

Constitutional Convention
Journal/46
Approved

Jan. 25, 1956

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL FOR THE FIFTY-SEVENTH CONVENTION DAY, Wednesday, January 18, 1956

The Convention was called to order at 10:40 a.m. by President Egan.

The Invocation was given by the Rev. John O. Jeffcoet of the Native Baptist Church.

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

The President declared a short recess for the purpose of having a group photograph taken.

AFTER RECESS

Mr. Knight asked unanimous consent that the Journal for the 50th day be approved subject to the following changes:

Page 10 - fourth paragraph from the top of the page, strike the letter "s" from "Mrs."

Page 13 - sixth paragraph from the top of the page, delete "proposed" and insert "proper".

Page 15 - after the last roll call vote, 8th line from the bottom of the page, change "ans" to "and".

There being no objection, the Journal for the 50th day was approved as corrected.

Mr. Sundborg reported that the Committee on Style and Drafting had the following report and recommendations to make:

(1) That the Rules Committee develop a procedure for scheduling the consideration of the reports from the Style and Drafting Committee which will include the revised language of proposals which have been referred to it. Specifically, that the Rules Committee prepare a calendar for consideration of the reports of the Committee on Style and Drafting.

(2) That the Rules Committee prepare an amendment to the rules which would separate articles which have come up on the floor and have been considered jointly with other articles in a single proposal,

57th Day, Wednesday, Jan. 18, 1956

as in the example of the article on Preamble and Bill of Rights being considered along with the article on Health, Education and Welfare.

(3) That the Style and Drafting Committee had referred directly to the Committee on the Judiciary and to the Committee on Initiative, Referendum and Revision an apparent inconsistency in some of the articles in that some matters are referred to as being done "by the Legislature" and others as being done "by law". The Committees have been asked to resolve such inconsistencies and make recommendations to the Committee on Style and Drafting.

The President asked the Rules Committee to take the suggestions under consideration.

Committee Proposal No. 8a was considered again.

Mr. Smith reported that the committee had met with various delegates and had several committee amendments to present at this time.

Mr. Riley asked unanimous consent for the adoption of the following committee amendment:

Page 1, line 4, place a period after word "interest" and strike the rest of the paragraph.

There being no objection, the amendment was ordered adopted.

Mr. Riley asked unanimous consent for the adoption of the following committee amendment to Section 4:

Page 2, line 7, strike comma after "waters" and insert "as defined by the Legislature,".

There being no objection, the amendment was ordered adopted.

Mr. Riley asked unanimous consent for the adoption of the following committee amendment to Section 11:

Page 4, line 3, strike "mineral or water", and strike on lines 5 and 6, "and to all other resources reserved to the people", retaining the semicolon.

There being no objection, the amendment was ordered adopted.

Mr. Riley asked unanimous consent for the adoption of the following committee amendment:

Section 11, page 4, line 7, strike "beneficial".

There being no objection, the amendment was ordered adopted.

Mr. Riley asked unanimous consent for the adoption of the following committee amendment:

Section 13, page 4, lines 16 and 17, strike the words "during the year 1955" and insert "upon the date of ratification of this Constitution by the people of Alaska".

There being no objection, the amendment was ordered adopted.

Mr. Riley asked unanimous consent for the adoption of the following committee amendment:

Section 13, page 5, line 10, strike "prospecting".

Mr. Taylor objected. Mr. Riley so moved. Mr. Knight seconded. After discussion by Mr. Taylor, Mr. Riley and Mr. Hilscher, Mr. Hellenthal rose to a point of order that amendments to the committee reports are not debatable. The President stated that the point of order was not well taken. After Mr. Barr spoke, the question was called. On voice vote the amendment was adopted.

Mr. Riley asked unanimous consent for the adoption of the following committee amendment:

Section 14, page 5, line 25, insert a period after the word "legislature" and strike the balance of the section.

There being no objection, the amendment was adopted.

Mr. Davis asked unanimous consent for the adoption of the following amendment:

Section 2, the words "belonging to the State" on line 15 be placed after the word "resources" on line 14.

There being no objection, the amendment was adopted.

Mr. Johnson moved the adoption of the following amendment:

Section 5, lines 12 and 13, strike the words "to a commission, or".

Mr. Knight seconded. After discussion by Mr. Johnson, Mr. Rosswog, and Mr. Smith, Mr. Stewart moved to strike Section 5. Mr. White seconded.

There being a question as to which amendment takes precedence, the President declared a short recess.

AFTER RECESS

Mr. Johnson asked unanimous consent to withdraw his amendment to Section 5. There being no objection, it was so ordered.

Mr. Stewart asked unanimous consent to withdraw his proposed amendment at this time. There being no objection, it was so ordered.

Mr. Taylor moved the adoption of the following amendment:

Strike Section 5.

Mr. White seconded.

Mr. Taylor, Mr. Sundborg, Mr. Lee, Mr. White, Mr. King, Mr. V. Rivers and Mr. McNealy spoke on the amendment.

Mr. Riley was recognized.

Mr. Sundborg asked unanimous consent that the Convention recess until 1:30 p.m.

Prior to adjournment the following committee announcements were made:

Resources at 1 p.m.; Ordinances at 1 p.m.; Style and Drafting on recess; Local Government at 1 p.m.

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

AFTER RECESS

Mr. McNees introduced Miss Sally Carrighar, writer, who was present in the gallery.

Mr. Sundborg rose to a point of order to inquire whether Mr. Taylor's amendment to Committee Proposal No. 8a had been cleared with the committee in accordance with the new rule adopted by the Convention. Mr. Taylor stated it had been cleared with the committee, which did not want to take any action, and the committee advised him to bring it up on the floor.

After discussion by Mrs. Hermann, Mr. White, Mr. Coghill, Mr. Barr, Mr. Smith, Mr. Boswell, Mr. R. Rivers, Mr. Gray, Mr. McCutcheon, Mr. Rosswog, Mrs. Nordale and Mr. V. Rivers, Mr. Armstrong rose to state he had an amendment to offer to Section 5. The President declared a short recess.

AFTER RECESS

After further discussion by Mr. White, Mr. V. Rivers, Mr. Armstrong, and Mr. Coghill, Mr. Taylor closed the argument. Mr. McLaughlin rose to a point of order during Mr. Taylor's argument to state he believed Mr. Taylor was casting reflections on some of the delegates by his remarks. The President stated that such remarks were not in order.

Mr. Johnson requested a roll call vote on the question of striking Section 5. The roll was called with the following result:

Yeas: 34 - Awes, Buckalew, Coghill, Davis, Doogan, Emberg, V. Fischer, Harris, Hermann, Hilscher, Hinckel, Hurley, Kilcher, Knight, Londborg, McCutcheon, McLaughlin, McNees, Marston, Metcalf, Nerland, Nordale, Poulsen, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Taylor, VanderLeest, White, Wien and Mr. President

Nays: 21 - Armstrong, Barr, Boswell, Collins, Cooper, Cross, H. Fischer, Gray, Hellenthal, Johnson, King, Laws, Lee, McNealy, Nolan, Peratrovich, Reader, Riley, Sundborg, Sweeney, and Walsh

and so the amendment was adopted.

Mr. Armstrong stated he had an amendment to Section 5. The President declared a short recess.

AFTER RECESS

Mr. Kilcher rose to a point of order to state that since Section 5 had been stricken, an amendment to insert a new Section 5 was out of order. The President stated that a motion to strike having been adopted does not make the subject dead.

Mr. Armstrong moved the adoption of the following amendment:

"Section 5. Regulation of commercial fisheries and of the wildlife, including game fish, may be delegated to a principle department of the state or to a commission or to separate commissions under such terms as the legislature may prescribe."

Mr. McNealy seconded.

Mr. Sundborg rose to a point of order to inquire whether the amendment had been submitted to the Committee on Resources.

Mr. Smith stated it had been submitted, but that the Committee took no action.

After discussion by Mr. Gray, Mr. Barr and Mr. Londborg, the question was called. The question being "Shall the amendment offered by Mr. Armstrong be adopted?", on voice vote the amendment failed.

The President advised the Chief Clerk to renumber the sections in accordance with Section 5 having been stricken.

There followed questions of Mr. Riley by Mr. Robertson, Mr. R. Rivers, Mr. Davis and Mr. Barr.

Mr. Marston offered the following amendment:

Insert the following as Section 12 and renumber the succeeding sections in sequence:

"The Legislature shall provide for translating the traditional rights of Alaskans of Indian, Aleut or Eskimo ancestry to the use of land, fishing, hunting and trapping areas into approximately equivalent homestead or other property rights. Provision shall also be made for just compensation for the impairment or extinction of such rights resulting from grants of land or timber or mining rights in the State public domain. Nothing in this section shall be construed to be in lieu of or prejudicial to any aboriginal rights or claims now pending or later to be filed."

The President asked Mr. Marston to defer consideration of his amendment until Sections 10 and 11 had been covered by questions.

Mr. Metcalf and Mr. Barr had further questions on other sections which were answered by Mr. Riley.

Mr. Marston moved the adoption of his amendment. Mrs. Sweeney asked whether Mr. Marston had cleared his amendment with the Committee. Mr. Marston stated that he had and that they were in sympathy with the idea but had not taken any action due to the provisions of H.R. 2535. Mr. Londborg seconded Mr. Marston's motion.

After discussion by Mr. Marston, Mr. McNees, Mr. Londborg and Mr. Smith, the President asked Second Vice-president R. Rivers to take the chair.

After further discussion of the amendment by Mr. Riley, Mr. Hellenthal, Mr. Londborg, Mr. Davis and Mr. McNealy, Mr. V. Rivers asked unanimous consent for a fifteen-minute recess. There being no objection, it was so ordered.

AFTER RECESS

The President took the chair.

Mr. Boswell questioned Mr. Hellenthal regarding the amendment. Mr. Barr rose to a point of order to state that no one was addressing the chair.

After Mr. Peratrovich, Mr. McLaughlin, Mr. R. Rivers, Miss Awes and Mr. Coghill spoke on the amendment, Mr. Hellenthal asked unanimous consent that the amendment be deferred until after the dinner recess so that a few delegates could meet and redraft the amendment. Mr. Cooper objected. Mr. Taylor seconded. Mr. Cooper withdrew his objection and asked that the record show that Mr. Hellenthal was in error in stating only a few delegates were interested in working out a solution to the problem presented by the amendment and that the correct statement would be that all the delegates were vitally interested. There being no further objection, action on the amendment was ordered deferred until 7 p.m.

Mr. Coghill rose to a point of inquiry to ask whether Mr. Marston would call a meeting. Mr. Marston stated a meeting would be held immediately on recess.

After discussion the President announced that those interested in Mr. Marston's amendment would meet and draft an amendment and then consider the amendment with the Committee on Resources.

Mr. Riley asked unanimous consent for the adoption of the following committee amendment:

Section 12, Page 5, line 15, insert period after "law" and insert "Like permits and leases may also be authorized by law"; strike word "and".

Mr. Taylor objected. Mr. Riley so moved. After discussion by Mr. Taylor, Mr. Sundborg and Mr. Riley, the question was called. On voice vote, the amendment was adopted.

Mr. Robertson had a question regarding the use of the word "non-metallic". Mr. Riley stated the matter would be taken up at the next recess.

Mr. Kilcher had a question regarding Section 12 and after discussion moved the adoption of the following amendment to Section 12:

Line 11, insert "specific" between words "of exploration".

Mr. Sundborg asked whether the amendment had been cleared with the Committee. Mr. Smith stated the committee waived the need for prior presentation. Mr. Knight seconded Mr. Kilcher's motion for adoption. The President declared a short recess.

AFTER RECESS

After Mr. Kilcher spoke on the amendment, the question was called. On voice vote the amendment failed.

After further questioning by the delegates, Mr. Riley asked unanimous consent for the adoption of the following committee amendment:

Section 13, page 5, line 18, after the word "all" insert "surface and subsurface".

There being no objection, the amendment was ordered adopted.

Mr. Riley asked unanimous consent for the adoption of the following committee amendment:

Section 12, page 4, line 17, strike "now" and substitute "thereafter".

There being no objection the amendment was ordered adopted.

Mr. Riley asked unanimous consent for the adoption of the following amendment:

Section 17, page 6, line 17, change period to a comma and add "and just compensation for such taking, as well as for the taking of or damage to inferior property rights, shall be made."

Mr. R. Rivers suggested the use of the word "subordinate" instead of "inferior" and asked that the matter be referred to Style and Drafting. There being no objection to the amendment, it was ordered adopted.

Mr. R. Rivers moved the adoption of the following amendment:

Section 16, page 6, line 13, delete period after word "law" and add: "with just compensation."

Mr. Knight seconded. After Mr. R. Rivers spoke on the amendment, Mr. Riley suggested that it would be better to insert "with just compensation and" after the word "only" on line 12. Mr. R. Rivers asked unanimous consent to withdraw his proposed amendment in favor of Mr. Riley's amendment. There being no objection, it was so ordered.

Mr. Riley asked unanimous consent for the adoption of the following amendment:

Section 16, line 12 after word "only" insert the following: "with just compensation and".

Mr. Gray objected. After explanation by Mr. Riley, Mr. Gray withdrew his objection. There being no objection to the amendment, it was ordered adopted.

Mr. Hellenthal moved the adoption of the following amendment:

Section 2, line 2, page 2, delete period and insert a comma and add "subject to the principle that certain uses of resources shall be subordinate to superior and higher beneficial public uses as determined by the Legislature."

Mr. Knight seconded. After discussion by Mr. Hurley, Mr. Hellenthal, Mr. Davis and Mr. Riley, Mr. Hellenthal asked unanimous consent that action be deferred until after the dinner recess.

Mr. Sundborg moved and asked unanimous consent that the Convention recess until 7 p.m. The following committee announcements were made prior to recess: Resources at 6:15 p.m.; Style and Drafting at 6:15 p.m.; Mr. Marston's special committee on recess; Ordinances on recess; Local Government on recess.

There being no objection the Convention recessed at 5:30 p.m. until 7 p.m.

AFTER RECESS

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

Mr. Marston moved the adoption of the following amendment:

Add new Section 12. "Deeds to lots and small tracts occupied or used by Indians, Aleuts, or Eskimos within the State public domain may be given to the appropriate persons in recognition of their individual use as prior occupants, under terms and conditions prescribed by law."

Mr. McNees seconded.

Mr. Smith stated that the amendment had been presented to the Committee on Resources, but the Committee decided to take no action on the proposed amendment.

After discussion by Mr. Marston, Mr. Hurley, Mr. Barr and Mr. Londborg, Mr. Sundborg asked unanimous consent to present an amendment to the amendment. Mr. Smith waived any prior consideration by the Committee.

Mr. Sundborg moved the adoption of the following amendment to the amendment:

Strike "Indians, Aleuts, or Eskimos" and insert "Alaskans".

Mrs. Hermann seconded. After Mr. Sundborg spoke on the amendment, the question was called. On voice vote the amendment was adopted.

Mr. Buckalew moved the adoption of the following amendment to the amendment:

After "tracts" insert the words "and homesteads".

Mr. Knight seconded. After discussion by Mr. McCutcheon and Mr. Buckalew, Mr. Kilcher moved to rescind the action taken on Mr. Sundborg's amendment to the amendment.

Mr. McCutcheon rose to a point of order to state that there was a motion on the floor.

The President stated that a motion to rescind can be made at any time. In order to decide the issue, the President declared a short recess.

AFTER RECESS

The President stated that Mr. McCutcheon's point of order was well taken.

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

Mr. Kilcher moved that the Convention rescind its action taken on Mr. Sundborg's amendment to the amendment. Mr. Emberg seconded.

Mr. Johnson rose to a point of order that there was still a motion on the floor, the main amendment.

The President declared a short recess to discuss the rules.

AFTER RECESS

The President stated that Mr. Johnson's point of order was well taken.

Mr. Kilcher asked unanimous consent that the Convention postpone the main question until the next Convention day and make it a first order of business. Mr. Hurley objected. Mr. Knight seconded.

Mr. Hellenthal asked unanimous consent to withdraw his amendment to Section 2, presented before the dinner recess. There being no objection, it was so ordered.

The question being "Shall action on Mr. Marston's amendment as amended be postponed until Thursday morning?", the roll was called with the following result:

Yeas: 12 - Armstrong, Awes, Emberg, H. Fischer, Kilcher, Laws, Londborg, Nolan, Nordale, Rosswog, Sweeney, and Walsh

Nays: 38 - Barr, Boswell, Buckalew, Coghill, Cooper, Cross, Davis, Doogan, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, King, Knight, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Peratrovich, Poulsen, Reader, Riley, V. Rivers, Smith, Stewart, Sundborg, Taylor, Wien, and Mr. President

Absent: 5 - Collins, R. Rivers, Robertson, VanderLeest, and White

and so the motion failed.

Mr. Barr moved the adoption of the following amendment to the amendment:

After the word "Alaskans", insert the following words: "of Indian, Aleut or Eskimo descent".

Mr. Marston seconded.

Mrs. Hermann rose to a point of order to state that the amendment was out of order because it replaced matter which had been deleted.

The President stated Mrs. Hermann's point of order was well taken.

Mr. Barr and Mr. Coghill did not agree. The President ruled that the particular amendment was not in order because it meant the same as what had been deleted.

Mr. Coghill appealed the ruling of the chair.

The question being "Shall the chair be sustained in its ruling?", the roll was called with the following result:

Yeas: 37 - Armstrong, Awes, Boswell, Buckalew, Cross, Davis, Doogan, Emberg, H. Fischer, Gray, Hellenthal, Hermann, Hilscher, Hinckel, Johnson, King, Lee, McCutcheon, McLaughlin, McNees, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, Walsh, and Wien

Nays: 12 - Barr, Coghill, Cooper, V. Fischer, Harris, Hurley, Kilcher, Knight, Laws, Londborg, McNealy, and Marston

Absent: 5 - Collins, R. Rivers, Robertson, VanderLeest, and White

Abstaining: 1 - Mr. President

and so the Chair was sustained.

Mr. Sundborg moved to amend the amendment as follows:

Before "Alaskan" insert "native-born".

Mr. McNealy objected. After discussion by Mrs. Hermann and Mr. Hellenthal, Mr. McCutcheon rose to a point of order to state that Mr. Hellenthal was not speaking on the amendment to the amendment. The President stated that only Mr. Hellenthal would be able to judge that and Mr. Hellenthal continued. After Mr. Johnson, Mr. Hilscher and Mr. McCutcheon spoke on the amendment to the amendment, the question was called. On voice vote the amendment failed.

Mrs. Sweeney requested a short recess. There being no objection, it was so ordered.

Mr. Kilcher moved the adoption of the following amendment to the amendment:

Insert "continuously" after "tracts" and "or their ancestors before the year 1900" after "Alaskans".

Mr. Barr seconded. After Mr. McCutcheon spoke against the amendment, Mr. Kilcher asked unanimous consent to withdraw his amendment to the amendment. There being no objection, it was so ordered.

Miss Awes moved that the rules be suspended so that the action on Mr. Sundborg's motion could be rescinded. Mr. Buckalew seconded.

After questions from the floor regarding the motion, the President asked whether there was opposition to including the motion to rescind in the motion. There being no objection, the question was called. The roll was called with the following result:

Yeas: 26 - Armstrong, Awes, Barr, Coghill, Cooper, Cross, Emberg, H. Fischer, V. Fischer, Harris, Hellenthal, Hilscher, Hinckel, Hurley, Kilcher, Knight, Lee, Lomborg, McLaughlin, McNealy, McNees, Marston, Peratrovich, Rosswog, Smith, and Stewart

Nays: 24 - Boswell, Buckalew, Davis, Doogan, Gray, Hermann, Johnson, King, Laws, McCutcheon, Metcalf, Nerland, Nolan, Nordale, Poulsen, Reader, Riley, V. Rivers, Sundborg, Sweeney, Taylor, Walsh, Wien and Mr. President

Absent: 5 - Collins, R. Rivers, Robertson, VanderLeest, and White and so the rules were not suspended.

Mr. Coghill asked unanimous consent for a short recess. There being no objection, it was so ordered.

AFTER RECESS

Mr. Rosswog asked unanimous consent to revert to the introduction of committee reports. There being no objection, it was so ordered.

Mr. Rosswog presented the report of the Local Government Committee which included its revised Proposal 6.

INTRODUCTION AND FIRST READING OF PROPOSALS

Committee Proposal No. 6a, by the Committee on Local Government, entitled LOCAL GOVERNMENT, was introduced, read the first time and referred to the Committee on Rules for assignment to the calendar.

Mrs. Sweeney reported that the Committee on Engrossment and Enrollment, to whom had been referred Committee Proposal No. 10a, had compared the same with the original and found it correctly engrossed and the first enrolled copy correctly enrolled. Mrs. Sweeney asked unanimous consent for the adoption of the Committee Report. There being no objection, it was so ordered.

Committee Proposal No. 10a was referred to the Committee on Style and Drafting.

After further discussion on the Marston amendment by Mr. Sundborg, Mr. Hellenthal, Mr. V. Fischer, Mr. Metcalf, Mr. Davis, Mr. McNees, and Mr. Marston, the question was called. Mr. White asked that he be allowed to abstain from voting since he had been absent during the debate. Permission was granted by the President.

The question being "Shall Mr. Marston's amendment as amended be adopted by the Convention?", the roll was called with the following result:

Yeas: 16 - Barr, Coghill, Cross, Emberg, H. Fischer, Hellenthal, Hilscher, Hinckel, Kilcher, Knight, McLaughlin, McNealy, Marston, Nolan, Sundborg, and Taylor

Nays: 34 - Armstrong, Awes, Boswell, Buckalew, Cooper, Davis, Doogan, V. Fischer, Gray, Harris, Hermann, Hurley, Johnson, King, Laws, Lee, Londborg, McCutcheon, McNees, Metcalf, Nerland, Nordale, Peratrovich, Poulsen,

Reader, Riley, V. Rivers, Rosswog, Smith, Stewart,
Sweeney, Walsh, Wien, and Mr. President

Absent: 4 - Collins, R. Rivers, Robertson and VanderLeest

Abstaining: 1 - White

and so the amendment as amended failed.

Mr. White, Mr. Armstrong, Mrs. Hermann and Mr. Londborg spoke under personal privilege regarding Mr. Marston's amendment.

Mr. Riley asked unanimous consent for the adoption of the following committee amendment:

Section 2, page 1, strike marginal title and substitute therefor:
"General Authority".

There being no objection to the amendment, it was ordered adopted.

Mr. Riley asked unanimous consent for the adoption of the following committee amendment:

Section 12, page 5, line 4, insert "either" before "the".

There being no objection to the amendment, it was ordered adopted.

Mr. Riley asked unanimous consent for the adoption of the following committee amendment:

Section 12, page 5, line 14, strike "non-metallic".

There being no objection to the amendment, it was ordered adopted.

Mr. Riley asked unanimous consent for the adoption of the following committee amendment:

Section 8, page 3, line 13, strike lines 13 and 14 and insert in lieu thereof "selection of lands granted to the State by the United States, and for the administration of the State public domain."

There being no objection to the amendment, it was ordered adopted.

Mr. Riley asked unanimous consent for the adoption of the following committee amendment:

Section 13, page 5, line 20, after word "use", insert comma and add "except mineral and medicinal waters".

Mr. Cooper objected. Mr. Riley so moved. Mr. Knight seconded. On voice vote the amendment was adopted.

Mr. Smith requested a short recess so that the Committee on Resources could meet with delegates to discuss proposed amendments. There being no objection, it was so ordered.

AFTER RECESS

Mr. Barr moved the adoption of the following amendment:

Section 2, lines 15 and 16, strike "provision of applicable acts of Congress, including".

Mr. Boswell objected. Mr. Knight seconded. After discussion by Mr. Barr, Mr. Riley, Mr. Taylor and Mr. Boswell, the question was called. On voice vote the amendment failed.

Mr. Hurley moved the adoption of the following amendment:

Section 2, page 1, line 15, strike the words "in accordance with provisions"; strike lines 16, 17 and on line 1, page 2 strike to and including the comma after the word "state".

Mr. Marston seconded.

Mr. Boswell rose to a point of order that this was similar to Mr. Barr's amendment which had just been defeated. The President ruled that the amendment was in order because it deleted more than Mr. Barr's amendment.

After discussion by Mr. Hurley, Mr. Riley and Mr. Barr, the question was called. The President, being in doubt on the voice vote, directed a roll call. The roll was called with the following result:

Yeas: 12 - Barr, Hurley, Kilcher, Knight, Laws, Londborg, McNees, Marston, Nolan, Peratrovich, Sweeney and White

Nays: 39 - Armstrong, Awes, Boswell, Buckalew, Coghill, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Johnson, King, Lee, McCutcheon, McLaughlin, McNealy, Metcalf, Nerland, Nordale, Poulsen, Reader, Riley, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Taylor, Walsh, Wien and Mr. President

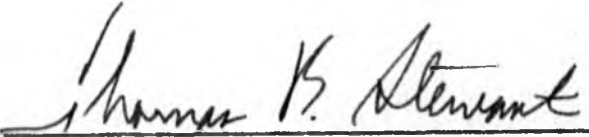
Absent: 4 - Collins, R. Rivers, Robertson and VanderLeest

and so the amendment failed.

Mr. Londborg served notice of his intention to reconsider his vote on the Marston amendment as amended.

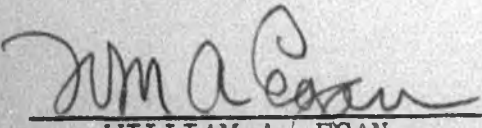
Mr. McCutcheon asked whether Mr. Londborg would object to having the matter taken up at this time. Mr. Londborg stated that the reason for giving notice was to give the members a chance to think it over during the night.

Mr. Johnson asked unanimous consent that the Convention adjourn until 9 a.m., Thursday morning. There being no objection, the Convention adjourned at 9:35 p.m., until 9 a.m., Thursday.



THOMAS B. STEWART
Secretary

Attested:



WILLIAM A. EGAN
President