

PRESIDENT EGAN: The body will be at ease for a moment. The Convention will come to order. The Chair would like to state that in relation to Mr. McCutcheon's point of order, that the stenotypist's record shows that Mr. Taylor moved a suspension of the rules and also asked for the adoption of the amendment. The Chair did not evidently hear Mr. Taylor make the compound motion and stated the question as being, "Shall the rules be suspended?" Mr. McCutcheon, do you rise to your point of order?

MCCUTCHEON: Mr. President, inasmuch as the motion was incorrectly put and since it was a compound motion, I think that we should have opportunity to vote on the suspension of the rules individually as against the adoption of the amendment. I am convinced that there are a number of people here who would move to suspend the rules. I'm not necessarily concerned that they would move to adopt the amendment, but, in all fairness, I think we should have that try.

PRESIDENT EGAN: Mr. McCutcheon's point of order, so long as it has been raised, is a valid point of order. Mr. Hellenthal.

HELLENTHAL: How long do we have to raise these points of order with regard to compound motions?

PRESIDENT EGAN: That is a question too, Mr. Hellenthal, whether you can go back after business has been done and raise the point of order. Of course, it went back to the record. The record showed at that time the Chair was in error. Mr. Taylor.

TAYLOR: I will renew my motion for suspension of the rules.

PRESIDENT EGAN: Just a suspension of the rules, Mr. Taylor?

TAYLOR: That is all.

PRESIDENT EGAN: Mr. Taylor moves that the rules be suspended in order that he might offer his proposed amendment to Section 9, which would be deletion of the last sentence in Section 9. Is there a second to the motion?

MCCUTCHEON: I second the motion.

PRESIDENT EGAN: Mr. McCutcheon seconds the motion.

SUNDBORG: I ask unanimous consent.

PRESIDENT EGAN: Unanimous consent is asked that the rules be suspended in order that Mr. Taylor might offer his proposed amendment.

EMBERG: I object.

PRESIDENT EGAN: Objection is heard. The Chief Clerk will call the roll.

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

Yeas: 37 - Armstrong, Awes, Boswell, Cooper, Davis, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hurley, Johnson, Kilcher, Knight, McCutcheon, McLaughlin, McNees, Metcalf, Nolan, Nordale, Peratrovich, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Sundborg, Sweeney, Taylor, VanderLeest, White, Wien, Mr. President.

Nays: 13 - Barr, Buckalew, Cross, Hinckel, King, Laws, Lee, Londborg, Nerland, Poulsen, Reader, Stewart, Walsh.

Absent: 5 - Coghill, Collins, H. Fischer, McNealy, Marston.)

HURLEY: I would like to change my vote from "no" to "yes".

PRESIDENT EGAN: Mr. Hurley would like to change his vote from "no" to "yes".

HARRIS: Mr. President, I would like to change my vote from "no" to "yes".

PRESIDENT EGAN: Mr. Harris changes his vote from "no" to "yes".

LONDBORG: I will change my vote from "yes" to "no".

PRESIDENT EGAN: Mr. Londborg changes his vote from "yes" to "no".

COOPER: I will change my vote from "no" to "yes".

CHIEF CLERK: 37 yeas, 13 nays, and 5 absent.

PRESIDENT EGAN: So the "yeas" have it and the rules have been suspended. Mr. Taylor.

TAYLOR: Now I move the adoption of the amendment.

PRESIDENT EGAN: Mr. Taylor moves the adoption of the amendment. Mr. Doogan, are you seconding the motion?

TAYLOR: I ask unanimous consent.

PRESIDENT EGAN: Unanimous consent is asked that the amendment be adopted. Is there objection to the unanimous consent request?

POULSEN: I object.

KNIGHT: I second the motion.

PRESIDENT EGAN: Seconded by Mr. Knight. Mr. Hellenthal.

HELLENTHAL: I would like to ask Mr. Taylor a question. I was swayed by Mr. Taylor's persuasive argument. I had already made up my mind that the word "nonpartisan" should be included in this act. We had a debate the other night and Mr. Taylor on a very close question gave me great consolation because he got up and made a little speech and said that every delegate here, when they came to this group, took an oath that they would be nonpartisan in the conduct of their deliberations here, and I think some of you will remember that, and doubtless Mr. Taylor remembers it. Mr. Taylor, where did you find that in the act?

PRESIDENT EGAN: The Convention will come to order. Is there discussion of this proposed motion? Mr. Sundborg.

SUNDBORG: Mr. President, I hope at this point you are not going to turn down your good old Style and Drafting Committee. This sentence is one of the proudest productions of our Committee. We had help in drafting it, not only of all of the members of our own Committee, but of Mr. Hellenthal's Committee, and further help on the floor tonight from Mr. Barr who wrote in the word "partisan"; and I think there may be something worse than this in the

constitution up to date, but I can't tell you where it is.

PRESIDENT EGAN: The Convention will come to order.

HELLENTHAL: Can I be heard again?

PRESIDENT EGAN: Mrs. Hermann had been trying to get the floor. Mr. Hellenthal. Mrs. Hermann.

HERMANN: I don't want to dispute Mr. Sundborg's statement that every member of Style and Drafting had something to do with that. I did not and I would certainly blush all over the country if I thought that anything that I had anything to do with that was that bad as a sentence was going into the constitution of the State of Alaska.

PRESIDENT EGAN: Mr. McLaughlin.

MCLAUGHLIN: Since the Style and Drafting board has been unanimously covered and charged and blamed for this amendment. Mr. President, I might point out that, at the time it was adopted, the only reason I consented to it was that I presumed under the "55-Idiot Rule" the Convention would promptly knock it out.

PRESIDENT EGAN: Mr. McCutcheon.

MCCUTCHEON: Mr. President, to get on a little more serious vein, I will agree that in Section 8 "Appointments shall be made without regard to political affiliation" -- I think that is a very fair and honest way to approach a design of a board that is as important as this board will be to the future of Alaska. Such a board will probably resolve some of the very questions that we have spent some time, and there have been some heated discussions, privately at least, in attempting to resolve, and one that this body has finally resolved by eliminating four or five words from our constitution with respect to districts. At some future date, this board will have these very things to consider again and properly so, and properly so their decision should not be predicated upon any necessary partisan politics. The thing that I find it difficult to believe, though, is that one sentence in our constitution, if those people decided that they were going to have partisan politics enter their consideration, that this one sentence here would offer a Boy Scout's oath of honor to prevent their mind from straying to partisan consideration, and that is the only argument I have to offer, that it is difficult to police the mind, and, if the intention of politics enters into a person's mind and they are so swayed, you certainly can't rule it out with a simple sentence of this nature. I think it is a frivolous inclusion.

PRESIDENT EGAN: Mr. Taylor.

TAYLOR: I would like to close.

PRESIDENT EGAN: Are you closing, Mr. Taylor?

TAYLOR: I'll close.

PRESIDENT EGAN: Is there anyone else who wishes to be heard? The Convention will come to order. Mr. Riley.

RILEY: Mr. President, just to intrude for a moment, Mr. Taylor, I would like to call attention to the fact that for several weeks. for a couple of months that I know of, various members of the Convention have been seeking to persuade the sportsmen that it was rather futile to work into the Convention any guarantee of nonpartisanship or the absence of political activity, and for that reason, I am especially pleased, myself, to see this sentence attract the notice it has this evening.

PRESIDENT EGAN: Mr. Barr.

BARR: Mr. President, this is going to hurt me deeply. I finally had an amendment adopted here tonight. (Laughter) I am even going to vote for Mr. Taylor's amendment which will eliminate mine. I, too, agree that it is absolutely impossible to police anyone's mind, tell them how they are going to think. You might control their actions but not their mind, and I think that this is entirely unnecessary and just a little bit ridiculous in the constitution.

TAYLOR: I will waive closing.

PRESIDENT EGAN: The question is, "Shall the proposed amendment as offered by Mr. Taylor be adopted by the Convention?" All those in favor of adopting the proposed amendment will signify by saying "aye"; all opposed by saying "no". The "ayes" have it and the proposed amendment is ordered adopted. The Convention will come to order. Are there other amendments to be proposed for Section 9? Section 10? Section 11? Are there amendments for Section 12? For Section 13? For Section 14? If not, are there amendments for Section 1? Are there other amendments to be offered to Article No. VI, the legislative apportionment article? Mr. Kilcher.

KILCHER: Could we have a one-minute recess?

PRESIDENT EGAN: If there is no objection the Convention will be at recess for one minute.

RECESS

PRESIDENT EGAN: The Convention will come to order. Are there amendments to Section 1 or 2? Mr. McCutcheon.

MCCUTCHEON: Mr. President, we have been through it on one occasion for purpose of amendment.

PRESIDENT EGAN: We are going through to see if there are any other

amendments. Our procedure has been to go through everything twice, Mr. McCutcheon, to give them the opportunity. Are there amendments to Section 3 or 4? To 5 or 6? Mr. Kilcher.

KILCHER: Mr. President, there is an amendment on the Clerk's desk.

PRESIDENT EGAN: The Chief Clerk may read the proposed amendment that would be offered by Mr. Kilcher.

CHIEF CLERK: "Section 5, line 11, add the following: 'Districts that have in this manner lost their representation shall regain it when in the next census they meet the requirements under which they were originally established.'"

ROBERTSON: Please reread it.

PRESIDENT EGAN: The Chief Clerk will please read the amendment again.

(The Chief Clerk reread the amendment.)

COOPER: Mr. President, point of order.

PRESIDENT EGAN: Your point of order.

COOPER: That means that 100 years from this date that an election district would be re-established on 1,362 people, and I believe that is entirely out of order.

PRESIDENT EGAN: Mr. Cooper, there is no point of order there. Mr. Kilcher has to move for a suspension of the rules first in order to present the amendment. Mr. Kilcher.

KILCHER: Mr. President, I feel that in view of Mr. Cooper's broaching the subject --

HELLENTHAL: Mr. President, point of order.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: We have adhered quite strictly to the rules on these matters and I submit that any remarks whatsoever other than " I move for"--

PRESIDENT EGAN: The only statement that can be entertained is a motion to suspend the rules. Mr. Kilcher.

KILCHER: I would like to speak on a point of order, Mr. President.

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

KILCHER: My point of order is that Mr. Cooper was out of order in discussing an amendment when it was read for introduction, and I

maintain that because of the fact that Mr. Cooper spoke out of order that it would be fair if I were given permission -- to get unanimous consent -- to answer one thing Mr. Cooper mentioned to offset its possible influence on the unanimous consent.

PRESIDENT EGAN: Mr. Kilcher asks unanimous consent that he be allowed to answer Mr. Cooper's statement. Is there objection? Mr. McCutcheon.

MCCUTCHEON: I raise objection on this point, that the Chair ruled Mr. Cooper out of order. I have no objection to Mr. Kilcher making any statement that concerns this, but I do object to his predicating his remarks on the basis that Mr. Cooper was out of order and that the Chair did not rule him out of order.

PRESIDENT EGAN: That is correct. Is there objection to Mr. Kilcher making his statement?

MCCUTCHEON: No, I withdraw my objection.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: Mr. Cooper, the Chief Clerk will read the amendment again and you will see that there is no number of inhabitants mentioned and the manner in which they lose it is mentioned, and if they meet the specifications -- the specification is the major fraction, Mr. Cooper, and you are conversant with that. Do you agree? If they meet the specifications of the major fraction, that would reestablish them. That major fraction in 100 years may be a half million people, not 1,300.

PRESIDENT EGAN: Mr. Cooper.

COOPER: Mr. President, I rise to a point of order, then, on this point, that Section 5 of line 11 says that "the new district shall be determined as provided in Section 4 of this article", which refers to exactly what Mr. Kilcher is trying to say.

KILCHER: Section 4 talks about a major fraction.

PRESIDENT EGAN: Mr. Kilcher, do you move a suspension of the rules? Mr. Riley.

RILEY: I think there is a valid point of order here. The Clerk was asked to read a motion on which Mr. Kilcher's suspension of the rules was to be sought. If there is any occasion for arguing it or discussing it, that will come after the suspension has been granted.

PRESIDENT EGAN: That is correct. The Convention will be at recess while the Rules Committee decides the question.

RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. Kilcher, do you ask for the suspension of the rules?

KILCHER: Mr. President, I so move.

PRESIDENT EGAN: Mr. Kilcher moves a suspension of the rules. Is there a second to the motion?

HERMANN: I second the motion.

PRESIDENT EGAN: Mrs. Hermann seconds the motion. The question is. "Shall the rules be suspended in order that Mr. Kilcher might introduce this amendment?" The Chief Clerk will call the roll.

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

Yeas: 31 - Awes, Barr, Buckalew, Cooper, Davis, Emberg, Harris, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, Lee, Londborg, McCutcheon, McLaughlin, McNees, Metcalf, Nerland, Peratrovich, Poulsen, Riley, V. Rivers, Robertson, Rosswog, Smith, Sundborg, Walsh, Wien, Mr. President.

Nays: 17 - Armstrong, Boswell, Cross, Doogan, V. Fischer, Gray, Hellenthal, King, Knight, McNealy, Nolan, Nordale, Reader, R. Rivers, Sweeney, Taylor, White.

Absent: 7 - Coghill, Collins, H. Fischer, Laws, Marston, Stewart, VanderLeest.)

CHIEF CLERK: 31 yeas, 17 nays, and 7 absent.

PRESIDENT EGAN: So the "nays" have it and the rules have not been suspended. Are there other amendments for Article No. VI, the article on legislative apportionment? The Convention will come to order. Mr. Sundborg.

SUNDBORG: Mr. President, I might say first that the several amendments which have been made here on the floor to this article will not require it being recommitted to Style and Drafting. They have all been cleared with Style and Drafting and are acceptable to us. Then, I would like to say I have not desired to arrogate to myself the honor here of moving these various articles along in position for their final adoption, and I think it would be altogether fitting if Mr. Hellenthal, as the Chairman of the Committee on Apportionment, would make the appropriate motion to advance this article, if he desires to do so.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: I probably will fall on my face doing that because I

lack that political finesse. However, I move that the article on apportionment be considered as a part of the constitution. Is that the proper motion?

PRESIDENT EGAN: That the rules be suspended, and the article be advanced to third reading and read the third time by title only and placed on final passage.

HELLENTHAL: I so move. (Laughter)

PRESIDENT EGAN: Mr. Hellenthal so moves and asks unanimous consent that the rules be suspended as to Article No. VI, article on legislative apportionment, that the article be advanced to third reading, read the third time by title only, and placed in final passage. Is there objection? Hearing no objection, the rules have been suspended, and Article No. VI is now before us in third reading. The Chief Clerk will read the title of the article.

CHIEF CLERK: "Article VI, Legislative Apportionment".

PRESIDENT EGAN: Is there any debate? Mr. Victor Rivers.

V. RIVERS: I would like to say a few words on this article. Mr.

President. It seems to me that we have arrived at a point in this Convention when we must take a little bit of stock of our position. We have adopted now an article on apportionment which places approximately 60 per cent of the representation in the rural areas in the senate, representing 25 per cent of the population. We have placed 65 per cent of the representation in the rural areas representing 25 per cent of the population. It seems to me there should be and there was an intent in this body that we would try and gear our population transition in the house and half-way in the senate. We have not now done that. It seems to me this is supposed to be a democratic process. As I see this article now, as we go further and further along, it will be the darkest blot on this constitution that we have. It will be the only bad blot that I see to date and to my way of thinking, the article is a very undemocratic one, and I hope that it will work a lot better than it appears to me now. I think that actually the intent of this committee and this body was clearly stated to everyone before the hearings and after, and tonight we have reversed the substance matter to where that article no longer exists.

PRESIDENT EGAN: Is there further debate? Mr. Kilcher.

KILCHER: I am glad to have this opportunity to say some of the arguments that I would have said in my amendment that did not go through a minute ago. They apply, however, to the whole article, and in part will answer the speaker who has spoken ahead of me. In the discussion of this article tonight and weeks ago, when it was in first reading, the word "rotten borough" had been used frequently. It has been used without much thought to what the original rotten borough is. The English rotten borough is a feudal entity that is

not subject to any constitutional amendment. England has no constitution. It is unfair to compare any part of America with England. The English rotten borough dates back into the Middle Ages. Ours only dates back to today. We have a constitution, I hope, and we will probably have other constitutional conventions; if not conventions, we'll have amendments to it. If any situation ever arises that becomes lopsided, grossly unfair, I trust that the people as a whole will recognize that and recognize it in time and they are given the means to change it. I disagree fully with Mr. Rivers that this article is undemocratic. This article is quite democratic, much more democratic than a lot of other articles in other constitutions we have studied. In this process, I think that as far as the urban populations are concerned, the population idea is well taken care of in this article right now in 1956 -- much more so in 1980. Both houses in my opinion are largely based on population. The two senators that are chosen at large in the four senatorial districts, they are based on population; they are only based on area in as far as they come from four areas, but within these four large areas they are based on population. Before long the house districts will all be based on population. They will be extinguished, one after the other, as the small ones will be overshadowed by the development of urbanization. The larger the towns, the more will they get representatives in the house, which is fair enough; but the concession made in the senate to population by the fact that two senators are chosen at large, that concession made to population in the house, that always has been based on area -- that concession is much greater than the equivalent concession in the house of representatives to area. That is what my amendment a while ago was going to come in. The concession made in the house of representatives in this article, and mind you, I like the article as it is now -- I would like it better if it had been the other way -- the concession that is made to area in the house of representatives is very small, much smaller than the one made to population in the senate. So I can't see how urban thinking could disagree with this article.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: Mr. President, I guess Alaska has grown up, because we are starting out on the conflict between the urbanites on the one hand and the ruralites on the other, and I hope that, as we become a state and go forward, that we will always use the good sound judgment that this body has used in resolving this conflict. I move the adoption of the article, that it be made a part of Alaska's constitution.

KILCHER: I second the motion.

PRESIDENT EGAN: Is there further debate? Mr. Smith.

SMITH: Mr. President, I would just like to say that in reference to the term "rotten borough", I have also had the feeling that rotten boroughs are made by people, not by apportionment plans,

not by areas, or anything else. Any plan is what the people make it, and the effect of it is determined by what the people do with it. I have full faith that the people of Alaska will use this plan in the manner which it was developed here and that it will work.

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: If there is no further debate, the question is, "Shall Article VI, the legislative apportionment article, be adopted as a part of Alaska's state constitution?" The Chief Clerk will call the roll.

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

Yeas: 45 - Armstrong, Awes, Barr, Boswell, Buckalew, Cooper, Cross, Davis, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McLaughlin, McNealy, McNees, Metcalf, Nerland, Nordale, Peratrovich, Reader, Riley, R. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, Walsh, White, Wien, Mr. President.

Nays: 5 - McCutcheon, Nolan, Poulsen, V. Rivers, Robertson.

Absent: 5 - Coghill, Collins, H. Fischer, Marston, VanderLeest.)

CHIEF CLERK: 45 yeas, 5 nays, and 5 absent.

PRESIDENT EGAN: So the "yeas" have it, and Article VI, the article on legislative apportionment, has become a part of Alaska's state constitution. Mr. Hilscher.

HILSCHER: Mr. President, I request unanimous consent for permission to revert to the business of introduction of resolutions. I have a resolution.

PRESIDENT EGAN: If there is no objection, Mr. Hilscher, the Convention will revert to the order of business of introduction of resolutions. The Chief Clerk may read the proposed resolution.

(The Chief Clerk read a resolution introduced by delegates Doogan, Emberg, Harris, Hermann, Hilscher, Hurley, Kilcher, Knight, Lee, McCutcheon, McNealy, McNees, Metcalf, Peratrovich, Riley, Stewart, Smith, Sundborg, Taylor, VanderLeest, White, and Wien designating Mr. George H. Lehleitner of New Orleans, Louisiana an honorary member of the Convention.)

PRESIDENT EGAN: Mr. Hilscher.

HILSCHER: I ask unanimous consent for the passage and acceptance of this resolution.

PRESIDENT EGAN: Mr. Hilscher asks unanimous consent for the passage and acceptance of the resolution. Mr. Fischer.

V. FISCHER: I ask unanimous consent also for the inclusion of all the delegates as the cosponsors of this resolution.

PRESIDENT EGAN: Mr. Fischer asks unanimous consent that all the delegates be included as cosponsors of the resolution. Is there objection?

HILSCHER: I so move.

PRESIDENT EGAN: Hearing no objection, it is so ordered. Mr. Hilscher asks unanimous consent that this expression contained in this resolution be adopted. Mr. Poulsen.

POULSEN: Do you have any objection to change the word "Tennessee" to "Alaska" plan?

PRESIDENT EGAN: Hearing no objection, it is so ordered and the resolution will become a part of the journal. Mr. Robertson.

ROBERTSON: I rise to a point of inquiry. Here in this Article VI it refers to Sections 1 and 2 of Article XV, which I understand have not yet been formally adopted by the Convention. What is the status of those two?

PRESIDENT EGAN: They have not been as yet adopted as a part of the constitution, that is correct, Mr. Robertson. If anything would happen that the Article XV in going through the process of final passage would be materially changed, rescinding action could be taken with relation to Article VI. That would be the way to accomplish any necessary change that might possibly show up.

ROBERTSON: I was just wondering, Mr. President, whether or not the adoption of this by references to Article XV necessarily carried the two sections of Article XV?

PRESIDENT EGAN: It does not carry it, no, Mr. Robertson. Is it the wish of the body that we proceed at this time with another order of business? Mr. Riley.

RILEY: Mr. President, I move and ask unanimous consent that we adjourn until 2:00 o'clock tomorrow afternoon.

PRESIDENT EGAN: Mr. Riley moves and asks unanimous consent that the Convention adjourn until 2:00 o'clock tomorrow afternoon. Mr. McNees.

MCNEES: Prior to adjournment, Mr. President, I would like to ask

unanimous consent that the reconsideration of my vote be carried over until tomorrow, inasmuch as the article has not been brought up.

PRESIDENT EGAN: Mr. McNees, it is the understanding of the Chair that that was agreed unanimously last night, that your reconsideration could be held over until any such time that we would have 17/a before us.

MCNEES: Thank you.

PRESIDENT EGAN: Are there committee announcements to be made at this time? Mr. Sundborg.

SUNDBORG: The Committee on Style and Drafting will meet immediately upon adjournment at the rear of the gallery.

PRESIDENT EGAN: The Committee on Style and Drafting will meet immediately upon adjournment at the rear of the gallery. Are there other committee announcements? If there are no other committee announcements and if there is no objection, the Convention stands adjourned until 2:00 p.m. tomorrow.