

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL OF THE FORTY-EIGHTH CONVENTION DAY, Monday, January 9, 1956

The Convention was called to order at 9:00 a.m. by President Egan.

At the request of Mr. Johnson and with the unanimous consent of the Convention the following prayer, given by Father George Boileau of the Church of the Immaculate Conception, was ordered spread on the Journal:

"Grant us, Almighty God, the gift of wisdom and understanding; give us health this day that we may continue to work with sincerity, with true charity and harmony, for the good of our country and your glory, through Christ our Lord. Amen."

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

Mr. Knight reported that the Journal for the 43rd day had been read and was approved. Mr. Boswell stated he believed there was an error in the roll call on page 9 where one delegate was recorded as voting twice. The Chief Clerk was requested to look into the matter.

Mr. Sundborg reported the presence of Consultant Dr. John Bebout, Assistant Director of the National Municipal League of New York City and asked for privilege for Dr. Bebout to address the Convention. Dr. Bebout then addressed the Convention.

Mr. Sundborg announced a meeting of the Style and Drafting Committee upon recess.

Mr. Hurley moved for reconsideration of his vote on the Riley Amendment to Section 11 of Committee Proposal No. 7.

Mr. Riley asked suspension of the rules so that the amendment could be debated. There being no objection, it was so ordered.

After discussion by Mr. Hurley, Mr. Buckalew, Mr. Hinckel, Mr. Taylor, Mr. Marston, Mr. Riley, Mr. Davis, Mr. R. Rivers, Mr. Kilcher, Mr. Barr, Mr. Harris, Mr. Robertson, Mr. V. Rivers, Mr. V. Fischer, Mr. Davis, Mr. McNees, Mrs. Hermann, Mr. Metcalf, Mr. Cross and Mr. Buckalew, the Chief Clerk was asked to read the proposed amendment. Mr. Robertson requested a roll call.

The question being "Shall the proposed amendment to Section 11 as offered by Mr. Riley and other delegates be adopted?", the roll was called with the following result:

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Yeas: 18 - Barr, Boswell, Coghill, Cross, Davis, H. Fischer, Laws, McCutcheon, Nolan, Nordale, Riley, R. Rivers, V. Rivers, Robertson, Smith, Sundborg, Walsh, White

Nays: 37 - Armstrong, Awes, Buckalew, Collins, Cooper, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Lee, Londborg, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Peratrovich, Poulsen, Reader, Rosswog, Stewart, Sweeney, Taylor, VanderLeest, Wien, Mr. President

and so the amendment failed.

Mr. Hinckel offered and moved for the adoption of the following proposed amendment to Section 11. Seconded by V. Rivers.

Insert the following after line 12, Section 11:

"The right of the people to be secure against unreasonable invasion of their individual privacy by the use of any electronic or other scientific device shall not be violated, and ex parte orders or warrants shall issue from the Superior or Supreme Court only upon oath or affirmation that there is reasonable ground to believe that evidence of crime may be thus obtained, and identifying the particular means of communication, and particularly describing the person or persons whose communications are to be intercepted and the purpose thereof. Information secured in violation of this section shall not be admissible evidence in any judicial or other proceeding."

Mr. Hinckel asked to have the proposed amendment mimeographed. Mr. McNees moved for consideration of this amendment after the 10:30 recess.

Mr. White presented an amendment to Section 11 to be mimeographed during the recess.

Mr. Hellenthal moved and asked unanimous consent for a fifteen-minute recess at this time.

The President stated that consideration of the two amendments would be held until after the morning recess, and declared the Convention at recess.

#### AFTER RECESS

Mr. Hilscher asked for personal privilege and read a wire to be sent to the President of the United States, signed by the President of the Convention, but the cost to be borne by the delegates. The President stated that without objection the telegram would be dispatched.

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

AFTER RECESS

After discussion by Mr. Londborg, Mr. Hinckel and Mr. Buckalew, Mr. Robertson suggested the words "reasonable ground" be changed to "probable cause exists". After discussion by Mr. Collins, Mr. V. Fischer and Mr. R. Rivers, Mr. R. Rivers moved to amend the Hinckel amendment of Section 11, Committee Proposal 7, by deleting in line 5 "there is reasonable ground" and substituting "probable cause exists". Mr. Kilcher objected.

A short recess was declared.

AFTER RECESS

Mr. R. Rivers asked unanimous consent to withdraw his amendment to the amendment. There being no objection, it was so ordered. Mr. R. Rivers offered a new amendment as follows: Delete the words "reasonable ground" and the words "probable cause" be inserted in lieu thereof. Mr. R. Rivers asked unanimous consent for the adoption of the amendment to the amendment. *There being no objection, it was so ordered.*

After Mr. Metcalf spoke on the amendment, Mr. Taylor offered the following proposed amendment to the amendment of Section 11: After the word "violated" in the third line, insert a period and strike the balance of paragraph eleven.

Mr. Taylor moved and asked unanimous consent for the adoption of his proposed amendment to the amendment. Mr. Kilcher seconded.

After discussion by Mr. Taylor and Mr. White, a voice vote was taken and the amendment to the amendment failed.

Mr. Hinckel requested a roll call on his amendment to Section 11 with the following result:

Yeas: 14 - Armstrong, Boswell, Davis, H. Fischer, Hellenthal, Hinckel, McCutcheon, Poulsen, Riley, R. Rivers, V. Rivers, Robertson, Smith, Sundborg

Nays: 40 - Awes, Barr, Buckalew, Coghill, Collins, Cooper, Cross, Doogan, Emberg, V. Fischer, Gray, Harris, Hermann, Hilscher, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Reader, Rosswog, Stewart, Sweeney, Taylor, Walsh, White, Wien, Mr. President

Absent: 1 - VanderLeest

and so the proposed amendment failed.



Mr. White moved the adoption of his amendment. Mr. Doogan seconded. Mr. White's amendment to Section 11 follows: after last line of Section 11, add:

"The right of privacy of the individual shall not be invaded by use of any electronic or other scientific transmitting, listening or sound recording device for the purpose of gathering information of incriminating evidence, subject to such exceptions and procedures as may be established by law for the protection of the public safety."

After discussion by Mr. White, Mr. Davis and Mr. Barr, Mr. McNealy asked unanimous consent to delete the words "transmitting, listening or sound recording" from Mr. White's proposed amendment. Mr. Johnson objected. Seconded by Mr. R. Rivers.

After discussion by Mr. McLaughlin, Mr. Barr, Mr. White, Mr. Stewart and Mr. Kilcher, Mr. Sundborg rose to a point of order that Mr. Kilcher was not speaking on the amendment to the amendment. The President stated that Mr. Sundborg's point of order was well taken.

The question was called and on voice vote the amendment was adopted.

After discussion by Mr. Cooper, Mr. Taylor, Mr. R. Rivers, Mr. Hellenthal, Mr. Metcalf and Mr. Buckalew on the amendment, the question was called.

The question being "Shall the proposed amendment of Mr. White, as amended, be adopted?". The roll was called with the following result:

Yeas: 14 - Cross, Davis, H. Fischer, Hellenthal, Laws, McCutcheon, McNealy, Poulsen, Reader, R. Rivers, V. Rivers, Robertson, Sundborg, White

Nays: 40 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Collins, Cooper, Doogan, Emberg, V. Fischer, Gray, Harris, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Lee, Londborg, McLaughlin, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Riley, Rosswog, Smith, Stewart, Sweeney, Taylor, Walsh, Wien, Mr. President

Absent: 1 - VanderLeest

and so the amendment failed.

Mr. Hellenthal moved the previous question. Mr. Gray seconded. The President asked if there was a previous question. After discussion, the President ruled there was no previous question.

Mr. Taylor moved the adoption of Section 11 as contained in the Committee Report. Mr. Marston seconded. Mr. Coghill moved the previous question. Mr. Sundborg rose to a point of order to state there was no need to adopt Section 11 because it was still in second reading and adoption could be made only in third reading. The President stated that Mr. Sundborg's point of order was well taken.

Mr. McNeese moved that the Convention proceed to the Article on Health, Education and Welfare. Mr. Barr seconded.

Mr. Riley called attention to the presence in the gallery of Judge Earl Cooper, who played an important role in the calling of the Constitutional Convention as Chairman of the Statehood Committee in the Senate of the last legislature and asked that he be extended the privilege of the floor. Mr. Barr seconded Mr. Riley's request. The President introduced Judge Cooper.

Judge Cooper's remarks follow:

JUDGE COOPER: "Chairman Egan, fellow Alaskans; I think it would not be inappropriate at this time to say fellow Americans, because I feel we are about the business of Americanism today. A lump kind of came into my throat today as I drove up in the taxi and saw the sign out front "Alaska Constitutional Hall". I thought to myself what a historic occasion those people are about in there today. As I look into your faces I could almost call everyone of you by name. That is significant to me from this viewpoint because here establishing a Constitution for the next State of Alaska are people who have identified themselves with civic groups, professional groups, various organizations which have concerned themselves with the welfare of Alaska.

"Two things are significant to me in connection with this Constitutional Convention. One is the fact that you have gone about your deliberations with the sincere and honest desire to bring out a Constitution that is going to be acceptable to all **the** people of Alaska. The second is quite significant to me, that though you happen to be identified with one of the two major political parties, you have approached this Convention here with a spirit of non-partisanship. This was highly necessary to come out with a Constitution acceptable to the people of Alaska. I think you are to be highly commended, my friends. I wish I was a part of this group. I wish I could sometime gather my grandchildren about my knees and say I had the opportunity of fixing my name to a state constitution.

"If I get a little emotional about this it is because you people are making history here today. This deliberation intrigued me the way you have gone about it--with a seriousness, sincerity and the conscientious attitude you have shown. Of course, you will arrive at your areas of difference of opinion. We all have different approaches to the solution of the problems. But you approach this, I think, with what is good for my fellow citizens of Alaska. I predict, although I don't set myself up as a seer, I predict when you come out of here, when your deliberations are over, you can take pride in the fact that you have submitted for confirmation a document all Alaskans can take pride in.

"Thanks very much for extending me this privilege and Godspeed."

*to reconsider*

Mr. Harris stated that he believed there was still a motion by Mr. White to be considered. Mr. Sundborg rose to a point of order and stated that if Mr. White wished to move to reconsider that his time to do so had expired. Mr. White stated that he had no intention of doing so.

Mr. Davis moved that the article be sent to the Committee on Engrossment and Enrollment. The President stated that Mr. Davis' motion was not out of order. Mr. President asked if there was any objection to Mr. Davis' request that the Article be sent to the Committee on Engrossment and Enrollment at this time. He stated further that it would still be in second reading and could be amended even though it was sent to the Committee on Engrossment and Enrollment. Mr. Johnson stated that if it was sent to the Engrossment and Enrollment Committee it would take a suspension of the rules to be brought up on the floor again. Mr. Taylor stated that the article was not final until the entire proposal was finished. The President stated that this was merely a section of the Article included in Proposal No. 7. Mr. Taylor stated that he believed the President to be right in this matter.

Miss Awes moved for a five-minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. Sundborg moved and asked unanimous consent that the remarks of Judge Cooper be spread upon the Journal. Mr. Johnson stated that he would also move that the prayer of Father Boileau be included in this motion and asked unanimous consent to that effect. There being no objection, it was so ordered.

Mr. Coghill asked for the opinion of the delegates regarding night sessions. Mr. President stated that evening sessions had been decided and were to begin at 7:00 p.m., but that the adjournment time



had been left open. After discussion by Mr. White, Mr. Fischer and Mr. R. Rivers, Mr. R. Rivers asked unanimous consent that the Convention recess from 5:30 p.m. until 7:00 p.m. for supper and that the evening session convene at 7:00 p.m. and adjourn at 9:30 p.m. There being no objection, it was so ordered.

Mr. Coghill stated that the cafeteria had to be notified by noon the number of delegates desiring to stay for supper and asked for a show of hands. Mr. Coghill then asked for unanimous consent to recess for lunch.

Prior to putting the question the President allowed the following Committee announcements:

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

Miss Awes announced a meeting of the Committee on the Bill of Rights on recess in the Committee Room.

Mr. V. Rivers announced a meeting of the Executive Committee on recess.

Mr. Coghill announced a meeting of the Committee on Administration at 1:00 p.m.

Mrs. Sweeney announced a meeting of the Engrossment and Enrollment Committee at 12:45 p.m.

There being no objection to the unanimous consent request of Mr. Coghill, the Convention recessed until 1:30 p.m.

#### AFTER RECESS

Miss Awes offered the following amendment from the Committee on Preamble and Bill of Rights: Section 1, Article on Health, Education and Welfare, add word "educational" before the word "institution" on last line.

Mrs. Sweeney reported that the Committee on Engrossment and Enrollment, to whom had been referred Committee Proposal No. 3, had compared the same with the original and found it correctly engrossed and the first enrolled copy correctly enrolled. Mrs. Sweeney moved and asked unanimous consent that the report be adopted. There being no objection, it was so ordered.

Committee Proposal No. 3 was referred to the Committee on Style and Drafting.

Mr. Knight moved the adoption of the Journal for the forty-third day subject to the following correction: page 9, roll call, under nays, strike "Barr" and insert "Awes". There being no objection, the Journal for the forty-third day was approved as corrected.

Mr. Sundborg reported that the Committee on Style and Drafting had divided into subcommittees on the articles which have been referred to it. Three members are going over the proposals word by word. After the subcommittee has agreed upon its recommendations, but before the full committee has acted, the subcommittee will contact the substantive committee involved to sit with the subcommittee to go over in detail the suggested changes so that Style and Drafting may be certain they are following the intent of the Committee which originally drafted the article.

Miss Awes moved and asked unanimous consent for the adoption of the proposed amendment. Mr. V. Rivers objected. Mr. Buckalew seconded.

Mr. Hellenthal rose to a point of order that there was nothing to vote on because this was a committee change and agreed on unanimously by the Committee.

The President stated that he felt it was necessary to adopt the amendment in order to effect the change desired. Mrs. Hermann rose to a point of information to ask if the amendment were adopted it would be possible to remove the word "educational" later.

The President stated that this would not be possible.

After Mr. Coghill, Mr. Robertson, Mr. V. Rivers and Mr. Armstrong spoke on the amendment, Mr. White asked whether or not the rules could be suspended so that the Committee would be allowed to submit its proposed amendment as a part of the Committee report.

The President stated that he stood corrected and that the amendment could be considered under a suspension of the rules.

Mr. White moved that the rules be suspended and that the Committee on Bill of Rights be allowed to submit its proposed amendment as a part of the Committee report. Mr. Hellenthal seconded.

Mr. Riley stated that he believed that what Mr. White wished to move was that the word "educational" be inserted before "institution" and that this be considered a substitute Committee Report.

The President stated that without objection the report of the Committee on Bill of Rights, inserting the word "educational" before the word "institution" would be adopted. There being no objection, it was so ordered.



Mr. Coghill moved and asked unanimous consent for the adoption of the following amendment to the Article on Health, Education and Welfare: Section 1, line 7, after the word "direct" insert the words "or indirect". Mr. R. Rivers objected. Mr. Armstrong seconded.

Mr. White rose to a point of order to state that before the Article was considered certain communications were to be read.

A letter from Mr. Don M. Dafeo, Commissioner of Education, enclosing a statement on Section 1 of the Article on Health, Education and Welfare to the effect that he believed the statement somewhat over-simplified and setting forth seven points which he believed should be included in the Constitution, was read.

Discussion and questioning by Mr. Armstrong, Mr. V. Fischer, Mr. R. Rivers, Mr. Coghill, Mr. Riley, Miss Awes, Mr. Metcalf, Mr. Smith, Mr. Kilcher, Mr. Gray, Mr. Taylor, Mr. McCutcheon, Mr. Poulsen, and Mr. White followed. Mr. Sundborg asked that a communication which he had--a letter from the Director of the Department of Public Welfare to the Attorney General of Alaska--be read. Without objection the letter giving information as to payments made by the territory to various childrens' institutions in the Territory, was read.

After discussion by Mr. Armstrong, Mr. Buckalew, Mr. Rosswog, Mr. Coghill and Mr. Kilcher, the question was called. Mr. Johnson requested a roll call.

The question being "Shall Mr. Coghill's amendment to Section 1 of the Article on Health, Education and Welfare be adopted?", the roll was called with the following result:

Yeas: 19 - Barr, Boswell, Coghill, Collins, Cooper, Cross, Harris, Hilscher, Hinckel, Johnson, King, Knight, Laws, McCutcheon, Metcalf, Nerland, Poulsen, Robertson, Sweeney

Nays: 34 - Armstrong, Awes, Buckalew, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Hellenthal, Hermann, Hurley, Kilcher, Lee, Londborg, McLaughlin, McNealy, McNees, Marston, Nordale, Peratrovich, Reader, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Taylor, Walsh, White, Wien, Mr. President

Absent: 2 - Nolan, VanderLeest

and so the amendment failed.

Mr. White moved the adoption of the following amendment to the article on Health, Education and Welfare: Section 1, strike the last sentence. Mr. V. Fischer seconded.

After discussion by Mr. Armstrong, Mr. White, Mr. V. Fischer, Mr. Gray, Mr. Sundborg, Mr. Smith, Mr. Coghill, Mr. Barr and Mr. McNees, the question was called. Mr. Johnson requested a roll call.

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

Yeas: 13 - V. Fischer, Hurley, Kilcher, Laws, Lee, McCutcheon, Nolan, Poulsen, Reader, Riley, Sundborg, Walsh, White

Nays: 41 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Collins, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Johnson, King, Knight, Londborg, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nordale, Peratrovich, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sweeney, Taylor, Wien, Mr. President

Absent: 1 - VanderLeest

and so the amendment failed.

After questioning the Chairman of the Committee on Bill of Rights, Mr. V. Rivers moved the adoption of the following amendment: line 7, Section 1, strike "direct" and insert in lieu thereof the words "support of". Mr. Barr seconded.

~~After~~ Mr. Rosswog spoke on the amendment, Mr. Coghill asked unanimous consent for a recess. There being no objection, it was so ordered.

#### AFTER RECESS

After discussion by Mr. Robertson and Mr. Taylor, Mr. V. Rivers asked unanimous consent to withdraw his amendment. There being no objection, it was so ordered.

Mr. Barr asked unanimous consent to revert to the introduction of delegate proposals. There being no objection, it was so ordered.

#### INTRODUCTION AND FIRST READING OF PROPOSALS

Delegate Proposal No. 44 by Mr. Barr, entitled DEPARTMENT OF LABOR, was introduced, read the first time and referred to the Committee on the Executive.

Delegate Proposal No. 45 by Mr. Barr, entitled OFFICE OF THE ATTORNEY GENERAL, was introduced, read the first time and referred to the Committee on the Executive Branch.

Mr. Barr asked that the proposal go to the Committee on the Judiciary Branch also. The President ordered that Proposal No. 45 be referred to the Judiciary Branch after the Committee on the Executive Branch had considered it.

Mr. Hurley rose to a point of personal privilege to discuss the article on Health, Education and Welfare.

Mrs. Hermann moved the adoption of the following amendment to the article on Health, Education and Welfare:

Add a new Section 2 and renumber succeeding sections:

"The state shall provide for a Unified Library Service."

Mr. Buckalew objected. Mr. Taylor seconded.

After discussion by Mrs. Hermann, Mr. Doogan, Mr. Sundborg, Mr. McNealy, Mr. Marston, Mr. Taylor and Mr. Barr, the question was called. The roll was called with the following result:

Yeas: 16 - Armstrong, Boswell, Coghill, Collins, Cooper, Doogan, Hermann, Hinckel, Johnson, Laws, Londborg, McNees, Nerland, Robertson, Sweeney, Walsh

Nays: 37 - Awes, Barr, Buckalew, Cross, Davis, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hurley, Kilcher, King, Knight, Lee, McCutcheon, McLaughlin, McNealy, Marston, Metcalf, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Taylor, White, Wien, Mr. President

Absent: 2 - Hilscher, VanderLeest

and so the amendment failed.

Mr. Buckalew moved the adoption of the following amendment:

Strike Sections 2 and 3 and renumber Section 4 to read Section 2. Mr. Metcalf seconded. After discussion by Mr. Buckalew, Mr. Armstrong, Mr. Marston, Mr. Taylor and Mr. Sundborg, the question was called. On voice vote the amendment failed.

Without objection the President declared a fifteen-minute recess.

#### AFTER RECESS

Mr. Kilcher moved the adoption of the following amendment:



Strike all of Section 3 and substitute the following:

"The State may provide for the general welfare." Mr. Robertson seconded. After discussion by Mrs. Nordale, Mr. Kilcher, Mrs. Hermann, Mr. Barr, Mr. Robertson, Mr. Armstrong, Mr. Taylor and Mr. Hellenthal, Mrs. Hermann rose to a point of order to state she believed the speakers out of order because they were not speaking on the motion to amend.

Mr. Kilcher asked unanimous consent to amend his amendment by changing the word "general" to "public". There being no objection, it was so ordered.

After further discussion by Mr. Londborg, Mr. Harris and Mr. Armstrong, the question was called. On voice vote the amendment failed.

Mr. Taylor moved the adoption of the following amendment: line 11, after the word "for", insert "a system of". Mr. Armstrong seconded. After discussion by Mr. Marston, Mr. Gray and Mr. Taylor, the question was called. The roll was called with the following result:

Yeas: 26 - Armstrong, Boswell, Coghill, Cooper, Davis, H. Fischer, Harris, Hellenthal Hermann, Hilscher, Hinckel, Knight, McCutcheon, McNealy, Marston, Metcalf, Nerland, Nordale, Riley, R. Rivers, Robertson, Rosswog, Stewart, Sundborg, Taylor, Walsh

Nays: 27 - Awes, Barr, Buckalew, Collins, Cross, Doogan, Emberg, V. Fischer, Gray, Hurley, Johnson, Kilcher, King, Laws, Lee, Londborg, McLaughlin, McNees, Nolan, Peratrovich, Reader, V. Rivers, Smith, Sweeney, White, Wien, Mr. President

Absent: 2 - Poulsen, VanderLeest

and so the amendment failed.

Mr. Buckalew asked for and was granted the privilege of the floor.

Mr. V. Fischer moved and asked unanimous consent for the adoption of the following amendment: strike Section 4 (Substandard Areas and Public Housing). Mr. Gray objected. Mr. Hurley seconded. After Mr. Fischer explained that it had been at his request that Section 4 had been inserted and he had since ascertained that adequate authority exists in other provisions of the Constitution to carry out the purposes of the sections, Mr. Gray withdrew his objection to the amendment. Mr. Fischer renewed his unanimous consent request. Mr. Taylor objected. After Mr. McNees spoke, the question was called. On voice vote the amendment was adopted.

Mr. Taylor moved the adoption of the following amendment:

Add new Section known as Section 4 as follows: "In all matters of public welfare the legislature may provide by law ~~the~~ cooperation with the United States, or other states." Mr. McNealy seconded. Mr. McLaughlin objected. After discussion by Mr. McLaughlin and Mr. V. Rivers, Mr. Taylor asked unanimous consent to withdraw his amendment. There being no objection, it was so ordered.

Mr. V. Rivers asked unanimous consent to revert to the introduction of proposals. Mr. Kilcher objected since he had an amendment to Section 3 and would like action taken before reverting to other business. Mr. V. Rivers yielded to Mr. Kilcher's objection.

Mr. Kilcher moved and asked unanimous consent for the adoption of the following amendment: lines 11 and 12, strike the words "public welfare". Mr. Sundborg objected. Mr. Londborg seconded. After Mr. Kilcher spoke on the amendment, the question was called. On voice vote the amendment failed.

Mr. Londborg gave notice of intention to reconsider his vote on the Coghill amendment to Section 1 of the Article on Health, Education and Welfare.

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

#### AFTER RECESS

At the request of the President, First Vice-President Peratrovich presided.

In accordance with Mr. V. Rivers' request, the Convention reverted to the introduction of delegate proposals.

Delegate Proposal No. 46, introduced by Mr. V. Rivers, entitled ORDINANCE: The legislature shall establish one or more agencies of State government to regulate public utilities in the public interest, was introduced, read the first time and referred to the Committee on Ordinances and Transitional Measures.

Committee Proposal No. 5 was read the second time.

Mr. Hellenthal moved that the matter of possible conflict between the Legislative and Apportionment articles as to Sections 1 and 25 of Proposal No. 5 be referred to the Rules Committee for suggestions. Mr. Marston seconded. On voice vote the motion carried.

After discussion by Mr. Doogan and Mr. McCutcheon, Mr. Riley announced a meeting of the Rules Committee during the recess.

After questions by Mr. Nerland and Mr. White regarding conflict between sections of the Legislative Article and the Finance Article, Mr. Riley asked unanimous consent that the directive just given the Rules Committee extend beyond the Apportionment and Legislative Branch. There being no objection, it was so ordered.

Mr. Doogan moved and asked unanimous consent that the Convention recess until 7 p.m. so that the Rules Committee could meet. Mr. Cooper objected. Mr. Doogan moved. Mr. Barr seconded.

Mr. Rosswog asked to revert to Committee announcements.

Mr. V. Fischer rose to a point of order that the Chairman had not recognized Mr. Doogan and Mr. Cooper had the floor.

The Chairman stated Mr. Fischer's point of order was well taken.

Mr. Cooper stated that since the Apportionment and Legislative Committees had arrived at identical figures the Convention should go on with consideration of Proposal No. 5.

Mr. Doogan moved that the Convention stand at recess until 7 p.m. Mr. Barr seconded.

The Chairman allowed the following Committee announcements to be made:

Mr. Rosswog announced a meeting of the Committee on Local Government on recess.

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

The question being "Shall the Convention recess until 7 p.m.?", the roll was called with the following result:

Yeas: 8 - Barr, Doogan, Harris, Laws, Marston, Nolan, Riley, Sweeney

Nays: 43 - Armstrong, Awes, Boswell, Buckalew, Coghill, Collins, Cooper, Cross, Davis, Emberg, H. Fischer, V. Fischer, Gray, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Metcalf, Nerland, Nordale, Peratrovich, Reader, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Sundborg, Taylor, Walsh, White, Wien

Absent: 4 - Poulsen, Stewart, VanderLeest, Mr. President

and so the Convention did not recess.



After discussion, the Chairman ordered that Sections 1 and 25 would be referred to the Rules Committee.

After further discussion regarding consideration of Proposal No. 5, Mrs. Sweeney moved and asked unanimous consent that Committee Proposal No. 14 be taken up at this time rather than Committee Proposal No. 5. Mr. Nolan objected. Mr. Harris seconded. The motion requiring a suspension of rules, the roll was called with the following result:

Yeas: 25 - Armstrong, Awas, Coghill, Collins, Emberg, H. Fischer, Harris, Hellenthal, Hinckel, King, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Reader, Sweeney, Taylor, Wien

Nays: 25 - Barr, Boswell, Buckalew, Cooper, Cross, Davis, Doogan, V. Fischer, Gray, Hermann, Hurley, Johnson, Kilcher, Nolan, Nordale, Peratrovich, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Sundborg, Walsh, White

Absent: 5 - Hilscher, Poulsen, Stewart, VanderLeest, Mr. President  
and so the rules were not suspended.

Mr. Doogan moved that the figures in Section 1 be the same as those finally settled upon in the apportionment article.

Mrs. Hermann stated that Mr. Doogan's motion was out of order. The Chairman stated that Mrs. Hermann was correct.

Mr. Harris moved that the Convention recess until 7 p.m. Mr. V. Rivers seconded. On voice vote the Convention recessed until 7 p.m.

#### AFTER RECESS

The Convention was called to order at 7:25 p.m. by Vice-President Peratrovich who explained that the stenotypist was delayed and asked the pleasure of the group as to continuing business without the stenotypist. Mr. Harris stated he believed that portion not covered by the stenotypist could be transcribed from the tape recording.

Mr. Hurley moved and asked unanimous consent that the Convention continue with the business before it. There being no objection, it was so ordered.

Mr. Riley reported that the Rules Committee had met and recommended that Section 25 in the Legislative Article be stricken from the Legislative Article and that it be considered later with the Apportionment Article;

that Section 1 be considered now, since the apportionment formula will apply against whatever number of senators and representatives are provided in the legislative article. The Committee on Rules asked that all Committee Chairmen call to the attention of the Rules Committee particular conflicts concerning their articles prior to second reading of the article, so that the Rules Committee can recommend the assignment of the conflicting matter. Mr. Riley asked unanimous consent that the report be adopted. Mr. Marston objected. Mr. Doogan seconded.

After discussion by Mr. Marston and Mr. Londborg, the Chairman declared a short recess so that the stenotypist could get set up.

AFTER RECESS

After discussion by Mr. Londborg, Mr. Riley, Mr. Kilcher, Mr. Cooper, Mr. Londborg, Mr. V. Fischer, Mr. Hellenthal, Mr. Sundborg, Mr. White, Mr. Nordale, and Mr. Lee, the question was called. On voice vote the report of the Rules Committee was adopted.

Mr. Barr moved the adoption of the following amendment to Section 1: line 3, change the figure "20" to "16". Mr. Nolan seconded.

Mr. Hellenthal stated he would give the report of the Apportionment Committee at this time.

Mr. Riley rose to a point of order to state that he believed that report out of order at this time.

The Chairman stated that he believed it had bearing on the motion.

Mr. Coghill requested a two-minute recess.

AFTER RECESS

After further discussion by Mr. Hellenthal, Mr. Barr, Mr. Metcalf and Mr. V. Rivers, Mr. R. Rivers moved and asked unanimous consent that Section 1 be suspended from consideration at this time but that no one be foreclosed from amending when it is considered in connection with apportionment.

The Chairman stated the motion was out of order since Mr. Barr's motion was before the Convention.

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

Mr. V. Fischer rose to a point of order to state there was nothing in the rules which permitted the yielding which had been going on. The Chairman stated Mr. Fischer was correct and Mr. Hellenthal withdrew from the discussion.

Mr. R. Rivers moved that Section 1 be suspended along with Section 25 for consideration later when the Convention had discussed apportionment, and that the rules be suspended so no one would be foreclosed from moving for any particular number at that time.

Mrs. Hermann stated that the Convention had just passed a motion to accept the report of the Rules Committee which would mean taking up Section 1 at this time.

The Chairman stated he believed it was in order to move to postpone consideration of the Section to a time certain.

Mrs. Hermann stated she believed the Convention would have to rescind action on that report.

The President stated that there was nothing before the Convention since Mr. R. Rivers' motion had not been seconded. Mr. Barr seconded Mr. R. Rivers' motion.

After discussion by Mr. McCutcheon, Mr. Johnson, Mr. Taylor, Mr. Nerland, Mr. V. Fischer and Mr. Cooper, Mr. Buckalew moved the previous question. Mr. Doogan seconded.

Mr. McLaughlin asked unanimous consent for a two-minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. R. Rivers asked unanimous consent to withdraw his motion. There being no objection, it was so ordered.

Mr. McLaughlin moved the adoption of the following amendment: Section 1, page 1, line 3, strike the words "of not more than 20 members" and on line 40, strike "of not more than 40 members". Mr. White seconded. Mr. Buckalew objected. After discussion by Mr. McLaughlin, Mr. Buckalew, Mr. Davis and Mr. White, Mr. Coghill moved the previous question. Mr. R. Rivers seconded. On voice vote the previous question was not ordered.

After Mr. McLaughlin spoke, the question was called. The roll was called with the following result:

Yeas: 38 - Armstrong, Awes, Barr, Boswell, Coghill, Cross, Davis, Emberg, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, Knight, Laws, Londborg, McLaughlin, McNealy, Marston, Metcalf, Nerland, Nolan, Nordale, Poulsen, Reader, Riley, R. Rivers, Rosswog, Smith, Stewart, Sweeney, Walsh, White, Wien



Nays: 11 - Buckalew, Cooper, Doogan, V. Fischer, Lee, McCutcheon, McNees, Peratrovich, V. Rivers, Sundborg, Taylor

Absent: 6 - Collins, H. Fischer, King, Robertson, VanderLeest, Mr. President

and so the amendment was adopted.

After questions from Mr. V. Fischer, Mr. Coghill and Mr. Taylor of the Chairman of the Committee on Legislative Branch, Mr. Riley requested a two-minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. Sundborg moved the adoption of the following amendment:

Section 5, line 15, after the word "office", insert the words "or the Congress of the United States". Mr. Taylor asked unanimous consent for the adoption of the amendment. There being no objection, it was so ordered.

Mr. Harris moved the adoption of the following amendment: Section 5, line 13, delete "or other elective or appointive officer of this State". Mr. Barr seconded. After discussion by Mr. Harris, Mr. R. Rivers and Mr. Barr, the question was called. On voice vote the amendment failed.

Mr. Johnson moved the adoption of the following amendment: Section 5, page 2, line 14, after word "state" add the words "except members of Boards". Mr. Harris seconded. On voice vote the amendment was adopted.

After discussion of Section 6 by Mr. Coghill, Mr. McCutcheon, Mr. V. Rivers, Mrs. Nordale, Mrs. Sweeney, Mrs. Hermann and Mr. Taylor, Mr. Buckalew requested a three-minute recess. There being no objection, it was so ordered.

#### AFTER RECESS

Mr. McCutcheon asked unanimous consent for the adoption of the following amendment: Section 6, line 25, page 2, after the word "arrest" insert "and immune from service of civil process". Mr. R. Rivers objected. Mr. McCutcheon so moved. Mr. Buckalew seconded. After discussion by Mr. R. Rivers, Mr. Buckalew and Mr. Hellenthal, Mr. McCutcheon asked unanimous consent to hold further action on the amendment until the language could be clarified. There being no objection, it was so ordered.

Mr. Boswell moved the adoption of the following amendment to Section 7: strike first two lines of Section 7 and the word "Governor" in the third line and insert in lieu thereof: "Each member of the legislature shall receive for their services and per diem a sum not to exceed one three-hundred-sixtieth of the annual salary of the Governor

for each day's attendance while the legislature is in session,"; strike the comma after salary in line 8, insert a period, and strike the remainder of lines 8, 9 and 10. Mr. Coghill seconded.

After discussion by Mr. Armstrong, Mr. Boswell, Mr. V. Fischer, Mr. McNees, Mr. Rosswog, Mr. Barr and Mr. Hellenthal, Mr. McCutcheon asked unanimous consent for a short recess. There being no objection it was so ordered.

AFTER RECESS

After Mr. Armstrong and Mr. V. Fischer asked questions of Mr. Taylor regarding Section 7, Mr. R. Rivers spoke.

Mr. Marston moved and asked unanimous consent that the Convention adjourn for the evening. Mr. Johnson seconded.

Mr. Doogan served notice of reconsideration of his vote on the amendment to Section 1 of the Article on Health, Education and Welfare offered by Mr. White and Mr. V. Fischer.

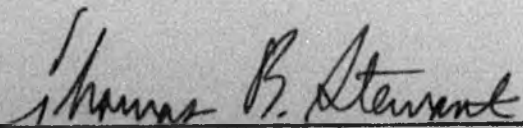
Mr. Riley reported that the Rules Committee had reconsidered the pending calendar and had decided to change it so that Apportionment would follow the legislative article rather than Articles 10 and 12 on the Executive, and as a result of this decision the Article on Apportionment would probably be on the calendar for Thursday, January 12.

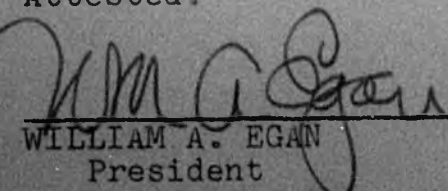
Mr. White rose to a point of order that Mr. Marston's motion for adjournment did not state a specific hour.

Mr. Marston stated his amendment should have included "until 9 a.m. Tuesday".

Mr. McCutcheon announced a meeting of the Legislative Committee at 8:30 a.m.

There being no objection, the Convention adjourned at 9:35 p.m. until 9 a.m. Tuesday.

  
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THOMAS B. STEWART  
Secretary

Attested:  
  
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WILLIAM A. EGAN  
President