

Constitutional Convention
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ALASKA CONSTITUTIONAL CONVENTION

JOURNAL FOR THE SIXTY-FIFTH CONVENTION DAY, Thursday, January 26, 1956

The Convention was called to order by President Egan at 1:30 p.m.

The Invocation was given by the Rev. Robert W. Shepperd of the First Church of the Nazarene. At the request of Mr. Sundborg and with the unanimous consent of the Convention the prayer given by Rev. Shepperd was ordered spread on the Journal.

"Our Heavenly Father, we pause to give Thee grateful thanks for these men and these women, the framers of the Constitution for the future State of Alaska. We thank Thee, our Father, for all their abundant labors, their selfless interest and devotion to duty they have felt and answered and especially for those aims for which they have labored, many of which have been answered as of this good day. Recognizing, O Lord, that all good government is ordained of God, we would pray Thy blessings upon this group as they come to the consummation of this great document and indeed upon the document itself, that it may find recognition among those in positions of high authority and that we may take our proper place as a sister state among those in our great republic of which we may be justly proud and for which we give Thee grateful thanks and thus we pray Thy blessings on these men and these women in the days ahead and indeed that all mankind may be vitally interested in perpetuating good government. This we pray. In the Lord's name we pray, Amen.

Roll call showed all delegates present except Mr. Harris. The President declared a quorum to be present.

The President announced that the seventh grade of the Fairbanks Main School was in attendance.

Mr. Doogan stated that the first order of business scheduled was Mr. Harris' consideration. In view of Mr. Harris' absence the reconsideration was held in abeyance until later in the day.

Mr. Hilscher spoke on a matter of personal privilege.

The President called for the second reading of the election district schedule of Committee Proposal No. 14.

65th Day, Thursday, Jan. 26, 1956

Mr. Doogan rose to a point of order that the Preamble and Bill of Rights had been on the calendar when the Convention adjourned the day before.

Mr. Davis reported that Style and Drafting did not have the report on the amendments to the Bill of Rights ready at this time.

Mr. Hellenthal asked unanimous consent that before the descriptions were read that the following committee changes be adopted as a part of the report:

Page 8, lines 20 and 21 strike "Toolik" and substitute "Kugaruk". Page 1, strike "Clarence Strait" and "Ernest Sound" and substitute "Burroughs Bay and the east side of Clarence Strait". Page 2, strike "that area drained by Bradfield Canal and its tributaries" and substitute "Lemesurier Point".

There being no objection, the changes were ordered adopted as a part of the report.

The description of the election districts was read the second time.

After discussion it was decided to hold the proposal in second reading until a committee meeting could be held to discuss changes in the descriptions.

Mr. Sundborg presented the report of the Style and Drafting Committee with respect to amendments made to Article II, the Legislature.

The Style and Drafting Committee recommended the following changes to the amendments to Sections 5 and 16:

"Section 5. No legislator may hold any other office or position of profit under the United States or the State. During the term for which elected and for one year thereafter, no legislator may be nominated, elected or appointed to any other office or position of profit which has been created, or the salary or emoluments of which have been increased, while he was a member. This section shall not prevent any person from seeking or holding the office of governor, secretary of state or member of Congress. This section shall not apply to employment by or election to a constitutional convention."

"Bills to raise revenue and appropriation bills or items, although vetoed, become law by affirmative vote of three-fourths of the membership of the legislature."

Mr. Sundborg moved and asked unanimous consent that the report of the Style and Drafting Committee be accepted. There being no objection, it was so ordered.

Mr. Sundborg moved that the rules be suspended, that Article II, the Legislature, be advanced to third reading, read the third time by title only and placed on final passage.

Mr. Taylor rose to a point of information regarding the inclusion of the word adopted in connection with accepting the report of the Committee on Style and Drafting.

Mr. Sundborg withdrew his unanimous consent request for a suspension of the rules at this time.

Mr. Sundborg asked unanimous consent that the report of the Style and Drafting Committee regarding Article II amendments presented earlier be adopted. There being no objection, it was so ordered.

Mr. Sundborg renewed his unanimous consent request for a suspension of the rules to advance Article II to third reading.

Mr. McNees raised a question as to changes in substance. Mr. Sundborg denied any changes made by Style and Drafting. Mr. V. Fischer questioned Mr. McNees regarding the changes allegedly made by Style and Drafting. The President declared a short recess.

AFTER RECESS

There being no objection, the rules were suspended and Article II, the Legislature, was read the third time.

After debate by Mr. Cooper, Mr. Robertson, Mr. Barr, Mrs. Sweeney, Mr. McNealy, Mr. Taylor, Mr. V. Rivers and Mr. Johnson, Mr. Buckalew moved the previous question. Mr. Taylor seconded. Mr. Cooper requested a roll call. The roll was called with the following result:

Yeas: 21 - Awes, Barr, Buckalew, Collins, Cross, Emberg, V. Fischer, Gray, Hilscher, Hinckel, Kilcher, Lee, McCutcheon, McNees, Marston, Metcalf, Nerland, Peratrovich, Poulsen, Reader, and Taylor

Nays: 29 - Armstrong, Boswell, Cooper, Davis, H. Fischer, Hellenthal, Hermann, Hurley, Johnson, King, Knight, Laws, Londborg, McNealy, Nolan, Nordale, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, VanderLeest, Walsh, White, Wien, and Mr. President

Absent: 5 - Coghill, Doogan, Harris, McLaughlin, and Riley

and so the previous question was not ordered.

Mr. Cooper requested a short recess. There being no objection, it was so ordered.

AFTER RECESS

Mr. Smith addressed a question to Mr. Robertson. After Mr. Nolan, Mr. Londborg and Mr. R. Rivers spoke, the question was called. The question being "Shall Article II, the Legislature, be adopted as part of Alaska's State Constitution?", the roll was called with the following result:

Yeas: 46 - Armstrong, Awes, Boswell, Buckalew, Collins, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, McCutcheon, McNealy, McNees, Marston, Metcalf, Nerland, Nordale, Peratrovich, Poulsen, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Taylor, VanderLeest, Walsh, White, Wien, and Mr. President

Nays: 6 - Barr, Londborg, Nolan, Reader, Robertson, and Sweeney

Absent: 3 - Coghill, McLaughlin, and Riley

and so the article was adopted.

Mr. Hellenthal moved that the rules be amended so that in third reading a delegate be confined to one minute in explaining his vote and in the alternative he be given the opportunity to make a written statement which would be a part of the record. Mr. Kilcher seconded.

After discussion by Mr. Barr, Mr. Johnson and Mr. Nolan, the President declared a short recess.

AFTER RECESS

Mr. Hellenthal asked unanimous consent to withdraw his motion.

Article I having been held over was called on the calendar. Mr. Davis suggested that the article be considered without Section 18. The President ordered that consideration of Article I would be withheld until the amended Section 18 was ready.

Mr. McCutcheon noted that since Mr. Harris had arrived reconsideration of his vote be taken up at this time.

Mr. Harris moved reconsideration of his vote on Mr. Kilcher's amendment to Section 2 of C. P. No. 17a. Mr. Buckalew seconded.

After discussion by Mr. Stewart, Mr. Kilcher, Mr. Armstrong, Mr. Kilcher, Mr. Buckalew, Mr. Robertson, Mr. White, Mr. Hellenthal, Mr. V. Rivers, Mr. McNealy, Mr. V. Fischer, and Mr. Taylor, Mr. Harris closed the argument. Mr. V. Rivers requested a roll call vote. The question being "Shall Mr. Kilcher's amendment to Section 2 of C. P. No. 17a be adopted?", the roll was called with the following result:

Yeas: 16 - Buckalew, Cross, H. Fischer, Harris, Hurley, Kilcher, Londborg, McCutcheon, McNees, Poulsen, Reader, R. Rivers, V. Rivers, Rosswog, White, and Mr. President

Nays: 38 - Armstrong, Awes, Barr, Boswell, Coghill, Collins, Cooper, Davis, Doogan, Emberg, V. Fischer, Gray, Hellenthal, Hermann, Hilscher, Hinckel, Johnson, King, Knight, Laws, Lee, McNealy, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Riley, Robertson, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, and Wien

Absent: 1 - McLaughlin

and so the amendment failed.

Mr. Johnson asked unanimous consent for a fifteen-minute recess. Prior to recess Miss Awes announced a meeting of the Committee on Bill of Rights during recess and Mr. Hellenthal announced a meeting of the Committee on Apportionment upon recess. There being no objection, the Convention recessed until 4 p.m.

AFTER RECESS

Mr. R. Rivers moved the adoption of the following amendment to C. P. No. 17a.

Section 2. Strike the section and substitute the following:

"Unless otherwise determined as hereinafter set forth the capital of the State of Alaska shall be at Juneau.

"Within 5 years from the admittance of Alaska as a State of the Union, the legislature shall establish a capital site survey commission to study the merits and demerits of potentially suitable sites for the permanent capital in line with the best interests of the people of the whole state. Upon completion of its studies the commission shall report to the Legislature and to the public. The legislature shall then provide for a referendum by the people at a statewide election or series of statewide elimination elections until a majority of the voters voting on the proposition have concurred on a particular site, after which the seat of government shall be retained at Juneau or changed as rapidly as feasible to the new site, as the case may be."

Mr. Poulsen seconded.

Mr. Sundborg asked whether C. P. No. 17a was properly before the Convention.

The President stated that the reconsideration of Mr. Harris' vote brought the proposal before the Convention in second reading again.

After discussion by Mr. R. Rivers, Mr. Doogan, Mr. V. Fischer, Mr. McNees, Mr. Hilscher, and Mr. Emberg, the question was called. Mr. Sundborg requested a roll call. The question being "Shall Mr. R. Rivers' amendment to Section 2 of C. P. No. 17a be adopted?", the roll was called with the following result:

Yeas: 11 - Cross, H. Fischer, Harris, Hinckel, Hurley, Londborg, McCutcheon, McNees, Poulsen, R. Rivers, and V. Rivers

Nays: 40 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Collins, Cooper, Davis, Doogan, Emberg, V. Fischer, Gray, Hermann, Hilscher, Johnson, King, Knight, Laws, Lee, McNealy, Marston, Nerland, Nolan, Nordale, Peratrovich, Reader, Riley, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, and Mr. President

Absent: 4 - Hellenthal, Kilcher, McLaughlin, and Metcalf

and so the amendment failed.

Mr. Boswell stated he had an amendment to Section 20 and 21.

Mr. Buckalew asked if Mr. Boswell would withhold his amendment until a committee amendment could be offered.

Mr. Boswell agreed.

Mr. Johnson rose to ask whether the Convention was considering 17b or 17a since the numbers of the sections were in conflict.

The President declared a short recess.

AFTER RECESS

The President stated that the proposal before the Convention was C. P. No. 17a.

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

Strike Sections 20 and 21 and substitute the following:

"Section 20. If this constitution shall be accepted by the electors and a majority of all the votes cast for and against the proposition to abolish fish traps shall be cast for adoption of the proposition, then the following shall become effective:

'As a matter of immediate public necessity, to relieve economic distress among individual fishermen and those dependent upon them for a livelihood, to conserve the rapidly dwindling supply of salmon in Alaska, to ensure fair competition among those engaged in commercial fishing, and to make manifest the will of the people of Alaska pending the establishment of the first state legislature, the use of fish traps for the taking of salmon for commercial purposes is hereby prohibited in all the coastal waters of the State until otherwise provided by law. Violations of this section shall be punishable by a fine not to exceed \$5,000.00 and by confiscation of the fish traps. The police power of the State shall be used to the extent necessary to enforce this section.'

Section 21. Each qualified voter who offers to vote upon this Constitution shall be given a ballot by the election judges which in substance shall contain the following proposition:

Shall the proposed constitutional provision prohibiting the use of fish traps for the taking of salmon for commercial purposes until otherwise provided by law, become effective?"

_____ YES

_____ NO

Mr. Knight seconded.

Mr. V. Fischer moved the adoption of the following amendment to the amendment:

Strike the words "until otherwise provided by law" in sections 20 and 21.

Mr. Buckalew asked unanimous consent for the adoption of the amendment to the amendment. There being no objection, it was so ordered.

After discussion regarding C. P. No. 17 and C. P. No. 17b, Mr. McNealy asked unanimous consent to withdraw C. P. No. 17 to avoid confusion. There being no objection, it was so ordered.

Mr. Hurley asked unanimous consent that the numbers of 17a be renumbered to correspond with 17b. There being no objection, it was so ordered.

Mr. Buckalew requested a recess. There being no objection, it was so ordered.

AFTER RECESS

Mr. Lee spoke and requested a roll call vote on adoption of the amendment as amended. After further discussion by Mr. Hilscher, Mr.

Taylor, Mr. Hinckel, Mr. V. Fischer, Mr. Buckalew and Mr. R. Rivers, the question was called. The question being "Shall the Committee amendment to 17a be adopted?", the roll was called with the following result:

Yeas: 49 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, King, Knight, Lee, Londborg, McCutcheon, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, and Mr. President

Nays: 2 - Laws and Robertson

Absent: 4 - Collins, Kilcher, McLaughlin, and Stewart

and so the amendment as amended was adopted.

Mr. Boswell moved the adoption of the following amendment:

Strike Sections 24 and 25.

Mr. Cooper seconded.

After discussion by Mr. Boswell, Mr. Buckalew, Mr. Rosswog, Mr. Emberg, Mr. Taylor and Mr. Peratrovich, Mr. Sundborg asked unanimous consent that the Convention recess until 7 p.m. The following committee announcements were made: Executive at 6:45 p.m.; Finance on recess; Rules immediately on recess; Ordinances on recess.

There being no objection to the unanimous consent request, the Convention recessed until 7 p.m.

AFTER RECESS

Further debate on Mr. Boswell's motion to strike Sections 24 and 25 of C. P. 17a continued by Mr. Smith, Mr. McNealy, Mrs. Hermann, Mr. Poulsen, Mr. R. Rivers, Mr. Hurley, Mr. Hilscher, Mr. V. Rivers, Mr. Smith, and Mr. Robertson; Mr. Lee questioned Mr. Robertson; Mr. Riley asked a question of Mr. Buckalew and Mr. Hellenthal asked a question of Mr. Riley; Mr. Boswell closed the argument. Mr. Lee requested a roll call. The question being "Shall Mr. Boswell's amendment be adopted?", the roll was called with the following result:

Yeas: 19 - Armstrong, Barr, Boswell, Cooper, Cross, Davis, Doogan, Hilscher, Johnson, Laws, Londborg, McNealy, Metcalf, Reader, R. Rivers, V. Rivers, Robertson, Walsh, and Wien

Nays: 30 - Awes, Buckalew, Coghill, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hinckel, Hurley, Kilcher, King, Knight, Lee, McCutcheon, McNees, Marston, Nerland, Nordale, Peratrovich, Poulsen, Riley, Rosswog, Smith, Sweeney, Taylor, White, and Mr. President

Absent: 6 - Collins, McLaughlin, Nolan, Stewart, Sundborg, and VanderLeest

and so the amendment failed.

Mr. Buckalew asked unanimous consent for the adoption of the following amendment to Section 24:

Strike the words "pending the establishment of the first state legislature" and retain the comma.

Objection was heard. Mr. Buckalew so moved. Mr. Emberg seconded. The roll was called with the following result:

Yeas: 26 - Awes, Buckalew, Coghill, Cross, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hinckel, Kilcher, King, Knight, Laws, Lee, McCutcheon, Marston, Nerland, Nordale, Peratrovich, Smith, Stewart, Taylor, Wien, Rosswog, and Mr. President

Nays: 24 - Armstrong, Barr, Boswell, Cooper, Davis, Doogan, H. Fischer, Hermann, Hilscher, Hurley, Johnson, Londborg, McNealy, McNees, Metcalf, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Sweeney, Walsh, and White

Absent: 5 - Collins, McLaughlin, Nolan, Sundborg, and VanderLeest.

and so the amendment was adopted.

Mr. V. Fischer requested a two-minute recess. There being no objection, it was so ordered.

AFTER RECESS

Mr. Buckalew asked unanimous consent for the adoption of the following amendment to Section 24:

Strike "by a fine not to exceed \$5,000.00 and".

There being no objection, the amendment was ordered adopted.

Mr. Kilcher asked unanimous consent for the adoption of the following amendment to Section 24:

Strike the last sentence of Section 24.

Mr. Doogan objected. Mr. Kilcher so moved. Mr. Knight seconded. On voice vote the amendment was adopted.

Mr. Taylor moved the adoption of the following amendment:

Strike the last five lines of Section 25 and insert the following: "Shall the proposed constitutional ordinance prohibiting the use of fish traps for the taking of salmon be adopted?"

The President declared a short recess.

AFTER RECESS

Mr. Marston seconded Mr. Taylor's motion.

Mr. Londborg suggested that the words "for commercial purposes" be inserted after "salmon" in Mr. Taylor's amendment. Mr. Taylor asked unanimous consent that the words be included as a part of the amendment. There being no objection, it was so ordered.

Mr. V. Fischer asked unanimous consent for the adoption of the amendment. There being no objection, it was so ordered.

Mr. Hilscher moved that the last sentence of Section 24 beginning "violation" be stricken. Mr. Robertson seconded. After discussion by Mr. Hilscher, Mr. R. Rivers, Mr. Lee, Mr. Buckalew, Mr. Taylor, Mr. V. Fischer, Mr. Barr, Mrs. Hermann, and Mr. Smith, Mr. Hellenthal requested a recess. There being no objection, it was so ordered.

AFTER RECESS

Mr. Hilscher asked unanimous consent for the withdrawal of his amendment. There being no objection, it was so ordered.

Mr. Buckalew asked unanimous consent for the adoption of the following amendment to Section 24:

On lines 3 and 4 strike the word "proposition" and insert the word "ordinance" and insert the following language after the word "effective" on line 4. "Upon the entry into force of this constitution".

Mr. Hellenthal objected. Mr. Buckalew so moved. Mr. Knight seconded. After discussion by Mr. Hellenthal, and Mrs. Hermann, Mr. V. Rivers spoke on privilege of the floor.

After Mr. Buckalew spoke on the amendment, the question was called. On voice vote the amendment was adopted.

After question from Mr. Armstrong regarding the amendment offered by Mr. Hilscher which was withdrawn, the President declared a short recess.

AFTER RECESS

Mr. Buckalew asked unanimous consent that C. P. 17a be held until a time certain to get the penalty provision worked out. Mr. Metcalf objected.

Mr. McNealy stated that he would like the proposal carried over until another day and that he would like the members to consider the legal implications of the ordinances.

Mr. Buckalew moved that the proposal be held over. Mr. Emberg seconded. On voice vote the motion carried.

Mr. McNees gave notice of his intention to reconsider his vote on Mr. Boswell's amendment to strike Sections 24 and 25.

Mrs. Sweeney reported that the committee on Engrossment and Enrollment to whom had been referred C. P. 8a on Resources had compared the same with the original and found it correctly engrossed and the first enrolled copy correctly enrolled. Mrs. Sweeney asked unanimous consent that the report of the Committee on Engrossment and Enrollment be adopted. *without objection, it was so ordered.* Committee Proposal 8a was referred to the Committee on Style and Drafting.

Mr. Sundborg reported that the Committee on Style and Drafting was ready to report on the amendments to the Preamble and Bill of Rights.

Mr. Sundborg moved the adoption of the following Style and Drafting Committee amendment to Section 18:

Strike Section 18 and substitute the following:

"In civil cases where the amount in controversy exceeds two hundred fifty dollars, the right of trial by jury is preserved to the same extent as it existed at common law. The legislature may make provision for a verdict by not less than three-fourths of the jury, and in courts not of record, may provide for a jury of not less than six or more than twelve."

Mr. Taylor asked unanimous consent. There being no objection the amendment was ordered adopted.

Mr. Sundborg moved the adoption of the following Style and Drafting Committee amendment:

Section 3, page 2, line 1, after the word "denied" insert "the enjoyment of".

Mr. Hellenthal seconded. Mr. Johnson asked unanimous consent. There being no objection, the amendment was ordered adopted.

Mr. Sundborg asked unanimous consent for the adoption of the following Style and Drafting Committee amendment to the Preamble:

Fourth line, after the word "liberty" add "within the Union of States".

There being no objection, the amendment was ordered adopted.

Mrs. Hermann requested that the record show that she did not approve of the last two amendments from the Committee on Style and Drafting, but would not object to their adoption. Mrs. Nordale asked that the record show that she was in accord with Mrs. Hermann's position.

Mr. V. Rivers moved that, in accordance with his notice given the previous Convention day, the Convention rescind its action taken on voting down Mr. White's amendment to the Preamble to insert the preamble of the enrolled copy in the report of Style and Drafting. Mr. Cooper seconded.

After discussion by Mr. Armstrong and Mrs. Hermann, Mr. Sundborg requested the Chief Clerk to read the two preambles.

After Mr. White spoke, Mrs. Hermann requested a roll call. The question being "Shall the Convention rescind its action taken on voting down Mr. White's amendment to the Preamble?", the roll was called with the following result:

Yeas: 8 - H. Fischer, V. Fischer, Kilcher, Laws, Poulsen, V. Rivers, White, and Wien

Nays: 41 - Armstrong, Awes, Barr, Boswell, Puckalew, Cooper, Cross, Davis, Doogan, Imberg, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, King, Knight, Lee, Londborg, McCutcheon, McNealy, McNees, Metcalf, Nerland, Nordale, Peratrovich, Reader, Riley, R. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, Walsh, and Mr. President

Absent: 6 - Coghill, Collins, McLaughlin, Marston, Nolan, and VanderLeest

and so the Convention did not rescind its action.

Miss Awes proposed the following Committee amendment and asked whether it would be a substantive phraseology change:

Section 19, strike "except in case of absconding debtors" and substitute: "but this does not prohibit civil arrest of absconding debtors."

The President declared a short recess.

AFTER RECESS

The President ruled that the proposed amendment was not substantive, just a clarifying amendment.

Miss Awes asked unanimous consent for the adoption of the Committee amendment to Section 19. There being no objection, the amendment was ordered adopted.

There being no further amendments Mr. Sundborg asked unanimous consent that the rules be suspended, that the Preamble and Article I, Declaration of Rights, be advanced to third reading, read by title only and placed on final passage.

Mr. Kilcher offered an amendment to Section 19 to insert a period after "~~but~~" and strike the rest of the sentence.

Mr. Taylor rose to a point of order that Mr. Kilcher was out of order.

The President stated that Mr. Kilcher's speaking at the time constituted an objection to the unanimous consent request and Mr. Kilcher was in order.

Mr. Kilcher asked unanimous consent that the rules be suspended and Article I be returned to second reading for specific amendment as stated above. Mr. Sundborg requested a roll call. The roll was called with the following result:

Yeas: 15 - Barr, Boswell, Buckalew, V. Fischer, Harris, Hurley, Kilcher, Lee, Londborg, Marston, Nerland, Nordale, Riley, Stewart and Sundborg

Nays: 35 - Armstrong, Awes, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, Gray, Hellenthal Hermann, Hilscher, Hinckel, Johnson, King, Knight, Laws, McCutcheon, McNealy, McNees, Metcalf, Peratrovich, Poulsen, Reader, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Sweeney, Taylor, Walsh, White, Wien, and Mr. President

Absent: 5 - Coghill, Collins, McLaughlin, Nolan, and VanderLeest

and so the rules were not suspended.

Mr. Sundborg renewed his request for the suspension of the rules to advance the Preamble and Declaration of Rights to third reading. There being no objection, it was so ordered.

Mr. Barr asked that the Convention recess until 9:50 p.m.--20-minute recess.

Mr. Hellenthal announced a meeting of the Committee on Apportionment during the recess.

Mr. McCutcheon objected to the request for recess.

Mr. Barr moved that the Convention recess for twenty minutes. Mr. Doogan seconded. On voice vote the motion carried.

AFTER RECESS

Mr. Metcalf asked to have Section 19 of Article I read.

The Preamble and Declaration of Rights was read the third time.

Mr. Doogan inquired into the importance of reading the Articles in their entirety, instead of by title only.

The President stated that there was nothing in the Act which set up the Convention which prohibited suspending the rules and reading the articles the third time by title only.

The question being "Shall the Preamble and Declaration of Rights be adopted as part of Alaska's State Constitution?", the roll was called with the following result:

Yeas: 44 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McCutcheon, McNees, Metcalf, Nerland, Nordale, Poulsen, Reader, Riley, R. Rivers, V. Rivers,

Rosswog, Sundborg, Sweeney, Taylor, Walsh, White,
Wien, and Mr. President

Nays: 0

Absent: 11 - Collins, V. Fischer, McLaughlin, McNealy, Marston,
Nolan, Peratrovich, Robertson, Smith, Stewart, and
VanderLeest

and so the Article was adopted.

Mr. Sundborg asked unanimous consent that the Convention revert to the order of business of committee reports. There being no objection, it was so ordered.

Mr. Sundborg reported back to the Convention the Style and Drafting redraft of the article on the Executive, Article III. Article III, the Executive, was referred to the Rules Committee for assignment to the calendar.

The report of the Committee on Style and Drafting on Article V, Suffrage and Elections, was read.

Mr. Sundborg asked unanimous consent that the following amendment by the Committee on Style and Drafting be incorporated into the redraft as if it were a part thereof:

Section 1, line 6, after the word "year" strike the article "a" and insert the following "an actual, bona fide and continuous"; at the end of the same line, after the article "a", insert the word "like".

Mr. Riley inquired whether it was a Committee Amendment as such or just an amendment to incorporate the material in the report.

Mr. Sundborg stated it was merely to incorporate the language of the enrolled copy into the report which had been taken out, but which, if deleted, would constitute a substantive change.

Mr. Sundborg announced that the subcommittee on Style and Drafting who had redrafted the article consisted of Mrs. Hermann, Mr. McLaughlin and Mr. Johnson.

There being no objection to the unanimous consent request to incorporate the amendment into the report, the language was ordered incorporated. The President announced that the insertion of the language into the report did not preclude amending that section later.

Mrs. Hermann explained the changes made by Style and Drafting.

After questions by Mr. Londborg, Mr. Barr, Mr. Taylor and Mr. Metcalf, Mr. Hellenthal stated he would like to be heard on the residence statement. Mr. Johnson rose to a point of order that there was nothing before the Convention.

Mr. V. Fischer pointed out that the questions should be directed only to changes in language and that questions regarding substance were out of order at this time.

The President stated Mr. Fischer was entirely correct.

Mr. Hellenthal stated that the Committee on Suffrage and Elections had reviewed the report of the Style and Drafting Committee and had no objection to it whatsoever.

Mrs. Nordale asked Mr. Davis a question regarding the use of certain language to modify "resident". Mr. McCutcheon rose to a point of order that since the language was in the report the question was out of order at this time. The President stated that Mr. McCutcheon was correct.

Mr. Davis suggested that the amendments regarding the matter of resident requirements be taken up at this time.

Mr. Buckalew offered the following amendment to Section 1.

Strike "an actual, bona fide and continuous resident" and insert "a resident and inhabitant of Alaska".

Mr. Buckalew withdrew his amendment.

Mr. Sundborg moved and asked unanimous consent that Section 6 be referred to the Committee on Ordinances for incorporation in the Transitional section of the constitution. There being no objection, it was so ordered.

Mr. Sundborg asked unanimous consent that the report of the Style and Drafting Committee on the Article on Suffrage and Elections be accepted and that the changes made in language be adopted. Mrs. Hermann objected. Mr. R. Rivers seconded.

Mr. Hellenthal stated he wished to speak on the words used to modify "resident" in Section 1.

Mr. Davis stated that the words were in the report and there was no issue unless someone moved to strike the language.

Mrs. Hermann withdrew her objection to acceptance of the report.

There being no objection, the report of the Committee on Style and Drafting was accepted and the changes in language were adopted.

Mr. Riley asked unanimous consent for a two-minute recess.

AFTER RECESS

Mr. Riley asked unanimous consent for a suspension of the rules to return Article V to second reading for the following specific amendment:

Page 1, line 6, strike "an actual, bona fide and continuous", strike "like", insert the article "a" after "year".

Mr. Hellenthal objected. Mr. Riley so moved. Mr. McCutcheon seconded. The roll was called with the following result:

Yeas: 36 - Armstrong, Awes, Barr, Boswell, Buckalew, Cooper, Cross, Doogan, Emberg, H. Fischer, V. Fischer, Harris, Hermann, Hilscher, Hurley, Johnson, Kilcher, King, Lee, McCutcheon, McNees, Marston, Metcalf, Nerland, Nordale, Reader, Riley, R. Rivers, V. Rivers, Smith, Sundborg, Sweeney, Taylor, White, Wien, and Mr. President

Nays: 13 - Coghill, Davis, Gray, Hellenthal, Hinckel, Knight, Laws, Londborg, McNealy, Peratrovich, Poulsen, Rosswog, and Walsh

Absent: 6 - Collins, McLaughlin, Nolan, Robertson, Stewart, and VanderLeest

and so the rules were not suspended.

Mr. Hellenthal requested the privilege of the floor for five minutes. Mr. McCutcheon objected.

Mr. Doogan moved that the Convention rescind its action on the suspension of the rules. The President stated that action on suspending the rules cannot be rescinded.

Mr. Barr moved that Mr. Hellenthal be given the privilege of the floor for five minutes. Mr. Knight seconded. Mr. McCutcheon stated he believed it would require a suspension of the rules. Mr. Londborg rose to a point of order. After Mr. Davis and Mr. Barr spoke the question was called. On voice vote the motion failed and Mr. Hellenthal was not granted the privilege of the floor.

Mrs. Hermann asked that the question of rescinding action on suspension of the rules be referred to the Rules Committee.

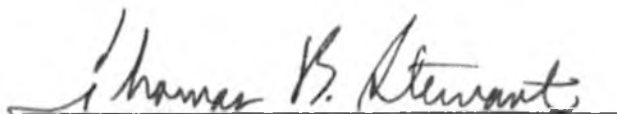
The President declared a short recess.

AFTER RECESS

The President advised Mr. Doogan that a motion to rescind cannot apply to a suspension of the rules motion.

Mr. Rosswog moved that the Convention adjourn until 1:30 p.m. Mr. Coghill seconded. The following Committee announcements were made: Ordinances at 1 p.m.; Style and Drafting on recess and in the morning; Finance briefly on adjournment; Suffrage and Elections at 1 p.m. On voice vote the motion to adjourn failed.

Mr. Riley spoke on a matter of personal privilege. Mr. Riley moved that the Convention adjourn until 9 a.m. Mr. Knight seconded. On voice vote the Convention adjourned at 11:30 p.m. until 9 a.m., Friday.



THOMAS B. STEWART
Secretary

Attested:



WILLIAM A. EGAN
President