

Constitutional Convention
Journal/39
Approved Jan. 12, 1956

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL OF THE FORTY-NINTH CONVENTION DAY, Tuesday, January 10, 1956

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

The Invocation was given by the Rev. Robert Sheppard of the Church of the Nazarene.

Roll call showed all present except Mr. VanderLeest who is ill. The President declared a quorum to be present.

Mr. White asked unanimous consent that the Journal for the 44th day be approved subject to the following corrections:

Page 5 - fifth paragraph from the bottom of the page, change the word "refer" to "revert".

Page 9 - third paragraph from the top, insert a period after the word "Amendment" and strike the words "of Proposal No. 3."

Page 14- bottom paragraph, strike the second "s" on "River's".

Page 16- third paragraph from the bottom, excluding the roll call, strike the comma after Section 3 and insert a colon.

Page 18- third paragraph, beginning with the words "Mr. Taylor" correct spelling of the word "siezed".

Page 19- second paragraph, third line, insert "R." before the name "Rivers".

There being no objection, the Journal for the 44th day was ordered approved as corrected.

Mr. Coghill announced that the children of the Nenana Public School will attend the Convention on Friday morning, January 13th. There will be twenty children.

Mr. Hellenthal announced that there will be a meeting of Committee No. 6 immediately following the calling of the noon recess.

Mr. Cross announced that the Committee on Resolutions and Recommendations had studied Delegate Marston's Resolution and recommended that it be adopted.

49th Day, Tuesday, Jan. 10, 1956

The report of the Committee was read and without objection the report was adopted.

The President referred the Resolution to the Rules Committee for assignment to the calendar.

Mr. Johnson asked to be excused for the balance of the morning session. The President excused Delegate Johnson.

The Boswell Amendment to Section 7 of Proposal No. 5 having been held over was brought up at this time.

After discussion by Mr. Gray, Mr. McNeese, Mr. V. Fischer and Mr. V. Rivers, Mrs. Sweeney asked unanimous consent for special privilege of the floor. There being no objection it was so ordered.

After discussion by Mr. Lundborg, Mr. V. Rivers, Mr. McNeese, Mr. Buckalew and Mr. Marston, Mr. Boswell asked unanimous consent for a two-minute recess. There being no objection, it was so ordered.

AFTER RECESS

After discussion by Mr. Boswell, Mr. White, Mr. V. Rivers, Mr. Walsh, Mr. V. Fischer and Mr. McCutcheon on Mr. Boswell's Amendment the Chief Clerk was asked to read the amendment. Mr. V. Rivers asked unanimous consent for the adoption of the following amendment to the amendment: strike the words "and per diem" and the last three lines which are nos. 8, 9 and 10. Seconded by Mr. Barr.

After Mr. Boswell spoke, Mr. Sundborg moved that Mr. Boswell's Amendment be laid on the table. Seconded by Mr. V. Rivers.

The President stated that the motion was not in order; that the motion should be to lay the amendment on the table which would take the original amendment with it. There being no objection, the President declared a short recess.

AFTER RECESS

Mr. Sundborg asked unanimous consent to withdraw his motion to lay Mr. Boswell's motion on the table. There being no objection, it was so ordered.

Mr. V. Rivers asked unanimous consent to withdraw his proposed amendment to the Boswell Amendment. There being no objection, it was so ordered. There being no further discussion, Mr. Walsh asked for a roll call on the Boswell Amendment. The question being "Shall the

Boswell Amendment be adopted?" The roll was called with the following result:

Yeas: 19 - Armstrong, Barr, Boswell, Coghill, Kilcher, King, Laws, Londborg, Nerland, Poulsen, Reader, R. Rivers, Robertson, Stewart, Sweeney, Taylor, Walsh, White

Nays: 33 - Awes, Buckalew, Collins, Cooper, Cross, Davis, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hermann, Hilscher, Hinckel, Hurley, Knight, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nolan, Nordale, Peratrovich, Riley, V. Rivers, Rosswog, Smith, Sundborg, Wien, Mr. President

Absent: 3 - Doogan, Johnson, VanderLeest

and so the amendment failed.

Mr. Gray and Mr. Taylor presented proposed amendments to Section 7, Proposal 5. Mr. Hellenthal rose to a point of order and stated he understood that the Legislative Committee had an amendment.

Mr. Gray moved for adoption of the following amendment: Section 7, line 4, delete the words "one third" and insert the words "one-tenth". Mr. Taylor seconded and asked unanimous consent for its adoption.

Mr. Buckalew objected.

After discussion by Mr. Gray, Mr. Buckalew, Mr. Kilcher, Mr. V. Rivers and Mr. McNees, Mr. Sundborg asked unanimous consent for a fifteen-minute recess. There being no objection, it was so ordered.

AFTER RECESS

The President stated that Mr. Sundborg had not withdrawn his motion to table the Boswell amendment because he had been in error in making the motion. He was in order in making the motion since the motion before the body was Mr. Boswell's motion. Mr. V. Rivers' motion was a subsidiary motion and so would have been carried with Mr. Boswell's motion. Mr. Sundborg had withdrawn his motion for the purpose of avoiding any possible confusion to further amendments relating to salary.

After Mr. Londborg spoke, Mr. Davis asked that the following changes be made: Section 7, line 4, page 3, after the word "equal" put in the words "of not to exceed".

Mr. McNealy spoke.

The President asked Mr. Davis if he were offering this change as an amendment. Mr. Davis replied in the affirmative and moved for adoption of his amendment. The President declared a recess.

AFTER RECESS

Mr. Gray asked unanimous consent to withdraw his original amendment. There being no objection, it was so ordered.

Mr. Gray moved for adoption of the following amendment: after the word "salary", delete "equal to one-third" and insert "not to exceed 10%". Mr. Taylor seconded.

After discussion by Mr. White, Mr. R. Rivers and Mr. Coghill, Mr. V. Rivers moved to insert "20%" instead of "10%".

After discussion by Mr. Buckalew, Mr. Marston, Mr. Hurley, Mrs. Nordale, Mr. Barr, Mr. McCutcheon, Mr. McNees, Mr. Nolan, Mr. Sundborg, Mr. Hilcher and Mrs. Hermann, Mr. Hellenthal rose to a point of order that Mr. McNees had spoken more than twice. Mr. V. Rivers pointed out that Mr. McNees had not spoken on the amendment to the amendment. Mr. McNees then spoke on the V. Rivers amendment to the amendment.

The President then put the question "Shall the proposed amendment to the Boswell Amendment as offered by Mr. V. Rivers be adopted?" The roll was called with the following result:

Yeas: 21 - Awes, Barr, Buckalew, Cooper, Cross, Doogan, Emberg, Hinckel, Hurley, Kilcher, Lee, McCutcheon, McNees, Nolan, Nordale, Peratrovich, R. Rivers, V. Rivers, Smith, Stewart, Taylor

Nays: 32 - Armstrong, Boswell, Coghill, Collins, Davis, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, King, Knight, Laws, Londborg, McLaughlin, McNealy, Marston, Metcalf, Nerland, Poulsen, Reader, Riley, Robertson, Rosswog, Sundborg, Sweeney, Walsh, White, Wien, Mr. President

Absent: 2 - Johnson, VanderLeest

and so the amendment to the amendment failed.

Mr. R. Rivers moved to amend Mr. Gray's amendment by changing "10%" to "15%". Seconded by Mr. Fischer.

Mrs. Hermann asked unanimous consent to recess until 1:30 p.m. Mr. Buckalew objected. On voice vote the motion for recess failed.

After discussion by Mr. Taylor, Mr. Londborg, Mr. V. Rivers and Mr. Sundborg, Mr. Harris moved the previous question. Mr. Buckalew seconded. The question being "Shall the previous question be ordered?", the roll was called with the following result:

Yeas: 38 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Collins, Cooper, Cross, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, King, Knight, Lee, McCutcheon, McLaughlin, McNealy, McNees, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Riley, Sundborg, Sweeney, Taylor, White, Wien

Nays: 15 - Davis, Kilcher, Laws, Londborg, Marston, Metcalf, Reader, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Walsh, Mr. President

Absent: 2 - Johnson, VanderLeest

and so the previous question was ordered.

The question is: "Shall the proposed amendment to the amendment be adopted?" Mr. Metcalf asked for a roll call. The roll was called with the following result:

Yeas: 22 - Armstrong, Awes, Barr, Buckalew, Cooper, Cross, Doogan, Emberg, H. Fischer, Hinckel, Hurley, Kilcher, Lee, McCutcheon, McNees, Nordale, Peratrovich, Riley, R. Rivers, Smith, Stewart, Taylor

Nays: 31 - Boswell, Coghill, Collins, Davis, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, King, Knight, Laws, Londborg, McLaughlin, McNealy, Marston, Metcalf, Nerland, Nolan, Poulsen, Reader, V. Rivers, Robertson, Rosswog, Sundborg, Sweeney, Walsh, White, Wien, Mr. President

Absent: 2 - Johnson, VanderLeest

and so the amendment to the amendment failed.

Mr. Doogan moved to recess. Mr. Sundborg objected. Mr. Sundborg moved the previous question. Mr. Taylor seconded. On voice vote, the previous question was ordered. The question being "Shall Mr. Gray's amendment be adopted?", the roll was called with the following result:

Yeas: 48 - Armstrong, Awes, Barr, Boswell, Collins, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Kilcher, King, Knight, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, Walsh, White, Wien, Mr. President

Nays: 5 - Buckalew, Coghill, Cooper, Laws, Nolan

Absent: 2 - Johnson, VanderLeest

and so the amendment was adopted.

Mr. Sundborg asked unanimous consent to recess until 1:35 p.m. The President asked for Committee Announcements before recess. Mr. Hellenthal announced a meeting of the Committee on Suffrage, Elections and Apportionment on recess. Mr. V. Rivers announced a meeting of the Executive Branch Committee at 12:50.

There being no objection to Mr. Sundborg's motion to recess, it was so ordered.

AFTER RECESS

Mr. White moved the adoption of the following amendment to Section 7 and asked unanimous consent: insert at the end of the paragraph the following: "No increase or decrease in salary or per diem shall apply to the legislature which enacted it." Mr. Buckalew objected. Mr. White so moved. Mr. Metcalf seconded. After discussion by Mr. McLaughlin, Mr. White and Mr. Sundborg, Mr. White asked unanimous consent to strike "or per diem" from his amendment. Mr. V. Rivers objected. Mr. White so moved. Mrs. Sweeney seconded.

After discussion by Mrs. Sweeney, Mr. Sundborg, Mr. Johnson, Mr. Gray, Mr. V. Rivers, Mr. Barr and Mr. V. Fischer, Mr. V. Rivers withdrew his objection. Mr. Riley objected.

Mr. McNees spoke on the amendment. Mr. V. Fischer rose to a point of order to state that Mr. McNees was out of order because he was not speaking on the amendment to the amendment.

The question being "Shall the amendment to the amendment be adopted?", on voice vote, the amendment was adopted.

Mr. McNees asked whether Mr. White would consent to deleting the words "or decrease". Mr. White objected.

The question was called on Mr. White's amendment. On voice vote the amendment as amended failed.

Mr. Buckalew moved the adoption of the following amendment to Section 7: line 4, strike all material following the first word "salary" up to and including the word "governor" on line 5. Miss Awes seconded.

After discussion by Mr. Buckalew and Mr. Metcalf the question was called. The roll was called with the following result:

Yeas: 28 - Awes, Buckalew, Cooper, Cross, Doogan, Emberg, Harris, Hermann, Hinckel, Hurley, Kilcher, King, Knight, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Nolan, Nordale, Peratrovich, Riley, V. Rivers, Stewart, Sweeney, Wien, Mr. President

Nays: 23 - Armstrong, Barr, Boswell, Collins, Davis, H. Fischer, V. Fischer, Gray, Hellenthal, Johnson, Laws, Metcalf, Nerland, Poulsen, Reader, R. Rivers, Robertson, Rosswog, Smith, Sundborg, Taylor, Walsh, White

Absent: 4 - Coghill, Hilscher, Londborg, VanderLeest

and so the amendment was adopted.

Mr. V. Fischer asked unanimous consent for the adoption of the following amendment to Section 7: page 3, strike first sentence and substitute the following: "Members of the legislature shall receive an annual salary and expense allowances as prescribed by law, but the amount thereof shall neither be increased or diminished during the term for which they are elected."

In line 8, replace comma by period and strike remainder of sentence. Mr. Buckalew objected. Mr. Fischer so moved. Mrs. Hermann seconded.

After discussion by Mr. Fischer and Mr. R. Rivers, Mr. Hurley requested a short recess. There being no objection, it was so ordered.

AFTER RECESS

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

Mr. Fischer moved the adoption of the following amendment to Section 7: page 3, strike the first sentence and substitute the following: "Members of the legislature shall receive an annual salary and expense allowances as prescribed by law, but any increase or decrease in salary shall not apply to the legislature which enacted the change." In line 8, replace comma by period and strike remainder of the sentence. Mrs. Hermann seconded. After discussion by Mr. Kilcher, Mr. Fischer, Mr. Riley, Mr. McLaughlin, Mr. Hellenthal, Mrs. Hermann, Mr. Sundborg and Mr. McNealy, the question was called.

The question being "Shall Mr. Fischer's amendment to Section 7 be adopted?", the roll was called with the following result:

Yeas: 25 - Armstrong, Boswell, Cross, Davis, V. Fischer, Harris, Hellenthal, Hermann, Hurley, Johnson, Knight, Lee, Marston, Nerland, Poulsen, Reader, Riley, Robertson, Rosswog, Smith, Stewart, Walsh, White, Wien, Mr. President

Nays: 26 - Awes, Barr, Buckalew, Collins, Cooper, Emberg, H. Fischer, Gray, Hilscher, Hinckel, Kilcher, King, Laws, McCutcheon, McLaughlin, McNealy, McNees, Metcalf, Nolan, Nordale, Peratrovich, R. Rivers, V. Rivers, Sundborg, Sweeney, Taylor

Absent: 4 - Coghill, Doogan, Londborg, VanderLeest

and so the amendment failed.

Mrs. Nordale served notice to reconsider her vote on Mr. Buckalew's amendment to Section 7.

Mr. Sundborg asked Mrs. Nordale if she would object to taking up her reconsideration immediately. Mrs. Nordale stated she would not object.

The President declared a short recess.

AFTER RECESS

Mr. Sundborg moved and asked unanimous consent that Mrs. Nordale's reconsideration be taken up at this time. Mr. Metcalf seconded. Mr. Johnson objected.

The question being "Shall the rules be suspended and Mrs. Nordale's reconsideration of her vote be taken up at this time?", the roll was called with the following result:

Yeas: 46 - Armstrong, Awes, Barr, Boswell, Buckalew, Collins, Cooper, Cross, Davis, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, King, Knight, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, Walsh, White, Wien

Nays: 5 - Johnson, Kilcher, Laws, Nolan, Mr. President

Absent: 4 - Coghill, Doogan, Londborg, VanderLeest

and so the Rules were suspended.

After discussion by Mr. Hellenthal, Mr. McNees, Miss Awes, Mr. Gray, Mrs. Nordale, Mr. Peratrovich, Mr. Lee, Mr. Hilscher, Mr. Davis, Mr. R. Rivers, Mr. Kilcher, Mr. Nerland, Mrs. Hermann, Mr. Marston, Mr. V. Rivers, Mr. Barr, Mr. V. Fischer, Mr. Taylor, Mr. Riley, Mr. Sundborg, Miss Awes, Mr. Buckalew, Mr. Peratrovich and Mr. McNees, the question was called.

The question being "Shall Mr. Buckalew's amendment to Section 7 of Committee Proposal No. 5 be adopted?", the roll was called with the following result:

Yeas: 27 - Armstrong, Awes, Buckalew, Cooper, Cross, Doogan, Emberg, V. Fischer, Harris, Hermann, Hurley, Johnson, Kilcher, King, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Nolan, Peratrovich, Riley, V. Rivers, Smith, Stewart, Mr. President

Nays: 25 - Barr, Boswell, Collins, Davis, H. Fischer, Gray, Hellenthal, Hilscher, Hinckel, Knight, Laws, Metcalf, Nerland, Nordale, Poulsen, Reader, R. Rivers, Robertson, Rosswog, Sundborg, Sweeney, Taylor, Walsh, White, Wien

Absent: 3 - Coghill, Londborg, VanderLeest

and so the amendment was adopted.

Mr. Robertson moved the adoption of the following amendment to Section 8: line, 12, insert the word "uneven" before the word "year". Mr. Doogan objected. Mr. Metcalf seconded. After discussion by Mr. Robertson, Mr. Doogan, Mr. Taylor, Mr. Robertson, Mr. Smith, Mr. McNees, and Mr. Metcalf, the question was called. On voice vote the amendment failed.

The President declared a short recess.

AFTER RECESS

The President announced that there was a communication from Professor Edwin H. Richardson, Coordinator of Student Activities at the University of Alaska, advising the Convention that General William Dean would be visiting the University and would speak to the students January 12, and inviting the delegates to hear General Dean speak. The President stated he believed if the delegates did not wish to recess to hear General Dean that they could invite him to attend the Convention.

Mr. Johnson moved and asked unanimous consent that the President request Major General Dean to present a few remarks to the Convention on Thursday afternoon. There being no objection, it was so ordered.

Mr. V. Rivers moved the adoption of the following amendment to Section 8: page 3, Section 8, line 14, add the following at the end of this section: "If the two houses cannot agree on the time of adjournment, the Governor may, on the same being certified to him by one of the houses, adjourn the legislature to such time as he shall think proper but not beyond the day set for the opening of the next regular session."

Mrs. Nordale seconded. Mr. Hurley asked unanimous consent. Mr. Gray objected. After Mr. McCutcheon, Mr. V. Rivers and Mr. Johnson spoke, Mr. Gray withdrew his objection. Mr. Riley, Mr. Hurley, Mr. Kilcher, Mr. Barr, Mr. V. Rivers and Mr. Buckalew spoke on the amendment. The President declared a two-minute recess.

AFTER RECESS

Mr. V. Rivers asked unanimous consent to withdraw his original amendment. There being no objection, it was so ordered.

Mr. V. Rivers moved the adoption of the following amendment: page 3, Section 8, line 14, add the following at the end of this section: "If the two houses cannot agree on the time of adjournment, the Governor may, on the same being certified to him by one of the houses, adjourn the legislature, subject to the provisions of Section 9 hereof." Mr. Buckalew seconded.

After discussion by Mr. Smith, Mr. McCutcheon, Mr. Hurley, Mr. V. Rivers, Mr. Kilcher, Mr. McCutcheon, Mr. Riley and Mr. Hellenthal, Mr. Kilcher moved that the proposed amendment be held over until a certain time after Section 11 had been discussed. Mr. Knight seconded. Mr. Kilcher requested unanimous consent. There being no objection, it was so ordered.

Mr. Sundborg moved the adoption of the following amendment to Section 8: line 12, after the word "year" insert "for a session of not to exceed 60 days". Mrs. Hermann seconded. After discussion by Mr. Sundborg, Mr. Kilcher, Mr. Buckalew, Mr. McCutcheon, Mr. Johnson, Mr. Smith and Mr. Armstrong, the question was called. The question being "Shall Mr. Sundborg's amendment to Section 8 be adopted?", the roll was called with the following result:

Yeas: 20 - Barr, Boswell, Cross, Harris, Johnson, Laws, Marston, Metcalf, Nerland, Nolan, Poulsen, Reader, Riley, Robertson, Rosswog, Sundborg, Sweeney, Walsh, Wien, Mr. President

Nays: 32 - Armstrong, Awes, Buckalew, Collins, Cooper, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Kilcher, King, Knight, Lee, McCutcheon, McLaughlin, McNealy, McNees, Nordale, Peratrovich, R. Rivers, V. Rivers, Smith, Stewart, Taylor, White

Absent: 3 - Coghill, Londborg, VanderLeest

and so the amendment failed.

Mr. R. Rivers moved the adoption of the following amendment to Section 8: page 3, line 13, change words "three days" to "one day". Mr. Knight seconded. After discussion by Mr. R. Rivers, Mr. McNees, Mrs. Sweeney and Mr. Barr, the question was called. On voice vote the amendment failed.

Mr. Robertson, Mr. Barr, Mr. Sundborg, Mr. Buckalew and Mr. V. Rivers asked questions of the Chairman of the Committee on the Legislative Branch regarding Section 8.

Mr. V. Rivers asked unanimous consent to amend Section 8 as follows: line 11, delete the word "fourth" and insert the word "second". Mr. Nolan objected. Mr. V. Rivers so moved. Mr. Knight seconded. Mr. V. Fischer suggested that the words "unless otherwise changed by law" be inserted in the sentence.

After discussion by Mr. Gray, Mr. Buckalew, Mr. Nolan and Mrs. Hermann who favored Mr. V. Fischer's suggestion, Mr. V. Rivers requested a short recess. There being no objection, it was so ordered.

AFTER RECESS

Mr. V. Rivers asked unanimous consent to withdraw his previous amendment. There being no objection, it was so ordered.

Mr. V. Rivers moved and asked unanimous consent for the adoption of the following amendment: page 1, line 18, after the word "January"; on page 3, line 12, after the words "each year" insert the words "unless otherwise provided by law". There being no objection, it was so ordered.

Mr. McCutcheon asked unanimous consent to withdraw his amendment to Section 6 and submit a new amendment. There being no objection, it was so ordered.

Mr. McCutcheon moved and asked unanimous consent for the adoption of the following amendment to Section 6: page 2, line 25, following the word "arrest" insert "and not subject to civil process". There being no objection, it was so ordered.

Mr. R. Rivers moved the adoption of the following amendment to Section 9: page 3, line 20, after word "Governor" delete rest of sentence and substitute the following: "he shall in his proclamation state the purpose of the call, but the legislature may also act on other matters and shall be the judge as to the time of its adjournment within the time limit herein prescribed." Mr. Taylor seconded.

After discussion by Mr. R. Rivers, Mrs. Sweeney, Mr. McCutcheon and Mrs. Nordale, Mr. Hellenthal asked that the question be put. After

presented the previous day

discussion by Mr. Davis and Mr. R. Rivers, Mr. R. Rivers asked for a two-minute recess. There being no objection, it was so ordered.

AFTER RECESS

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

Mr. R. Rivers and Mr. Hellenthal asked questions of the Chairman of the Legislative Committee regarding Section 9. Mr. Buckalew, Mr. McCutcheon and Mrs. Sweeney spoke on Section 9. Mr. Hellenthal suggested that the word "conducted" be used in place of "directed".

Mr. R. Rivers moved and asked unanimous consent for the adoption of the following amendment to Section 9: add to end of Section: "The Legislature shall determine the time of its adjournment within the thirty-day period." Mr. Johnson objected. Mr. Taylor seconded.

After Mr. R. Rivers, Mr. Sweeney, Mr. Kilcher and Mr. McNealy spoke on the amendment, the question was called. The roll was called with the following result:

Yeas: 23 - Armstrong, Buckalew, Cross, Emberg, Hellenthal, Hermann, Hurley, Kilcher, King, Knight, McNealy, Nerland, Nordale, Peratrovich, Riley, R. Rivers, Smith, Sundborg, Taylor, Walsh, White, Wien, Mr. President

Nays: 25 - Awes, Barr, Boswell, Collins, Cooper, Davis, H. Fischer, V. Fischer, Gray, Harris, Hilscher, Hinckel, Johnson, Lee, McCutcheon, McLaughlin, McNees, Marston, Metcalf, Nolan, Poulsen, V. Rivers, Robertson, Rosswog, Sweeney

Absent: 7 - Coghill, Doogan, Laws, Londborg, Reader, Stewart, VanderLeest

and so the amendment failed.

Mr. Rosswog announced a meeting of the Committee on Local Government at 6:10 p.m. in the Committee Room.

Mr. Barr asked unanimous consent that the Convention recess until 7:05 p.m. There being no objection, it was so ordered.

AFTER RECESS

Mr. McCutcheon stated that in connection with Section 9 the record should show that the Committee in bringing out this section of the Article did not intend that the Governor should in any way limit the time of a special session of the legislature.

Mr. McCutcheon moved the adoption of the following amendment to Section 9: page 3, line 18, strike the comma after "council" and insert "or as otherwise prescribed by law". Mr. Buckalew seconded. On voice vote, the amendment was adopted.

Mr. Harris gave notice of reconsideration of his vote on Mr. R. Rivers' amendment to Section 9.

Mr. Buckalew asked unanimous consent that the rules be suspended and the matter of Mr. Harris' reconsideration be taken up immediately. Mr. Johnson objected. Mr. Buckalew moved the suspension of the rules. Mrs. Fischer seconded. Mr. Fischer asked Mr. Harris if he objected to the reconsideration at this time. Mr. Harris answered that he had no objection.

The question being "Shall the Rules be suspended and Mr. Harris' reconsideration be considered at this time?", the roll was called with the following result:

Yeas: 40 - Armstrong, Awes, Boswell, Buckalew, Coghill, Cross, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Kilcher, King, Knight, Lee, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Peratrovich, Poulsen, Reader, Riley, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Walsh, White, Wien, Mr. President

Nays: 8 - Cooper, Davis, Hurley, Johnson, Laws, Londborg, McCutcheon, Nordale

Absent: 7 - Barr, Collins, Nolan, R. Rivers, Robertson, Taylor, VanderLeest

and so the rules were suspended.

After discussion by Mr. Davis, Mr. White, Mr. Harris, Mr. Buckalew, Mr. Davis and Mr. Lee, the question was called. On voice vote the amendment failed.

Mr. Hellenthal moved and asked unanimous consent for the adoption of the following amendment to Section 9: page 3, line 17, strike the word "directed" and insert the word "conducted". There being no objection, it was so ordered.

Mr. Stewart moved the adoption of the following amendment to Section 10: line 25, strike the word "shall" and insert in lieu thereof the word "may". Mr. Buckalew objected. Mr. Knight seconded.

After discussion by Mr. McCutcheon, Mr. Hinckel, Mr. Gray, Mr. Kilcher, Mr. Cooper and Mr. Hellenthal, the question was called. On voice vote the amendment failed.

Mrs. Sweeney moved and asked unanimous consent for the adoption of the following amendment to Section 11: line 11, delete second "of" and insert "to which" and after "house" insert "is entitled". There being no objection, it was so ordered.

Mr. McLaughlin moved the adoption of the following amendment: on page 4, strike Section 12 and substitute:

"Suits against the State, for all liabilities hereafter originating or now existing, shall be provided for by law."

Mrs. Hermann seconded. Mr. Buckalew objected on the ground that the amendment should be considered in transitional measures. After discussion by Mr. McLaughlin, Mr. V. Rivers and Mr. Sundborg, Mr. Cooper requested a one-minute recess. There being no objection, it was so ordered.

AFTER RECESS

Mr. McCutcheon asked unanimous consent for the adoption of Mr. McLaughlin's amendment. Mr. Sundborg objected. Mr. McLaughlin requested a short recess. There being no objection, it was so ordered.

AFTER RECESS

Mr. Sundborg stated he would withdraw his objection if Mr. McLaughlin would explain the intent of the amendment.

Mr. McLaughlin did so and Mr. Sundborg withdrew his objection. Mr. Davis and Mr. Buckalew objected. Mr. White questioned Mr. McLaughlin.

Mr. Hellenthal asked unanimous consent that the matter be taken up tomorrow so that the members of the Judiciary Committee could meet and go into the matter. There being no objection, it was so ordered.

Mr. Buckalew moved the adoption of the following amendment to Section 13: line 21, strike words "the Senate" and insert "either house"; line 22, strike "of all the senators" and add period after "vote"; line 24, strike "before the house of representatives" and insert "in joint session assembled"; line 26 strike last word on line, "of", and in line 1, page 5, strike "The house of representatives" and insert "in joint session assembled". Mr. Sundborg seconded. After discussion by Mr. Johnson, Mr. Buckalew, Mrs. Nordale, Mrs. Sweeney, and Mr. Barr, Mrs. Sweeney asked for a three-minute recess. There being no objection, it was so ordered.

AFTER RECESS

Mr. Buckalew asked unanimous consent to withdraw his amendment on the understanding that Mr. McCutcheon would submit an amendment. Mr. Hinckel objected to that arrangement. Mrs. Sweeney objected. Mr. Armstrong stated he believed much time could be saved if the Committee Chairman would explain each section before the amendments are offered.

Mrs. Sweeney withdrew her objection, but wanted it understood that if Mr. McCutcheon explained his amendment she wished to propose hers and explain it before action was taken. Mr. McCutcheon stated he did not intend to submit an amendment.

After discussion by Mr. McCutcheon, Mrs. Sweeney, Mr. Buckalew and Mr. Barr, the question was called. Mr. Barr requested a roll call.

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

Yeas: 6 - Buckalew, V. Fischer, Hurley, Kilcher, Sundborg, White

Nays: 44 - Armstrong, Awes, Barr, Boswell, Coghill, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Johnson, King, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, V. Rivers, Rosswog, Smith, Stewart, Sweeney, Walsh, Wien, Mr. President

Absent: 5 - Collins, R. Rivers, Robertson, Taylor, VanderLeest

and so the amendment failed.

Mrs. Sweeney moved and asked unanimous consent for the adoption of the following amendment to Section 13: page 4, line 21, delete "Senate" and insert "House of Representatives"; line 22, delete "Senators" and insert "Representatives"; line 24, delete "House of Representatives" and insert "Senate"; page 5, line 1, delete "House of Representatives" and insert "Senate". Mr. McNealy objected. Mrs. Sweeney so moved. Mr. Harris seconded.

After discussion by Mr. Barr, Mr. McNees, Mr. V. Rivers, Mr. Emberg, Mr. McCutcheon, Mr. McLaughlin, Mr. Kilcher and Mr. McNealy, the question was called. Mrs. Sweeney requested a roll call. The question being "Shall Mrs. Sweeney's amendment to Section 13 be adopted?", the roll was called with the following result:

Yeas: 18 - Armstrong, Boswell, Cross, Gray, Harris, Johnson, King, Laws, Londborg, Metcalf, Nolan, Poulsen, Reader, V. Rivers, Stewart, Sundborg, Sweeney, Walsh

Nays: 32 - Awes, Barr, Buckalew, Coghill, Cooper, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Kilcher, Knight, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Nerland, Nordale, Peratovich, Riley, Rosswog, Smith, White, Wien, Mr. President

Absent: 5 - Collins, R. Rivers, Robertson, Taylor, VanderLeest

and so the amendment failed.

Mr. Buckalew proposed the following amendment to Section 13: page 4, line 21, beginning with the words "the Senate", delete the balance of the line and line 22 up to the period. Insert in lieu thereof the following: "either house and shall be by two-thirds of the votes of all the members of such house." Page 4, line 24, strike "of representatives" and insert before the word "house" the word "other". Page 5, line 1, strike the words "of representatives" and insert in lieu thereof "hearing the matter".

Mr. Johnson rose to a point of order to state that the amendment was substantially the same as an amendment voted down earlier.

Mr. Buckalew pointed out that it was not the same amendment. Mr. Buckalew moved the adoption of the amendment. Mrs. H. Fischer objected. Mr. Sundborg seconded.

After Mr. Sundborg, Mr. Barr, Mr. Hinckel and Mr. Buckalew spoke, the question was called. On voice vote the amendment failed. Mr. V. Fischer rose to speak on personal privilege.

After Mr. Marston and Mr. Doogan spoke, the President declared a short recess.

AFTER RECESS

The President announced that henceforth the Chairman would be asked to give the Committee explanation of any section to which amendments will be offered.

Mr. McLaughlin proposed to strike Section 14. Mr. McCutcheon explained the Committee's position on the section. After questions from Mr. Hellenthal to the Committee Chairman, Mr. McLaughlin moved to strike Section 14. Mr. Sundborg seconded.

After discussion by Mr. McNees, Mr. Sundborg, Mr. Harris, Mr. V. Fischer, Mr. V. Rivers, Mr. Davis, Mr. McLaughlin, Mr. Hinckel, Mr.

Metcalf, Mr. Lee and Mr. Barr, the question was called. On voice vote the amendment to strike Section 14 was adopted.

Mr. Johnson stated he had an amendment to Section 15. Mr. McCutcheon explained the Committee's position on the section.

Mr. Johnson moved the adoption of the following amendment to Section 15: page 5, line 19, strike the word "the", then insert: "Each house of the", strike the word "as" at the end of line 19; line 20, strike the words "one body", insert in lieu thereof the word "separately"; line 23, strike the words "the state" and insert in lieu thereof the words "each house"; page 6, line 3, strike the words "the state" and insert in lieu thereof the words "each house". Mr. Londborg seconded.

After discussion by Mr. Armstrong, Mr. Johnson, Mr. Barr, Mr. Londborg, Mrs. Sweeney, Mr. Rosswog, Mr. McNealy, Mr. Riley, Mr. Hellenthal and Mr. McCutcheon, the question was called. Mr. Johnson requested a roll call.

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

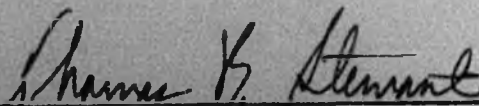
Yeas: 25 - Armstrong, Barr, Boswell, Coghill, Cross, Gray, Harris, Hellenthal, Johnson, Kilcher, King, Laws, Londborg, McLaughlin, Nerland, Nolan, Poulsen, Reader, V. Rivers, Rosswog, Smith, Stewart, Sweeney, Walsh, Mr. President

Nays: 25 - Awes, Buckalew, Cooper, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Hermann, Hilscher, Hinckel, Hurley, Knight, Lee, McCutcheon, McNealy, McNees, Marston, Metcalf, Nordale, Peratrovich, Riley, Sundborg, White, Wien

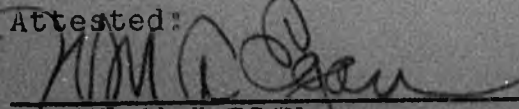
Absent: 5 - Collins, R. Rivers, Robertson, Taylor, VanderLeest

and so the amendment failed.

Mr. Sundborg moved and asked unanimous consent that the Convention adjourn until 9 a.m. Wednesday. There being no objection, the Convention adjourned at 9:30 p.m. until 9 a.m. Wednesday.


THOMAS B. STEWART
Secretary

Attested:


WILLIAM A. EGAN
President