

## ALASKA CONSTITUTIONAL CONVENTION

January 27, 1956

SIXTY-SIXTH DAY

PRESIDENT EGAN: The Convention will come to order. Reverend Londborg, would you care to give us our daily invocation? Reverend Londborg will give our daily invocation.

REV. LONDBORG: Our heavenly Father, we pray that You be with us today as we further deliberate. We ask that You bless us. Help us that we might think clearly and act wisely. We pray that You bless each of us. In Jesus' name. Amen.

PRESIDENT EGAN: The Chief Clerk will call the roll.

(The Chief Clerk then called the roll.)

CHIEF CLERK: Seven 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: The journal of the 59th day, Friday, January 20, we did not discover any errors or omissions. I request that it be approved by unanimous consent.

PRESIDENT EGAN: Mr. Knight asks that the journal of the 59th day be approved as read by the special Committee to read the journal. Mr. Londborg.

LONDBORG: It would seem that the roll call on our vote on Committee Proposal 6/a should have been listed also, as well as any other roll call. That was the one pertaining to the name of the local government unit. All that we have here is just the tally.

PRESIDENT EGAN: In the journal of the 59th day?

LONDBORG: Yes.

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

RECESS

PRESIDENT EGAN: The Convention will come to order. If there is no objection, the approval of the journal of the 59th day will be held in abeyance. Are there any communications or petitions from outside the Convention? Are there reports of standing committees? Special committees? Are there any motions or resolutions to come before the Convention? If not, we have the article on suffrage

and elections before us. Are there any other proposed amendments to the article? Mr. Ralph Rivers.

CHIEF CLERK (submitted by Mr. Ralph Rivers) "Page 1, line 3, following the word 'article' strike 'and not barred by any other provision of law'."

R. RIVERS: Following the word "article".

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

R. RIVERS: Mr. President, this is a matter of substance, I believe, and so I will move that the rules be suspended for the purpose of bringing forward this particular amendment, and there is very good reason which is based on study which has been made overnight.

PRESIDENT EGAN: Mr. Ralph Rivers moves that the rules be suspended.

HELLENTHAL: Point of information.

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

HELLENTHAL: Might I observe at this time that this matter was taken up by the Committee on Suffrage and Elections yesterday, and they unanimously agreed that the deletion should be made.

PRESIDENT EGAN: The question is, "Shall the rules be suspended?" Do you ask unanimous consent? Unanimous consent is asked for suspension of the rules. Is there objection? Hearing no objection, the rules have been suspended. Mr. Ralph Rivers.

R. RIVERS: I would like to explain.

PRESIDENT EGAN: Do you move the adoption?

R. RIVERS: I move the adoption of the amendment.

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

HERMANN: I second the motion.

PRESIDENT EGAN: Mrs. Hermann seconds the motion. The Chief Clerk will please read the amendment.

CHIEF CLERK: "Page 1, line 3, following the word 'article' strike 'and not barred by any other provision of law'."

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: Mr. President, we say in Section 1 that every citizen of the United States who is at least 19 years of age, qualified

to vote under this article, may vote in any state or local election. That is the way it would read if these words were deleted. If we say "and not barred by any other provision of law" that would mean we have undermined our suffrage section, because that would throw it open to the legislature to attach property qualifications to all voters and things like that, such as has occurred in certain states. Now, the purpose of saying "and not barred by any other provision of law" was to allow for local governments to put on property restrictions in local bond elections. That was the only purpose of it. If this is a general article on suffrage, then, obviously, the legislature could hook on conditions to everybody being able to vote. But, if we look to our section on local government, and right in that local section, we say "property restrictions may be imposed on bond elections", and, if in our article on finance -- in there we would have to take a look -- and put this business about property restrictions to vote in bond elections in local governments, then we haven't done any harm. We know that the restrictions can apply only to those particular situations and we wouldn't undermine the general right of suffrage.

PRESIDENT EGAN: Mr. Hurley.

HURLEY: May I ask a question of Mr. Hellenthal?

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

HURLEY: Mr. Hellenthal, is there any conflict in your mind when we say in one place in the constitution that you may vote if you are so and so, and in another place it would say that you can vote differently?

HELLENTHAL: No. The reason that this language was included is that the language was adopted before the body adopted the local government provision. In the local government provision, accent is placed on the charters of the local government and the -- Dillon's Rule, if you will recall, was reversed to a large extent. In other words, the cities now have the powers that aren't taken away from them, so the necessity for this is no longer needed since we have adopted local government. Another very good illustration of it is registration. This was in, primarily, so that local governments could adopt registration without any constitutional hurdles. Now that local governments have all the powers that aren't taken away from them, it is no longer needed.

PRESIDENT EGAN: Mr. Londborg.

LONDBORG: May I ask Mr. Ralph Rivers a question?

PRESIDENT EGAN: You may, Mr. Londborg.

LONDBORG: You mentioned that in the local government article they could put on certain restrictions. Is that right?

R. RIVERS: Yes.

LONDBORG: Would that not run into a conflict then here? It says, if they are 19 years of age and meet the other qualifications, they may vote in any local election.

R. RIVERS: In any state or local election, that is the general rule. Then your specific exceptions are pinpointed as specific exceptions. If you put it under the general rule though, then our legislature could start throwing exceptions on all voters generally.

LONDBORG: Well, I see that, but here it gives them a specific right to vote in any local election regardless of any specific thing that might come under the local government article. I am just wondering if that wouldn't be a conflict?

R. RIVERS: Well, exceptions can be allowed to any general rule, and I know the exception is a modification of the general rule where this Constitutional Convention specifically pinpoints the exception.

LONDBORG: Well, what I was getting at is, if you can bar them through some provision in the local government, then it is not true that they can vote in any local government election as it says here.

R. RIVERS: Well, you might say "except as otherwise provided by this constitution", but you can't say "except as otherwise provided by other provisions of law". You see my point? Mr. President, may I ask Mr. Londborg a question?

PRESIDENT EGAN: If there is no objection.

R. RIVERS: If one were to say "and may vote in state or local elections"?

LONDBORG: I was merely raising the question. If any of the legal minds can see any possibility of conflict I thought it should -- it really doesn't matter to me.

R. RIVERS: May I ask for a one-minute recess?

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

V. FISCHER: In the finance article we have a sentence, "Additional requirements and qualifications of voters may be provided by law." That is a specific qualification of this general authority to vote.

UNIDENTIFIED DELEGATE: On bond elections?

V. FISCHER: Yes, that would include bond elections. I do doubt whether cities could prescribe registration under this; that is something else. But there is no problem on bond elections. That is taken care of.

PRESIDENT EGAN: Mr. Ralph Rivers, did you say you wanted --

R. RIVERS: I wanted 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. Ralph Rivers.

R. RIVERS: If I may have the privilege of the floor for a moment before I ask for consent to make a correction in this amendment.

(Mr. Ralph Rivers then spoke for a few moments under personal privilege.)

R. RIVERS: My amendment includes those additional words at the end of the sentence.

PRESIDENT EGAN: Mr. Ralph Rivers asks unanimous consent that his amendment include the addition of the words as he just stated them. Would the Chief Clerk please read the proposed amendment if these words were included.

CHIEF CLERK: "Page 1, line 3, following the word 'article' strike 'and not barred by any other provision of law'; line 4, change the period to a comma and add 'subject to any other qualifications imposed under this constitution'."

PRESIDENT EGAN: Is there objection to having these words become part of Mr. Ralph Rivers' proposed amendment?

AWES: I object.

PRESIDENT EGAN: Objection is heard.

R. RIVERS: Mr. President, perhaps this could be for Style and Drafting, but after the word "age" on line 2, we have to insert the word "and" and strike the comma. I ask unanimous consent. Style and Drafting Committee might want to use the word "required" instead of "imposed" or some little change like that.

PRESIDENT EGAN: Now, how will it read when the word "and" is added in there? Would the Chief Clerk please read the proposed section as it would be if the amendment with the suggested change of Mr. Ralph Rivers becomes a part of the amendment.

CHIEF CLERK: "Every citizen of the United States who is at least 19 years of age and qualified to vote under this article may vote in any state or local election subject to any other qualifications imposed under this constitution."

PRESIDENT EGAN: Unanimous consent is asked that this new wording become a part of the original proposed amendment.

AWES: I object.

PRESIDENT EGAN: Objection is heard. Do you so move, Mr. Ralph Rivers, that these words become a part of your original amendment?

R. RIVERS: I asked unanimous consent.

PRESIDENT EGAN: Objection was heard.

R. RIVERS: Yes, I so move. I think perhaps that word "imposed" ought to be studied a little and maybe a better one used, but I so move.

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

V. RIVERS: I second.

PRESIDENT EGAN: Seconded by Mr. Victor Rivers that his proposed amendment be amended by inserting these additional words. Mr. Armstrong.

ARMSTRONG: I am going to have to vote against it because I think it should be studied now and not later, because this is our final roll call on this.

PRESIDENT EGAN: Mr. Rivers do you have objection to a recess at this time?

R. RIVERS: No objection.

PRESIDENT EGAN: There being no objection, the Convention is at recess.

#### RECESS

PRESIDENT EGAN: The Convention will come to order. If there is no objection, we can go ahead with the rest of this article until some decision is made as to what will be offered here on the amendment that is pending. Are there other questions or proposed amendments to this suffrage article?

BARR: I have an amendment on the Chief Clerk's desk.

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

CHIEF CLERK: "Page 1, line 6, strike the words 'actual, bona fide, and continuous' before the word 'resident' and insert the word 'legal' before the word 'resident'."

PRESIDENT EGAN: Mr. Barr.

BARR: Mr. President, during the past eight days, I have submitted two amendments, and we all realize that they have been floating

around here like snow flakes. They were both turned down. (Laughter)

PRESIDENT EGAN: The Convention will come to order.

BARR: I only submitted two because I could only think of two that were important enough to submit, and I wasn't allowed to even speak on one of them. I am going to try it again. I ask unanimous consent that the rules be suspended for the purpose of submitting a specific amendment.

PRESIDENT EGAN: Mr. Barr moves and asks unanimous consent that the rules be suspended in order that he might submit a specific amendment. Is there objection?

MCNEALY: I object.

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

BARR: I do.

PRESIDENT EGAN: Mr. Barr so moves, seconded by Mr. Knight, that the rules be suspended. 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: 38 - Armstrong, Awes, Barr, Boswell, Buckalew, Cooper, Cross, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, McCutcheon, McLaughlin, McNees, Marston, Metcalf, Nerland, Peratrovich, Poulsen, Riley, V. Rivers, Smith, Sundborg, Sweeney, Taylor, VanderLeest.

Nays: 12 - Coghill, Davis, Hellenthal, Londborg, McNealy, Nordale, Reader, Robertson, Rosswog, Walsh, Wien, Mr. President.

Absent: 5 - Collins, Nolan, R. Rivers, Stewart, White.)

CHIEF CLERK: 38 yeas, 12 nays and 5 absent.

PRESIDENT EGAN: So the rules have been suspended. Do you so move, Mr. Barr?

BARR: I move for the adoption of the amendment.

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

KNIGHT: I second the motion.

PRESIDENT EGAN: Mr. Knight seconds the motion. The Chief Clerk

will please read the proposed amendment.

CHIEF CLERK: "Page 1, line 6, strike the words 'actual, bona fide, and continuous' before the word 'resident' and insert the word 'legal' before the word 'resident'."

PRESIDENT EGAN: Mr. Barr.

BARR: Mr. President, I and quite a few other people are not quite satisfied with these words. They are unnecessary and sound a little bit awkward. The idea has been advanced here that they are in the Organic Act and they haven't caused us any trouble; therefore, they should be in our constitution. Now, our Organic Act was designed to restrict and govern us as a Territory. We are going to be a state, and the reason we are here is to write a constitution to replace the Organic Act. There is no reason on earth why we should adopt anything from that Act. We should write something new, something to suit our new state. The reason I ask to put the word "legal" in front of the word "resident" is this: we have heard from our attorneys here how the word "resident" is really not very definite, that it is subject to interpretation by the courts and has caused a lot of trouble. If that word "legal" now, if we adopt it to modify the word "resident", we would merely mean that it would still be subject to interpretation by the courts, but I hope that our legislature will put through an act defining the word "resident", and if so, then the word "legal" would have a definite meaning. It would mean a resident as defined by the legislature. The people are stuck with me for one more session in the senate, and, if no one else initiates such a bill, I think I will do so myself. I think it is high time that we have that word "resident" defined properly.

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

SUNDBORG: Mr. President, I think Mr. Barr is certainly on the right track, but I don't think he has quite reached the goal yet, and I think inserting this word "legal" raises the same kind of questions as are raised by the words that are now in there. If we do it, it raises the question, can the governor -- can a candidate for governor be an illegal resident -- where we just say that he must be a resident for so long. Can a candidate for the legislature be an illegal resident for so many years? What does "legal" mean? It doesn't mean anything. I think that what we want is "for one year a resident of Alaska" and not "legal", not "actual", not "bonafide and continuous" -- just "one year a resident of Alaska".

PRESIDENT EGAN: Mrs. Sweeney.

SWEENEY: I was going to say that I believe Mr. Barr's amendment should be amended. If he is only taking out "actual, bona fide, and continuous" he is leaving in the word "and" and it wouldn't fit in properly before the word "legal". I think we should take out the whole thing and put in "a legal".



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

TAYLOR: The word "legal" is not necessary in there in the present form of the article. It needs a definition of what a "legal resident" is. To merely say a "legal resident" imposes that certain restrictions or certain qualifications or certain definition would be put on it and we have it in there. We have "a resident of Alaska for one year and for thirty days a resident of the precinct". That is the definition of a "legal resident" so the word "legal" is not necessary. Neither are the words "actual, bona fide, and continuous", and I don't think the word "legal" should go in but the other words should come out.

PRESIDENT EGAN: Miss Awes.

AWES: I would just like to ask a question about procedure here. I don't like the word "legal" there, I don't think it adds anything. But I don't like the words "continuous, bona fide, and actual" either. Now, if this amendment -- is there any way this amendment can be either amended or, if it is defeated, can we again bring up the question of just striking those three words?

PRESIDENT EGAN: Miss Awes, there can be no amendment offered at this time other than the specific amendment before us, unless by unanimous consent which would take -- the unanimous consent naturally would carry a suspension of the rules with it. The question under a suspension of the rules, for just plain striking the words, could be made. The move for suspension of the rules in order to do that would be in order if anyone wished to do so. Mr. Taylor.

TAYLOR: I have a proposal of division of the question -- that we vote separately on the striking of the words "actual, bona fide, and continuous". Separate that from the word "legal"; have a separate vote on each one.

PRESIDENT EGAN: Mr. Taylor, it would take a move first to suspend the rules. Mr. Victor Rivers.

V. RIVERS: I have an amendment to the amendment. I move we strike the word "legal". I ask unanimous consent.

PRESIDENT EGAN: The question came up the other day, twice, as the Chair recalls it, and it was his opinion that once you go in for specific amendment, that amendment is the only thing that can be acted upon, the specific amendment that was placed before us. Mr. Victor Rivers.

V. RIVERS: Mr. President, it is my understanding that anything that is pertinent to the main question is amendable, whether it is under a suspension of the rules or not. This is pertinent to the main question, whether we use the word "legal" resident, "bona fide, continuous, actual, conscientious resident", or whether we strike all those words and just use the word "resident".

PRESIDENT EGAN: Mr. Rivers, at the time that it occurred the other day, the Chair declared a recess, spoke to members of the Rules Committee, and was informed that you could do nothing but adhere to the specific amendment under which the suspension was called for, and that was the ruling of the Chair twice, day before yesterday, and there was no objection. It isn't a matter of the Chair's feeling on it, it was a matter of the rules. Mr. Taylor.

TAYLOR: Is it not a fact, then, that matter that came up the other day, that it was striking a particular part of an article and inserting something in its place. In this case, it is not. It is a striking of the five or six words, but put another word someplace else; not in its place, not inserting something in lieu of it. It would actually be two separate amendments. It couldn't be anything else.

PRESIDENT EGAN: Mr. Taylor, the Chair recalls one of the cases. One of them was when Mr. Kilcher merely asked to have a division of the question before us after we had gone in for specific amendment. There was vigorous objection on the floor from many of the delegates, and the Chair called a recess, talked to some of the delegates on the Rules Committee, as the Chair recalls it, and came back and ruled that it could not be done. It was the ruling then, it will have to be the ruling now that when we went in for specific amendment, it is for that specific amendment as it was stated, unless the rules --

TAYLOR: I believe then that we should take a recess and submit this to the Rules Committee, because it looks to me like --

PRESIDENT EGAN: The Convention will be at recess.

#### RECESS

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

BARR: Mr. President, I ask unanimous consent for the withdrawal of my amendment.

PRESIDENT EGAN: Mr. Barr asks unanimous consent to withdraw his amendment. Is there objection? Hearing no objection, it is so ordered. Mr. Barr.

BARR: Mr. President, now I ask unanimous consent for the suspension of the rules for submission of a specific amendment which seems to correct the discrepancy of the first one.

PRESIDENT EGAN: Mr. Barr asks unanimous consent that the rules be suspended in order that he may submit a specific amendment. Is there objection:

LONDBORG: I object. I would like to hear the amendment.

PRESIDENT EGAN: Would the Chief Clerk please read the specific

amendment that would be offered.

CHIEF CLERK: "Section 1, line 6, strike 'an actual, bona fide, and continuous'; insert the article 'a' after 'year'; and at the end of line 6, strike 'like'."

PRESIDENT EGAN: Mr. Barr asks unanimous consent that the rules be suspended in order that he might submit this specific amendment. Is there objection?

MCNEALY: I am going to object again.

PRESIDENT EGAN: Objection is heard.

BARR: I so move.

KNIGHT: I second it.

PRESIDENT EGAN: Mr. Barr moves, seconded by Mr. Knight, that the rules be suspended. 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: 40 - Armstrong, Awes, Barr, Boswell, Buckalew, Cooper, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, McCutcheon, McLaughlin, McNees, Marston, Metcalf, Nerland, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Sundborg, Sweeney, Taylor, VanderLeest, Wien.

Nays: 11 - Coghill, Cross, Davis, Hellenthal, Londborg, McNealy, Robertson, Rosswog, Smith, Walsh, Mr. President.

Absent: 4 - Collins, Nolan, Stewart, White.)

CHIEF CLERK: 40 yeas, 11 nays and 4 absent.

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

COGHILL: Mr. President, for the good of the Convention, I move and ask unanimous consent that the debate be closed at 9:55 and the question be put.

PRESIDENT EGAN: Mr. Coghill moves that the question on the adoption of this amendment be put at 9:55. He asks unanimous consent. Mr. Barr.

BARR: I agree to that and hope it is closed before that.

PRESIDENT EGAN: Is there objection to the unanimous consent request? Mr. Hellenthal.

HELLENTHAL: I don't want to object, but I do want an opportunity to explain the position that the Committee has held on this, and frankly I don't think it can be done in five minutes, but I don't want to be the one to hold up the progress of this Convention.

BUCKALEW: I'll object.

PRESIDENT EGAN: Objection is heard. Mr. Coghill moved -- who seconded the motion?

DOOGAN: I'll second it.

PRESIDENT EGAN: Mr. Doogan seconds the motion that the Convention agree to close the debate and vote on this question at 9:55. Miss Awes.

AWES: For the reason that it is only five minutes, the first person up can take the whole five minutes giving his side of the story and we have no time left for rebuttal.

PRESIDENT EGAN: The question is -- Mr. Kilcher?

KILCHER: Would it take a two-thirds vote?

PRESIDENT EGAN: It would take a two-thirds vote; it would be a suspension of the rules.

KILCHER: May I address a question to Mr. Coghill?

PRESIDENT EGAN: If there is no objection.

KILCHER: I am afraid, Mr. Coghill, that we are losing more time with this roll call than you would save. I think there would be a short debate, anyway, and I think you ought to withdraw your motion.

PRESIDENT EGAN: Mr. McCutcheon.

MCCUTCHEON: Mr. President, I would suggest that inasmuch as we are going to have a roll call on this, that will take some more time, that the five minutes run from the time that you announce the debate was open on the question, rather than setting a specific time; and that the two sides be allotted two and a half minutes apiece.

PRESIDENT EGAN: Well, is that the understanding in your motion, Mr. Coghill?

COGHILL: Mr. President, since we have discussed it, I move and ask unanimous consent that my motion be amended to read 10:00 o'clock.

PRESIDENT EGAN: Mr. Coghill moves and asks unanimous consent that the vote be put on this question at 10:00 o'clock.

ROBERTSON: Is there a motion before the house to amend?

COGHILL: A motion to limit debate, Mr. President, has to be put after the main motion is on the floor.

PRESIDENT EGAN: Well, the main motion is not on the floor then, because Mr. Barr did not move adoption of this proposed amendment yet. Mr. Barr.

BARR: I will, Mr. President, I so move.

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

AWES: I second it.

PRESIDENT EGAN: Seconded by Miss Awes.

COGHILL: Now, Mr. President, I move for my motion to limit debate on the question until 10:00 o'clock.

PRESIDENT EGAN: Mr. Coghill moves that the question be put on this proposed amendment at 10:00 o'clock -- by this clock. The Chief Clerk will call the roll.

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

Yeas: 18 - Barr, Coghill, Doogan, H. Fischer, V. Fischer, Gray, Harris, Hilscher, Johnson, Kilcher, Knight, Laws, Londborg, McNealy, Metcalf, Peratrovich, VanderLeest, Wien.

Nays: 33 - Armstrong, Awes, Boswell, Buckalew, Cooper, Cross, Davis, Emberg, Hellenthal, Hermann, Hinckel, Hurley, King, Lee, McCutcheon, McLaughlin, McNees, Marston, Nerland, Nordale, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Sundborg, Sweeney, Taylor, Walsh, Mr. President.

Absent: 4 - Collins, Nolan, Stewart, White.)

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

PRESIDENT EGAN: Mr. Boswell changes his vote to "no".

CHIEF CLERK: 18 yeas, 33 nays and 4 absent.

PRESIDENT EGAN: So the "nays" have it and the rules have not been suspended. The motion is open for debate. Mr. Barr.

BARR: Mr President, I think, if anybody reads this, it is obvious why those words are unnecessary and who they sound awkward. Now, I am sure that other people will talk for this amendment. I know that some of the attorneys agree with me and some of the committee agree with me, so I am not going to talk very much. I am going to allow Mr. Hellenthal to use most of my time.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: Mr. President, I have looked into this, and I follow the school of thought expressed by Mr. Davis, that the word "resident" interpreted by the courts means the same with all these adjectives hooked on to it. And I am very concerned about having the qualifications for governor and members of the legislature say just "resident", which is a term that the courts are well able to interpret, and have these extra adjectives stuck into this particular one on the subject of voters. We want the governor to be a qualified voter, and we want the legislators to be qualified voters, and for the sake of uniformity, let us knock out these adjectives.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: I tried not to bring this debate upon us, and I don't feel responsible for imposing on your time to discuss this matter, and I shall try to be as brief as possible. Now, first of all, this is not an argument between lawyers. Some lawyers take one side, other lawyers take the other side. Now, I happen to know among this group here, for example, Mr. Robertson. Mr. Collins, myself, feel that these restrictions and these requirements should be continued in force in the constitution. Others, on the other hand, think that the word "resident" alone should be left in the constitution. Reasonable men differ. Now those who advocate the use of the word "resident" alone, they may be correct. Among them, Mr. Riley, Mr. Barr, Mr. McLaughlin, some of the other attorneys have straddled it a little bit, but they feel that the word "resident" is synonymous with the words "actual, bona fide resident". I hope that they are right. I sincerely hope that they are right. I do that for my sake as a taxpayer, because, if they are wrong, we are going to be forced into litigation throughout the new State of Alaska, and I shall try to briefly explain to you why. I sincerely hope those men are right. That is why I say it isn't a dispute, I agree with them. I hope they are right. If a case comes up and they are on the side asserting the viewpoint that "resident" is synonymous with the term "actual and bona fide", if I have the opportunity I will help them in that case because it means an awful lot to me as a taxpayer. However, if a client comes to me and offers to engage my services on the other side of that case, I shall be very, very happy to take his position because I am quite sure I will prevail. Now let us see what we are doing here. First of all, this was not explained yesterday by Mr. Barr, Mrs. Hermann,

or anyone else here. This law that the committee reported out and the words that came out of Style and Drafting, "actual, bona fide, and continuous", are exactly, identically the words that have been in effect for Alaska for 55 years without change. They are not in the Organic Act; they preceded the Organic Act by a good 20 or 15 years. They were in the Act of June 6, 1900. We have lived with them, we know what they mean. I have never met a single man in Alaska who said that those words were unnecessary, or who criticized our voting laws as they are interpreted. Mrs. Hermann told me last night that, in answer to Mr. Barr's question, she made a mistake. She thought that Mr. Barr had asked her, if a person moves Outside, does he lose his voting residence, and her answer to that question was correct. It was "yes". But, if a person goes Outside temporarily, "no" is the answer, and she will agree with me. Now, some of you old-timers will remember this: one of the first cases that came up was one similar to the question posed of Mrs. Hermann. It was the Bill Holzheimer's case. Holzheimer, who many of you knew personally, lived in Ketchikan and was sent to Nome to be the judge, and in 6 Alaska 681, that case is written up, and there the words "actual and bona fide" were tested one of the first times. There were many other times. In that case, the court ruled that Holzheimer did not lose his residence, either local residence or Territorial residence in Nome, by moving temporarily to Ketchikan. Bob Bartlett has lived under this law and held office under this law and lived in Washington continuously, and under that law, Bob Bartlett is a resident of Alaska and a resident of the Juneau voting precinct. That is well settled. But under the proposal that Mr. Barr gives us, doubt, uncertainty, we don't know, but we know with these words. Now let me go a little further. In my practice of law, I can recall two outstanding cases where the words "actual and bona fide resident" and "continuous resident" were interpreted by the courts. One time in Girdwood, it was about five or six years ago, a fellow by the name of Bob Dorf had a saloon there. They were building the Whittier road. There were several hundred construction workers there. They were also building a railroad. Hundred is a modest estimate -- there were maybe a thousand or more. Dorf had the only saloon in Girdwood. Some competitors came along, and Dorf hired me and my partner to see to it that the census that was taken by his competitors in their petition for a liquor license was knocked out on the grounds that the census did not represent actual and bona fide residents of the Territory of Alaska. The construction workers had all signed it. They were all on the census and they in turn had signed the petition. The church people also joined with Mr. Dorf in financing the case, and in that respect it was a little unique because it shows how people sometimes line up on these problems of residence. Judge Dimond considered it carefully, and Judge Dimond ruled that all of the construction workers who had signed the petition and who had in turn been entered on the liquor census were not actual and bona fide residents of Alaska, although many of them had been in the Territory three and four years. Some of them had actually got

divorces here. Let's not get confused -- the divorce residence requirement is still another thing. That reads, you must be "a resident and inhabitant" of the Territory of Alaska. So some of those people were not qualified voters, though they could get a divorce, they could doubtless have a hunting license, they could doubtless have met other residence requirements. But remember, the word "resident" is a word of variable meaning; it has shades of meaning; it is one of the most subtle words known to lawyers. This is what separates the men from the boys in the legal profession -- words like "resident". I might observe, too, that just merely picking up Webster's Dictionary looking for the definition of the word "resident" will not solve any residence problems. If the practice of law were that simple, I would not have bothered to go to law school nor would any of the other lawyers in this room. Now let us go on. The next case we had came down from a cannery. Some fly-by-night cannery operator down at Sanak had a company store and he had the business down there and he decided that he wanted a liquor license during the canning season, and so he got out the census. The census was the cannery employees. They were, most of them, Seattle people; they were not the residents of the area. He signed it; his buddies signed it; it was presented to the court. Our firm was engaged by the school teacher, some of the church people, and some of the responsible cannery people in that area, and -- I might add -- that is the only time I have ever been engaged by a cannery. They engaged us to see what could be done about that census, which was supposedly a census of actual, bona fide, and continuous residents of Alaska. Judge Dimond ruled in that case that those people, although they had been physically present in many instances for well over a year, were not voters of Alaska, and the words that prevented it were the words "actual, bona fide, and continuous". So there is another case, I can cite others. One of the most famous cases is the case of the soldiers at Valdez, Fort Liscum. Some of you oldtimers will remember that. It's in the Sulzer-Wickersham -- the election contest. They threw the soldiers in and voted them; the question was, were they residents. The courts said they could have been residents if the word "resident" had not been qualified by the words "actual and bona fide"; so, you see. Now, I am not saying that this is going to happen if the word "resident" merely is included in this constitution, which I am proud of and which I will be proud of even if it is unqualified. Now, I am not going to say that that is going to permit the construction workers to vote and to sign applications and censuses for liquor licenses. I am not going to say that it is going to permit soldiers to vote. But it might. Now if you want that, and not one of the proponents of this amendment has suggested it, if you want that, if you want to give me a lot of good fees, and I am only human, stick that word "resident" in there all alone. But if you want to consider this as citizens of Alaska, if you want to consider it objectively, if you want to make the best constitution you can, don't leave that word dangling in there. Now let's go a little bit further. When I was a young lawyer --



BARR: Point of order, Mr. President. I believe Mr. Hellenthal has spoken over five minutes.

PRESIDENT EGAN: There is no time set, Mr. Barr.

BARR: Under our general rules?

PRESIDENT EGAN: No.

HELLENTHAL: I will beg your indulgence for just a few moments. When I was a young lawyer, and I don't like to admit I am old, but that was 18 years ago. When I started practicing law with my uncle, Jack Hellenthal, who was a pretty fair lawyer in Juneau, I was going to toy with words occasionally and improve things and would say "Uncle Jack, it would be better if we eliminated those unnecessary words. After all, let's streamline this thing and let's just forget those old words." And he would say, "John, if your client and you want your names on a leading case," and you all know what a leading case is, "go ahead and eliminate those words." But he said, "The average client that comes in my office, he doesn't want interminable litigation and notoriety for his attorney. He wants stability; he wants certitude in his business affairs. He doesn't want to be a leading case." Now that is exactly what we are doing here. We have everything to lose by throwing out the words "actual, bona fide, and continuous", everything to lose and absolutely nothing to gain -- absolutely nothing to gain. Now, as I said before, I hope that Mr. Riley is right and I hope Mr. Barr is right. I hope Steve McCutcheon is right in his conclusion that the word "resident" is the same as "actual, bona fide, and continuous". I hope they are right, but why take a chance? When I came here to write this constitution, I felt that, if it were to be a good constitution, that it should be a document of certainty so we would know where we stood, and so the people of Alaska would know where they stood. For 55 years they have had the election laws and the identical wording that this document contains. No one has complained. Stability, economic stability, political stability have been achieved. We are happy. There has been no criticism of our election laws because of residence requirements, none whatever. Why abandon that certitude? Why abandon those 50 or more judicial decisions that have grown up? Why abandon those all for the sake of brevity or for the sake of something that sounds better, unless there is a good reason? And I have heard nobody advance any reason for changing the law as to residence. Now, I talked to Mr. Clasby, a lawyer in Fairbanks, yesterday about this matter. He told me that not only would it affect political stability, but that it would have a very, very grave effect on tax residence matters if we were to change the old trusted, tested, and tried residence laws that have guided us so sensibly for 50 years. I respect his opinion. Now, there has been some talk about the fact that the governor will have to be changed if we don't make it easy and just use the word "resident". Now -- and I am quoting from memory -- the present article that we have on the governor says that he shall

be a qualified voter and resident for five years. If "resident" means the same as these words mean -- and everybody has told you that it does -- why don't we just say that he shall be a qualified voter for five years? Bob Bartlett has been a qualified voter ever since he first voted in Alaska. What are we afraid of? No one has told me anything that we are concerned about. Why should we make this change? Now I could go on; I am not going to go on. It is just simply this: on the one hand you have a certain rule that has guided us for 55 years with great beneficial results -- on the one hand. There are many, many judicial interpretations of that language that have grown up and become a part of our custom and our heritage; that is on the one hand. On the other hand is uncertainty -- the problems regarding liquor; the problems regarding taxes; problems in every field where residence is a factor, because the term "resident" in tax matters is always correlated with the term "residence" in divorce matters, the term "residence" in voting matters. We have certainty on the one hand, although maybe we do use a Latin word, but we have certainty. On the other hand we have possible chaos, disruption of our status quo. I don't want to take your time, I don't like to take your time, but I think this thing should be fully delineated to you and I think I can, if you have any questions. And I want to tell you this is one of the most subtle fields of law. If you have any questions, I shall be happy to try to answer them. But don't give up, don't promote this uncertainty that no one has given a good reason for promoting. Keep to what we've got, and that which works.

PRESIDENT EGAN: Mr. McLaughlin.

MCLAUGHLIN: Mr. President, I haven't had advantage of those long years of experience, particularly in matters of voting, but since apparently this question might be determined on the question of who is the expert on what, I now speak, not as a member of the bar, but merely as the only special master ever appointed by a district court in Alaska to sit on hearings on liquor petitions. And my recollection distinctly, not as a lawyer but as a special master, first of all is that the liquor laws of Alaska, either existing prior hereto or as amended to date, have nothing in them concerning actual and bona fide residence. There is nothing in it. It merely says "residence". I might point out that there is an inconsistency. If we put this thing in, we and Louisiana, I believe, will be somewhat unique. We will be the only two states of the Union that have "actual and bona fide" in them. It might be a little bit embarrassing to insist it. But what it is used for in Louisiana is keeping down the Negro vote. That is the only reason why it is in there. Some people cannot say that because of embarrassment, but that is actually a fact why it is in the Louisiana Constitution. But we will be unique, we will have it, and Louisiana will have it. We might use it well. Actually, what does it mean -- actual and bona fide? Bona fide, as every first-year high school student knows, means in good faith. It is just the equivalent of the English -- "in

good faith". Residency, whenever the courts read anything, they read good faith into it, because residency is a matter of intent and good faith is of necessity implied in intent. There was something here suggesting there were 50 cases. I cannot find them. "Actual and bona fide" means nothing. You can qualify everything in the constitution, as was brought out here the other night when Mrs. Nordale was being questioned. You can insert actual and bona fide" in front of every word, "resident" in the constitution, and you will arrive at nothing more. The liquor laws, in fact, are not affected by it. Where is your difficulty? Your difficulty is in this: your difficulty is that you are saying, "actual and bona fide resident" in one part of your constitution, and in other parts, you are using the word "resident" and you are not so qualifying, and if there is going to be confusion and lawsuits, that is the way to develop them, because the courts are going to look at the instrument as a whole, as they always do, and they will say, "Now, if the governor is supposed to be a resident and the legislators are supposed to be residents and the only people who can vote in municipal elections or in borough elections, in certain types of elections, are residents, then it must be intended that these residents are different than the voting residents, and that these people don't have to be actual and bona fide." That is the point; that is where your litigation is going to arrive, because the court is going to read into that "actual and bona fide", of necessity, something that isn't there. They are not going to say, "Well, they left it in there as a concession to one man's opinion; or certainly they didn't leave it in there as a concession to history." They are going to say, "That had some valid, perfect meaning which distinguishes 'actual and bona fide resident' from 'a resident' alone." If we keep qualifying these things we shall, in fact, cause the confusion that we are trying to avoid. It would be just as absurd to suggest that, by way of compromise, that we add "actual and bona fide resident" to qualify the governor's qualifications and apply the same thing to the legislators. That does not apply. There has been a suggestion here that there are 50 cases. I have not, in fact, seen them. No one else has seen them. That "actual and bona fide", when it is cited -- it is cited in the law, they cite the whole section. I notice that here on the desk we have one of the latest cases on it -- the Bowden case -- and in there, there is no emphasis applied at all. It was distinctly on another matter.

HELLENTHAL: Mr. President, I arise to a point of order. I brought this book down to Mr. Bebout solely so that he would discuss the residence -- the registration requirements of the Bowden case, not for actual and bona fide residence.

MCLAUGHLIN: I have still to hear -- there is an insistence that there are these 50 cases. I haven't seen them. I feel sure -- possibly, I haven't been here long enough -- but I am sure that in the next 20 years I will not be able to discover them. The fact is that decisions on residency are always strong and always

numerous. Does this protect anyone -- this question of adding "actual and bona fide"? Nothing at all. As a matter of fact I notice some gentlemen in this room are perturbed about the fact that if we don't keep it in there, the voting practice of one individual, who constantly runs for the legislature, will be encouraged by dropping out "actual and bona fide". It hasn't prevented him from doing it in the past; it won't prevent him in the future. The words are useless and meaningless, and if we drop them out, it isn't a question of form. We are dropping them out, and then we don't have any legal problem. We are conforming to the 47 states. The only one that has "actual and bona fide" is not a common law state. The State of Louisiana is based -- its law is based upon the Napoleonic code, as most of you gentlemen know. So actually we are conforming, if we drop them out, to the 47 states that have common law codes. There is no point in keeping those words in there. I am just as violently opposed to substituting the word "legal" because "legal" means nothing as such, but if you put it in, then the courts will say, "They meant something different than ordinary resident when they added the word 'legal'." Anything that you add to the word "residency" is mere surplusage and it can lead to the trouble that Mr. Hellenthal is trying to avoid.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: Mr. President, we have heard both sides for more than five minutes. I now move the previous question.

PRESIDENT EGAN: Mr. Fischer moves the previous question.

V. FISCHER: I ask unanimous consent.

PRESIDENT EGAN: Unanimous consent is asked that the previous question be ordered. Is there objection? Hearing no objection, the previous question has been ordered. Will the Chief Clerk please read the proposed amendment.

(The Chief Clerk then read the proposed amendment again.)

PRESIDENT EGAN: Mr. Davis.

DAVIS: Isn't the word "actual"?

PRESIDENT EGAN: Would the Chief Clerk please read the amendment again.

(The Chief Clerk again read the proposed amendment.)

PRESIDENT EGAN: The question is, "Shall the proposed amendment be adopted?" The Chief Clerk will call the roll.

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

Yeas: 35 - Armstrong, Awes, Barr, Boswell, Buckalew, Cooper, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hermann, Hilscher, Hurley, Johnson, Kilcher, King, Laws, Lee, McCutcheon, McLaughlin, McNees, Metcalf, Nerland, Nordale, Riley, R. Rivers, V. Rivers, Smith, Sundborg, Sweeney, Taylor, VanderLeest, Wien.

Nays: 17 - Coghill, Cross, Davis, Hellenthal, Knight, Londborg, McNealy, Marston, Peratrovich, Poulsen, Reader, Robertson, Rosswog, Stewart, Walsh, White, Mr. President.

Absent: 3 - Collins, Hinckel, Nolan.)

CHIEF CLERK: 35 yeas, 17 nays and 3 absent.

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

R. RIVERS: Mr. President, I now ask unanimous consent to withdraw my first attempt at amending Section 1, with the idea of substituting some better phraseology. Unanimous consent request on Section 1, knocking out --

PRESIDENT EGAN: Oh, that is pending. Unanimous consent is asked by Mr. Ralph Rivers for the withdrawal of his proposed amendment to Section 1. Is there objection? Hearing no objection, it is so ordered. Mr. Rivers.

R. RIVERS: And now, I move the new wording, which is the result of our boiling it down and consulting with three of the consultants for phraseology.

PRESIDENT EGAN: Do you intend to offer this amendment if the rules are suspended? Is that right, Mr. Rivers?

R. RIVERS: Well, Mr. President, they were suspended for this purpose, and I ask unanimous consent -- well, I ask unanimous consent that the rules now be suspended so that we may attempt the same purpose with this new phraseology.

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

JOHNSON: Mr. Chairman, has the new amendment been mimeographed?

R. RIVERS: No. It is about three or four words.

PRESIDENT EGAN: Would the Chief Clerk read it first. Then it will be determined if it should be mimeographed.

CHIEF CLERK: "Page 1, lines 3 and 4, after the word 'this' delete the following 'article and not barred by any other provision of law', and substitute the words 'constitution and laws enacted pursuant thereto'."

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: I move the adoption of the amendment.

PRESIDENT EGAN: You ask first, Mr. Ralph Rivers, unanimous consent that the rules be suspended, is that right?

R. RIVERS: Yes.

PRESIDENT EGAN: Mr. Ralph Rivers asks unanimous consent that the rules be suspended in order that this specific amendment can be offered. Is there objection? Hearing no objection, the rules have been suspended. Now, Mr. Rivers?

R. RIVERS: Now I move the adoption of this amendment and I ask unanimous consent.

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

MCNEALY: Mr. President, I object.

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

NORDALE: I second the motion.

PRESIDENT EGAN: Mrs. Nordale seconds the motion for adoption. Mr. McNealy.

MCNEALY: If I could direct a question to Mr. Rivers through the Chair?

PRESIDENT EGAN: You may, Mr. McNealy.

MCNEALY: Except for the change of wording, what difference is there between the amendment offered, Mr. Rivers, and the present language?

R. RIVERS: Will the Chief Clerk please read it as it would be if the amendment were adopted?

PRESIDENT EGAN: Would the Chief Clerk please read the sentence, if the amendment were adopted.

CHIEF CLERK: "Every citizen of the United States who is at least 19 years of age, qualified to vote under this constitution and laws enacted pursuant thereto, may vote in any state or local election."

R. RIVERS: Mr. McNealy and Mr. President, I will now answer the question.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: By striking the word "article" and substituting the word "constitution" you haven't changed the qualifications of voters. The "and laws enacted pursuant to this constitution", Mr. McNealy, pertains to residence requirements which local governments might, by ordinance, require in bond elections or for the registration of voters within cities. So you see, instead of having it so broad here as to be in conflict with those provisions in finance and local government, this now adjusts it so that everybody may vote as qualified under this constitution and laws, those local laws that are made under this constitution, so it actually irons out a conflict.

PRESIDENT EGAN: Miss Awes.

AWES: I don't think it irons out anything. In fact, I don't think it changes the meaning. It changes it to "any law enacted under this constitution" or anything like that. Well, every law passed by the state legislature has to be enacted under this state constitution or it is unconstitutional and void. So I think it means just exactly the same thing as it says right here.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: In a general clause of this kind you have got the general rights to vote; everyone may vote. The only place in our constitution where these qualifications could come in would be under local government and under finance as pertains to bond elections, there is no other place. So that laws made pursuant to this constitution can only be those specific authorizations with regard to bonds and registrations or such as that. So you see, this doesn't allow them to change the basic qualifications, although we are on a state level, or anything like that. I think the distinction is there, and it meets with approval -- as far as clearing up the problem, it meets with the approval of three of the consultants, and, if I cannot get this amendment through, I am sorry.

DAVIS: Mr. President, it is obvious that we are getting into a hassle here that I think we need not get into, and I wonder if I would be in order here to request the same kind of a thing that I requested the other night, to ask unanimous consent to suspend the rules to send this back to Style and Drafting with the idea of ironing the thing out and presenting language that -- I know we are all trying to get to the place here. It's just a matter of using the proper language. I think that it might save the time of the floor and get the job done.

PRESIDENT EGAN: Do you ask unanimous consent that we hold this article in abeyance while Section 1 is referred back to Style and Drafting?

DAVIS: If I may, I'd like to go ahead with the rest of the article and pass it, subject to getting this thing straightened out. I am sure that there will be no difficulty if we can sit down for a few minutes and take care of it.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: I wonder if it is proper to refer it to Style and Drafting. I just wonder what cap they would be wearing when they passed on the questions of law.

DAVIS: I withdraw my suggestion.

PRESIDENT EGAN: Mr. Davis withdraws his suggestion. Mr. Hurley.

HURLEY: I move and ask unanimous consent that we recess for 15 minutes.

PRESIDENT EGAN: If there is no objection we will recess for 15 minutes.

RECESS

PRESIDENT EGAN: The Convention will come to order. The Chair would like to announce before we entertain any business that the News-Miner photographer would like to get group pictures of all committees sometime during the day if possible. We felt that it would be fine to have the photographs, rather than on a division-wide basis, to have them of each of the committees. Is it possible that this afternoon sometime we could arrange to have that done, or on some other day? What is the feeling of the delegates?

DOOGAN: Do you want a motion that this be done at some particular time?

PRESIDENT EGAN: You might, Mr. Doogan.

DOOGAN: All right. I will move that it be done this afternoon then, and get it out of the way.

PRESIDENT EGAN: What time, Mr. Doogan?

DOOGAN: About 4:00 o'clock.

PRESIDENT EGAN: Is there objection to notifying the photographer of that?

METCALF: Can it be done some other day of the week?



PRESIDENT EGAN: Well, if it is your wish that we drop it -- the Convention will come to order. Mr. Doogan.

DOOGAN: I would like to revert to the business of reading of the journal. The journal for the 60th Convention day, Saturday, January 21. It has been checked and is O.K. I ask unanimous consent for its adoption.

PRESIDENT EGAN: Mr. Doogan asks unanimous consent that the journal of the 60th day be adopted. Is there objection? Hearing no objection, it is so ordered. Mr. Doogan.

DOOGAN: I would like to put out for consideration the fact that the Chair take under consideration the possibility of excusing the Style and Drafting Committee, or the subcommittees that are not actively engaged in reporting an article on the floor, during the plenary session of the Convention, so that they might get on with their work. In view of the action that was taken a few days ago, we were to convene at 1:30 so that they could work, and now it has been changed so that we convene at 9:00 o'clock in the morning, with the possible idea that we adjourn sometime in the early part of the afternoon, and I have watched particularly Mr. Fischer and Mr. Davis operate as a subcommittee of the Style and Drafting Committee, and it seems to me they have operated in a very efficient manner, in that they have retired to the gallery to do their work. Somehow, they seem to be able to pay attention to what is going on while accomplishing their work and be present when their vote is needed, particularly in a roll call. I think that it might speed up and expedite matters, even if it were necessary during general discussion of many of these items, that the whole Style and Drafting Committee be excused to carry on their work.

PRESIDENT EGAN: Do you make a motion, Mr. Doogan?

DOOGAN: Yes, I so move.

METCALF: I'll second it.

PRESIDENT EGAN: Mr. Doogan moves, seconded by Mr. Metcalf, that subcommittees of the Style and Drafting Committee or, if it is deemed necessary at times, for the whole committee to be excused in order that their work might be more quickly accomplished. Mrs. Hermann.

HERMANN: As a member of the Style and Drafting Committee, I want to object to being moved around according to other people's wishes. I want to be present at the plenary sessions. There are many things coming up here in the closing days of the session that I consider extremely vital to the State of Alaska and the future, and I want to have a part in, and I don't think that this Convention or any other group should ever tell any of its committees that they have to get off the floor and go to work.

We are doing the work and catching up with it in spite of the limited time that we have. If Mr. Fischer and Mr. Davis want to go back there and work, I have no objection to their doing it, but I think it should be left entirely optional with the people on the committee.

PRESIDENT EGAN: Mr. Victor Fischer.

V. FISCHER: I might point out that Mr. Doogan's intention wasn't to force the committee to go out and work, but under Rule 18, "No standing committee may hold meetings during the sessions of the Convention without permission of the Convention." Under this motion, if it passes, when and if the Style and Drafting Committee saw fit to hold a meeting during the Convention, if something is up on the floor which did not demand their presence, the committee could be excused without each time asking permission of the Convention.

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: I might add that it is also quite desirable that we be here, or at least some of us, during the argument on the floor, because it is through that argument that we get the intent of the body, and it isn't always possible to find it through any other medium.

PRESIDENT EGAN: It seemed to the Chair that what Mr. Doogan meant was that, mainly, if a subcommittee wished to work during the plenary session until such time as a vote might be called, if they wish to work in the back of the room, it would then be their prerogative without engendering any ill-feeling from the other delegates in the Convention. Mr. Barr.

BARR: Mr. President, this is not an unusual procedure. I know in the legislature during the last stages, when the Finance Committee or the Ways and Means Committee are working on the appropriations bill, they are absent from the floor quite a bit of the time, and, if they have some particular piece of legislation coming up that they are interested in, they always arrange to have a friend call them to come in in time to vote or to take part in the debate, and here it is very handy. If the subcommittee meets in the rear of the gallery, they are easy to contact, and I don't see anything against it at all. Of course, we don't want to force them to.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: I don't object to this at all, and I think what Mr. Doogan meant was that we be given permission to hold meetings during the plenary session at such times as we would desire to do so. I might mention that it is a little different from a legislature in that, as Mr. Barr said, if a member has an interest in some particular piece of legislation, he comes back on the floor. Well, the difference here is that every single

thing the Convention does has to go through us, eventually, and if we are not here when it is being discussed, as Mrs. Hermann said, in many cases, we don't know just exactly what it was that the Convention intended. I want to mention something else, and that is that our subcommittee work is pretty well finished. We are right up to the Convention and the subcommittees are just awaiting the Convention getting some more work off the floor and in to us, and the meetings that we have to have are full committee meetings with all nine members going over subcommittee drafts. Now, that is rather a noisy procedure, and we would be glad to go back and do it, but I am afraid it would inconvenience the people in the gallery and that they would probably hear a good deal more from that rear table than they would through the loudspeaker from this room. I don't object to that, but I just say it might inconvenience the gallery.

PRESIDENT EGAN: The question is "Shall Rule No. 18 be suspended in order that the Style and Drafting Committee or its subcommittees might use its own judgment in leaving the floor for committee meetings?" Mr. Fischer.

V. FISCHER: Mr. President, this is not a suspension of the rules; this is permission under Rule 18. A simple majority, I think, will do it.

PRESIDENT EGAN: Well, the rule states that you have to have the consent of the body, does it not? Actually, it would be a suspension, Mr. Fischer. Is there objection to the request? If not, it is so ordered. Is there a pending amendment to the article on suffrage and elections? Mr. Ralph Rivers.

R. RIVERS: Mr. President, the proposed language is going to be a rewrite of the entire section. Mr. Davis and I spent the recess with the consultants, and we ask that that be kept in abeyance now until we get it mimeographed.

PRESIDENT EGAN: Are there proposed amendments to other sections of Article V? If not, Article V will be held on the calendar until Section 1 is reported back from the Style and Drafting Committee. We have before us Article VII, the Article on Health, Education and Welfare. What number is that in the Style and Drafting Report?

SUNDBORG: Article VII.

PRESIDENT EGAN: Article VII. The Chief Clerk will please read the committee report. Mr. Robertson needs a copy of Article VII; Mr. Armstrong needs a copy of Article VII; Mr. Knight, Mr. Marston need a copy, Mr. Kilcher. The Convention is at ease.

(The Convention was at ease for a few moments while the needed copies were obtained.)

PRESIDENT EGAN: The Chief Clerk will read the report of the Committee on Style and Drafting.

(The Chief Clerk then read the report of the Style and

Drafting Committee on its redraft of Article VII, Health, Education and Welfare.)

PRESIDENT EGAN: Does the committee have a report to make at this time, Mr. Sundborg?

SUNDBORG: Mr. President, this article was redrafted by a subcommittee consisting of Mrs. Hermann, Mrs. Nordale, and Mr. Hurley, and it has been discussed with and, I believe, agreed to by the substantive committee, the Committee on the Bill of Rights. We have asked Mr. Hurley to explain what changes have been made and to answer any questions.

PRESIDENT EGAN: Mr. Hurley.

HURLEY: Mr. President, the Committee on Style and Drafting made very few changes in this particular article because they found it, I might say, unnecessary to do so. The first change from the enrolled copy embodied the second word in Section 1 in which the enrolled copy said that the "state" shall do something, and we have suggested that the term "legislature" be used in order to pinpoint it to a particular division of the state government with the thought that the state is a combination of the executive, the judicial, and the legislative branches. It was felt the intent was that the legislative branch was the one that should make the provisions. The same carried down to Section 2 and the same should have carried down to Section 3; I can explain Section 3 a little bit later. I think there were no changes other than that in Section 1, other than perhaps reversing the order of one or two words. Section 2 appears precisely as it was in the enrolled copy.

PRESIDENT EGAN: Are there any questions to be directed to Mr. Hurley regarding this article?

HURLEY: Shall I go on to Section 3?

PRESIDENT EGAN: Yes, Mr. Hurley.

HURLEY: Section 3 had considerable discussion, and, because of the feeling that we had as to the intent of the Convention and the possible conflict of the wording as it appeared in the enrolled copy with the intent of the body, we called it to the attention of the substantive committee, and I believe that they are prepared to suggest a committee amendment to that particular section. So, I would be glad at this time to answer any questions that anyone may have, if I can, concerning the article.

PRESIDENT EGAN: Mr. Metcalf.

METCALF: Mr. Hurley, I notice the phrase "which shall be" on the end of the second line, and the third line of Section 1, was omitted. Do you think that that dilutes the meaning of the enrolled copy or not?

HURLEY: Which words were eliminated from the enrolled copy?

METCALF: The phrase "which shall be" which begins at the end of line 2 and again on line 3 of Section 1. I notice that has been omitted.

HURLEY: Yes, Mr. Metcalf. I find your question now, and it is our opinion that it not only was not necessary, but if anything, it probably is stronger now than it was before. We feel that the schools are -- that the intent of the group is that the schools be open to all children in the state, and it is not even mandatory, it is something that we expect. It didn't seem to add anything or subtract anything so we felt it was better to leave it out.

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

HURLEY: Mr. President, I might answer the question directly by saying, no, I don't think it dilutes anything.

BARR: Mr. Hurley, in Section 3, "The State may provide for public welfare". That word "welfare" was in the original section, I presume?

HURLEY: Yes, Mr. Barr.

BARR: Did the committee consider any other word? Now, in asking that, really "welfare" has a very broad meaning. It is accepted generally as meaning a dole or assistance, and so forth, but in our Constitution of the United States, it says "to promote the general welfare" which means many, many things. Now, I think there ought to be a better word than that -- consistent.

HURLEY: I might say that part of our suggestion on that was that the legislature would not actually provide for public welfare but would provide a framework of government within which public welfare work would be carried on, and we had the suggestion that it was, in reality, a program of public welfare, but that will probably be embodied in the amendment that may be offered, and it may solve the problem you seek to solve. If it doesn't, perhaps at that time you might discuss the matter. I see your point, however.

PRESIDENT EGAN: Are there other questions on the article -- Section 1? Or Section 2? Mr. Ralph Rivers.

R. RIVERS: I want to talk about Section 3. May I ask a question of Mr. Hurley about Section 3?

PRESIDENT EGAN: You may.

R. RIVERS: Mr. Hurley, I see the wording "a standard of living compatible with health and human dignity" were left in as originally, I believe, approved by this body. There was a big argument about how are you going to keep a millionaire in his proper dignity if he should go broke. Has that matter been taken up?

ARMSTRONG: Point of order.

PRESIDENT EGAN: Your point of order.

ARMSTRONG: I think if Mr. Rivers had been following Mr. Hurley's intent, that this would be up for discussion when the amendments come in from the substantive committee.

R. RIVERS: You are right.

HURLEY: Mr. President, if there are no further questions on Sections 1 and 2, we might perhaps go into the amending process by the substantive committee and perhaps this matter could be taken of then.

PRESIDENT EGAN: Are there any other questions? Miss Awes.

AWES: I have an amendment to Section 3 if it is all right to submit it at this time.

PRESIDENT EGAN: Do you have a committee amendment?

SUNDBORG: Mr. President, I am just wondering, isn't Miss Awes, your amendment in the opinion of your committee, one which changes the substance or is it just a change in phraseology?

AWES: Well, I would say we changed it to clarify it.

SUNDBORG: In other words, it is just a change in phraseology?

PRESIDENT EGAN: The Chief Clerk can read the proposed amendment.

SUNDBORG: I was going to say, Mr. President, if it is a change in substance, it is not in order at this time; if it is a change in phraseology, we would like to have it considered before our report is accepted.

PRESIDENT EGAN: Would the Chief Clerk read the proposed amendment.

CHIEF CLERK: "Strike Section 3 and substitute: 'The State shall provide for public welfare.'"

PRESIDENT EGAN: Now is that a substantive change or not?

AWES: I think I might say that the Committee feels that this clarifies it in that it expresses the intent better of the Convention, but it might be a matter of substance. The reason we are changing it, we were afraid of the interpretation that might be placed on it as it stood.

UNIDENTIFIED DELEGATE: Could we have a recess for a minute or two?

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. The feeling of the Chair on this particular amendment -- the personal feeling of the Chair is that it isn't a substantive change. However, the Chair knows that there are many delegates who feel that it is a substantive change. It is one of those questions on which it is pretty hard to draw the line between, and it might be better to ask for unanimous consent for suspension of the rules, or something of that sort. Miss Awes.

AWES: I ask for unanimous consent that the rules be suspended and the amendment be considered at this time.

PRESIDENT EGAN: Miss Awes asked unanimous consent that the rules be suspended in order that the specific amendment might be offered.

METCALF: I object.

PRESIDENT EGAN: Objection is heard. Do you so move, Miss Awes?

AWES: Well, I don't know. I think there were only a few words changed in this and I think maybe, if Mr. Sundborg would ask that it be approved as the report of Style and Drafting, then I'd make my amendment. It might save going through a roll call.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Has the motion or request for unanimous consent been withdrawn?

PRESIDENT EGAN: Objection was heard, so the --

SUNDBORG: Mr. President, if there are no further amendments as to phraseology only, I now ask that the report of the Committee on Style and Drafting on the article on health, education, and welfare be accepted, and that the changes in wording which appear in our draft be adopted.

PRESIDENT EGAN: You have heard Mr. Sundborg's unanimous consent request -- Mr. Metcalf.

METCALF: I object. I have an amendment.

PRESIDENT EGAN: Is this an amendment for wording?

METCALF: It's a return to the original wording of the enrolled section, that's all. Is that an amendment to phraseology?

PRESIDENT EGAN: Is that in Section 1?

METCALF: Yes, sir, it is.

PRESIDENT EGAN: You may offer your amendment. Would the Chief Clerk please read the proposed amendment?

CHIEF CLERK: "Section 1, on line 2, after the phrase 'public schools' insert the phrase 'which shall be'."

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

METCALF: I move for the adoption of the amendment. That is the same phrase which is used in the enrolled copy. Personally, we spent many, many hours working on the enrolled copy. I like it just a shade better than the one here. That is my own personal opinion. I'd like the opinion of the Convention on it.

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

KNIGHT: I second the motion.

PRESIDENT EGAN: Mr. Knight seconds the motion. 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 "noes" have it and the amendment has failed of adoption. Are there other phraseology amendments to be offered? If not -- Mr. Sundborg?

SUNDBORG: I now ask unanimous consent that the report of the Style and Drafting Committee on the article on health, welfare, and education be accepted and that the changes incorporated in our draft be adopted.

PRESIDENT EGAN: Mr. Sundborg moves and asks unanimous consent that the report of the Committee on Style and Drafting -- Mr. Metcalf.

METCALF: That doesn't include the amendment of Delegate Awes, does it?

PRESIDENT EGAN: No, it does not. Be accepted and the changes made by the Style and Drafting Committee be adopted. Is there objection? Hearing no objection it is so ordered. Miss Awes.



AWES: I wonder if one word in that amendment could be changed?

PRESIDENT EGAN: You mean the proposed amendment that you have?

AWES: Yes. I said, "The State shall provide for public welfare", and in the other sections Style and Drafting changed it to the "legislature", and I would like to change it to, "the legislature shall provide for public welfare", and I move its adoption.

PRESIDENT EGAN: Miss Awes, you would first have to ask for suspension of the rules.

AWES: I move that the rules be suspended and ask unanimous consent.

PRESIDENT EGAN: Miss Awes moves and asks unanimous consent that the rules be suspended.

UNIDENTIFIED DELEGATE: I object.

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

DOOGAN: I second the motion.

PRESIDENT EGAN: Seconded by Mr. Doogan. Mr. Cooper.

COOPER: In the Style and Drafting copy that I have, it says "The state may provide for public welfare for persons unable..."

PRESIDENT EGAN: That is right. Mr. Cooper, that is part of Miss Awes' amendment which she changed -- that the word "state" be changed to "legislature". No, it isn't changed yet; it is in the amendment that she seeks to offer as a specific amendment. Will the Chief Clerk please read the amendment as proposed by Miss Awes if the motion to suspend the rules carries.

CHIEF CLERK: "The legislature shall provide for public welfare."

PRESIDENT EGAN: Mr. Coghill.

COGHILL: Point of inquiry. Did the Committee on Health, Education, and Welfare appear before the Style and Drafting Committee on this, and what was the action of the Style and Drafting Committee?

PRESIDENT EGAN: Mr. Hurley, could you answer that?

HURLEY: Mr. President, I think it was the other way around. The Committee on Style and Drafting appeared before the Committee on Health, Education, and Welfare, and at the time and the number of people there, as I recall, the action was unanimous to introduce this particular amendment.

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: 42 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Hellenthal, Hermann, Hurley, Johnson, King, Knight, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Nerland, Nordale, Poulsen, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, VanderLeest, Walsh, White, Wien, Mr. President.

Nays: 9 - Cooper, Cross, Harris, Kilcher, Laws, Metcalf, Peratrovich, Reader, Taylor.

Absent: 4 - Collins, Hilscher, Hinckel, Nolan.)

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

PRESIDENT EGAN: So the "yeas" have it and the rules have been suspended. Miss Awes.

AWES: I move the adoption of the amendment.

PRESIDENT EGAN: Miss Awes moves the adoption of the amendment.

ARMSTRONG: I second the motion.

PRESIDENT EGAN: Seconded by Mr. Armstrong. Miss Awes.

AWES: The committee originally adopted the section as it appears in the Style and Drafting Committee provision -- copy. When it came out for argument on the floor, as I recall, there was some question about whether it might be too liberally construed. I remember an argument about providing for millionaires or something. Since it has been adopted, there have been many who have seriously questioned the fact that it might be too restrictive in that it might be interpreted by a court to mean that we could only provide public welfare under this provision in the sense of the old-fashioned dole, and that these new programs like unemployment insurance and things of the nature of social security would not be allowed under this provision. The state, I believe, even without a provision, would have the authority to take care of the public welfare as necessary, and all that we intended to do and we believe that the Convention wanted to do was set forth in the constitution that that power was reserved to the state, and we believe that the amendment proposed so states -- and won't cause any of these difficulties that have been anticipated.

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

ARMSTRONG: Mr. President, I want to say this: that I was one

who defended the inclusion of these words because they seem to set forth a basic philosophy; but long before we took our Christmas recess, it became evident to me, the more I consulted with people who knew our intent, that we had definitely damaged the cause of public welfare instead of helping it, and I certainly would recommend that we delete these words as recommended by the committee.

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: May I ask Miss Awes a question?

PRESIDENT EGAN: If there is no objection.

HERMANN: Miss Awes, in changing from "state" to "legislature", did you mean to limit that to the legislature or use it interchangeably with "by law"? Could it be provided by initiative or referendum?

AWES: I understand that "legislature" and "by law" are used interchangeably, and the only reason I changed it to "legislature" was so that it would conform with the other sections as revised by Style and Drafting.

PRESIDENT EGAN: Is there further discussion? If not, the question is, "Shall the proposed amendment be adopted by the Convention? All those in favor of adopting the proposed amendment signify by saying "aye"; all opposed by saying "no". The "ayes" have it and the proposed amendment is ordered adopted. Are there other amendments to be proposed by the Committee? Are there other amendments to be proposed by the Committee? Mr. Cooper.

COOPER: Mr. President, inasmuch as I made so much noise on that last vote, may I have the floor now on personal privilege?

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

(Mr. Cooper then spoke briefly under the point of personal privilege.)

PRESIDENT EGAN: Are there other proposed amendments? Mr. Sundborg.

SUNDBORG: Mr. President, if there are no other proposed amendments, I now move and ask unanimous consent that the rules be suspended, that Article VII on health, education, and welfare be advanced to third reading, be read by title only, and placed on final adoption.

PRESIDENT EGAN: Mr. Sundborg moves and asks unanimous consent that the rules be suspended, that Article VII, the article on

health, education, and welfare, be advanced to third reading, be read by title only, and placed on final adoption. Is there objection? Hearing no objection the rules have been suspended and Article VII is now before us in third reading. The Chief Clerk may read the title of the article.

CHIEF CLERK: "Article VII, Health, Education, and Welfare."

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: The article is open for debate. The question is, "Shall Article VII, the article on health, education and welfare, 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: 48 - Armstrong, Awes, Barr, Boswell, Buckalew, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hurley, Johnson, Kilcher, King, Knight, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Nerland, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, Mr. President.

Nays: 4 - Coghill, Laws, Londborg, Metcalf.

Absent: 3 - Collins, Hinckel, Nolan.)

CHIEF CLERK: 48 yeas, 4 nays and 3 absent.

PRESIDENT EGAN: So the "yeas" have it and Article VII, the article on health, education, and welfare, has become a part of Alaska's constitution. We now have before us Article III, the article on the executive, the report of the Committee on Style and Drafting. The Chief Clerk will please read the report of the Committee on Style and Drafting.

(The Chief Clerk then read the report of the Style and Drafting Committee, dated January 26, 1956, Article III, The Executive.)

PRESIDENT EGAN: Mr. Sundborg, does the Style and Drafting Committee have a report to make?

SUNDBORG: Mr. President, this article was redrafted by a subcommittee consisting of Mr. Armstrong, Mrs. Hermann, and Mr. Hurley. Our redraft has been reviewed by the Committee on the Executive, and we understood that it is their feeling that we have not changed the substance in any particular and that they

approve of this draft. We have asked Mr. Armstrong to explain the changes that have been made and to answer any questions.

PRESIDENT EGAN: Mr. Armstrong.

ARMSTRONG: Mr. President, your subcommittee on Style and Drafting met with the entire Committee on the Executive and found them most receptive to this article, and I believe that they would concur in that we have not changed intent. The major thing that was done was breaking paragraphs down into subsections and rearranging them to give them sequence, and to give a picture of what would be executive authority, limitations, succession, compensation, and the other features that would have to go along with the authority in setting up of the various executive departments of the article. If any one is in question, I believe we can give the cross-referencing of where the material comes from various sections. In very few places has the wording been changed and, if it has been changed, it has been only to keep it in context with other sections of the constitution. I believe, sir, that there is probably only one amendment that will be proposed by the committee, and I will leave that for the Chairman, Mr. Victor Rivers. I believe this is all of the explanation that is necessary unless there are questions, and I believe that you would be free to hear from Mr. Victor Rivers if he wants to speak to this and our work with his committee.

PRESIDENT EGAN: Mr. Victor Rivers.

V. RIVERS: Mr. President, as you have been told, the entire Executive Committee scanned and went over the draft of the Style and Drafting Committee, and we agree, there has been no change in substance. There has been a slight rearrangement in composition in order to derive the most effective wording, arrive at it, I shouldn't use that word "derive". Anyway, there are one, and possible two, small substantive amendments, one of which would have to do with becoming effective after the adjournment of the legislature.

PRESIDENT EGAN: They are substantive?

V. RIVERS: They are in that sense, because they will have to be made to conform with the article we adopted on the legislature. There is one other small possible amendment clarifying the succession of the secretary of state if he fails to qualify, which is being studied by one of the consultants and which may or may not be entered by the committee. It is not a matter of major substance; it is a matter of clarifying the entire section. So those two possibilities exist as to being submitted by the Committee on the Executive. I do not yet have the draft which we asked for in connection with Section 23. The way it reads now, "Where these changes require the force of law, they shall be set forth in executive orders which shall become effective at the close of the next regular session of the legislature, unless

otherwise disapproved by a resolution...", etc. Now, we are going to add in there the words, "unless disapproved by the legislature within 60 days or the adjournment of the legislature if it takes place sooner", but we haven't got the exact wording ready yet.

PRESIDENT EGAN: Mr. Armstrong.

ARMSTRONG: Mr. President, if there are any questions, I will be glad to try to answer them for the Convention.

PRESIDENT EGAN: Are there any questions to be directed to the subcommittee of the Style and Drafting Committee with relation to phraseology in the article on the executive? If there are no questions -  
-

ARMSTRONG: Mr. Sundborg, the Chairman of the Committee -- I would turn this back then to our Chairman for the usual motion to accept the report of the committee.

PRESIDENT EGAN: Mr. Boswell.

BOSWELL: I would like to call attention to a misprint on page 6, line 6, in the spelling of "legislature".

PRESIDENT EGAN: Will Style and Drafting see that this is taken care of? Mr. Sundborg, there seems to be no question with relation to the work that Style and Drafting has done on this article.

SUNDBORG: Mr. President, I move and ask unanimous consent that the report of the Style and Drafting Committee on Article III, The Executive, be accepted, and that the changes in wording proposed by the Style and Drafting Committee be adopted.

PRESIDENT EGAN: Mr. Sundborg moves and asks unanimous consent that the report of the Style and Drafting Committee on Article III, The Executive, be accepted, and that the proposed changes in wording be adopted. Is there objection? Hearing no objection, it is so ordered. Are there any substantive amendments -- would the committee wish to offer any substantive amendments?

V. RIVERS: Mr. President, I request that this be held over until after the noon recess, and we will then have possibly only one minor substantive change.

PRESIDENT EGAN: Mr. Victor Rivers asks unanimous consent that the article on the executive be held over until after the noon recess. Hearing no objection it is so ordered. Mr. Coghill.

COGHILL: A point of inquiry to the Chairman of the Executive Committee. To which section is that, Mr. Rivers?

V. RIVERS: That was Section 23, which would make it then conforming with the legislative article that we adopted earlier. We have set up here "effective after adjournment", but the fact came out, of course, that we have a continuous session, so we will have to modify that to conform with the article on the legislative.

COGHILL: Does that hold the whole article over then, we can't act on any of it?

PRESIDENT EGAN: Well, if there are other amendments by the delegates to be proposed to sections, it would be in order now. Mr. Coghill.

COGHILL: Mr. President, in that light and to pursue the matter further, I would like to propose a substantive amendment, and ask that the rules be suspended, to Section 26, page 7, strike the comma and add a period and strike the remainder of the last sentence, line 3 and 4.

PRESIDENT EGAN: Does the Chief Clerk have the wording of that amendment? Now, you moved that the rules be suspended? Is that correct, Mr. Coghill?

COGHILL: Yes.

PRESIDENT EGAN: Mr. Coghill so moves, that the rules be suspended.

COGHILL: I ask unanimous consent.

BUCKALEW: I object.

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

LONDBORG: I will second it.

PRESIDENT EGAN: Mr. Londborg seconds the motion that the rules be suspended in order that this specific amendment might be offered. Mrs. Hermann.

HERMANN: Point of order, Mr. President.

PRESIDENT EGAN: Your point of order, Mrs. Hermann.

HERMANN: It seems to me this identical amendment was offered on the floor at the time we were discussing this.

PRESIDENT EGAN: Was it, at the time --

LONDBORG: Point of order, Mr. President.

PRESIDENT EGAN: Your point of order.

LONDBORG: The suspension of the rules takes care of it.

PRESIDENT EGAN: That is correct -- if the rules would be suspended, Mrs. Hermann, it would suspend all those rules. Mr. Victor Rivers.

V. RIVERS: I will point out that this amendment was offered on the floor. The tendency of it would be --

PRESIDENT EGAN: Mr. Rivers, the motion on the suspension of the rules is not debatable.

COGHILL: Is it in order to clarify the proposed amendment or do we have to wait until the rules have been suspended?

PRESIDENT EGAN: No, only to read the proposed amendment. The question is, "Shall the rules be suspended?" The Chief Clerk will call the roll. Will the Chief Clerk please read the amendment again.

CHIEF CLERK: "Line 3, page 7, strike the comma and insert a period and strike the remainder of the sentence."

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: 13 - Coghill, Cooper, Hurley, Kilcher, Laws, Londborg, McNealy, Metcalf, Nerland, Peratrovich, R. Rivers, Walsh, Wien.

Nays: 36 - Armstrong, Awes, Barr, Boswell, Buckalew, Cross, Doogan, Emberg, H. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Johnson, King, Knight, Lee, McCutcheon, McLaughlin, McNees, Marston, Nordale, Poulsen, Reader, Riley, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sweeney, Taylor, VanderLeest, White, Mr. President.

Absent: 6 - Collins, Davis, V. Fischer, Hinckel, Nolan, Sundborg.)

CHIEF CLERK: 13 yeas, 36 nays, and 6 absent.

PRESIDENT EGAN: So the "nays" have it and the rules have not been suspended. Mr. Coghill.

COGHILL: May I have the personal privilege of the floor for three minutes?

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



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BUCKALEW: I object.

PRESIDENT EGAN: Objection is heard.

HERMANN: Point of order.

PRESIDENT EGAN: Your point of order, Mrs. Hermann.

HERMANN: Don't our rules provide that a member may have the privilege of the floor at any time whether there is objection or not?

PRESIDENT EGAN: That is right, Mrs. Hermann, but if objection is heard -- the Chair thought of that last night -- if objection is heard --

BUCKALEW: Mr. President, I will withdraw my objection if it is only going to take three minutes.

PRESIDENT EGAN: Mr. Coghill.

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

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

DOOGAN: It is just about noon and I will ask unanimous consent to recess until 1:30.

PRESIDENT EGAN: Mr. Doogan asks unanimous consent that the Convention recess until 1:30 p.m. Are there committee announcements?

ARMSTRONG: The subcommittee on the resources article would like to meet at 12:45 and would request that Mr. Riley meet with the committee, and Mr. Boswell, with the subcommittee on resources at 12:45 in the gallery.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: The Committee on Apportionment had announced a meeting for 1:00 o'clock, but we would like to call it for 12:00 o'clock, and I should like to ask Mr. Kilcher, Mr. Stewart, Mr. Metcalf, Mr. Hurley, and Mr. Cross to be present if they want to pursue their suggestions any further, and any others that might have suggestions with regard to the descriptions of the election districts.

PRESIDENT EGAN: Mr. McNealy.

MCNEALY: Committee on Ordinances at 1:00 o'clock in the committee room upstairs.

PRESIDENT EGAN: Committee on Ordinances at 1:00 o'clock in the committee room upstairs. Mr. McLaughlin.

McLAUGHLIN: Mr. President, there will be a brief meeting of the Judiciary Committee right in the rear here upon adjournment.

PRESIDENT EGAN: The Judiciary Committee in the rear of the room upon recess. Mr. Sundborg.

SUNDBORG: Style and Drafting immediately upon recess at the rear of the gallery.

PRESIDENT EGAN: Mr. Coghill.

COGHILL: Mr. President, your Committee on Administration will meet just briefly just prior to the plenary session this afternoon, and we are prepared to bring in a report on the closing ceremony or the signing ceremony, at that time.

PRESIDENT EGAN: The Committee on Administration will meet just prior to the plenary session this afternoon. If there are no other reports, the Convention will stand at recess until 1:30 p.m.

#### RECESS

PRESIDENT EGAN: The Convention will come to order. We have the article on the executive, Article No. III, before us at this time. Mr. Knight.

KNIGHT: Mr. President, may I have the privilege of the floor?

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

(Mr. Knight spoke on a matter of personal privilege.)

PRESIDENT EGAN: Well done, Mr. Knight. Are there proposed committee amendments of a substantive nature? Mr. Victor Rivers.

V. RIVERS: Mr. President, I have the amendments here that constitute the redraft of a couple of sections and they are now being mimeographed in the boiler room. I would like to have them read. I think they will be down by the time we get to acting upon them. So, I will ask at this time to submit an amendment covering Section 10.

PRESIDENT EGAN: Would the Chief Clerk read the proposed amendment to Section 10.

CHIEF CLERK: "Strike Section 10 and insert the following: Section 10. If the governor-elect dies, resigns, or is disqualified, the secretary of state-elect shall succeed to the office of governor for the full term. If the governor-elect fails to assume his office for any other reason, the secretary of state-elect shall act as governor and if the governor-elect does not assume his office within six months of the beginning of the term, the secretary of state shall then succeed to the office.'"

PRESIDENT EGAN: Mr. Victor Rivers, do you ask unanimous consent for the suspension of the rules?

V. RIVERS: I will move and ask unanimous consent for the suspension of the rules for purposes of introducing this committee amendment.

PRESIDENT EGAN: Mr. Victor Rivers moves and asks unanimous consent for the suspension of the rules for the purpose of introducing this amendment. Mr. Kilcher.

KILCHER: Mr. President, would it be asking too much to have it read once more?

PRESIDENT EGAN: Would the Chief Clerk please read it once more?

(The Chief Clerk read the proposed amendment again.)

PRESIDENT EGAN: Is there objection to the unanimous consent request for suspension of the rules? Mrs. Hermann.

HERMANN: I think I am going to object for a moment. I want to ask a question.

PRESIDENT EGAN: Of an information purpose?

HERMANN: Yes. Is that purely an amendment in phraseology, Mr. Rivers?

V. RIVERS: No. I might say there is a gap filled in there in case the governor-elect does not qualify. It was felt to be a blank in the article and it adds an additional provision. I checked it with the committee yesterday, and in substance we agreed that was a subject we should cover on the floor, and I asked the Style and Drafting through their consultant to draft this measure up so we could give it consideration.

HERMANN: May I ask just where that is inserted?

V. RIVERS: It takes the place of Section 10, covers the same subject matter, but the matter of the governor-elect failing to qualify or to accept office was not covered, and that covers this contingency only. It does not alter the intent of the committee.

KILCHER: Point of order.

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

KILCHER: Is this not a very long amendment not to be available in mimeographed form?

V. RIVERS: It is being mimeographed, and I thought it would be here by the time I brought it out.

PRESIDENT EGAN: Is there objection to the suspension of the rules? Hearing no objection, the rules have been suspended.

V. RIVERS: If you will look at the present Article 10, you will see that it does not cover the case of the governor-elect actually failing to take office; we have provided if he fails to do so within a period of six months for any reason whatsoever -- such as health, indisposition, bankruptcy, or anything of that nature, then that would cause him to fail or lack the desire to take office, automatically the secretary of state succeeds him to that office and fills and serves the term. That is the only matter covered.

PRESIDENT EGAN: Mr. Victor Rivers, do you move the adoption?

V. RIVERS: Yes, I'll move and ask unanimous consent.

LONDBORG: I'll second the motion.

PRESIDENT EGAN: Mr. Victor Rivers moves and asks unanimous consent that the amendment be adopted. Mr. Taylor.

TAYLOR: I just want to ask Mr Rivers a question. Section 11. Is it a fact that the provisions of Section 11 to a certain extent are included in the amendment that you were offering?

V. RIVERS: If you will look at it, it does cover another contingency. In Section 10 at the present time, it says, "In case a governor-elect fails to qualify and assume office for any reason, the person elected with him as secretary of state shall succeed to the office of governor for the full term." Now, if he were temporarily away and could not assume it immediately, the question at law would arise, when should the secretary of state take over the office of governor if the governor-elect fails to qualify? So, we put that same six-month period in there that appears in the other part of the article. It covers a contingency and sets a time limit where this present clause does not set a time limit as to when the secretary of state shall actually become governor. It was felt to be a lack in the article after going over it with the consultants and the committee.

PRESIDENT EGAN: Mr. Doogan.

DOOGAN: I would like to ask one question. I don't object to the amendment but in place of such a long amendment, I wonder if inserting the word "or" in place of "and", between "qualify" and "assume" wouldn't cover most of the things that you are trying to arrive at?

V. RIVERS: It would still not give a time as to when the governor should be considered under law to have failed to qualify or have failed to assume. The only thing we do is set up the period in which he will have been considered to fail to qualify or fail

to assume office. We set it very liberally at six months.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: Mr. President, may I direct a question to Mr. Rivers?

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

JOHNSON: Mr. Rivers, did I understand you to say in discussing this proposed amendment that bankruptcy of the governor would be a disqualification?

V. RIVERS: He might feel it was -- morally he might feel -- I just used that as an illustration. I didn't intend to assume it would actually be. He might feel in his own mind, though, that his business affairs would not allow him to take office under those circumstances. That wasn't intended to be one of the causes by which he would fail to qualify.

PRESIDENT EGAN: Mr. Cooper.

COOPER: Mr. President, I would like to point out that by action taken this morning, I don't think anybody will ever be bankrupt in Alaska now. The public welfare will take care of it.

PRESIDENT EGAN: Mr. Rivers, the people that you had consulted with evidently haven't taken the material to the boiler room yet to have it run off.

V. RIVERS: Mrs. Nordale assures me they have.

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

#### RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. Victor Rivers.

V. RIVERS: I will ask unanimous consent to hold this until the mimeographed copies are ready for the members.

PRESIDENT EGAN: Mr. Victor Rivers asks unanimous consent to hold this proposed amendment until mimeographed copies are available. Mr. Hurley.

HURLEY: Mr President, if there is no objection, I would ask unanimous consent that we at this time take up the suggested amendment to the article on suffrage and elections which has been placed upon our desk.

PRESIDENT EGAN: If there is no objection, we will revert back to the article on suffrage and elections. You will recall Section

1 was referred to the Committee on Style and Drafting for a redraft. Mr. Ralph Rivers.

R. RIVERS: Mr. President, that work has been done and mimeographed copies are being put on the desk. If anyone wants one, there are some available. I now ask unanimous consent to withdraw the amendment which I offered this morning.

PRESIDENT EGAN: You had a pending amendment, is that right, Mr. Rivers?

R. RIVERS: Yes.

PRESIDENT EGAN: Unanimous consent is asked for the withdrawal of the amendment as proposed by Mr. Ralph Rivers. Hearing no objection, it is so ordered. Mr. Davis.

DAVIS: Mr. President, at this time I would like to move an amendment to Section 1 of Article V, the amendment to be the amendment striking Section 1 as it now appears, and substituting the mimeographed draft which has been passed around. I should point out now that this mimeographed draft says it is a draft by the Committee on Style and Drafting. Actually it is not. Style and Drafting hasn't seen it. It is a draft that was prepared by Mr. Rivers and myself and the three experts upstairs and George McLaughlin. We all got in on the act. But if you will look at the mimeographed copy, you will see that there is a change in the third line of the mimeographed draft to the effect that says "who meets registration requirements which may be prescribed by law". Then the rest of Section 1 remains as it was in the Style and Drafting copy as amended this morning. We have added a new sentence at the end of Section 1 to read as follows: "Additional voting qualifications may be prescribed by law for bond issue elections of political subdivisions." Mr. Rivers and Mr. McLaughlin and I thought that that covered what we were trying to do this morning, and I might mention I have showed it to several of the delegates and apparently it seems to meet the need.

PRESIDENT EGAN: Mr. Davis, do you ask unanimous consent that the rules be suspended in order that you might submit this amendment?

DAVIS: I think the rules were suspended this morning in connection with Mr. Rivers' amendment. If they were not, I ask for unanimous consent for the suspension of the rules and for the adoption of the proposed amendment.

PRESIDENT EGAN: Is there objection to the unanimous consent request? Hearing none, the rules have been suspended. Mr. Davis, do you move the adoption of the proposed amendment?

DAVIS: I do.

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

HERMANN: I second the motion.

R. RIVERS: I ask unanimous consent.

PRESIDENT EGAN: Mrs. Hermann seconds the motion. Mr. Ralph Rivers asks unanimous consent for the adoption of the proposed amendment. Mrs. Nordale.

NORDALE: Mr. President, I would like to ask a question.

PRESIDENT EGAN: State your question.

NORDALE: What might be the registration requirements prescribed by law? Would they add to these basic requirements to be a qualified voter?

DAVIS: They would only add to the basic requirements the necessity of being registered and of course we have already taken care of that in Section 4 of the draft as we have it. The only reason for putting it in here is so there couldn't be any possible conflict between Section 1 and Section 4. Does that answer the question?

NORDALE: Yes. If no system of registration ever were established, then that would have no effect at all.

DAVIS: That would have no effect at all. It is only "as may be prescribed".

PRESIDENT EGAN: Is there objection to the unanimous consent request for adopting the amendment? Hearing no objection, the amendment is ordered adopted. Are there other amendments to be proposed to Article V, the article on suffrage and elections? Mr. Johnson.

JOHNSON: Mr. President, if there are no further amendments, I move that the rules be suspended, and that Article V be advanced to third reading and up for final passage and be read by title only.

PRESIDENT EGAN: Mr. Johnson moves -- and asks unanimous consent -- did you, Mr. Johnson?

JOHNSON: Yes.

PRESIDENT EGAN: That the rules be suspended, as to Article V, the article on suffrage and elections, 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 are suspended and Article V is now before us in third reading. The Chief Clerk will read the title of the article.

CHIEF CLERK: "Article V, Suffrage and Elections."

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

R. RIVERS: Question.

PRESIDENT EGAN: If there is no discussion, the question is, "Shall Article V, the article on suffrage and elections, 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: 46 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Collins, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Lee, McCutcheon, McLaughlin, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Riley, R. Rivers, V. Rivers, Rosswog, Stewart, Sweeney, Taylor, VanderLeest, Walsh, Wien, Mr. President.

Nays: 4 - Laws, Londborg, McNealy, Reader.

Absent: 5 - V. Fischer, Smith, Sundborg, White, Robertson.)

CHIEF CLERK: 46 yeas, 4 nays, and 5 absent.

PRESIDENT EGAN: So the "yeas" have it and the article on suffrage and elections has become a part of Alaska's state constitution. Mr. Victor Rivers, would it be your wish that we pass the executive article for the time being and come back to it later?

V. RIVERS: I ask unanimous consent.

PRESIDENT EGAN: If there is no objection then, we have before us Committee Proposal No. 14 the proposal on the election districts. Mr. Hellenthal.

HELLENTHAL: Mr. President, I ask the indulgence of the body to offer some 10 or 11 minor changes in the description of election districts. We debated having them redone but determined that it would be best to dictate them from the floor and that in the long run it would save time, and so I ask your indulgence, and I should like to take them up one at a time in connection with the election district to which they refer. These have been approved by the



committee after meetings with delegates who offered them. Some were considered; some were rejected; some were accepted in part or in whole. May I, unless there is objection, then, proceed with the first change other than those we gave you a couple of days ago. It is in Election District No. 3, page 2, third line, after the word "north" add the following: "and partly bounded on the north by a line drawn between Cape Fanshaw and the north side of Pybus Bay". I ask unanimous consent that that change in the description be incorporated into the description for Election District No. 3.

PRESIDENT EGAN: Mr. Hellenthal asks unanimous consent that the incorporation of this change become a part of the description of Election District No. 3. Mr. Hellenthal, is that correct?

HELLENTHAL: Yes.

PRESIDENT EGAN: Is there objection to the unanimous consent request? Mr. Doogan.

DOOGAN: I would like to ask a question. Is there some other word you could use other than "partly because that denotes indecision.

HELLENTHAL: No other word can be used.

DOOGAN: I think it ought to be straightened out a little further and for that reason I'll object because --

HELLENTHAL: May I explain to you why the word "partly" is used, and I think Mr. Nolan who is very interested in this area will confirm it. It is not the complete boundary, but it was one that Mr. Robertson wanted. It is impossible to outline -- under the method we have pursued in all these election districts, we do not give descriptions of code; we use watersheds or areas. We have not attempted to close the boundaries. It would take a detailed survey to close that boundary we have in mind, but this does cover the area described on the map fully and completely with no omissions. Does that help, Mr. Doogan?

DOOGAN: It doesn't straighten out the "partly" as far as I am concerned, but if everybody else is willing to go along with it, I will withdraw my objection.

HELLENTHAL: Afterwards, if you will come and look at the map with me, I think you will agree that it is all right.

PRESIDENT EGAN: Unanimous consent is asked that the amendment for Election District No. 3 be adopted. Is there objection? Hearing no objection, it is so ordered.

HELLENTHAL: Now, in Election District No. 5, the description consists of seven lines. In the sixth line, delete the second

"and"; the word "islands" stricken; insert a comma after the word "Douglas". After the word "Shelter" insert a comma and the words "and Benjamin Islands,". So that it will read, "...including Douglas, Shelter, and Benjamin Islands, and other small adjacent islands."

PRESIDENT EGAN: Do you move and ask unanimous consent for the adoption of that proposed amendment?

HELLENTHAL: I do, Mr. President.

PRESIDENT EGAN: Is there objection to Mr. Hellenenthal's unanimous consent request? Hearing no objection, the amendment is ordered adopted. Mr. Hellenenthal.

HELLENTHAL: I move and ask unanimous consent that in the description for Election District No. 6, Yakobi be spelled Y-a-k-o-b-i rather than Y-o-k-o-b-i.

PRESIDENT EGAN: Is there objection to the unanimous consent request for the adoption of the amendment? Mr. Taylor.

TAYLOR: I was going to ask about the spelling of Berners Bay. Isn't that B-e-r-n-e-r-s?

HELLENTHAL: I think we made that correction at the last gathering, Mr. Taylor.

CHIEF CLERK: It was just to be Style and Drafting -- it was not adopted.

HELLENTHAL: Then I ask unanimous consent that in the description of Election District No. 5, Berners Bay be spelled "B-e-r-n-e-r-s.

PRESIDENT EGAN: We have another unanimous consent request here on Yakobi. Is there objection to the unanimous consent request of Mr. Hellenenthal on the spelling of Yakobi? Hearing none, it is so ordered.

HELLENTHAL: And I likewise ask unanimous consent that the spelling of Berners Bay be changed to read B-e-r-n-e-r-s.

PRESIDENT EGAN: If there is no objection, the amendment is ordered adopted. Mr. Stewart.

STEWART: Mr. President, was any action taken on the spelling of Kruzof in Section 4?

PRESIDENT EGAN: There again, that was left to the Style and Drafting Committee, but if Mr. Hellenenthal wishes to do that at this time?

HELLENTHAL: Yes. I move and ask unanimous consent that in the first line at the top of page 3 with relation to the description

of Election District No. 4 that Kruzof Island be spelled K-r-u-z-o-f.

PRESIDENT EGAN: Is there objection to the unanimous consent request? If not, the amendment is ordered adopted.

HELLENTHAL: Now, Mr. President, in the description of Election District No. 7, with relation to the first line on page 4, I ask that, beginning with the word "including", strike the balance of the section and substitute the following: "not including the Tiekel River on the west; and up to and including the Chitina River on the east." Tiekel is spelled T-i-e-k-e-l, and Chitina is spelled C-h-i-t-i-n-a.

PRESIDENT EGAN: Mr. Hellenenthal, is Tiekel on the map spelled T-i-e-k-e-l?

HELLENTHAL: Yes. Mr. President, we just checked it a moment ago.

UNIDENTIFIED DELEGATE: Might we have that amendment again?

(Mr. Hellenenthal then repeated the amendment to the description of Election District No. 7.)

PRESIDENT EGAN: Mr. Hellenenthal, would you --

HELLENTHAL: I move and ask unanimous consent that the suggested amendment with regard to District No. 7 be adopted.

PRESIDENT EGAN: Mr. Hellenenthal, if the Chair may, I wonder if the Chair might ask a question of Mr. Rosswog. Mr. Rosswog, that means that the Copper River would be the boundary? That would be the only change, bringing it out to the Copper River. Is that right?

ROSSWOG: Yes, that would be it.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: Point of information, Mr. President.

PRESIDENT EGAN: Your point of information, Mr. Rivers.

R. RIVERS: Mr. Hellenenthal, there is a semicolon after the word "west".

HELLENTHAL: Yes.

R. RIVERS: Well, now, is this up to and including the Chitina River -- is that within the exclusion or is that something after the exclusion ends?

HELLENTHAL: "Not including the Tiekel River on the west; and up to and including the Chitina River on the east." Frankly, I

think the semicolon is not necessary, but the mapping people thought it was.

R. RIVERS: That is within the exclusion then, is it?

HELLENTHAL: No, it is not within an exclusion. It is "and up to and including the Chitina River on the East."

R. RIVERS: Then the semicolon would be necessary.

PRESIDENT EGAN: But that would not include the town of Chitina?

HELLENTHAL: It does not include the town of Chitina.

R. RIVERS: No objection.

PRESIDENT EGAN: Is there objection to the unanimous consent request? Hearing none, the amendment is ordered adopted.

HELLENTHAL: In Election District No. 8, a similar amendment must be made. We move and ask unanimous consent that in the description of Election District No. 8, in the fifth line, beginning with the word "but", strike the balance of the sentence and insert the following: "and including the Tiekkel River on the west, and above but not including the Chitina River on the east." I will repeat it. Beginning with the word "but", strike the balance of the sentence and insert the following: "and including the Tiekkel River on the west, and above but not including the Chitina River on the east." I move and ask unanimous consent that the amendment be adopted.

PRESIDENT EGAN: Mr. Hellenenthal moves and asks unanimous consent that the amendment be adopted. Is there objection? Hearing no objection, the amendment is ordered adopted.

HELLENTHAL: Mr. President, I move and ask unanimous consent that the following change be made in the description of Election District No. 9: the sixth line, after the word "including", insert the words: "the area draining into the". After the word "River", insert the following words: "from the north and from the south". And I repeat them again: "from the north and from the south".

PRESIDENT EGAN: Would the Chief Clerk please read how that would read following the semicolon.

CHIEF CLERK: "...and that area draining into Knik Arm from and including Fish Creek and its tributaries on the west side of Knik Arm to and including the area draining into the Knik River from the north and from the south to the highway bridge."

HELLENTHAL: I move and ask unanimous consent for the adoption of this amendment.

TAYLOR: I object.

PRESIDENT EGAN: Mr. Hellenthal asks unanimous consent for the adoption of the proposed amendment. Objection is heard. Mr. Taylor.

TAYLOR: I object for the purpose of information. I believe that the highway bridge, I think it should designate what highway that is.

HELLENTHAL: There is only one highway bridge on the Knik River.

TAYLOR: What highway is that?

HELLENTHAL: That is the one this side of Palmer.

TAYLOR: What is the name of the highway?

HELLENTHAL: Anchorage-Palmer. I think.

TAYLOR: Why isn't it in here?

HELLENTHAL: They thought it was not necessary, and for the sake of brevity, they follow this method. I think it is pretty clear.

PRESIDENT EGAN: Is there objection to the adoption of the amendment? Hearing no objection, the amendment is ordered adopted.

HELLENTHAL: The next amendment is to the description of Election District No. 10, and it is in the last two lines of that description. I move and ask unanimous consent that, in the last two lines of the description of Election District No. 10, the following words be stricken: line 6, after the word "tributaries", strike the balance of the section and substitute the following: "to but not including Beluga River on the south." The insertion, I will repeat it again: "to but not including Beluga River on the south." I move, Mr. President, and ask unanimous consent that this change be adopted. I might add that this change merely illustrates the line that was on the map in words. It definitely includes Tyonek in the Kenai Election District, which had not been too clearly done in the first draft.

PRESIDENT EGAN: Mr. Hellenthal moves and asks unanimous consent for the adoption of the amendment. Mr. Kilcher.

KILCHER: Objection just for clarification.

HELLENTHAL: It is to exclude Tyonek from the Anchorage district. Your next amendment will include it in the Kenai.

KILCHER: May I ask another question of Mr. Hellenthal?

PRESIDENT EGAN: If there is no objection.

KILCHER: On the third to last line, "Beluga River" should be stricken -- "and Beluga".

HELLENTHAL: Yes, that on the third line from the end, following the comma after the word "Theodore", the two words "and Beluga" should be stricken, and I ask that my previous motion in asking for unanimous consent, that those two words be included in it.

PRESIDENT EGAN: Is there objection to including that? If there is no objection then, Mr. Hellenthal asks unanimous consent that the proposed amendment be adopted. Hearing no objection, the amendment is ordered adopted.

HELLENTHAL: The next is in Election District No. 11. I move and ask unanimous consent that line 2, the words "and including Chugach and Windy Bays" be stricken, and that the words "Gore Point" be substituted.

PRESIDENT EGAN: Unanimous consent is asked that the amendment be adopted. Is there objection?

CHIEF CLERK: How do you spell Gore?

HELLENTHAL: G-o-r-e.

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

HELLENTHAL: Mr. President, I move and ask unanimous consent that, in the same description of Election District No. 11, at the end of the sentence, that a semicolon be substituted for the period and the following words added: "and to and including the confluence of the Kenai and Russian Rivers on the west".

(Mr. Hellenthal then repeated the proposed amendment.)

PRESIDENT EGAN: Does that mean where they meet?

HELLENTHAL: Yes, Mr. President, that is a fancy word meaning where they meet.

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

HELLENTHAL: The next is in the description of Election District No. 12, line 2, after the word "into", I move and ask unanimous consent that the words "the Gulf of Alaska" be inserted.

PRESIDENT EGAN: Mr. Hellenthal asks unanimous consent for the adoption of the amendment. Is there objection?

UNIDENTIFIED DELEGATE: What was that last?

HELLENTHAL: "...the Gulf of Alaska" comma.

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

HELLENTHAL: Then, in the same second line of the same description of District No. 12, the words "but not" be stricken, and the word "and" be substituted in their place. I move and ask unanimous consent.

PRESIDENT EGAN: Mr. Hellenenthal moves and asks unanimous consent that the amendment be adopted. Is there objection? Hearing no objection, the amendment is ordered adopted.

HELLENTHAL: In line 4 of the same description for Election District No. 12. I ask that the words "by Chugach Bay" be stricken and the words "into Port Dick" be substituted; further, that after the word "south", that the words "to Gore Point" be inserted. I so move and ask unanimous consent.

PRESIDENT EGAN: Mr. Hellenenthal moves and asks unanimous consent that the amendment be adopted. Is there objection? Hearing no objection, the amendment is ordered adopted.

HELLENTHAL: In line 4 of the same description of Election District No. 12, I move and ask unanimous consent that the word "Creek" be substituted for "River".

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

NERLAND: Mr. Hellenenthal, will you read how that section will sound under the amendment?

HELLENTHAL: I have two more and then I hope to read it all and see if we have it right. Was there objection to it?

METCALF: Mr. Hellenenthal, I am not sure, is that the one that comes down to Hope, is that what you mean?

HELLENTHAL: That is the Resurrection Creek near Hope.

METCALF: Does that say "Creek" or "River"?

HELLENTHAL: "Creek". We checked it specifically with that in mind. Was the last amendment adopted?

PRESIDENT EGAN: Not yet. Is there objection to the adoption of the amendment changing the word "River" to "Creek"? Hearing no objection, it is so ordered.

HELLENTHAL: On this same line 4 of this same Election District No. 12, following the semicolon after the word "north", I move

and ask unanimous consent that the following words be inserted: "and the area east of the confluence of the Kenai and Russian Rivers and". I further move and ask unanimous consent in connection with line --

PRESIDENT EGAN: Mr. Hellenthal, you didn't move and ask unanimous consent for the adoption of that last amendment. Is this to be included?

HELLENTHAL: I move and ask unanimous consent that it include the words: "and the area east of the confluence of the Kenai and Russian Rivers and" be inserted following the word "north", fourth line of the description of Election District No. 12.

PRESIDENT EGAN: Is there objection to the unanimous consent request for adopting the amendment? Mr. Kilcher.

KILCHER: Mr. President, for information, the semicolon, I think, should be stricken; it adds confusion.

PRESIDENT EGAN: That is what you wished, Mr. Hellenthal?

HELLENTHAL: Yes. I move and ask unanimous consent that the semicolon in the fourth line of this same description of Election District No. 12, be stricken.

PRESIDENT EGAN: If there is no objection, the semicolon is ordered stricken and the amendment adopted.

HELLENTHAL: Now, Mr. President, I move and ask unanimous consent that in lines 6 and 7 the word may I correct that? In Line 6 only, the word "Chakachatna" be stricken and the word "Beluga" be inserted in its place, and that the comma be changed to a semicolon.

PRESIDENT EGAN: Mr. Hellenthal moves and asks unanimous consent that the amendment be adopted. Is there objection? If there is no objection, the amendment is ordered adopted.

HELLENTHAL: The last amendment in the description of Election District No. 12 is in line 8, and I move and ask unanimous consent that in line 8, the words "Chakehamna Lake;" be stricken.

PRESIDENT EGAN: Unanimous consent is asked for the adoption of the amendment. Is there objection? Mr. Armstrong.

ARMSTRONG: Mr. President, it has been drawn to my attention that someone has misspelled the name "Resurrection". I didn't have my Bible here but Webster certainly has a different version of it. Strike one of the s's.

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

McLAUGHLIN: And add an extra "r".



PRESIDENT EGAN: First, we didn't -- there was no objection though to the amendment that had been offered by Mr. Hellenenthal striking the words "Chakehamna Lake" was there? If there is no objection, that amendment is ordered adopted.

HELLENTHAL: Mr. President, I move and ask unanimous consent that the word "Resurrection" in line 4 of the description of Election District No. 12 be spelled correctly.

PRESIDENT EGAN: Unanimous consent is asked that the word "Resurrection" be spelled correctly. Mr. Rivers.

R. RIVERS: Point of information.

PRESIDENT EGAN: Your point of information.

R. RIVERS: I wonder what happened to the semicolon after "Chakehamna Lake".

PRESIDENT EGAN: Was that included in your amendment?

HELLENTHAL: I thought I took that out in the motion.

CHIEF CLERK: No, you just said "Chakehamna Lake". Do you want the semicolon left, or the comma after "Rivers"?

HELLENTHAL: Mr. President, I will read it all to see if we all have it right, as requested by some gentleman here. "That area of Kenai Peninsula drained by streams flowing into the Gulf of Alaska, Cook Inlet, and Turnagain Arm, from and including the area drained into Port Dick on the south to Gore Point, to but not including Resurrection Creek on the north and the area east of the confluence of the Kenai and Russian Rivers and that area west of Cook Inlet drained by all streams flowing into Cook Inlet from Cape Douglas on the south to and including Beluga River; including Elizabeth Island and adjacent islands in Cook Inlet." If that conforms with the rest, I ask that the word "Resurrection" in Section 11 likewise be corrected as to spelling, and I so move and ask unanimous consent.

PRESIDENT EGAN: Unanimous consent is asked for the correction of the spelling. If there is no objection, so ordered.

HELLENTHAL: Now, if you will turn to the description of Election District No. 19. In that description, in the second line, I move and ask unanimous consent that the description of Election District No. 19, in the second line thereof, following the words "Clear Creek", be amended by inserting a comma and the words "near Blair Lakes," -- B-l-a-i-r Lakes, plural.

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

HELLENTHAL: I move and ask unanimous consent that, in the description of Election District No. 22, in the second and third lines thereof, the words "but not" and "Buckland" be stricken and the following words, respectively, inserted in their place: first, "and" in place of the words "but not"; and secondly, in line 3, strike the word "Buckland" and insert the word "Goodhope".

PRESIDENT EGAN: Mr. Hellenthal moves and asks unanimous consent that the amendment be adopted. Is there objection? Hearing no objection, the amendment is ordered adopted.

HELLENTHAL: In the description of Election District No. 23, I move that, in that description of Election District No. 23, in the third line thereof, the word "and" be stricken and the words "but not" be inserted in its stead. I so move and ask unanimous consent.

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

CROSS: Would you read that section again, Section 23?

HELLENTHAL: Read the third line or the entire amendment?

CROSS: The change.

HELLENTHAL: That, in the third line of the description of Election District No. 23, the word "and" be stricken and insert in lieu thereof the words "but not".

PRESIDENT EGAN: Do you have it, Mr. Cross?

CROSS: That word "Buckland" should be changed.

HELLENTHAL: Yes, that will be the next amendment, Mr. Cross.

PRESIDENT EGAN: Is there objection to the adoption of the amendment? Hearing no objection, the amendment is ordered adopted.

HELLENTHAL: I move that, in the fourth line of the description of Election District No. 23, the word "Buckland" and the word "and" following "the word "to" be stricken and in lieu thereof the word "Goodhope" be substituted for "Buckland", and the words "but not" be substituted for the "and".

HERMANN: Which "and"?

HELLENTHAL: Following the word "to".

PRESIDENT EGAN: Mr. Hellenthal moves and asks unanimous consent that the amendment be adopted. Is there objection? Hearing no objection, the amendment is ordered adopted.

HELLENTHAL: I move that the references to the Pastolik River in the descriptions of Election Districts No. 23 and 24 be corrected

so as to spell it with a "k" instead of a "c", and ask unanimous consent to accomplish this purpose.

PRESIDENT EGAN: Unanimous consent is asked for the adoption of the amendment. Hearing no objection, it is so ordered.

HELLENTHAL: I observe parenthetically that Chamisso was corrected the other day to begin with a "C". Now, in the description of Election District No. 24, in the second from the last line thereof, I move and ask unanimous consent that the words "but not" be stricken and the word "and" be substituted in their place.

PRESIDENT EGAN: Unanimous consent is asked for the adoption of the amendment. Is there objection? Hearing no objection, the amendment is ordered adopted. Does the Committee have other proposed amendments, Mr. Hellenthal?

HELLENTHAL: May I have a half-minute's recess?

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

#### RECESS

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

HELLENTHAL: Mr. President, the Committee has two other amendments which will be mimeographed. They are not substantial, but they are lengthy and they involve the use of letters, numbers, and designations; and both are matters of form. One is to correct an obvious mathematical error, and the other is to group for purposes of designation only, and we will present them -- unless it is out of order, we will present them tomorrow morning when we consider the body of the article rather than merely the election districts.

PRESIDENT EGAN: Mr. Hellenthal, haven't we considered in second reading the legislative apportionment part of Committee Proposal No. 14 already in second reading? We have already had that before us as the Chair recalls.

CHIEF CLERK: It has even been returned from Engrossment and Enrollment.

PRESIDENT EGAN: Yes, it has been to Engrossment and Enrollment. Now, are these amendments to that?

HELLENTHAL: They are to Section 1 of the schedule; they both relate to Section 1 of the schedule.

HERMANN: Mr. President, I think it goes to Style and Drafting now.

PRESIDENT EGAN: Mr. Hellenthal, now, the procedure is that those are now on the way to the Style and Drafting Committee or in the Style and Drafting Committee, that section of Committee Proposal No. 14.

HELLENTHAL: Mrs. Alexander suggested that we mimeograph them and hand them in, but I think that in five minutes I can explain them and perhaps we could save time. Style and Drafting, as a matter of fact, have them and are using them already.

V. RIVERS: I would object to unanimous consent on that. I understood that John had approximately ten amendments. We have gone through about 50, and I think we have about ten pages of journal on it now. I would rather see them mimeographed.

PRESIDENT EGAN: Mr. Hellenthal, it would be proper that Style and Drafting would bring that back -- could incorporate it in the report and bring it back to ask our acceptance of the report, Mr. Hellenthal. It would not be proper for them to do that?

HELLENTHAL: There are many ways that it can be done, and I want to accommodate everybody.

PRESIDENT EGAN: If they would do it that way, it would probably be the easiest way to accomplish it, if you work with the Style and Drafting Committee, and then, when they bring the report back, those necessary changes could be included.

HELLENTHAL: We shall do that then. Might I observe at this point that the number of amendments was due not -- it was just due to the natural order of things. People think of these things at the last moment and bring them in at the last moment. Some of them we had never heard about until this morning, so I do apologize for the matter, but I think we are speeding things along this way.

PRESIDENT EGAN: The Chair feels the delegates recognize that. It is not the fault of the Committee. That is the fault of the delegates themselves. Mr. Coghill.

COGHILL: What is before the house at this time?

PRESIDENT EGAN: Right at the moment the Chair is about to refer this description of election districts to the Committee on Engrossment and Enrollment. If there is no objection, that description of election districts, a portion of this report, is referred to the Committee on Engrossment and Enrollment. Mr. Coghill.

COGHILL: I would like to have about a three-minute recess for the Committee on Administration to meet in the ping pong room.

PRESIDENT EGAN: If there is no objection, the Committee on Administration can meet in the ping pong room. The Convention is at recess.

RECESS

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

COGHILL: Mr. President, your Committee on Administration would like to revert to the order of committee reports.

PRESIDENT EGAN: If there is no objection, we will revert to the order of committee reports at this time. Mr. Coghill.

COGHILL: Mr. President, your Committee on Administration has met and has prepared the following program for the occasion of the signing of the constitution for the new State of Alaska and recommends its approval by the Convention. The program will be -- the opening -- "Star Spangled Banner" by the University band; convening of the Convention in session by the President; invocation by the Reverend John C. Stokes; roll call of delegates; address by the Honorable B. Frank Heintzleman, Governor of Alaska; then the signing of the constitution by the delegates; a prayer of dedication will be given by the Reverend R. Rolland Armstrong; followed by an address by the Honorable William A. Egan, President of the Alaska Constitutional Convention. After that there will be the singing of the "Alaska Flag" by the Ladd Field men's chorus; benediction will be given by the most Reverend Francis D. Gleeson; and adjournment until February 6, that is Monday. The University has offered, if it is the pleasure of the Convention, to entertain the delegates and their family members present in Fairbanks with a supper and short novelty program of entertainment at the University dining room, 6:30 p.m., Sunday, February 5, 1956. The University would appreciate an expression of the delegates with regard to this invitation, which is given with the understanding that the Convention may feel free to decline if the occasion should not be convenient. Your committee proposes the printing of 100 copies of the constitution on parchment or high-grade paper. The pages would be 13 by 18 in dimension, and the text would be printed in double columns, and the pages would be encased in a suitable cover. Five of those copies would constitute the official copies provided by the Convention Rule No. 51. These copies would be signed at the ceremonies on February 5 and, in addition, the signature page of a copy to be written on parchment by hand. The balance of the printed copies would be distributed to each delegate, and otherwise as the Convention may determine. Mr. President, this is our report for the close of the program. I move and ask unanimous consent that it be adopted.

PRESIDENT EGAN: Mr. Coghill moves and asks unanimous consent for the adoption of the report for the close of the Convention program.

DOOGAN: I object for a moment. I think that adjournment you speak of on February 5 should be recess.

COGHILL: We usually adjourn until the following day. That is not to adjourn sine die.

DOOGAN: That doesn't make any difference. February 5 is supposedly our last day.

PRESIDENT EGAN: It is still February 5 until 10 o'clock a.m. on February 6 so far as we --

DOOGAN: That's right, so it should be "recess" rather than "adjourn".

COGHILL: Excuse me, "recess".

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: Mr. President, I don't know whether I should say anything about this subject or not, but I don't want to give my unanimous consent.

PRESIDENT EGAN: I think it should be discussed by the delegates.

COGHILL: I so move.

DOOGAN: I second it.

PRESIDENT EGAN: If there is no objection, the discussion is open.

BUCKALEW: I realize that perhaps it is wise to have an address by the Chief Executive of the Territory, but I would be inclined to favor someone else other than the governor for many reasons. He is an appointive official. As you well know, he came out with the plan of dividing Alaska, and it doesn't seem quite proper to me.

HELLENTHAL: Mr. President, point of information. I suggest that any changes that we might have, and I know I am toying with a few myself, we take before the committee for their action.

PRESIDENT EGAN: If there is no objection, any discussion relating to things like that might be taken before the committee. Mr. Coghill.

COGHILL: Mr. President, I don't wish to take up any time of the plenary session, but we are going to have to have programs made and these programs are going to have to go all over the Territory.

PRESIDENT EGAN: If there is no objection, the Convention will be at recess. The committee will meet again and anyone who has suggestions might -- Mr. Victor Rivers.

V. RIVERS: I object to these meetings during plenary sessions. We have a limited time today and it won't be very long before we will adjourn, and then the committee could meet and hash it out and hear the witnesses.

POULSEN: President Egan, I think we should adopt the committee's report, if we have to, and let us vote on it now.

PRESIDENT EGAN: Mr. Coghill asks unanimous consent for the adoption. Was there objection?

BUCKALEW: I object.

PRESIDENT EGAN: Mr. Buckalew objects.

COGHILL: I so move.

H. FISCHER: I second the motion.

PRESIDENT EGAN: Mr. Coghill so moves, seconded by Mrs. Fischer, that the report of the committee be adopted. The question is, "Shall the report of the Committee on Administration with relation to the signing ceremony be adopted by the Convention, be accepted by the Convention?" Mr. Doogan.

DOOGAN: Just for a matter of information, if there are to be any changes made or accepted, does this bind us so there will be none?

PRESIDENT EGAN: It would not allow, if we accepted, or adopted, this motion, it would not allow any changes without the consent of the body, but as Mr. Coghill said, it is necessary that they have that information as quickly as possible and get it to the printer.

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: The question is, "Shall the report of the Committee on Administration be adopted by the Convention?" All those in favor -- Mr. Sundborg?

SUNDBORG: Is this debatable?

PRESIDENT EGAN: It is.

SUNDBORG: I was wondering, Mr. President, as I heard the report, whether it would not be more fitting if the signing of the constitution should not be the climax of that ceremony -- that is, not come early and enter in the middle of it to be followed by speeches, but to be the final action at the ceremony, just as at a commencement -- there are plenty of speeches but the thing that happens last, and the thing the people are really there to see is the awarding of diplomas, etc.

PRESIDENT EGAN: Mr. Coghill.

COGHILL: Mr. President, I rise to a point of order. There will not be any lengthy speeches, Mr. Sundborg. The only one is to

be a short address by the governor of Alaska, and there will be a short address by Mr. Egan, our President of the Convention. They are the only two speakers on the program.

SUNDBORG: I am aware of that, but my point, Mr. Coghill and Mr. President, was that I feel that, whether the speeches are long or short, they should be given before the constitution is signed, and the signing of the constitution should be the thing that is really the climax and the end of that ceremony.

PRESIDENT EGAN: Mrs. Fischer.

H. FISCHER: We followed the program used in New Jersey, am I not right, at the ceremonies? And we thought that your speech, Mr. President, a very short one after we had signed the document, (laughter) pardon me, would be most fitting to have it in that place.

V. FISCHER: Could I ask the Chairman of the Administration Committee a question?

PRESIDENT EGAN: You may.

V. FISCHER: Is the short speech for the President written already by the Committee? (Laughter)

COGHILL: I don't have to answer that.

PRESIDENT EGAN: Mr. Nolan.

NOLAN: Mr. President, it seems to me that, if we have the speeches and then have the various delegates go up four at a time, as I understand, the audience might get a little restive and start moving out on us, whereas, if they know there is a speech or two to come afterwards, we might be able to hold them all.

PRESIDENT EGAN: Is there further discussion of this subject? If not, the question is, "Shall the report of the Committee on Administration be adopted by the Convention?" All those in favor of adopting the report will signify by saying "aye", all opposed by saying "no". The "ayes" have it and the report has been adopted. Mr. Ralph Rivers.

R. RIVERS: Mr. President, I am a little bit concerned about that invitation for dinner on Sunday night. May I ask Mr. Coghill a question?

PRESIDENT EGAN: You may, Mr. Rivers.

R. RIVERS: About when would the signing ceremony and the short speeches end? What time of day?

COGHILL: We have it planned for 2:00 o'clock in the afternoon to start, and I imagine it would probably take about two or two and



one-half hours to go through the program. This dinner will be upstairs in the cafeteria at 6:30 in the evening, and we will be the guests of the University and their faculty.

R. RIVERS: Mr. President, there is going to be about a two-hour lag in there after the ceremony is over and before the dinner. That, of course, raises a situation that perhaps half of the delegates and their parties are going to have other arrangements and perhaps will be leaving the campus, and then it raises the question as to how many of them are going to come back to the campus for that cafeteria dinner, and I think we owe them the courtesy, though, of letting them know whether we accept as a body or whether we should have a show of hands and indicate to them how many would be availing themselves of that invitation. I don't think I will be available to come out here that night, but would make it a first order of business if this body is obligated to do so.

PRESIDENT EGAN: Mr. Hilscher.

HILSCHER: Mr. President, as I understand it, "Operation Statehood" is coming in a plane load from Anchorage sometime on Saturday, and there is a desire to either meet with this body or some sort of an occasion on Saturday evening, and, until that is definitely settled, I believe that we have an out as far as the Administration Committee's report is to find out whether we would be available on Sunday night. Incidentally, the Administration Committee does want to make it perfectly clear the University is not going to be offended if we do not accept their invitation. I just talked to Dr. Patty this morning and he is very anxious to extend any courtesy to us. It would cost them several hundred dollars to put on this dinner but he said they would not be the least bit offended if we did not accept.

PRESIDENT EGAN: The Chair would like to make it clear, though, at this time there is no indication but that we might be working late on Saturday night. We have nothing to go on now that would indicate otherwise. Mr. Doogan.

DOOGAN: My feeling on this matter is that the University has done everything in their power to help us perform the function that we were sent here to do. I think that it would only be common courtesy that, after the document is signed, they have kept out of our hair this long, they would like to show us some appreciation for the service we have tried to do and we in turn should do all in our power to show them appreciation for all the things that they have tried to do to help us, and I think it should be a mandate that this body attend their function on Sunday night, the entire body.

PRESIDENT EGAN: Are you moving, Mr. Doogan, that we accept the University's invitation?

DOOGAN: I'll so move.

PRESIDENT EGAN: Mr. Doogan so moves. Is there a second to the invitation?

KILCHER: I second the motion, Mr. President, and I would like to speak on it at the same time. I fully share the sentiments of Mr. Doogan. I think that, one way or the other, Sunday evening, either here or if somebody has a better program, the Convention should meet in a body, in a farewell, informal farewell party of their own, and I hope sincerely that the Convention will not break up immediately after signing into various little groups, and previous commitments should not be taken. I think the cohesion of this body should last all through Sunday and, accordingly, steps should be taken to meet here or to meet in town, but I really would like to remember this part of the Convention as having been a cohesive effort and a harmony that lasts to the last day, all of Sunday, and I would hate to see a breaking up into small little groups with individual allegiance.

PRESIDENT EGAN: Mr. Kilcher, there is no doubt in the mind of the Chair that the Convention will still be cohesive on Monday morning. Mr. Fischer.

V. FISCHER: I am somewhat concerned about the optimism that seems to pervade the Administration Committee as to the work that we still have ahead of us and as to when we will be finished. I don't think that we can be thinking in terms of taking Saturday night off, of taking all day --

COGHILL: I rise to a point of order. There is nothing said about Saturday night. The Committee on Administration has not planned anything until 2:00 o'clock Sunday afternoon, and we have left it completely clear to the Convention that, until 2:00 o'clock Sunday afternoon, we have not planned a thing because we didn't want to stand in the way of the Convention work.

V. FISCHER: I stand corrected on that point, but I still am concerned, because I think we may possibly be working through the night, Sunday night, and I think we should be aware of that possibility. I go along with Mr. Doogan. I think it would be very good to have a final supper session here with the University, with the understanding that it not be an all-night affair, that, if there is work to be done, we come right back here.

PRESIDENT EGAN: Mr. Doogan moves, seconded by Mr. Kilcher, that we accept the University's offer of the entertainment they planned for us if we accept on Sunday evening at 6:30 p.m. in the cafeteria upstairs. All those in favor of accepting the University suggestion will signify by saying "aye", all opposed by saying "no". The "ayes" have it and Dr. Patty will be so notified.

COGHILL: One other proposition, Mr. Chairman, is the 100 copies of the constitution, and I move and ask unanimous consent for the adoption of that part of our report.

PRESIDENT EGAN: Wasn't that a part of your report?

COGHILL: Yes, but it was not a part of the schedule, nor the dinner part.

PRESIDENT EGAN: Mr. Coghill moves and asks unanimous consent that that part of the report that dealt with the printing of 100 copies of the constitution on the style of paper that was referred to and the bindings that was referred to be adopted by the Convention. Is there objection? Hearing no objection, it is so ordered. Mr. Barr.

BARR: I had a question to ask. That invitation from the University -- is that just for the delegates, or delegates and wives?

COGHILL: For the delegates and their family members present in Fairbanks.

HINCKEL: I would like to ask a question.

PRESIDENT EGAN: You may.

HINCKEL: Has any provision been made for a reserved section for any out-of-town guests that might come on the invitations that were sent out or that any members might send out?

PRESIDENT EGAN: Mr. Coghill.

COGHILL: We had planned on meeting tomorrow, the Committee, when we had time, and we were going to go over at that time the setting up and seating arrangements of the gymnasium, and we will take that into consideration at that time.

HINCKEL: I am informed that Admiral Craig and part of his staff at Kodiak intend to come here for the ceremonies. That is the reason that I was particularly interested.

PRESIDENT EGAN: Mr. Doogan.

DOOGAN: If I understood correctly, when this discussion came on the floor before, that there would be no seating arrangements other than the necessary seating arrangement for the delegates so that they would be in a body, but that there would be no other seating arrangement.

PRESIDENT EGAN: It would seem to the Chair that, if the Chair may, it might be very difficult in the building where it could very conceivably be that there won't be enough room to really

reserve seats other than for the delegates. I don't say that that should be that way, but that -- Mr. Lee.

LEE: If I may address a question to Mr. Coghill, these people that were invited were the delegates and their families, members of the families that are in Fairbanks, that is correct? Are they the ones to be invited?

COGHILL: Yes.

LEE: I think that since we have had our staff working with us all the time, I think it would be nice if they were also invited.

COGHILL: They are also invited.

PRESIDENT EGAN: It should have been so stated. Mr. Marston.

MARSTON: Have the military properly been invited and other public officials of the Territory been invited to this Convention?

COGHILL: Yes, they have.

MARSTON: Thank you.

PRESIDENT EGAN: Mr. Boswell.

BOSWELL: I was wondering if one of the signed copies was going to be available for the University museum?

PRESIDENT EGAN: Mr. Coghill.

COGHILL: In the last section that we just adopted, there will be 100 copies, and five of those were the official copies so set forth by Rule 51. There will be 55 of those copies, one for each delegate, and there will be 40 left, and the feeling of the Committee on Administration is that the Convention should determine where those will go. We can have the signatures printed on those copies such as from the signatures that we took the other day for the newspaper article, and they could be distributed to the universities, the high schools, and some of the other organizations throughout Alaska. However, we did not feel that this should be brought up on the floor at this time.

PRESIDENT EGAN: Mr. Boswell.

BOSWELL: I was just thinking that if it wouldn't be much trouble to sign an extra copy, or if one hasn't been planned for the University, it would be a fine thing for their museum, and we could show our appreciation for all they have done for us by providing a signed copy for the University.

PRESIDENT EGAN: Mr. Barr.

BARR: Mr. President, I move that we sign an extra copy, not necessarily at the ceremony, but any time, and that it be presented to Dr. Patty at the dinner he gives for us Sunday evening.

TAYLOR: I second that motion.

STEWART: I ask unanimous consent.

PRESIDENT EGAN: It has been seconded. Unanimous consent is asked that that be done. Mr. Johnson.

JOHNSON: I would like to include in that something which I think the Convention has already done, but we may have forgotten, and that is that the official gavel which you have is to be presented to the University, and perhaps it could be included with the constitution.

PRESIDENT EGAN: That is correct, Mr. Johnson. Mr. Marston.

MARSTON: May I suggest to the Committee that this here fine pen and walrus tusk that was given back from President Taft to the museum be used at the signing of this document, or be there.

PRESIDENT EGAN: Mr. Coghill.

COGHILL: Mr. Marston, I think we are probably taking up a lot of valuable time, and anyone who has any ideas that they wish to have brought before the committee, that we will be meeting tomorrow afternoon and they can appear before us at this time.

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: I want a little information. To whom or to where or to what do the signed copies that are personally signed go?

PRESIDENT EGAN: To whom do the signed copies that will be signed go? How will they get there?

COGHILL: That is one of the items that the Committee on Administration is going to have to figure out tomorrow afternoon at their meeting and to consult with the President of the Convention and then bring it before the Convention for their adoption.

PRESIDENT EGAN: Mr. Barr.

BARR: I still have a motion.

PRESIDENT EGAN: Is there objection to that motion that a particular copy, a special copy be made of the constitution with all the signatures attached and presented to the University? Mr. Coghill.

COGHILL: Mr. President, one of these copies, one of these five originals could very well be one of them that will be placed in the museum at the University, and I would like to see you hold that in abeyance until we act upon this tomorrow afternoon at our meeting, and I will certainly bring it up, Senator Barr.

BARR: Mr. Coghill, I heard you say a while ago that these copies with printed signatures would be distributed around to various people, and I was afraid one of those would be given to the University, and I think it should have original signatures on it, and it should be presented during this dinner to Dr. Patty; that is why I made the motion.

PRESIDENT EGAN: Why couldn't seven copies instead of six be signed at that time? It can be worked out by the Administration Committee. If there is no further discussion then, the Administration Committee will have its meeting, and those delegates who might have suggestions for the Administration Committee at that time are free to make those suggestions. Mr. White.

WHITE: Mr. President, is there anything before us?

PRESIDENT EGAN: There is nothing before us right at the moment.

WHITE: Mr. President, I rise to a point of inquiry of the Chair.

PRESIDENT EGAN: Your point of inquiry.

WHITE: Mr. President, I was absent from the Convention floor a short time ago on Convention business and with the express permission of the Chair. During that time the article on suffrage and elections as I understand was passed in third reading. I would very much like to have my vote reported in favor of that passage. I suppose I am not alone in this situation, but I think the question should be raised and that is my point of inquiry.

PRESIDENT EGAN: The article was passed, adopted as a part of the constitution. You want the journal to show, Mr. White, that your vote would have been "yes" on the proposal, is that right?

WHITE: If that is the proper procedure, that is my desire, Mr. President.

PRESIDENT EGAN: If there is no objection, the Chief Clerk may show Mr. White's vote as being "yes". Mr. Smith.

SMITH: Mr. President, may I make the same request?

PRESIDENT EGAN: Mr. Smith makes the same request that the record show that he would have also voted "yes" for the article on elections and suffrage. At the present time, Mr. Victor Rivers, have your mimeographed amendments to the executive article come back yet?

V. RIVERS: Yes, they have, and they have been distributed to the members.

PRESIDENT EGAN: We will have before us the Style and Drafting Committee report on the article on the executive. Mr. Victor Fischer.

V. FISCHER: Mr. President, I would also like to ask unanimous consent to be shown as voting "yes" on the adoption of the suffrage and elections article.

PRESIDENT EGAN: Mr. Fischer, it will be shown that you would have voted "yes" on the passage of the suffrage and election's article. Mr. Sundborg.

SUNDBORG: I was also absent from the Convention floor at the time the vote was taken and I wish the record would show that if I had been present I would have voted "yes".

PRESIDENT EGAN: Mr. Sundborg also wants the record to show that he would have voted "yes" on the article. Mr. Victor Rivers.

V. RIVERS: In the mimeographed copies on your desk you have the amendment to Section 10. I previously asked unanimous consent for the suspension of the rules and consideration of that section. The order of business was held over until you could get the mimeographed copies. The Secretary or Chief Clerk has already read the amendment as submitted.

PRESIDENT EGAN: Would the Chief Clerk please read the amendment again? The rules had been suspended, isn't that correct, and it is before us as an amendment? The Chief Clerk will please read it.

CHIEF CLERK: "Page 2, Section 10, strike the section and insert the following: 'Section 10. If the governor-elect dies, resigns, or is disqualified, the secretary of state elected with him succeeds to the office of governor. If the governor-elect fails to assume office for any other reason, the secretary of state elected with him shall serve as acting governor and succeeds to the office if the governor-elect does not assume his office within six months of the beginning of the term.'"

PRESIDENT EGAN: Mr. Victor Rivers has already moved --

CHIEF CLERK: No, but this is different so would you withdraw the other one?

V. RIVERS: I will ask to withdraw the other one.

PRESIDENT EGAN: Mr. Victor Rivers asks unanimous consent that he be allowed to withdraw his original amendment. Unanimous consent is asked that this new amendment take its place. Is there objection?

HELLENTHAL: Are there copies of this amendment?

V. RIVERS: You have them on your desk.

PRESIDENT EGAN: Does the Sergeant at Arms have another copy for Mr. Hellenthal? Is there objection to Mr. Victor Rivers' request?

SWEENEY: Yes.

PRESIDENT EGAN: Objection is heard.

SWEENEY: Just so I can ask a question.

PRESIDENT EGAN: What is your question, Mrs. Sweeney?

SWEENEY: In the old Section 10, there is a statement on the last line, "will succeed for the full term", and that is not in this new section here.

PRESIDENT EGAN: Mr. Victor Rivers, would you care to answer that?

V. RIVERS: It was implied that he would continue out the term. He was then actually governor and took the place of and succeeded the other governor.

SWEENEY: Why would you put it in the first place? It seems to me it should be in there.

PRESIDENT EGAN: Mr. Rivers asks unanimous consent to substitute this amendment for the original amendment. Mrs. Hermann.

HERMANN: Point of inquiry. After these amendments are adopted, these will go back to Style and Drafting for consideration?

V. RIVERS: These were prepared with the help of Style and Drafting.

PRESIDENT EGAN: They would not go back to Style and Drafting until after final passage in third reading, Mrs. Hermann.

HERMANN: After then they can have no changes made?

PRESIDENT EGAN: That is correct, Mrs. Hermann.

HERMANN: There is one word I think should be changed, if it isn't going back to Style and Drafting.

PRESIDENT EGAN: Mr. Victor Rivers, under the circumstances where there have been two or three people who have asked questions, do you think it would be wise to have a recess so you might confer with these delegates? It might save time under the circumstances.



V. RIVERS: All right.

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

RECESS

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

JOHNSON: Mr. President, inasmuch as the amendments are not ready, I move that we have our afternoon recess.

PRESIDENT EGAN: If there is no objection, the Convention will stand at recess until 3:55.

RECESS

PRESIDENT EGAN: The Convention will come to order. The Chief Clerk will please read the communication.

CHIEF CLERK: Telegram from Mayor Charles W. Wilson of Palmer: "The people of Palmer express their thanks for your efforts in framing a constitution and congratulations for the excellent results."

PRESIDENT EGAN: The communication will be filed. The Convention will come to order. Mr. Victor Rivers.

V. RIVERS: Mr. Chairman, we have this amendment on the Clerk's desk, and the copy you have on your desk -- there are in the first amendment three slight changes. The amendment to Section 10 has three slight changes to conform to the request of Delegate Sweeney and the Drafting Committee.

PRESIDENT EGAN: Do you wish to offer those now, Mr. Victor Rivers, and ask unanimous consent?

V. RIVERS: I will ask unanimous consent for the suspension of the rules to offer these amendments. They are not substantive. In line 2, after the word "him", insert the word "shall" and strike the "s" on "succeeds". "The secretary of state elected with him shall succeed to the office of governor." After the word "governor", strike the period and add the words "for the full term." Line 3, the line will then read, "If the governor-elect dies, resigns, or is disqualified, the secretary of state elected with him shall succeed to the office of governor for the full term." Then down in line 5, after the word "and", strike the word "succeeds" and add the words "shall succeed". The line will then read, "the secretary of state elected with him shall serve as acting governor and shall succeed to the office if the governor-elect does not assume his office within six months of the beginning of the term." I ask unanimous consent, Mr. President.

PRESIDENT EGAN: Unanimous consent is asked that these proposed amendments become a part of the original amendment. Is there objection? Hearing no objection, it is so ordered, and we have the proposed amendments to Section 10 before us at this time.

V. RIVERS: I think, Mr. President, the amendment is self-explanatory. It amplifies the original Section 10. I therefore move and ask unanimous consent for its adoption.

PRESIDENT EGAN: Mr. Victor Rivers moves and asks unanimous consent for the adoption of the proposed amendment. Is there objection? Hearing no objection, the amendment is ordered -- Mr. Riley.

RILEY: Mr. President, I will object just for a moment for clarification. On the third line of Section 10, as we see it, with the addition of "for the full term", is the committee satisfied, Mr. Rivers, that there is no uncertainty there as to the full remaining term or the full unexpired term?

V. RIVERS: I brought that point up and "for the full balance" or the "full remaining" was discussed, and we were satisfied this covered only the full time for which the governor-elect had been elected and failed to qualify.

RILEY: Or "in the event of death that remaining..."?

V. RIVERS: Yes.

RILEY: Thank you.

PRESIDENT EGAN: Is there objection to the adoption of the amendment? Hearing none, the amendment is ordered adopted. Mr. Rivers.

V. RIVERS: The next amendment is on the same mimeographed sheet. It is to strike Section 13 on page 3, and add the words of the section which we have provided here. The Chief Clerk has the amendment.

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

CHIEF CLERK: "Section 13, page 3, strike the section and insert the following: 'Section 13. Provision shall be made by law for succession to the office of governor in the event that the secretary of state is unable to succeed to the office. Provision shall also be made for a person to serve as acting governor in the event that the secretary of state is unable to act as governor. No election of a secretary of state shall be held except at the time of electing a governor.'"

PRESIDENT EGAN: Mr. Victor Rivers.

V. RIVERS: Mr. President, I will move and ask unanimous consent for the adoption of this amendment.

PRESIDENT EGAN: Mr. Victor Rivers moves and asks unanimous consent that the amendment be adopted. Is there objection? Hearing no objection, the amendment is ordered adopted. Mr. Victor Rivers.

V. RIVERS: We have one other amendment. Section 23, page 6, line 4, and the Chief Clerk has the amendment.

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

CHIEF CLERK: "Section 23, page 6, line 4, insert a period after the word 'orders', strike the balance of the section and substitute the following: 'These orders shall become effective after sixty days of a regular session of the legislature have elapsed following their issuance or at the close of the next regular session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of the legislature in joint session.'"

PRESIDENT EGAN: Mr. Rivers.

V. RIVERS: I want to call to the attention of the delegates the word "shall" has been inserted before the word "become", as you have it on your desk. The word "sooner" has been changed to "earlier". That is the way the copy was presented to the Chief Clerk. I will now move and ask unanimous consent for the adoption of this addition to Section 23.

PRESIDENT EGAN: Is there objection to the unanimous consent request for the adoption of the amendment? Hearing no objection, it is so ordered. Mr. Stewart.

STEWART: Did he say, "Put the word 'shall' in there"?

V. RIVERS: On the mimeographed copy you have, after the words "these orders" insert the word "shall" and "whichever is sooner," change "sooner" to "earlier", and it will be correct, Mr. Stewart.

PRESIDENT EGAN: Do you have other committee amendments to propose, Mr. Rivers?

V. RIVERS: Mr. President, that is all the amendments the committee has to offer.

PRESIDENT EGAN: Are there other amendments to be proposed to Article No. III, the article on the executive? If not -- Mr. Sundborg.

SUNDBORG: Mr. President, do I understand that the only amendments which have been made in the report of the Style and Drafting Committee are the three which have just been adopted?

PRESIDENT EGAN: That is correct, Mr. Sundborg.

SUNDBORG: Mr. President, these amendments have been reviewed by most of the members of the Committee on Style and Drafting, and we feel they do not require any further consideration by our committee. I hear some dissent from some members, so I will not move to advance the article.

PRESIDENT EGAN: This could not go back to Style and Drafting until after its final passage, isn't that correct, unless by suspension of the rules?

SUNDBORG: We recommitted an article the other night where there had been some amendments so we could look at them. Is it the understanding of the Chair that the Style and Drafting Committee still has authority to change wording of articles even after they have passed third reading?

PRESIDENT EGAN: The understanding of the Chair is not too clear as to just why the article is referred to Style and Drafting after it goes to third reading, under the rules. But it isn't the opinion of the Chair that Style and Drafting can change any wording, it is just that the Style and Drafting Committee can arrange the constitution. At least that is the opinion of the Chair as to the only purpose of the article going back to Style and Drafting.

SUNDBORG: That was my belief, Mr. President, and I believe our rules set that forth. In view of that, I would not want to advance this article until after Style and Drafting has looked at the amendments.

TAYLOR: They are by Style and Drafting.

PRESIDENT EGAN: We don't have anything else on the calendar, but we did have Proposal No. 17/b that was never considered in second reading. There is a motion for reconsideration on 17/a, but, of course, that can be made at any time before adjournment and the motion would not be lost, but the Chair was wondering, Mr. McNealy, would it be your desire that the Convention consider Proposal No. 17/b now, or what is the desire of the Convention?

V. RIVERS: Mr. President, I understood that 17/b was referred back to the committee and that they were going to do certain specific studying and possibly present some amendments, and I think it is now in order if they are ready.

PRESIDENT EGAN: Mr. McNealy.

MCNEALY: I don't remember which --

PRESIDENT EGAN: The fish trap was 17/a. The other portion of your ordinances was under 17/b, isn't that correct?

MCNEALY: It has never been read.

PRESIDENT EGAN: For the second time it hasn't been read?

MCNEALY: That's right.

PRESIDENT EGAN: Is it the pleasure of the Convention that we read Committee Proposal No. 17/b for the second time, now? Mr. Sundborg.

SUNDBORG: Mr. President, before we do that, I would like to move and ask unanimous consent that those portions of the article on general and miscellaneous provisions which have been in the Engrossment and Enrollment Committee be forwarded by that committee to Style and Drafting.

PRESIDENT EGAN: You mean in order to facilitate the Style and Drafting work?

SUNDBORG: So that we can get to work on them.

PRESIDENT EGAN: Mrs. Sweeney, are you just holding those matters in order to receive the rest of them, is that right?

SWEENEY: The Chief Clerk is holding them for me. I don't have them.

SUNDBORG: We recognize there will be others, Mr. President, very likely, but we would like to get the ones that are already through second reading so that we can start to work on it because we are running out of work.

PRESIDENT EGAN: Mr. Sundborg moves and asks unanimous consent that the transitional measures that are in -- Mrs. Sweeney.

SWEENEY: Mr. President, I am afraid you can't take them out of Engrossment and Enrollment, we don't have them yet; unless we have time to work over them and get them out --

PRESIDENT EGAN: It was the understanding of the Chair they had been referred to the Engrossment and Enrollment Committee to be held there pending the action upon other transitional measures. At least that is what the Chair intended to do.

CHIEF CLERK: We have been holding them to follow the numbers, and she hasn't checked them yet.

PRESIDENT EGAN: Those articles will be referred to the Engrossment and Enrollment Committee at this time. The Chief Clerk will proceed with the second reading of Committee Proposal No. 17/b.

(The Chief Clerk at this time read Committee Proposal No. 17/b in its entirety.)

PRESIDENT EGAN: Are there amendments to Section 1? Section 3? Mr. McNealy.

MCNEALY: Mr. President, I have a committee amendment to Section 3 on line 8, to strike the words "not inconsistent" and insert the word "consistent".

PRESIDENT EGAN: Mr. McNealy, do you ask unanimous consent?

MCNEALY: I'll ask unanimous consent on that.

PRESIDENT EGAN: Mr. McNealy moves and asks unanimous consent for the adoption of the proposed amendment. Is there objection?

HARRIS: May we have the amendment again?

CHIEF CLERK: "Section 3, line 8, strike the words 'not inconsistent' and insert the word 'consistent'."

PRESIDENT EGAN: Is there objection to the adoption of the amendment? Hearing no objection, the amendment is ordered adopted. Are there other amendments to be proposed for Section 3? Section 4? Are there amendments for Section 4? If not, are there amendments for Section 5? Mr. Hellenthal.

HELLENTHAL: Question. Is it the feeling of the Chairman of the Committee that the words "local subdivisions" includes health districts?

PRESIDENT EGAN: Mr. McNealy.

MCNEALY: Mr. President, this particular section was given to us very late in the day and I believe, in conjunction with Mr. Ralph Rivers, was prepared by one of the experts, and the Ordinance Committee had no intention of including it, and I believe Mr. Ralph Rivers felt it was essential.

PRESIDENT EGAN: Mr. Ralph Rivers, can you answer the question?

R. RIVERS: Yes, Mr. President. The general clause that, until the constitution was put into effect, existing measures, etc., could be carried out, didn't quite serve the purpose. After the constitution goes into effect, there will be some lag, maybe as much as a couple of years, before the reorganization takes place which will result in the new forms of local government, and your school districts and your public utility districts at the present

time have the taxing powers, and under our finance article, the taxing power can be extended only to cities and boroughs. Well, I didn't want the public utilities districts and the school districts to be out of conformity with the finance article by trying to continue to exercise taxing power for two or three years before the boroughs were organized, and so I merely took it up with the committee on the subject of saying "pending adoption of measures" to carry out the provisions of local government. Those adoptions of measures would be action by the state legislature and ordinances set up on the local scene to create the new city setups under boroughs. Pending that organization, the existing public utility districts and school districts could continue to tax as they are now allowed to tax for the purpose of meeting their bonding indebtedness and other obligations. So, I didn't realize I was causing any difficulties on the procedure here.

HELLENTHAL: May I ask Mr. Rivers a question through the Chair?

PRESIDENT EGAN: You may ask your question.

HELLENTHAL: Health districts, as you know, have the taxing power, too, and I have an interest because we formed the Anchorage Health District, and I am sure they will feel discriminated against. Would you object to saying "school districts, health districts, public utility districts"?

R. RIVERS: I overlooked the fact that there was an incorporated health district with taxing power, and I will be very glad to have "health districts" included. That was my purpose.

PRESIDENT EGAN: Mr. Hellenthal, do you offer such an amendment?

HELLENTHAL: I should like to, subject to the committee's --

PRESIDENT EGAN: Do you have objection to that, Mr. McNealy?

MCNEALY: I have no objection.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: I move and ask unanimous consent that the words "health districts" be inserted between the phrases "school districts" and "public utility districts" in line 9, Section 5.

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

R. RIVERS: With a comma after the word "districts".

PRESIDENT EGAN: Are there other amendments to Section 5? Section 6? Mr. McNealy.

MCNEALY: Mr. President, I have a committee amendment to Section 6.

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

CHIEF CLERK: "Section 6, page 2, lines 15 and 16, strike the words 'performing functions vested by this constitution in the State' and insert 'of the Territory or under its laws,'. On line 18, delete 'those' and insert 'their'."

MCNEALY: Mr. President, I move the adoption of the amendment.

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

STEWART: I second the motion.

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

MCNEALY: The purpose here, this is one of the places where the committee fell afoul of an expert and we were merely reinserting the original language. And after the expert had included this when it hit the boiler room, calling his attention to the fact that it didn't match the court decisions and didn't convey the meaning, why, he also agreed that the original language should go back in. As the language was, it would only allow the Territorial officers performing functions vested in the constitution in the state; in other words, there would be that period when the state came into the Union. Just one example would be, there would be no attorney general, at least until the governor appointed a legal officer, and there would be a vacuum there that Jerry Williams wouldn't be able to operate for a short period of time there, so we thought it was very essential. Incidentally, the language used here, there is no pride of authorship. A number of the schedules of constitutions which have stood the test of cases in court, and we have the cases -- deciding cases as in Oregon and Arizona where they have used the same language, that the cases stood up in court with the language offered in the committee amendments.

PRESIDENT EGAN: Mr. White.

WHITE: The word deleted should be "these" rather than "those".

PRESIDENT EGAN: Mr. White states that the word to be deleted should be "these" rather than "those". Mr. Ralph Rivers.

R. RIVERS: May I ask Mr. McNealy a question? Was it "all officers of the Territory or under its laws," -- wouldn't the "or" be an "and" instead?



MCNEALY: Well, we used the exact language on that particular phrase from the Oregon Constitution and the courts had interpreted that with the "or" in it.

R. RIVERS: The "or" meant "and" then, didn't it? Why don't we say "and"?

MCNEALY: The court didn't say anything about "or" meaning "and", so we left the "or" in.

R. RIVERS: Will this go to Style and Drafting?

MCNEALY: Unless an exception is made.

R. RIVERS: I shall back away.

PRESIDENT EGAN: Is there objection then to the adoption of the amendment? Mr. McNealy, you asked unanimous consent?

MCNEALY: I will ask unanimous consent.

PRESIDENT EGAN: Is there objection to the adoption of the amendment? Hearing no objection, the amendment is ordered adopted. Are there other amendments for Section 6? For Section 7? Mr. Nerland.

NERLAND: Mr. President, I don't believe many of our committee had an opportunity to take this up with Mr. McNealy as yet, but we have a similar section to Section 7 in the finance section, Section 15, and originally we had assumed that this would be handled by our committee and transferred into transitional measures. But we have been informed by the consultants that this should be retained as part of the permanent constitution because debts and liabilities of the Territory, and also assets, might crop up and become apparent and obvious for many, many years to come, and consequently, it seems logical that this should be in the permanent part of the constitution. I will therefore move and ask unanimous consent that Section 7 of Committee Proposal No. 17/b be stricken and that the matter be handled under Section 15 of the finance article.

PRESIDENT EGAN: There is such a section in the finance article now? Is that right?

NERLAND: Would you care to have me read the two sections, Mr. President?

PRESIDENT EGAN: That might be well, Mr. Nerland.

NERLAND: "Section 7. The debts and liabilities of the Territory shall be assumed and paid by the State, and all debts owned by the Territory shall be collected by the State. The State shall succeed to all property and records owned or held by the Territory,

or any agency thereof." Section 15 of the finance article reads, "The debts and liabilities of the Territory of Alaska shall be assumed and paid by the State of Alaska, and debts owed to the Territory of Alaska shall be collected by the State. Assets of the Territory of Alaska shall become assets of the State."

PRESIDENT EGAN: Mr. Nerland moves and asks unanimous consent that Section 7 be deleted from Committee Proposal No. 17/b. Is there objection?

V. RIVERS: I rise for a question.

PRESIDENT EGAN: Your question, Mr. Rivers.

V. RIVERS: I wonder if Delegate Nerland feels the word "assets" would cover "records"?

PRESIDENT EGAN: Mr. Nerland, could you answer that?

NERLAND: I would think it would, yes.

V. RIVERS: Cover records, property, etc.?

NERLAND: I would think so.

HELLENTHAL: "Claims", would that be included in "assets"? Unliquidated claims?

NERLAND: Yes.

HELLENTHAL: Where there's no debt involved?

PRESIDENT EGAN: Miss Awes.

AWES: This goes more to Mr. Rivers' question. I am a member of the Finance Committee, and it was my intention, if this section was deleted, to propose in committee meeting that the phrase "and records" be added to the finance provision.

PRESIDENT EGAN: That would be possible by specific amendment even yet, Miss Awes. It would be the general understanding. Mrs. Nordale.

NORDALE: Mr. President, if that article appears only in the finance section, would the word "records" relate only to financial records? It seems to me that this word covers a little broader field, or is this dealing only with finance?

PRESIDENT EGAN: It deals with everything that might be debts, liabilities, or assets. Mr. Victor Rivers.

V. RIVERS: It is my thought, Mr. President, that if the first sentence of this section were stricken, the finance article

would apply in full to everything else; and if we retain this last sentence, we would accomplish what we desire. Would that be agreeable to the Chairman?

NERLAND: That would be agreeable, and I will so change my motion.

PRESIDENT EGAN: Mr. Nerland, then you would ask unanimous consent that your original motion be withdrawn?

NERLAND: Yes.

PRESIDENT EGAN: Hearing no objection, it is so ordered. Then you would move that the first sentence of Section 7 be deleted, is that right?

NERLAND: Yes, that could be handled in Section 15 in the finance article.

PRESIDENT EGAN: Mr. Nerland moves and asks unanimous consent that the first sentence of Section 7 be deleted from Committee Proposal No. 17/b. Is there objection? Mr. Johnson.

JOHNSON: Mr. President, I am not objecting, I just have a point of inquiry. Will the last sentence then in Section 7 of this Committee Proposal 17/b remain in this committee proposal?

PRESIDENT EGAN: That is right if this motion carries, Mr. Johnson.

JOHNSON: If I may address another question through the Chair, it seems to me that, if there is to be a transfer of all property and a succession of all property, that that should properly be a part of the constitution just as much as the matter of debts and liabilities; and I still don't understand why the remainder of the section should not be transferred to some part of the constitution.

PRESIDENT EGAN: Mr. Johnson, it seemed from the statement that Mr. Nerland made that there is this fear that debts might show up later, but that the transfer of all property and records could be accomplished in the transitional period, easily. That seems to be the reason for offering this amendment.

JOHNSON: It was my understanding at the time Mr. Nerland offered his original amendment that the reason for it was that this transfer of property might not be effected immediately; it might take some time, and for that reason, the provision should be in the constitution rather than in the transitional measures.

PRESIDENT EGAN: Mr. Nerland.

NERLAND: Mr. President, I think the idea was more that for many years to come it might be likely that the different debts

and liabilities of the Territory, as well as assets that hadn't become apparent previously would appear; whereas, such property and records as are owned and held by the Territory should be fairly obvious at the time of the transition to statehood.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: Well, I understand now what Mr. Nerland had in mind, although it seems to me that there is still further amendment that should be made.

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

#### RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. Nerland has asked unanimous consent for the adoption of the amendment. Mr. Nerland.

NERLAND: Mr. President, there still seems to be quite a little uncertainty as to just how this should be handled. It might be advisable to pass this over due to the fact that we won't get through the rest of this anyway.

PRESIDENT EGAN: If there is no objection, we will pass the proposed amendment to Section 7. Mr. Stewart.

STEWART: Mr. President, in view of the progress that's been made this afternoon and what's ahead of us, I move that we adjourn until 9:00 o'clock tomorrow morning.

PRESIDENT EGAN: What was that, Mr. Stewart? Do you move that the Convention stand adjourned until tomorrow morning at 9:00 o'clock?

STEWART: Yes.

PRESIDENT EGAN: Mr. Stewart moves that the Convention adjourn until tomorrow morning at 9:00 o'clock.

LEE: I second the motion.

PRESIDENT EGAN: Seconded by Mr. Lee. Mr. McNees.

MCNEES: I have a reconsideration of my vote pending on the Boswell amendment of yesterday.

PRESIDENT EGAN: It would be proper at this time even though a motion to

MCNEES: Either that or carry it over until the question is reopened by the committee. They have those two sections -- 24 and 25 -- committed to them.

PRESIDENT EGAN: Are you asking unanimous consent, Mr. McNees, that you be allowed to bring up that reconsideration at the time that Committee Proposal No. 17/a might be placed before us?

MCNEES: I had intended to delay it only until 17/a came back on the floor, so I would like that consent, yes.

PRESIDENT EGAN: Is there objection to the unanimous consent request for suspension of the rules in order that Mr. McNees could be allowed to reconsider his vote at such a time as 17/a would be before us for consideration? Is there objection? Hearing no objection then, Mr. McNees, you will be allowed to offer your reconsideration motion at that time if you so desire. Mr. Lee.

LEE: Mr. Chairman, I would like to withdraw my second on adjournment.

PRESIDENT EGAN: Mr. Lee asks that his second to the adjournment motion be withdrawn.

TAYLOR: I'll second it.

PRESIDENT EGAN: Mr. Taylor seconds the motion for adjournment. Miss Awes.

AWES: Mr. President, I --

PRESIDENT EGAN: Is this a committee announcement?

AWES: No, just a point of information. I know that a motion to adjourn is not debatable, but would it be out of order to have the Chairman of Style and Drafting state what the wishes of their Committee are in this matter?

PRESIDENT EGAN: I believe that the Style and Drafting Committee Chairman will tell you that they can use all the time that is available, Miss Awes. Mr. Hinckel.

HINCKEL: Didn't I understand the Chairman to state that they were running out of work?

PRESIDENT EGAN: That seemed to be the statement of a few minutes ago, but I believe that he meant that possibly some of the subcommittees were running out of work because there are, I think, Mr. Hinckel, five proposals to come back yet. Mr. Sundborg.

SUNDBORG: Mr. President, we are running out of fresh material from the Convention floor for consideration by subcommittees of our committee, but we have quite a backlog of work which has been done by our subcommittees and which now must be reviewed by our full committee, and we do need time for that. We have been working, those of us who have been able to, most of today in short snatches, but it is the kind of work that can't be done unless we have long, uninterrupted sessions. It would be a convenience to our committee if the Convention could adjourn at this time and give us throughout the night or until a very late hour tonight to bring some more of our reports back to the floor, which we could do in the morning if we could have our full committee work on them from this time on.

PRESIDENT EGAN: It has been moved and seconded that the Convention stand adjourned until 9:00 a.m. tomorrow.

STEWART: The reason I made this motion at this time is, there is a bus at 5:10, and, if we adjourn at this time, that bus will be available.

PRESIDENT EGAN: Mr. Coghill.

COGHILL: Mr. President, in view of the facts presented by the Style and Drafting Committee Chairman, I ask unanimous consent.

DOOGAN: Object.

PRESIDENT EGAN: Objection is heard. Mr. Cooper.

COOPER: Just one announcement -- I would like to ask the Fairbanks delegates to meet for one or two minutes after the recess.

PRESIDENT EGAN: Mr. Cooper asks that, in the event of an adjournment, that the Fairbanks delegates will meet with him immediately upon such adjournment. Mr. Nerland.

NERLAND: The Finance Committee will meet immediately upon adjournment.

PRESIDENT EGAN: Finance Committee immediately upon adjournment. Mrs. Sweeney.

SWEENEY: I would like to inquire of the Chief Clerk if the boiler room is working tonight whether we are here or not?

CHIEF CLERK: Yes.

PRESIDENT EGAN: The boiler room is working tonight. Are there other committee announcements? Mr. Sundborg.

SUNDBORG: Style and Drafting will meet immediately upon adjournment at the rear of the gallery.

PRESIDENT EGAN: Style and Drafting immediately upon adjournment in the rear of the gallery. Mrs. Sweeney.

SWEENEY: Engrossment and Enrollment will meet immediately upon adjournment.

PRESIDENT EGAN: Engrossment and Enrollment immediately on adjournment. Are there other announcements? If not, the question is, "Shall the Convention stand adjourned until 9:00 a.m. tomorrow?" All those in favor of adjourning until 9:00 a.m. tomorrow will signify by saying "aye", all opposed "no". The Chief Clerk will call the roll.

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

Yeas: 38 - Armstrong, Awes, Boswell, Buckalew, Coghill, Collins, Cooper, Cross, Emberg, H. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, King, Knight, McNealy, Marston, Nerland, Nolan, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, Walsh, White, Wien.

Nays: 10 - Doogan, Kilcher, Laws, Lee, Londborg, McCutcheon, McNees, Metcalf, Peratrovich, Mr. President.

Absent: 7 - Barr, Davis, V. Fischer, McLaughlin, Nordale, Robertson, VanderLeest.)

CHIEF CLERK: 38 yeas, 10 nays and 7 absent.

PRESIDENT EGAN: The "yeas" have it and the Convention stands adjourned until 9:00 a.m. tomorrow.