

FOLDER NO.

203.036

Constitutional Convention
Committee Proposal/8/a
Style & Drafting/Article VIII
January 30, 1956

ALASKA CONSTITUTIONAL CONVENTION
REPORT OF THE COMMITTEE ON STYLE AND DRAFTING

Hon. William A. Egan, President
Alaska Constitutional Convention

Dear President Egan:

Your Committee on Style and Drafting herewith presents its re-
draft of the Article on Natural Resources for consideration by the
Convention.

Respectfully submitted,

George Sundborg, Chairman
R. Rolland Armstrong
Edward V. Davis
Victor Fischer
Mildred R. Hermann
James J. Hurley
Maurice T. Johnson
George M. McLaughlin
Katherine D. Nordale

REPORT OF THE STYLE AND DRAFTING COMMITTEE

Constitutional Convention
X/Resources/8/a
Style and Drafting/Article VIII
January 29, 1956

CONSTITUTIONAL CONVENTION OF ALASKA

RESOLVED, that the following be agreed upon as part
of the Alaska State Constitution:

ARTICLE VIII

NATURAL RESOURCES

Statement
of Policy

1 Section 1. It is the policy of the State to en-
2 courage the settlement of its land and the development
3 of its resources by making them available for maximum
4 use consistent with the public interest.

General
Authority

5 Section 2. The legislature shall provide for the
6 utilization, development and conservation of all natural
7 resources belonging to the State, including land and
8 waters, for the maximum benefit of its people.

Common
Use

9 Section 3. Wherever occurring in their natural
10 state, fish, wildlife, and waters are reserved to the
11 people for common use.

Sustained
Yield

12 Section 4. Fish, forests, wildlife, grasslands and
13 all other replenishable resources belonging to the State
14 shall be utilized, developed and conserved on the sus-
15 tained yield principle, subject to preferences among
16 beneficial uses.

Style and Drafting/Article VIII

Style and Drafting: Work Files - Art. VIII

Facilities 1 Section 5. The legislature may provide for facili-
and 2 ties, improvements and services to assure greater utili-
Improvements 2 zation, development, reclamation and settlement of lands,
3 zation, development, reclamation and settlement of lands,
4 and to assure fuller utilization and development of the
5 fisheries, wildlife and waters.

State Public 6 Section 6. Lands and interests therein, including
Domain 7 submerged and tidal lands, possessed or acquired by the
8 the State, and not used or intended exclusively for gov-
9 ernmental purposes, constitute the state public domain.
10 The legislature shall provide for the selection of lands
11 granted to the State by the United States, and for the
12 administration of the state public domain.

Special 13 Section 7. The legislature may provide for the ac-
Purpose 14 quisition of sites, objects and areas of natural beauty
Sites 15 or of historic, cultural, recreational or scientific
16 value. It may reserve them from the public domain and
17 provide for their administration and preservation for the
18 use, enjoyment and welfare of the people.

Leases 19 Section 8. The legislature may provide for the
20 leasing of and the issuance of exploration permits to any
21 part of the public domain or interest therein, subject
22 to reasonable concurrent uses. Leases and permits shall
23 provide, among other conditions, for payment by the
24 party at fault for damage or injury arising from non-
25 compliance with terms governing concurrent use and for

Handwritten: Drafting: Water Ties - Art. VIII

Final Drafting: Work Files - Art. VIII

1 forfeiture in the event of breach of conditions.

Sales and
Grants

2 Section 9. Subject to the provisions of this section,
3 the legislature may provide for the sale or grant of state
4 lands, or interests therein, and establish sales procedures.
5 All sales or grants shall contain reservations to the
6 State of all resources as may be required by Congress or
7 the State and shall provide for access to these resources.
8 Reservation of access shall not impair the owners' use,
9 prevent the control of trespass, nor preclude compensation
10 for damage.

Public
Notice

11 Section 10. No disposals or leases of state lands,
12 or interests therein, shall be made without prior public
13 notice and other safeguards of the public interest as
14 may be prescribed by law.

Mineral
Rights

15 Section 11. Discovery and appropriation shall be
16 the basis for establishing a right in those minerals
17 reserved to the State which, upon the date of ratification
18 of this constitution by the people of Alaska, were subject
19 to location under the federal mining laws. Prior discovery,
20 location and filing, as prescribed by law, shall establish
21 a prior right to these minerals and also a prior right to
22 permits, transferable licenses and leases for their
23 extraction and processing. Continuation of these rights
24 shall depend upon the performance of annual labor, the
25 payment of fees, rents or royalties, or upon other

1 requirements as may be prescribed by law. Surface uses
2 of land by a mineral claimant shall be limited to those
3 necessary for the extraction and basic processing of the
4 mineral deposits. The granting of deeds or patents to
5 mineral lands may be authorized by the State unless
6 prohibited by Congress. The provisions of this section
7 shall apply to all other minerals reserved to the State
8 which by law are declared subject to appropriation.

Leases and
Permits

9 Section 12. The legislature shall provide for the
10 issuance, types and terms of leases for coal, oil, gas,
11 oil shale, sodium, phosphate, potash, sulfur, pumice and
12 other minerals as may be prescribed by law. Leases and
13 permits giving the exclusive right of exploration for
14 these minerals for specific periods and areas, subject
15 to reasonable concurrent exploration as to different
16 classes of minerals, may be authorized by law. Like
17 leases and permits giving the exclusive right of prospect-
18 ing by geophysical, geochemical and similar methods for
19 all minerals may also be authorized by law.

Water
Rights

20 Section 13. All surface and subsurface waters re-
21 served to the people for common use, except mineral and
22 medicinal waters, are subject to appropriation. Priority
23 of appropriation shall give prior right. Except for
24 public water supply, an appropriation of water shall be
25 limited to stated purposes and subject to preferences

and Drafting: Work files - Art. VIII

1 among beneficial uses, concurrent or otherwise, as
2 prescribed by law.

Access to
Navigable
Waters

3 Section 14. Free access to the navigable or public
4 waters of the State, as defined by law, shall not be
5 denied any citizen of the United States or resident of
6 the State, except that the legislature may by general law
7 regulate and limit such access for other beneficial uses
8 or public purposes.

No Exclu-
sive Right
of Fishery

9 Section 15. No exclusive right or special privilege
10 of fishery shall be created or authorized in the natural
11 waters of the State.

Protection
of Rights

12 Section 16. No person shall be involuntarily divested
13 of his right to the use of waters, his interests in lands,
14 or improvements affecting either, except for a
15 superior beneficial use or public purpose and then only
16 with just compensation and by operation of law.

Uniform
Application

17 Section 17. Laws and regulations governing the use
18 or disposal of natural resources shall apply equally to
19 all persons similarly situated with reference to the
20 subject matter and purpose to be served by the law or
21 regulation.

Private
Ways of
Necessity

22 Section 18. Proceedings in eminent domain may be
23 undertaken for private ways of necessity to permit
24 essential access for extraction or utilization of
25 resources. Just compensation shall be made for property

1 taken or for damages to other property rights.

Residual
Powers
(To General
Provisions)

2 Section 19. The enumeration of specified powers
3 shall not be construed as limitations on other implied
4 powers of the State in relation to the utilization,
5 development and conservation of natural resources, except
6 as specifically provided in this article.

State
Boundaries
(To General
Provisions)

7 Section 20. The State of Alaska shall consist of
8 all the territory, together with the territorial waters
9 appurtenant thereto, included in the Territory of Alaska
10 upon the date of ratification of this constitution by
11 the people of Alaska.

During War Times - Art. VIII

Mr. Sundborg

REPORT OF THE STYLE AND DRAFTING COMMITTEE

Constitutional Convention
X/Resources/8/A/Enrolled
Style and Drafting
January 29, 1956

CONSTITUTIONAL CONVENTION OF ALASKA

~~COMMITTEE PROPOSAL NO. 8/A~~

~~Introduced by Committee on Resources~~

~~STATE LANDS AND NATURAL RESOURCES~~

RESOLVED, that the following be agreed upon as part of
the Alaska State Constitution:

ARTICLE VIII

~~ARTICLE ON STATE LANDS AND NATURAL RESOURCES~~

Statement
of Policy

1 Section 1. It is the policy of the State to en-
2 courage the settlement of its land and the development
3 of its resources by making them available for maximum
4 use consistent with the public interest.

General Authority

5 Section 2. The legislature shall provide for the
6 utilization, development and conservation of ^{all} ~~the State's~~
7 ^(belonging to the State) natural resources, including land and waters, for the
8 maximum benefit of its people.

Sustained Yield

9 Section 3. Fish, forests, wildlife, grasslands and
10 all other replenishable resources ^{belonging to} ~~included~~ of the State
11 shall be utilized, developed and conserved on the sus-
12 tained yield principle, subject to preferences among
13 beneficial uses.

Reservations

14 Section 3. Wherever occurring in their natural state,
15 fish, wildlife, and waters are reserved to the people for
16 common use.

Style and Drafting Work Files - Art. VIII

Facilities and Improvements

~~General Authori-
zation for Faci-
lities, Improve-
ments and
Services~~

1 Section 5. The legislature may provide for facilities,
2 improvements, and services to assure greater utilization,
3 development, reclamation and settlement of lands, and ^{to secure}
4 fuller utilization and development of the fisheries, wild ~~life~~
5 ~~life~~ and waters.

State Public Domain

6 Section 6. Lands and interests therein, including
7 submerged and tidal lands, possessed or acquired by the
8 State, and not used or intended exclusively for governmen-
9 tal purposes, constitute the state public domain. The
10 legislature shall provide for the selection of lands granted
11 to the State by the United States, and for the adminis-
12 tration of the state public domain.

~~Special Acqui-
sitions and
Purposes~~

Special Purpose Sites

13 Section 7. The legislature may provide for the ac-
14 quisition of sites, objects, and areas of natural beauty
15 or of historic, cultural, recreational or scientific
16 value, may reserve them from the public domain and provide
17 for their administration and preservation for the use,
18 enjoyment, and welfare of the people.

Leases

119 Section 8. The legislature may provide for the leas-
120 ing of and the issuance of exploration permits ^{to} any part
121 of the public domain, or interest therein, subject to
122 reasonable concurrent uses. Leases ^{and permits} shall provide, among
123 other conditions, for payment by the party at fault for
124 damage or injury arising from noncompliance with terms
125 governing concurrent use and for forfeiture in the event
126 of breach of conditions.

Life and Drafting: Work files - Art. VIII

Sales and
Grants

1 Section 9. Subject to the provisions of this section,
2 the legislature may provide for the sale or grant of state
3 lands, or interests therein, and establish sales procedures.
4 All sales or grants ~~of state land~~ shall contain reserva-
5 tions to the State of all resources ^{as} ~~which~~ may be required
6 by Congress or the State and shall provide for access to
7 these resources. Reservation of access shall not impair
8 the owners' use, prevent the control of trespass, nor
9 preclude compensation for damage.

Public Notice
~~and Other~~
Safeguards

10 Section 10. No disposals or leases of state lands,
11 or interests therein, shall be made without prior public
12 notice and other safeguards of the public interest as
13 may be prescribed by law.

Mineral Rights

14 Section 11. Discovery and appropriation shall be
15 the basis for establishing a right in ~~all metallic minerals~~
16 ~~reserved to the State, and in all other~~ ^{those} minerals reserved
17 to the State which ^{were} ~~are~~ subject to location under the Fed-
18 eral mining laws, ~~in force~~ upon the date of ratification
19 of this constitution, ^{by the people of Alaska} Prior discovery, location and filing,
20 as prescribed by law, shall ~~give~~ ^{establish} a prior right to these
21 minerals ~~as well as~~ ^{and also} a prior right to ~~the issuance of~~ per-
22 mits, transferable licenses and leases for their extrac-
23 tion and processing. ~~the~~ ^{then} Continuation of these rights shall
24 depend upon the performance of annual labor, ^{the} payment of
25 fees, rents ^{or} royalties, ^{upon} or other requirements as may be

1 prescribed by law. Surface uses of land by a mineral
2 claimant shall be limited to those necessary for the
3 extraction and basic processing of the mineral deposits.
4 ^{The granting of} deeds or patents to mineral lands may be ^{authorized} ~~granted~~ unless
5 prohibited by Congress, ~~and if authorized~~ by the State.
6 The provisions of this section shall apply ~~also~~ to all
7 other minerals reserved to the State which by law are
8 declared subject to appropriation.

Leases and Permits

9 Section 12. The legislature shall provide for the
10 issuance ^{types} and terms of leases for coal, oil, gas, oil
11 shale, sodium, phosphate, potash, sulfur, pumice and
12 other minerals as may be prescribed by law. Leases and
13 permits giving the exclusive right of exploration for
14 these minerals for specific periods and areas, subject
15 to reasonable concurrent exploration as to different
16 classes of minerals, may be authorized by law. ^{Like} Leases
17 and permits giving the exclusive right of prospecting by
18 geophysical, geochemical and similar methods for all
19 minerals may also be authorized by law.

Water Rights

20 Section 13. All surface and subsurface waters re-
21 served to the people for common use, except mineral and
22 medicinal waters, are subject to appropriation. Priority
23 of appropriation shall give prior right. Except for public
24 water supply, an appropriation ^{of water} shall be limited to stated
25 purposes and subject to preferences among beneficial uses,

and Drafting Work Files - Art. VIII

Access to Navigable Waters

1 concurrent or otherwise, as prescribed by law.
2 Section 14. Free access to the navigable or public
3 waters of the State, as defined by law, shall not be
4 denied any resident of ^{The State,} ~~Alaska~~ citizen of the United
5 States ^{or} except that the legislature may by general law
6 regulate and limit such access for other beneficial
7 uses or public purposes.

No Exclusive Right of Fishery

8 Section 15. No exclusive right or special privilege
9 of fishery shall be created or authorized in the natural
10 waters of the State.

~~Divestment of Rights~~
Protection of Rights

11 Section 16. No person shall be ^{involuntarily} divested of his
12 right to the use of waters, his interests in lands, or
13 improvements affecting either, except for a superior
14 beneficial use or public purpose and then only with just
15 compensation and by operation of law.

Uniform Application

16 Section 17. Laws and regulations governing the use
17 or disposal of natural resources shall apply equally to
18 all persons similarly situated with reference to the
19 subject matter and purpose to be served by the law or
20 regulation.

Private Ways of Necessity

21 Section 18. Proceedings in eminent domain may be
22 undertaken for private ways of necessity to permit
23 essential access for extraction or utilization of re-
24 sources. Just compensation shall be made for property
25 taken, or for damages to other property rights.

Residual
Powers

*(To General
Provision)*

1 Section 19. The enumeration of specified powers
2 shall not be construed as limitations on other implied
3 powers of the State in relation to the utilization,
4 development and conservation of natural resources, ex-
5 cept as specifically provided ~~herein~~ *in this article*

State Boundaries
(To General Pro-
visions)

6 Section 20. The State of Alaska shall consist of
7 all the territory, together with the territorial waters
8 appurtenant thereto, included in the **T**erritory of Alaska
9 upon the date of ratification of this constitution by
10 the people of Alaska.

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Constitutional Convention
X/Resources/8/A/Enrolled
January 19, 1956

CONSTITUTIONAL CONVENTION OF ALASKA

COMMITTEE PROPOSAL NO. 8/A

Introduced by Committee on Resources

STATE LANDS AND NATURAL RESOURCES

RESOLVED, that the following be agreed upon as part of
the Alaska State Constitution:

ARTICLE ON STATE LANDS AND NATURAL RESOURCES

SECTION 1.

Statement
of Purpose
Policy

1 It is the policy of the State to ~~foster and en-~~
2 ~~courage~~ ^{THE} settlement ^{OF ITS LANDS} and ^{OF ITS RESOURCES} ~~development~~ ^{BY MAKING}
3 ~~them available~~ ^{THEM AVAILABLE} ~~for~~ ^{FOR} maximum use and ~~availability~~ of its natural re-
4 sources consistent with the public interest.

State
Boundaries
(To
General
Provisions)

5 Section ^{20.} ~~1~~ The State of Alaska shall consist
6 of all the territory, together with the terri-
7 torial waters appurtenant thereto, included in
8 the territory of Alaska upon the date of ratifica-
9 tion of this constitution by the people of Alaska.

General
Authority

10 Section 2. ^{LEGISLATURE} The ~~State~~ of Alaska shall provide
11 for the utilization, conservation and ~~development~~ ^{AND} ~~of~~ ^{STATE'S}
12 ~~all~~ of the natural resources, ~~belonging to the~~
13 ~~State~~, including land and waters, for the maximum
14 benefit of its people.

Drafting Work files - Art. VIII

Sustained Yield

1 Section 3. ^{ALL} Forests, [fish], wildlife, grass-
2 lands and other replenishable resources ^{DEVELOPED} belonging
3 ^{OF} to the State shall be ~~administered~~, utilized, and
4 ^{CONSERVED} maintained on the sustained yield principle,
5 subject to preferences among beneficial uses.

General Reservations

6 Section 4. Fish, wildlife, and waters
7 (wherever occurring in their natural state), are
8 reserved to the people for common use.

General Authorization for Facilities, Improvements and Services

Section 5. The legislature may provide for facilities, improvements,
and services to assure greater utilization, ~~and~~ development, reclamation and
settlement of lands, and fuller utilization and development of the fisheries, wild
life and waters.

Uniform Application

15 the use or disposal of natural resources shall ^{GOVERNING}
16 apply equally to all persons similarly situated
17 with reference to the subject matter and purpose
18 to be served by the law or regulation.

Special Acquisitions and Purposes

19 Section 7. The legislature ~~may~~ provide for the acquisition of sites, objects,
20 natural beauty or of historic, cultural,
and areas of natural beauty or of historic, cultural, recreational or
scientific value, may reserve them from the public domain and provide
for their administration and preservation for the use, ~~or~~ enjoyment,
and welfare of all the people.

State
Public
Domain

1 Section 6. Lands and interests therein,
2 including submerged and tidal lands, possessed
3 or acquired by the State, and not used or in-
4 tended exclusively for governmental purposes,
5 constitute the State public domain.

6 The Legislature shall ~~make~~ ^{de-} ~~vision~~ provide for
7 the selection of lands granted to the State by
8 the United States, and for the administration
9 of the State public domain.

Leases

10 Section 8. The Legislature may provide for
11 the leasing of and the issuance of exploration
12 permits on any part of the public domain, or
13 interests therein, subject to reasonable con-
14 current uses.

15 Leases shall provide, among other conditions,
16 for payment by the party at fault for damage or
17 injury arising from noncompliance with terms
18 governing concurrent use and for forfeiture in
19 the event of breach of conditions.

Sales
Grants

20 Section 10. Subject to the provisions of this section, the legislature may provide
provide for the sale or grant of state lands or interests therein and establish sales
procedures. All sales or grants of state land shall contain reservations to the
State of all resources which may be required by Congress or the State and shall
provide for access to these resources. Reservation of access shall not impair the
owners' use, prevent the control of trespass, nor preclude compensation for

1 resources as are required by the Congress, or
2 the State, and shall provide for access thereto;
3 except that the reservation of access shall not
4 impair the owners' use, prevent the control of
5 trespass, nor preclude compensation for damage.

Public
Notice
and Other
Safeguards

6 Section 10. ~~No~~ Disposals or leases of state
7 lands or interests therein shall be ~~preceded~~ ^{MADE}
8 ~~by such~~ ^{WITHOUT PRIOR} public notice and other ~~appropriate~~
9 safeguards of the public interest as ~~the~~ ^{THE} MAY BE
10 ~~Legislature shall~~ prescribed ^{BY LAW.}

Mineral
Rights

11 Section 12. Discovery and appropriation
12 shall be the basis for establishing a right in
13 those minerals subject to location under the
14 Federal mining laws in force upon the date of
15 ratification of this Constitution by the people
16 of Alaska and thereafter reserved to the State,
17 as well as in all other metallic minerals re-
18 served to the State. Prior discovery, location
19 and filing shall, as prescribed by law, give
20 prior right to such minerals and to issuance of
21 permits, and transferable licenses, leaseholds,
22 deeds, or patents if authorized by the Congress,
23 and by the State, for the extraction thereof.
24 Except as title to mineral lands shall have been
25 conveyed by the State, continuance of such right

add to section 11

The provisions of this section shall apply also to all ~~other~~ minerals reserved to the state which by law are declared subject to appropriation.

and Drafting: Work Files - Art. VIII

Mineral
Rights

Section 11. Discovering and appropriation shall be the basis for establishing a right in all metallic minerals reserved to the State, and in all other minerals reserved to the State ^{which are} and subject to location under the Federal mining laws in force upon the date of ratification of the constitution. Prior discovery, location, and filing, as prescribed by law, shall give a prior right to these minerals as well as a prior right to the issuance of permits, ^{less} transferrable licenses, and for their extraction and processing. The continuance of these rights shall depend upon the performance of annual labor, ~~in~~ payment of fees, rents, ~~or~~ royalties, or ~~such~~ other requirements as may be prescribed by law. Surface uses of land by a mineral claimant shall be limited to those necessary for the extraction and basic processing of the mineral deposits. ^{Unauthorized?} Deeds or patents may be granted ^{unless prohibited} ~~when~~ ^{if authorized by} authorized by Congress and the State. ^{to mineral lands}

Leases
and
Permits

Section 12. The legislature shall provide for the issuance and terms of leases for coal, oil, gas, oil shale, sodium, phosphate, potash, [?] sulfur, pumice and other minerals as may be prescribed by law. Leases and permits giving the exclusive right of exploration for these minerals for specific periods and areas, subject to reasonable concurrent exploration as to different classes of minerals, may be authorized by law. Leases and permits giving the exclusive right of prospecting by geophysical, geo-chemical and similar methods for all minerals may also be authorized by law.

1 shall depend upon performance of annual labor, on
2 payment of fees, rents, or royalties, or such
3 other requirements as may be prescribed by the
4 Legislature.

5 Surface use of such lands, by the mineral
6 claimant, shall be limited to those necessary to
7 either the extraction or basic processing of
8 mineral deposits.

9 The Legislature shall provide for the
10 issuance, type, and terms of leases for coal,
11 oil, gas, oil shale, sodium, phosphate, potash,
12 sulfur, pumice, and other minerals as may be
13 prescribed by law.

14 Leases and permits giving exclusive right
15 of exploration for specific periods and areas,
16 subject to reasonable concurrent exploration as
17 to different classes of minerals, may be
18 authorized for exploration conducted for coal,
19 oil, gas, oil shale, sodium, phosphate, potash,
20 sulfur, pumice and other minerals as may be
21 prescribed by law. Like permits and leases
22 may also be authorized by law for the use of
23 geophysical, geochemical and similar methods of
24 prospecting for all minerals.

Handwritten: WATER RIGHTS - ART. VIII

Water Rights

1 Section 13. All surface and subsurface
2 waters reserved to the people for common use, shall
3 except mineral and medicinal waters, ~~be~~ ARE
4 subject to appropriation. Priority of appropria-
5 tion shall give prior right [^] / in appropriation
6 of water, (except for public water supply,) shall
7 be limited to stated purposes and subject to
8 preferences among beneficial uses, concurrent
9 or otherwise, as prescribed by ^{LAW.} ~~the Legislature.~~

Access to Navigable Waters

10 Section 14. Free access to the navigable or
11 public waters of the State as defined by ^{LAW} ~~the Legis-~~
12 ~~lature~~ shall not be denied any resident of Alaska
13 or citizen of the United States, except that the
14 ~~Senate~~ ^{Legislature} may by general law regulate and limit such
15 access for other beneficial ^{uses} or public purposes.

No Exclusive Right of Fishery

16 Section 15. ~~There shall be~~ no exclusive
17 right or special privilege of fishery ^{SHALL BE} created or
18 authorized in the natural waters of the State.

Divestment of Rights

19 Section 16. No person shall be ~~involuntarily~~
20 divested of his right ^{THE} to use of waters, his
21 interests in lands, or improvements affecting
22 either, except for a superior beneficial ^{use} or
23 public ^{purpose} and then only with just compensation
24 and by operation of law.

Private
Ways of
Necessity

1 Section ¹⁸~~27~~. Proceedings in eminent domain
2 may be undertaken for private ways of necessity
3 to permit essential access for extraction or
4 utilization of resources, and just compensation
5 for ~~such taking, as well as for the taking of or~~
6 ~~damages to inferior property rights, shall be~~
7 made.

SHALL BE
MADE
PROPERTY TAKEN OR FOR DAMAGES TO OTHER
PROPERTY RIGHTS

Residual
Powers

8 Section ¹⁹~~18~~. The enumeration of specified
9 powers shall not be construed as limitations on
10 other implied powers of the State in relation
11 to the utilization, development and conservation
12 of natural resources, except as specifically
13 provided herein.

and Drafting. Work Files - Art. VIII