

Constitutional Convention

Journal/57

Approved

Feb. 6, 1956

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL FOR THE SIXTY-NINTH CONVENTION DAY, Monday, January 30, 1956

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

The Invocation was given by Chaplain Martin Luther Shaner of Ladd Air Force Base.

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

Mr. Knight asked unanimous consent that the Journal for the 63rd day be approved subject to the following correction: change "Mirth" to "Myrth". There being no objection, the Journal was ordered approved.

Mr. Sundborg introduced the Style and Drafting report on Local Government which was referred to the Rules Committee for assignment to the calendar.

Mr. Boswell reported that the special committee appointed to answer the communications received regarding Section 5 of the original resources article had prepared a statement and had sent it out, together with the enrolled copy of the resources proposal under the signature of the President of the Convention.

Mr. Poulsen asked whether it would be out of order to put in an amendment to the Tennessee Plan at this time. The President stated that the proposal had been referred to the Committee on Style and Drafting.

Mr. Hurley asked unanimous consent to allow Mr. Poulsen to present his amendment at this time. There being no objection, it was so ordered.

Mr. Poulsen moved and asked unanimous consent that the words "Alaska-Tennessee Plan" be used wherever "Tennessee Plan" appears in the proposal 17c revised. Mr. R. Rivers objected. Mr. White seconded. After questioning Mr. Poulsen, Mr. R. Rivers withdrew his objection. Mr. Metcalf objected. After discussion by Mr. Marston, Mr. V. Fischer, Mr. Barr and Mr. McLaughlin, the roll was called with the following result:

69th Day, Monday, January 30, 1956

Yeas: 50 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Collins, Cross, Davis, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White and Wien

Nays: 1 - Mr. President

Absent: 4 - Cooper, Doogan, Hilscher, and McCutcheon

and so the amendment was adopted.

Mr. Riley asked for a short recess until copies of the calendar were available.

Committee Proposal No. 17a was considered again.

Mr. Buckalew moved and asked unanimous consent for the adoption of the following committee amendment:

Strike the last sentence of Section 24 pertaining to violations.

There being no objection, the amendment was ordered adopted.

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

Section 25, strike the word "constitutional".

There being no objection, it was so ordered.

Mr. R. Rivers moved and asked unanimous consent for the adoption of the following amendment:

Section 24, line 4, change "effective" to "operative" and change "entry into force" to "effective date".

Mr. Taylor and Mr. Buckalew objected. Mr. Gray seconded. On voice vote, the amendment was ordered adopted.

Mr. McNees moved reconsideration of his vote on the amendment offered by Mr. Boswell to strike sections 24 and 25. Mr. Doogan

seconded. Mr. Davis brought up the fact that the sections were substantially changed now from the sections Mr. Boswell had requested to strike. The President declared a fifteen-minute recess.

AFTER RECESS

Letters from Governor William G. Stratton of Illinois, Governor Goodwin J. Knight of California, Governor Arthur B. Langlie of Washington, expressing thanks for the invitation to attend the signing ceremony, and regrets at not being able to attend, were read and ordered filed.

The President stated that since amendments had been made to Sections 24 and 25 subsequent to Mr. Boswell's motion to strike, there would have to be agreement that the motion for reconsideration would be on the section in its present form. Mr. Hurley moved and asked unanimous consent that if Mr. McNees' motion failed, that the Convention then have before it the sections in their present form.

Mr. Davis suggested that Mr. McNees withdraw his motion to reconsider and make a motion to strike the sections in their present form.

Mr. McNees withdrew his motion to reconsider for the moment.

Mr. Johnson rose to a point of order that unless Mr. McNees withdrew his motion to reconsider, positively no other action could be taken on the proposal.

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

Mr. McNees withdrew his motion to reconsider with the understanding that another motion to strike Sections 24 and 25 would be in order.

Mr. R. Rivers stated that Mr. McNees could make that motion if he so desired.

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

Strike Sections 24 and 25 and insert in lieu thereof the following: "Section 24. Provision shall be made for the elimination of commercial fish traps operated in the Coastal waters of the State by the first State legislature prior to its adjournment".

Mr. Metcalf seconded. After discussion by Mr. V. Rivers, Mr. Buckalew, Mr. McNees, Mr. Sundborg and Miss Awes, Mr. Lee asked a question of

Mr. V. Rivers. Mr. Hellenthal questioned Mr. V. Rivers. Mr. Peratrovich, Mr. Riley, and Mr. Kilcher spoke on the amendment. Mr. Sundborg questioned Mr. Kilcher. Mr. Hellenthal rose to a point of order to state that the questions should be put through the Chair. Mr. Sundborg spoke and Mr. V. Fischer spoke. Mr. Kilcher rose to a point of order that Mr. V. Fischer was not speaking to the amendment. The President stated that Mr. Kilcher's point of order was not well taken since Mr. Fischer was explaining why he was against the amendment. Further discussion continued by Mr. Hilscher, Mr. Barr and Mr. Lee. Mr. V. Rivers, requested a roll call vote. The questions being, "Shall Mr. V. Rivers' amendment to Sections 24 and 25 of 17a be adopted?", the roll was called with the following result:

Yeas: 12 - Barr, Boswell, Collins, Cross, Hilscher, Johnson, McNealy, McNees, Reader, R. Rivers, V. Rivers, and Robertson

Nays: 42 - Armstrong, Awes, Buckalew, Coghill, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hinckel, Hurley, Kilcher, King, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Riley, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, and Mr. President

Absent: 1 - Cooper

and so the amendment failed.

Mr. White moved the adoption of the following amendment:

Strike Sections 24 and 25 as amended. Mr. Sundborg seconded.

After Mr. White spoke, Mr. Davis raised the question of whether Mr. White's amendment was in order.

The President stated that this was the third time he had been placed in the position of allowing the convention to act on something which should properly be out of order but seemed to be a question of policy and so had been allowed. He further stated that a proposal cannot be killed in second reading and it is not in order to strike that part of the proposal which virtually kills it.

Mr. V. Fischer pointed out that Sections 24 and 25 are only a part of C. P. 17 and it would not kill the proposal.

The President stated Mr. V. Fischer was correct and that Mr. White's motion was in order.

After further discussion by Miss Awes, Mr. Robertson, and Mr. McCutcheon, Mr. Hellenthal moved the previous question. Mr. Buckalew seconded. Mr. Buckalew withdrew his second when he realized Mr. White had not been given the opportunity to close the argument. Mr. Hinckel seconded the motion. Mr. V. Fischer asked unanimous consent that Mr. White be permitted to close. Mr. Kilcher rose to a point of order. The question being, "Shall the previous question be ordered?", the roll was called with the following result:

Yeas: 16 - Awes, Barr, Coghill, Gray, Hellenthal, Hinckel, King, Lee, McCutcheon, McLaughlin, Metcalf, Peratrovich, Poulsen, Sundborg, Taylor, and White

Nays: 38 - Armstrong, Boswell, Buckalew, Collins, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Harris, Hermann, Hilscher, Hurley, Johnson, Kilcher, Knight, Laws, Londborg, McNealy, McNees, Marston, Nerland, Nolan, Nordale, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sweeney, VanderLeest, Walsh, Wien, and Mr. President

Absent: 1 - Cooper

and so the previous question was not ordered.

Further debate by Mr. Peratrovich, Mr. Smith, Mr. Emberg, Mr. Boswell, Mr. Hellenthal and Mr. Marston, Mr. McCutcheon rose to a point of order that the motion to strike was not valid since all the argument had been on the same matter and he believed the convention was considering something which had been acted on previously.

The President referred the matter of Mr. White's amendment to the Rules Committee for consideration, and declared a short recess.

Mr. V. Rivers asked unanimous consent that the Convention recess until 1:30 p.m. Mr. Hellenthal objected.

Mr. White rose to a point of order to explain his position in presenting the amendment. Mr. McCutcheon rose to a point of order to state that there already was a point of order before the Convention to be decided.

The President stated that Mr. White would be allowed to present his point of order after the point of order referred to the Rules Committee is decided.

The following committee announcements were made prior to recess: Local Government at 1 p.m.; Style and Drafting on recess; Rules on recess.

The Convention recessed until 1:30 p.m.

AFTER RECESS

Mr. Riley stated that the point of order was not well taken since the matter to be voted to be stricken had changed substantially since the previous motion to strike was acted upon.

The President stated that the ruling of the Rules Committee would be the ruling of the Chair.

Further debate by Mr. Knight, Mr. Metcalf, Mr. Barr, Mr. V. Rivers, Mr. Buckalew, Mr. Taylor and Mr. White followed. The question being, "Shall Mr. White's amendment to strike Sections 24 and 25 be adopted?", the roll was called with the following result:

Yeas: 16 - Armstrong, Barr, Boswell, Collins, Cross, Harris, Hilscher, Johnson, Laws, McNees, Reader, R. Rivers, V. Rivers, Robertson, Stewart and White

Nays: 38 - Awes, Buckalew, Coghill, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Hellenthal, Hermann, Hinckel, Hurley, Kilcher, King, Knight, Lee, Londborg, McCutcheon, McLaughlin, McNealy, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Riley, Rosswog, Smith, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, Wien, and Mr. President

Absent: 1 - Cooper

and so the amendment failed.

Mr. V. Fischer spoke on the privilege of the floor.

The President declared a short recess.

AFTER RECESS

The President announced that a photographer would be arriving at 2 p.m. to take pictures of all the committees and the employees, and it would be in order to recess for that purpose.

Mr. Johnson moved and asked unanimous consent that the Convention recess for the purpose of pictures until the call of the Chair. Mr. Sundborg asked that the Style and Drafting Committee meet during the recess. Mrs. Sweeney announced a meeting of the Committee on Engrossment and Enrollment.

There being no objection, the Convention recessed until the call of the chair.

AFTER RECESS

Mr. Hilscher introduced Mr. Lawrence Davies of the New York Times who would be covering the Convention until the 75th day.

Committee Proposal No. 17a was referred to the Committee on Engrossment and Enrollment.

Mr. Hilscher spoke on a matter of personal privilege.

The President asked Mr. Peratrovich to take the Chair.

The report of the Committee on Style and Drafting on Article X, LOCAL GOVERNMENT, was read.

Mr. Sundborg announced that the subcommittee which had worked on the article was composed of Mr. McLaughlin, Mrs. Nordale and Mr. Johnson, and asked Mr. McLaughlin to explain the article.

Mr. McLaughlin asked that the following insertions be made in the Committee report:

At the end of Section 6, add the following sentence: "It may exercise any powers or functions in an unorganized borough which the assembly may exercise in an organized borough".

On page 3, line 5, insert ",reclassified," after "classified".

Section 15, strike "At the time a borough is organized," and "performing local functions", and insert in lieu of the last phrase "existing at the time a borough is organized," and change "s" to "S" in "special".

Correct the spelling of "borough" in Section 7.

Section 3, line 12 of page 1, add the word "population," at the end of the line.

Mrs. Hermann asked unanimous consent that on line 9, page 4, the hyphen be placed after the first "m". There being no objection, it was so ordered.

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

Line 21 of Section 14, strike the period and word "it", and on

line 22, strike the word "shall" and insert the word "to" after "government".

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

AFTER RECESS

Mr. Sundborg asked to add to his amendment offered before the recess the following:

Strike the comma after "governments" and insert a period and insert after the period the words "It shall".

There being no objection, the amendment was adopted.

Mr. McLaughlin asked unanimous consent that the report of the Style and Drafting Committee be accepted as to style only. There being no objection, it was so ordered.

Mr. Buckalew offered the following amendment:

Change "borough" wherever it appears in article to the word "county".

Mr. Doogan rose to a point of order that this had already been decided.

Mr. Johnson stated that under a suspension of the rules the amendment would be in order.

Mr. Buckalew moved that the rules be suspended and that Article X be returned to second reading for specific amendment. Mr. Cooper seconded. The roll was called with the following result:

Yeas:	20 - Barr, Buckalew, Coghill, Collins, Cooper, Emberg, H. Fischer, Gray, Harris, Johnson, Kilcher, King, Laws, Londborg, Metcalf, Nolan, Peratrovich, Poulsen, Reader, and Wien
Nays:	31 - Armstrong, Awes, Boswell, Cross, Davis, Doogan, V. Fischer, Hellenthal, Hermann, Hinckel, Hurley, Knight, Lee, McCutcheon, McLaughlin, McNees, Marston, Nerland, Nordale, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, and White
Absent:	4 - Hilscher, McNealy, Riley, and Mr. President

and so the rules were not suspended.

Mr. Johnson moved that the Convention recess for twenty-five minutes. Mr. Coghill seconded.

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

There being no objection, the Convention recessed.

AFTER RECESS

President Egan took the Chair.

Mr. Barr rose to speak under personal privilege regarding changing the name of the local government unit. Considerable discussion followed, and Mr. Barr was advised that it would take a suspension of the rules to change the name from "borough" to "county". Mr. Barr asked if he offered another name than "county", would that take a suspension of the rules. The President stated he would rule that it would be a phraseology change only.

Mr. Barr moved the adoption of the following amendment:

Change "borough" to "area" where it appears in Article X.

Mr. Kilcher seconded. Mrs. Hermann stated she believed it would take a suspension of the rules. The President stated in line with his previous ruling, this would be merely a phraseology change. Mr. V. Fischer pointed out that it would be a substantive change since the word "area" is used on page 2 in another sense.

The President stated that in this case, the use of another word for the word "borough" would be a substantive change, since it would create confusion.

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

The President declared a short recess.

AFTER RECESS

Mr. Barr moved that the Convention rescind its action on adopting the word "borough" for the name of the local government unit. Mr. Knight seconded. The roll was called with the following result:

Yeas: 16 - Barr, Boswell, Coghill, Collins, Cooper, H. Fischer, Johnson, Kilcher, Knight, Laws, Londborg, Metcalf, Nolan, Poulsen, Reader, and Wien

Nays: 35 - Armstrong, Awes, Cross, Davis, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hinckel, Hurley, King, Lee, McCutcheon, McLaughlin, McNees, Marston, Nerland, Nordale, Peratrovich, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, and Mr. President

Absent: 4 - Buckalew, Hilscher, McNealy, and Robertson

and so the action was not rescinded.

Mr. Rosswog moved the adoption of the following amendment:

That the words "it deems necessary or advisable" from the enrolled copy be restored to the report on Style and Drafting.

Mr. White seconded. Mr. McLaughlin asked unanimous consent. Mr. Davis objected. On voice vote, the amendment was adopted.

Mr. McLaughlin moved the adoption of the new sentence in Section 6 offered earlier. Mr. Doogan seconded. Mr. Rosswog stated that the amendment had the approval of the Local Government Committee and asked unanimous consent for its adoption. There being no objection, it was so ordered.

Mr. McLaughlin asked unanimous consent that the substantive change made by the Committee on Style and Drafting by inserting the sentence beginning on line 5 of page 4 beginning "The change shall become effective forty-five days etc." be adopted. There being no objection, it was so ordered.

Mr. Johnson moved that the original language of the Style and Drafting report as to Section 15 be restored. Mr. Coghill seconded.

Mr. White stated that the Section had not been changed; that the recommendation of Mr. McLaughlin had not been adopted.

Mr. Sundborg asked if Mr. Johnson would withdraw his amendment so that the report could be adopted.

Mr. Johnson withdrew his amendment.

Mr. Sundborg asked unanimous consent that the amendments or changes reported in the Style and Drafting Committee redraft of Article X be adopted.

The President stated that since the changes had been acted on separately, it would be better to continue the practice.

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

Mr. Sundborg asked unanimous consent that the change in Section 15 as proposed by Mr. McLaughlin earlier be adopted. Mr. Johnson objected. Mr. Sundborg so moved. Mrs. Hermann seconded.

Mr. Johnson stated he believed this to be a substantive change. Mr. Doogan explained that it was merely an amendment to clarify.

The President ruled that the amendment was substantive and would require a suspension of the rules.

Mr. Sundborg withdrew his amendment.

Mr. Sundborg asked unanimous consent that the rules be suspended, that Article X be returned to second reading for the purpose of submitting the following specific amendment:

Section 15, strike "At the time a borough is organized," change "s" to "S" in "special", and strike "performing local functions" and insert therefor "existing at the time a borough is organized,".

Mr. Coghill objected, Mr. Sundborg so moved. Mr. White seconded. The question being, "Shall the rules be suspended?", the roll was called with the following result:

Yeas: 43 - Armstrong, Awes, Barr, Boswell, Collins, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Kilcher, King, Knight, Londborg, McCutcheon, McLaughlin, Metcalf, Nerland, Nolan, Nordale, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, and Mr. President

Nays: 8 - Coghill, Cooper, Hurley, Johnson, Laws, Lee, Marston, and Peratrovich

Absent: 4 - Buckalew, McNealy, McNees, and Robertson

and so the rules were suspended.

Mr. Sundborg moved the adoption of the amendment. Mr. Gray seconded. The roll was called with the following result:

Yeas: 36 - Awes, Barr, Collins, Cross, Doogan, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Kilcher, King, Knight, Lee, McCutcheon, McLaughlin, Metcalf, Nerland, Nordale, Poulsen, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, and Mr. President

Nays: 15 - Armstrong, Boswell, Coghill, Cooper, Davis, Emberg, Hurley, Johnson, Laws, Londborg, Marston, Nolan, Peratrovich, Reader, and Stewart

Absent: 4 - Buckalew, McNealy, McNees, and Robertson

and so the amendment was adopted.

Mr. Sundborg asked unanimous consent that the amendments and changes made by the Style and Drafting Committee in Article X be adopted. Mr. Barr stated he had an amendment.

Mr. Sundborg withdrew his motion.

Mr. Barr moved the adoption of the following amendment:

Section 2, page 1, line 7, strike the word "borough" and substitute therefor the word "section", and take like action wherever the word "borough" may appear throughout the article.

Mr. Sundborg seconded. After discussion by Mr. Barr, Mr. Davis, Mr. Sundborg, Mr. Hellenthal, the question was called. On voice vote, the amendment failed.

Mr. Kilcher moved the adoption of the following amendment:

Change the spelling of "borough" to "boro".

Mr. Buckalew seconded. On voice vote, the amendment failed.

Mr. Sundborg moved that the rules be suspended so that no more amendments could be offered on the question of changing the name "borough" in Article X. Mr. Barr seconded. The roll was called with the following result:

Yeas: 18 - Awes, Barr, Boswell, Davis, V. Fischer, Hilscher, Hinckel, Hurley, Lee, McCutcheon, McLaughlin, Marston, Nerland, Nordale, Rosswog, Sundborg, Taylor, and Mr. President

Nays: 34 - Armstrong, Buckalew, Coghill, Collins, Cooper, Cross, Doogan, Emberg, H. Fischer, Gray, Harris, Hellenthal, Hermann, Johnson, Kilcher, King, Knight, Laws, Londborg, Metcalf, Nolan, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Smith, Stewart, Sweeney, VanderLeest, Walsh, White, and Wien

Absent: 3 - McNealy, McNees, and Robertson

and so the rules were not suspended.

Mr. Doogan asked unanimous consent for the adoption of the report of the Committee on Style and Drafting. Mr. White objected. Mr. Doogan so moved. Mr. White withdrew his objection. Mr. Barr objected. Mr. V. Rivers seconded. The roll was called with the following result:

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

Nays: 3 - Barr, Johnson, and Laws

Absent: 3 - McNealy, McNees, and Robertson

and so the report was adopted.

Mr. Sundborg asked unanimous consent that the Rules be suspended, that Article X be advanced to third reading, read by title only, and placed upon final passage. Mr. Johnson objected. Mr. Doogan seconded. The roll was called with the following result:

Yeas: 47 - Armstrong, Awes, Boswell, Buckalew, Collins, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Kilcher, King, Knight, Lee, McCutcheon, McLaughlin, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, and Mr. President

Nays: 5 - Barr, Coghill, Johnson, Laws, and Londborg

Absent: 3 - McNealy, McNees, and Robertson

and so the rules were suspended.

The question being, "Shall Article X, LOCAL GOVERNMENT, be adopted as part of Alaska's State Constitution?", the roll was called with the following result:

Yeas: 47 - Armstrong, Awes, Boswell, Buckalew, Collins, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Kilcher, King, Knight, Lee, Londborg, McCutcheon, McLaughlin, Marston, Metcalf, Nerland, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, and Mr. President

Nays: 5 - Barr, Coghill, Johnson, Laws, and Nolan

Absent: 3 - McNealy, McNees, and Robertson

and so the article was adopted.

Mr. Doogan moved and asked unanimous consent that the Convention recess until 7 p.m. The following committee announcements were made: Style and Drafting on recess.

Mr. Hellenthal rose to a point of order to ask what was on the calendar. Mr. Sundborg and Mr. Riley stated that the article on Resources would be ready and possibly another article.

There being no objection, the Convention recessed until 7 p.m.

AFTER RECESS

Mrs. Sweeney reported that the Committee on Engrossment and Enrollment to whom had been reported C. P. No. 14 and C. P. No. 17b had compared the same with the originals and found them correctly engrossed and the first enrolled copies correctly enrolled. Mrs. Sweeney asked unanimous consent that the report be adopted. There being no objection, it was so ordered.

Mr. Sundborg submitted the report of the Committee on Style and Drafting on Article VIII, Natural Resources. Mr. Sundborg asked unanimous consent that the report be considered at this time. There being no objection, the report was read.

Mr. Sundborg stated that no substantive changes had been made in the report, and the redraft had been prepared by a subcommittee of Mr. Hurley, Mrs. Hermann and Mr. Armstrong and he asked Mr. Hurley to make the report.

Mr. Hurley asked unanimous consent for the adoption of the following committee amendments:

Page 2, line 15, change second word "of" to "or", line 7, same page, strike extra "the".

There being no objection, the amendments were ordered adopted.

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

Line 22, page 3, following the word "permits", insert "leases and", and strike "and leases" later in the line.

There being no objection, the amendment was ordered adopted.

Mr. Hurley asked unanimous consent that the rules be suspended and Article VIII be returned to second reading for the following specific amendment:

Line 3, page 4, strike "and" and insert "or", and insert the word "either" before "the extraction".

Mr. Doogan objected. Mrs. Hermann seconded. Mr. Doogan withdrew his objection. There being no further objection, the rules were suspended.

Mr. Hurley moved the adoption of the amendment. Mrs. Hermann seconded. After discussion by Mr. Riley and Mr. Johnson, Mr. Hurley withdrew his amendment.

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

AFTER RECESS

Mr. Riley asked unanimous consent for the suspension of the rules for the purpose of making a specific substantive amendment to line 3 of page 4, strike "and" and insert "or".

The President declared a short recess.

AFTER RECESS

Mr. Riley withdrew his request for a suspension of the rules.

Mr. Riley asked unanimous consent to suspend the rules to return Article VIII to second reading for the following specific amendment:

Lines 3 and 4 - on line 3, strike "and" and insert "or", on line 4, strike the period and insert a comma and add "or for both".

There being no objection, the rules were suspended.

Mr. Riley moved the adoption of the amendment and asked unanimous consent. There being no objection, the amendment was ordered adopted.

The President declared a short recess.

AFTER RECESS

Mr. Hurley moved the adoption of the following amendment:

Section 14, line 4, delete "law" and insert "the legislature".

Mr. Johnson objected. Mr. Poulsen seconded.

After discussion by Mr. Buckalew, Mr. White, Mr. Gray and Mr. Coghill, Mr. V. Fischer rose to a point of order to state that the discussion was not pertinent to the question. The question was called. On voice vote, the amendment was adopted.

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

AFTER RECESS

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

Section 3, line 10, strike the comma after "wildlife".

There being no objection, the amendment was ordered adopted.

After discussion by Mr. Barr, Mr. Hinckel and Mr. Davis, Mr. Hurley moved that the report of the Style and Drafting Committee on Article VIII be adopted as to phraseology only. There being no objection, it was so ordered.

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

Page 3, line 8, Section 9, insert "unnecessarily" between "in" and "impair".

There being no objection, the rules were suspended.

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

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

Page 6, line 1, insert "resultant" before "damages".

There being no objection, the rules were suspended.

Mr. Riley asked unanimous consent for the adoption of the amendment. There being no objection, the amendment was adopted.

There being no further amendments at this time, Article VIII was referred to the Rules Committee for assignment to the calendar.

Mr. McNees asked that the record show he would have voted in the affirmative on the adoption of the Article on Local Government into the constitution. It was so ordered.

The President brought up the question of the final vote on the constitution being taken before the signing ceremony. Mr. White so moved. Mr. Kilcher asked how long it would take to read the document. It was estimated it would take an hour or more. Mr. Armstrong suggested that it be read the third time on Saturday.

Mr. Hurley asked unanimous consent that the final reading and vote on the constitution take place in Constitution Hall on or before Saturday, February 4. Mr. Rivers asked if Mr. Hurley would amend his motion to include that it be read by preamble and title just prior to the signing. Mr. Cross seconded. On voice vote, the motion was adopted.

Mr. Sundborg submitted the report of the Committee on Style and Drafting on Article XII, General and Miscellaneous Provisions. The report was read.

Mr. Sundborg reported that there was one more provision to be included in the miscellaneous provisions concerning native rights

which would be returned to the convention within a short time, and asked that if any of the substantive committees had provisions which should be included, that they submit them as soon as possible.

Mr. Sundborg reported that the subcommittee on Style and Drafting which had worked on this article was composed of Mr. Davis, Mr. V. Fischer, and Mr. Sundborg, and he asked Mr. Fischer to report on the changes made by the committee.

Mr. V. Fischer asked unanimous consent that the rules be suspended, and Article XII be returned to second reading for the purpose of the following specific committee amendment:

After Section 8, insert following new Section 9:

"As used in this constitution, the terms "by law" and "by the legislature", or variations of these terms, are used interchangeably when related to law-making powers. Unless clearly inapplicable, the law-making powers assigned to the legislature may be exercised by the people through the initiative, subject to the limitations of Article XI."

There being no objection, the rules were suspended.

Mr. Fischer asked unanimous consent for the adoption of the amendment. There being no objection, the amendment was adopted.

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

Page 2, line 7, change "dischage" to "discharge".

There being no objection, it was so ordered.

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

Section 6, page 2, line 21, strike word "both" and insert in lieu thereof the word "either" and change "sexes" to "sex".

Mr. Sundborg objected. Mr. McLaughlin so moved. Mr. Kilcher seconded. Mr. V. Fischer requested a one-minute recess. There being no objection, it was so ordered.

AFTER RECESS

Mr. McLaughlin withdrew his motion.

Mr. Sundborg asked unanimous consent for the suspension of the rules to return Article XII to second reading for the purpose of the following specific amendment:

Line 21, ~~strike~~ "persons of both sexes", and insert in lieu thereof "either sex".

There being no objection, the rules were suspended.

Mr. Sundborg asked unanimous consent for the adoption of the amendment. There being no objection, the amendment was ordered adopted.

Mr. V. Rivers submitted the following amendment:

"Separability clause. Should the Congress of the United States reject any ordinance or transitory provision attached to this constitution the balance of the constitution and its attached ordinances and transitory provisions shall not be impaired thereby."

Mr. V. Fischer rose to a point of order to state that the amendment was out of order and should be considered under transitional measures and ordinances.

The President stated that the proposed amendment would be held until transitional measures are considered.

Mr. Sundborg asked unanimous consent that the report of the Committee on Style and Drafting as to the first 13 sections of Article XII be accepted and that the amendments and changes therein made by the committee be adopted. There being no objection, the report was accepted and adopted.

Article XII was referred to the Committee on Rules for assignment to the calendar.

Mr. Sundborg announced that the Article on the Judiciary had not been given a number, and he asked unanimous consent that the convention adopt the following:

The Judiciary Article shall be designated Article ^cIV.

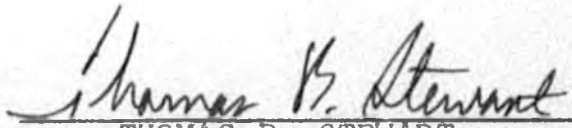
There being no objection, it was so ordered.

Mr. Boswell moved and asked unanimous consent that the Convention adjourn until 1:30 p.m. Tuesday. The following committee announcements

were made: Resources on adjournment; Style and Drafting on adjournment; Administration at 11 a.m. Tuesday in Apt. 1012 Polaris.


Discussion regarding signing and distribution of copies of the constitution followed. Mr. Buckalew suggested that the four district judges be given copies.

There being no further business and no objection to the unanimous consent request, the convention adjourned at 9 p.m. until 1:30 p.m. Tuesday.



THOMAS B. STEWART
Secretary

Attested:



WILLIAM A. EGAN
President