

Constitutional Convention  
Committee Proposal/10/a  
January 12, 1956

ALASKA CONSTITUTIONAL CONVENTION

Revised Report of the Committee on Executive Branch

Hon. William A. Egan, President  
Alaska Constitutional Convention

Dear Mr. President:

The Committee on the Executive Branch presents for consideration and adoption by the Convention the attached Article on the Executive Branch. A commentary explaining the provisions of this Article is also attached.

Proposals No. 14 and 15 were referred to this Committee. The Committee incorporated parts of Proposal No. 14 in its proposal. It felt that the subject matter of Proposal No. 15 was outside its terms of reference and that the Proposal should be referred to another Committee for consideration.

Respectfully submitted,

Victor Rivers, Chairman

Frank Barr

John C. Boswell

Thomas C. Harris

Maynard D. Londborg

Katherine Nordale

H. R. VanderLeest

ALASKA CONSTITUTIONAL CONVENTION

COMMITTEE PROPOSAL NO. 10/a

Report of the Committee on the Executive Branch

ARTICLE ON THE EXECUTIVE

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

Executive  
Authority

1 Section 1. The executive power of the State  
2 shall be vested in a governor.

Qualifica-  
tions of  
Governor

3 Section 2. The governor shall be not less than  
4 thirty years of age, and shall have been for at  
5 least twenty years a citizen of the United States,  
6 and a resident of this state seven years next pre-  
7 ceding his election.

Election  
of Governor

8 Section 3. The governor shall be elected by the  
9 qualified voters of this state. The person receiv-  
10 ing the greatest number of votes shall be the gov-  
11 ernor; but if two or more shall be equal and greatest  
12 in votes, one of them shall be elected governor by  
13 the vote of a majority of all the members of both  
14 houses in joint meeting at the regular legislative  
15 session next following the election for governor by  
16 the people. Contested elections for the office of

1 governor shall be determined in the manner provided  
2 by law.

Term of  
Governor

3 Section 4. The term of office of the governor  
4 shall be four years, beginning at noon on the first  
5 Monday in December next following his election, and  
6 ending at noon on the first Monday in December four  
7 years thereafter. No person who has been elected  
8 governor for two full successive terms shall be again  
9 eligible to hold that office until the 1st Monday in  
10 December of the fourth year following the expiration  
11 of his second successive term.

Other  
Offices

12 Section 5. The governor shall not hold any other  
13 office or employment of profit under the state, or the  
14 United States, during his term of office. Compensa-  
15 tion for service in the armed forces of the state or  
16 the United States is not profit as that term is here  
17 used.

Secretary  
of State

18 Section 6. There shall be a secretary of state,  
19 who shall have the same qualifications as the gover-  
20 nor. He shall be elected at the same time and for  
21 the same term as the governor, and the election pro-  
22 cedure prescribed by law shall provide that the  
23 electors, in casting their vote for governor shall  
24 also be deemed to be casting their vote for the candi-  
25 date for secretary of state shown on the ballot as

1 running jointly with the respective candidate for gov-  
2 ernor. The candidate for secretary of state who runs  
3 jointly with the successful candidate for governor  
4 shall be elected secretary of state. The secretary  
5 of state shall perform such duties as may be pre-  
6 scribed by law and as may be delegated to him by the  
7 governor.

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8 Section 7. In case the governor-elect shall die  
9 before he has qualified and assumed the office of gov-  
10 ernor, or in case he fails to qualify for any other  
11 cause, the powers, duties, and emoluments of the office  
12 of Governor shall devolve upon the person elected sec-  
13 retary of state at the same election, and he shall  
14 serve as governor for the term for which the governor-  
15 elect was elected. In case of a vacancy in the  
16 office of governor because of his death, resignation,  
17 impeachment, or removal, his powers, duties and  
18 emoluments shall devolve upon the secretary of state.  
19 In case of the temporary absence of the governor from  
20 office, the powers and duties shall devolve upon the  
21 secretary of state. Whenever for a period of six months  
22 a governor in office shall have remained continuously  
23 absent from the state or shall have been unable to dis-  
24 charge the duties of his office by reason of mental or  
25 physical disability, the office shall be deemed vacant.

1 The procedure for determining continuous absence and  
2 disability shall be prescribed by law.

3 Section 8. If for any reason the secretary of  
4 state is incapable of acting, the President of the  
5 Senate and the Speaker of the House of Representatives  
6 in succession shall act as governor until the vacancy  
7 is filled or the disability removed. If the office  
8 of governor becomes vacant and there is no secretary  
9 of state, the offices of governor and secretary of state  
10 shall be filled for the remainder of the terms at the  
11 next succeeding general election unless the vacancy  
12 occurs less than 60 days before the election; but no  
13 election to fill an unexpired term shall be held in  
14 any year in which a governor is to be elected for a  
15 full term. No election of a secretary of state shall  
16 be had in any event except at the time of electing a  
17 governor.

Compensa-  
tion

18 Section 9. The compensation of the governor and  
19 the secretary of state shall be prescribed by law and  
20 shall not be diminished during their term of office.  
21 When the secretary of state or other officer succeeds  
22 to the office of governor, he shall receive the com-  
23 pensation for that office.

Executive  
powers

24 Section 10. The governor shall be responsible  
25 for the faithful execution of the laws. To this end

1 he shall have power, by appropriate action or proced-  
2 ing in the courts brought in the name of the state, to  
3 enforce compliance with any constitutional or legisla-  
4 tive mandate, or to restrain violation of any consti-  
5 tutional or legislative power or duty, by any officer,  
6 department or agency of the state or any of its poli-  
7 tical subdivisions, but this power shall not be con-  
8 strued to authorize any action or proceeding against  
9 the Legislature. The governor shall, at the beginning  
10 of each session, and may at other times, give the legis-  
11 lature information concerning the affairs of the state  
12 and recommend to its consideration such measures as he  
13 deems expedient. He may convene the Legislature, or  
14 the Senate alone, or the two houses in joint session,  
15 whenever in his opinion the public interest requires.

16 The governor shall, prior to the end of his term  
17 of office, prepare a written report on the conduct of  
18 his administration, which shall contain such informa-  
19 tion as may be useful to his successor in carrying out  
20 the duties of his office.

21 Section 11. The governor shall be commander-in-  
22 chief of the armed forces of the state, and may call  
23 out these forces to execute the laws, suppress or pre-  
24 vent insurrection or lawless violence or repel invasion.  
25 The governor, as provided by law, shall nominate and  
26 appoint all general and flag officers of the armed

1 forces of the state, with the advice and consent of  
2 the Senate, and shall appoint and commission all other  
3 officers.

Martial Law

4 Section 12. The governor may proclaim martial  
5 law when the public safety requires it in case of re-  
6 bellion or invasion or imminent danger thereof. Mar-  
7 tial law shall not continue for a period longer than  
8 20 days without the approval of a majority of both  
9 houses of the legislature in joint session.

Executive  
Clemency

10 Section 13. The governor may grant pardons, com-  
11 mutations, and reprieves and may suspend and remit  
12 fines and forfeitures. This power shall not extend to  
13 impeachment. A commission or other body may be estab-  
14 lished by law to aid and advise the governor in the  
15 exercise of executive clemency. A system for the  
16 granting of parole shall be provided by law.

Organiza-  
tion

17 Section 14. All executive and administrative  
18 offices, departments, and instrumentalities of the  
19 state government and their respective functions,  
20 powers and duties shall be allocated by law among and  
21 within not more than twenty principal departments in  
22 such manner as to group the same according to major  
23 purposes so far as practicable. Regulatory and quasi-  
24 judicial bodies and temporary agencies may be estab--  
25 lished by law and need not be allocated within a prin-

1 cipal department. The governor may make such changes  
2 in the organization of the Executive Branch of the State  
3 Government or in the assignment of functions among the  
4 units thereof, as may, in his judgment, be necessary  
5 for efficient administration. Where these changes require  
6 the force of law, they shall be set forth in executive  
7 orders which shall become effective at the close of the  
8 next regular session of the Legislature, unless disap-  
9 proved by a resolution concurred in by a majority of  
10 all the members of the Legislature meeting jointly.

11 Section 15. Each principal department shall be  
12 under the supervision of the Governor.

13 Section 16. The head of each principal depart-  
14 ment shall be a single executive, unless otherwise  
15 provided by law. Such single executive shall be nomi-  
16 nated and appointed by the governor, with the advice  
17 and consent of the Senate, and shall serve at the  
18 pleasure of the Governor during his term of office  
19 and until the appointment and qualification of their  
20 successors, except as herein otherwise provided with  
21 respect to the Secretary of State. The heads of all  
22 principal departments appointed under the provisions  
23 of this section shall be citizens of this State and  
24 shall have been residents of the State for at least  
25 three years next preceding their appointment.



1           Section 17. Wherever a board or commission is  
2 at the head of a principal department or of a regula-  
3 tory or quasi-judicial body, the members thereof shall  
4 be nominated and appointed by the Governor, with the  
5 advice and consent of the Senate, and may be removed  
6 in the manner provided by law. Such a board or commis-  
7 sion may appoint a principal executive officer when  
8 ~~authorized by law, but the appointment shall be sub-~~  
9 ~~ject to the approval of the Governor.~~

10           Section 18. The Governor ~~may fill~~ any vacancy  
11 occurring in any office during a recess of the Legis-  
12 lature, appointment to which is made by the Governor  
13 with the advice and consent of the Senate ~~or of~~ the  
14 Legislature in joint meeting. An appointment so made  
15 shall expire at the end of the next regular session of  
16 the Legislature, unless a successor shall be sooner  
17 appointed and qualified. After the end of the session  
18 no ad interim appointment to the same office shall be  
19 made unless the Governor shall have submitted to the  
20 Senate a nomination to the office during the session  
21 and the Senate shall have adjourned without confirming  
22 or rejecting it. No person nominated for any office  
23 shall be eligible for an ad interim appointment to such  
24 office if the nomination shall have failed of confirma-  
25 tion by the Senate.

*Com. on Exec. Br.*

January 10, 1956

Robert N. Druzman  
104 Front Street  
Juneau, Alaska

Dear Mr. Druzman;

In reply to your letter under date of December 27, 1955.

Thank you for your interest in this subject which prompted you to give us your comments.

Proposals Nos. 10 and 11 have been placed on the calender and will be discussed by the Convention in the near future.

You may be assured that our Committee and the Convention, as a group, will give your suggestions every consideration.

Thank you again for your letter and your interest.

Very truly yours,

Thomas C. Harris, Secretary  
Committee on Executive Branch  
Alaska Constitutional Convention  
College, Alaska

TCH:dg

COPY FOR

104 JUNEAU FRONT STREET

AUKE BAY FRITZ DOVE ROAD

FROM

ROBERT N. DRUXMAN

TELEPHONE 891

JUNEAU, ALASKA

December 27, 1955

*10 - Cabinet*

*Read to Committee 1/9/56 JND*

*Riviera*

TO: Special public hearing  
Alaska Constitutional Convention  
Juneau, Alaska

SUBJECT: Report of the Committee on Executive Branch  
Proposal/10/11

I feel that the second elective official on the same ballot as the Governor should be a Lieutenant Governor as is the case in most other states. The public does not readily accept the fact that a Secretary of State is also the second in command as witness present circumstances in Alaska where the Secretary of Alaska currently fills that position but comparatively few realize it. This adds extra dignity to the office which can still perform the functions assigned to it. The Lieutenant Governor should also preside over the Senate as is the case in most states as well as in the Federal Government. It may be that, in the future when Alaska becomes more populated, it will be desirable for the Governor to include in his appointed Cabinet a separate Secretary of State. At the present time, with statehood, it would still be necessary for the Governor to do considerable travelling outside of the state and for the second in command to take over. His status should thus be more clearly defined in his title.

This article should also provide for the election of one other state official...the Attorney General. His acts have the effect of law and his decisions should be free of being influenced by possible loss of his appointive position. He should not be under the control of the Governor who could then possibly force tailor-made decisions to suit his personal partisan political views. He should be responsible and answerable only to the wishes of the people.

Similar to that provision contained in the Judiciary article, it should also be specified here that all rules and regulations of any executive branch officer, agency, board or commission be subject to review of the Legislature and that the Legislature can repeal any such rule or regulation if it so chooses. There is no such provision under existing Territorial law and there have been many resulting abuses of executive powers.

The convention might also well consider a "conflict of interests"

provision in the Constitution. This involves a basic philosophical matter of conduct and ethics which would seem essential to such a document. If the Convention feels that this should be included, it must also decide to what extent it must be followed. For example, should members of the various professional boards also be allowed to practice at the same time that they are sitting in judgment on their fellow ~~practitioners~~<sup>practitioners</sup> and prospective fellow practitioners? It has already been specified in the Judiciary article that a judge may not practice law while serving on the bench. It is not uncommon at the present time to hear some kind of an accusation at certain of our existing Territorial boards or commissions which have jurisdiction over the admission of new practitioners. There is no doubt but that this is a Constitutional issue as it involves a basic right of the individual to have interests conflicting with that of the State and it should be decided in this document on how it should be solved.

Sincerely,

Robert H. Druxman

November 25, 1955

PRESS RELEASE

ALASKA CONSTITUTIONAL CONVENTION

MORE CONVENTION COMMITTEES SCHEDULE PUBLIC HEARINGS

The following Committees of the Alaska Constitutional Convention will hold public hearings in Constitution Hall, University of Alaska, on Saturday afternoon, December 3:

9:30 A.M. - Committee on the Executive Branch

2:00 P.M. - Committee on Finance and Taxation

3:00 P.M. - Committee on Resources

These committees invite all who wish to be heard to notify the Secretary of the Convention in advance. (Telephone 2692, College, Alaska).

The Committees hope that witnesses will bring written statements which can be left with the Committees and which will serve to supplement oral testimony.

The Chairman of the Committee on the Executive Branch, Victor C. Rivers of Anchorage, stated that his committee would welcome an expression of opinion from members of the public on the composition and the scope of authority of the Executive Branch of the future State Government and related matters. Other members of the committee are: Frank Barr, Fairbanks; John C. Boswell, Fairbanks; Thomas C. Harris, Valdez; Maynard D. Londborg, Unalakleet; Katherine Nordale, Juneau; and H. R. VanderWeest, Juneau.

The Chairman of the Committee on Finance and Taxation, Delegate Leslie Nerland of Fairbanks, pointed out that the purpose of his Committee's hearing is to enable members of the public to present views on finance and tax matters which may be useful in considering provisions for the State Constitution. He made it clear, however, that the Committee will not consider tax or other proposals which are

More Convention Committees, etc. - 2 -

properly subjects for legislation. Other members of the Committee are: James Nolan of Wrangell, Barrie M. White of Anchorage, Dorothy Awes of Anchorage, Frank Barr of Fairbanks, Frank Peratrovich of Klawock, and Chris Poulsen of Anchorage.

The Chairman of the Committee on Resources, Delegate W. O. Smith of Ketchikan, stated that his committee will welcome information or views from members of the public on land, including tidelands, mineral, water, forest, fisheries and other resources which may assist the delegates in drafting provisions on this subject for the State Constitution. Other members of the Resources Committee are: John C. Boswell of Fairbanks, Burke Riley of Haines, Truman C. Emberg of Dillingham, Leonard King of Haines, Peter L. Reader of Nome, B. D. Stewart of Sitka, Barrie M. White of Anchorage, and Ada B. Wien of Fairbanks.

This is the second series of public hearings scheduled by Committees of the Alaska Constitutional Convention, the first being the Committee on Preamble and Bill of Rights at 9:30 A.M. and the Committee on Suffrage, Elections and Appointment at 11:30 A.M. on Saturday, November 26.

Additional committee hearings will be announced at a later date.

Thomas B. Stewart, Secretary  
Alaska Constitutional Convention

January 10, 1956

Don M. Dafoe  
Commissioner of Education  
Box 1841  
Juneau, Alaska

Dear Mr. Dafoe;

Your letter under date of December 30, 1955, with the attached statement has been referred to our Committee on Executive Branch for study.

Proposal Number 10 has been placed on the calender and will be discussed by the Convention in the near future.

This letter possibly will not reach you before your visit to Fairbanks, however, our Committee members will be happy to talk with you at any time.

You may be assured that your suggestions will be given every consideration, by this Committee and the Convention as a group.

Thank you for your comments.

Very truly yours,

Thomas C. Harris, Secretary  
Committee on Executive Branch  
Alaska Constitutional Convention  
College, Alaska

TCH:dg

TERRITORY OF ALASKA

DEPARTMENT OF EDUCATION

*Read to Committee  
1/9/56*

December 30, 1955

ADDRESS ONLY:  
COMMISSIONER OF EDUCATION  
BOX 1841  
JUNEAU, ALASKA

Mr. George Sundborg, Delegate  
Alaska Constitutional Convention  
Fairbanks, Alaska

Dear George:

I am enclosing a statement in regard to Constitutional Convention  
Committee Proposal No. 10, which you presented to the Hearing in  
Juneau on Wednesday, December 28.

I trust that you will refer this statement to the proper Convention  
Committee.

I will be in Fairbanks on January 11 and would be available to discuss  
this matter with the Committee if they so desire.

Yours sincerely,



Don M. Dafoe  
Commissioner of Education

DMD:vd

Encl: Statement

cc: William Egan, President  
Constitutional Convention  
A. H. Ziegler, President, Terr. Bd.  
Dr. Wm. Whitehead, Vice-Pres.  
Mr. Robert Baldwin, Member  
Mrs. Myra F. Rank, Member  
Mrs. Helen M. March, Member

File: (095)



STATEMENT RELATIVE TO COMMITTEE PROPOSAL  
NO. 10

*Read to Committee  
1/24/54*

In Committee Proposal No. 10, relating to the executive branch of the government of the State of Alaska, provision is made for election of the Governor and Secretary of State. The provision is made that all other Territorial officials and heads of departments shall be appointed by the Governor.

I would like to suggest that reconsideration be given to this matter since, in my opinion, the best interests of the State will be served by appointment of some agency and department heads, particularly the head of the Department of Education.

Alaska has been proud of the fact that the Alaskan educational system has made splendid progress and has been free of the influences of partisan politics. The Board of Education System wherein the responsibility for the supervision and control of the state department of education is vested in a state board of education has been the medium through which in each state the public has given education a relatively independent status in the structure of government. A recent study by Dr. Fred Beach and Robert F. Will of the U. S. Office of Education enumerates the reasons why people have held firm to the conviction that the Board of Education System is far superior to any other yet devised for established policies for education. They list the following reasons:

A board of education is more representative of the total population it serves than an individual policy-making agent is.

A board of education can make wiser and sounder policy decisions than an individual can.

A board of education serves as a safeguard against the abuses of discretionary powers.

A board of education acts as a safeguard against the involvement of education in partisan politics and the spoils system.

A board of education is a safeguard against needless disruptions in the continuity of an educational program.

A board of education provides an economical means for management and control of the educational program.

A board of education provides a safeguard against fraud and malfeasance.

It is further interesting to note that the trend in America has been to steadily increase the power and influence of state boards of education, and that the number of boards of education throughout the United States has increased from 38 in 1945 to 44 in 1954. It is further significant that no State that had a board in 1945 abolished it during the subsequent decade.

The study further reveals that the number of state boards of education which appoint their executive officers is also on the increase, having increased from only 8 in 1945 to 18 in 1954. The study also reveals that the current trend in overall state structure and control insofar as education is concerned, is toward having two major state educational agencies with coordinate responsibility. First, the state board of education for the public school system, and second, a state board of education for educational institutions not included in the public school system. This latter group would include vocational education, state schools for the deaf and blind, public junior and community colleges, vocational rehabilitation, and possibly higher institutions.

In my opinion the proposed system of appointment, which would include appointment of the head of the Department of Education, is not desirable because there would be the danger of the involvement of education in partisan politics and all of the recognized advantages of the Board of Education System would be lost. I believe that the effectiveness of the Board of Education System has been amply demonstrated in Alaska and is recognized in the States, and should, therefore, be made a matter of recognition in the Constitution of the State of Alaska.

The above statement reflects my personal opinion and should not be in any way construed as representing an official opinion of the present Territorial Board of Education. I am quite confident, however, that the above statement in general reflects the consensus of their opinion, but shall leave it to the Board Members individually to make any statements that they see fit to the Constitutional Convention in this regard.

Respectfully submitted,

Don M. Dafoe  
Commissioner of Education

CLASS OF SERVICE DESIRED

DOMESTIC		CABLE	
TELEGRAM		FULL RATE	
		DEFERRED	
DAY LETTER		NIGHT LETTER	
NIGHT LETTER	<b>X</b>	SHIP RADIOGRAM	

PATRONS SHOULD CHECK CLASS OF SERVICE DESIRED; OTHERWISE MESSAGE WILL BE TRANSMITTED AS A FULL RATE COMMUNICATION

ALASKA COMMUNICATION SYSTEM  
  
 SIGNAL CORPS U. S. ARMY  
**TELEGRAM**

ACCOUNTING DATA

T/L
O/L
TAX
TOTAL

NUMBER	TIME FILED	CHECK
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SEND THE FOLLOWING MESSAGE, SUBJECT TO THE TERMS ON BACK HEREOF:

Hon. B. Frank Heintzleman  
 Governor of Alaska  
 Juneau, Alaska

November 28, 1955

COMMITTEE ON EXECUTIVE BRANCH CORDIALLY INVITES YOU TO APPEAR AT PUBLIC HEARINGS CONSTITUTIONAL HALL 9:30 A.M. DECEMBER 3, 1955 TO CONVEY YOUR VIEWS REGARDING PROVISIONS IN STATE CONSTITUTION ON EXECUTIVE AUTHORITY.

Wm. A. Egan, President  
 Alaska Constitutional Convention  
 College, Alaska

cc: Reading  
 Classified

[ Questions Regarding  
Executive Article ]

Section 1, para. 4. Should the Governor be elected in the even years when no Presidential election is held? *YES*

Section 1, para. 5. Should reference to full-time department heads be deleted? The basic purpose of this article is to prevent a Governor from resigning during his term of office in order to have his successor appoint him to another position under the state.

Section 1, para. 7 - 10. What provisions should be made for succession to the governorship?

Section 2. Need the Governor be given the power to convene the Senate alone, as now provided in paragraph 1 of this section? ?

Section 3 redraft. (a) It has been suggested that the word "regulatory" comprehends "quasi-judicial" so that the latter need not be included. (b) Should paragraph 4 continue to refer to confirmation by the "Senate" or by "both houses in joint session"? and (c) Note that the appointment of executive-directors of multi-headed administrative departments is left to determination by law. *See Con. Doc.*

Section 3, paragraph 5. Is a provision re appointment and removal of Attorney-General needed? *No*

Section 4, paragraph 3. Should the provision re external relations be retained? The Committee on Resolutions decided that Delegate Proposal 10 on the same subject was not a proper matter for inclusion in the constitution. *YES*

Constitutional Convention  
Committee Proposal/10  
December 16, 1955

ALASKA CONSTITUTIONAL CONVENTION

Report of the Committee on Executive Branch

Hon. William A. Egan, President  
Alaska Constitutional Convention

Dear Mr. President:

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Respectfully submitted,  
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Frank Barr  
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ALASKA CONSTITUTIONAL CONVENTION

COMMITTEE PROPOSAL NO. 10

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12 in votes, one of them shall be elected governor by  
13 the vote of a majority of all the members of both  
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4 shall be four years, beginning at noon on the first  
5 Monday in December next following his election, and  
6 ending at noon on the first Monday in December four  
7 years thereafter. No person who has been elected  
8 governor for two full successive terms shall be again  
9 eligible to hold that office until the 1st Monday in  
10 December of the fourth year following the expiration  
11 of his second successive term.

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12 Section 5. The governor shall not hold any other  
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14 United States, during his term of office. Compensa-  
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16 the United States is not profit as that term is here  
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18 Section 6. There shall be a secretary of state,  
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20 nor. He shall be elected at the same time and for  
21 the same term as the governor, and the election pro-  
22 cedure prescribed by law shall provide that the  
23 electors, in casting their vote for governor shall  
24 also be deemed to be casting their vote for the candi-  
25 date for secretary of state shown on the ballot as

1 running jointly with the respective candidate for gov-  
2 ernor. The candidate for secretary of state who runs  
3 jointly with the successful candidate for governor  
4 shall be elected secretary of state. The secretary  
5 of state shall perform such duties as may be pre-  
6 scribed by law and as may be delegated to him by the  
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8 Section 7. In case the governor-elect shall die  
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10 ernor, or in case he fails to qualify for any other  
11 cause, the powers, duties, and emoluments of the office  
12 of Governor shall devolve upon the person elected sec-  
13 retary of state at the same election, and he shall  
14 serve as governor for the term for which the governor-  
15 elect was elected. In case of a vacancy in the  
16 office of governor because of his death, resignation,  
17 impeachment, or removal, his powers and duties shall  
18 devolve upon the secretary of state. In case of the  
19 temporary absence of the governor from office, the  
20 powers and duties shall devolve upon the secretary of  
21 state. Whenever for a period of six months a gover-  
22 nor in office shall have remained continuously absent  
23 from the state or shall have been unable to discharge  
24 the duties of his office by reason of mental or phy-  
25 sical disability, the office shall be deemed vacant.



1 The procedure for determining continuous absence and  
2 disability shall be prescribed by law.

3 Section 8. If for any reason the secretary of  
4 state is incapable of acting, the President of the  
5 Senate and the Speaker of the House of Representatives  
6 in succession shall act as governor until the vacancy  
7 is filled or the disability removed. If the office  
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14 any year in which a governor is to be elected for a  
15 full term. No election of a secretary of state shall  
16 be had in any event except at the time of electing a  
17 governor.

Compensa-  
tion

18 Section 9. The compensation of the governor and  
19 the secretary of state shall be prescribed by law and  
20 shall not be diminished during their term of office.  
21 When the secretary of state or other officer succeeds  
22 to the office of governor, he shall receive the com-  
23 pensation for that office.

Executive  
powers

24 Section 10. The governor shall be responsible  
25 for the faithful execution of the laws. To this end

1 he shall have power, by appropriate action or proceed-  
2 ing in the courts brought in the name of the state, to  
3 enforce compliance with any constitutional or legis-  
4 lative mandate, or to restrain violation of any con-  
5 stitutional or legislative power or duty, by any  
6 officer, department or agency of the state; but this  
7 power shall not be construed to authorize any action  
8 or proceeding against the Legislature. The governor  
9 shall, at the beginning of each session, and may at  
10 other times, give the legislature information concern-  
11 ing the affairs of the state and recommend to its con-  
12 sideration such measures as he deems expedient. He  
13 may convene the Legislature, or the Senate alone,  
14 whenever in his opinion the public interest requires.

15 The governor shall, prior to the end of his term  
16 of office, prepare a written report on the conduct of  
17 his administration, which shall contain such infor-  
18 mation as may be useful to his successor in carrying  
19 out the duties of his office.

Armed  
Forces of  
the State

20 Section 11. The governor shall be commander-in-  
21 chief of the armed forces of the state, and may call  
22 out these forces to execute the laws, suppress or pre-  
23 vent insurrection or lawless violence or repel invasion.  
24 The governor, as provided by law, shall nominate and  
25 appoint all general and flag officers of the armed

1 forces of the state, with the advice and consent of  
2 the Senate, and shall appoint and commission all other  
3 officers.

Martial Law

4 Section 12. The governor may proclaim martial  
5 law when the public safety requires it in case of re-  
6 bellion or invasion or imminent danger thereof. Mar-  
7 tial law shall not continue for a period longer than  
8 20 days without the approval of a majority of both  
9 houses of the legislature in joint session.

Executive  
Clemency

10 Section 13. The governor may grant pardons, com-  
11 mutations, and reprieves and may suspend and remit  
12 fines and forfeitures. This power shall not extend to  
13 impeachment. A commission or other body may be estab-  
14 lished by law to aid and advise the governor in the  
15 exercise of executive clemency. A system for the  
16 granting of parole shall be provided by law.

Organiza-  
tion

17 Section 14. All executive and administrative  
18 offices, departments, and instrumentalities of the  
19 state government and their respective functions,  
20 powers and duties shall be allocated by law among and  
21 within not more than twenty principal departments in  
22 such manner as to group the same according to major  
23 purposes so far as practicable. Regulatory and quasi-  
24 judicial bodies and temporary agencies may be estab--  
25 lished by law and need not be allocated within a prin-

1 cipal department. The governor may make such changes  
2 in the administrative structure or in the assignment  
3 of functions as may, in his judgment, be necessary for  
4 efficient administration. These changes shall be set  
5 forth in executive orders which shall become effective  
6 at the close of the next regular session of the legis-  
7 lature, unless disapproved by a resolution concurred in  
8 by a majority of all the members of the legislature  
9 meeting jointly.

10 Section 15. Each principal department shall be  
11 under the supervision of the Governor. The head of  
12 each principal department shall be a single executive  
13 unless otherwise provided by law, and shall be nomin-  
14 ated and appointed by the governor, with the advice  
15 and consent of the Senate, to serve at the pleasure of  
16 the Governor during his term of office and until the  
17 appointment and qualification of his successor, except  
18 as herein otherwise provided with respect to the Sec-  
19 retary of State. The heads of all principal depart-  
20 ments appointed under the provisions of this section  
21 shall be citizens of this State and shall have been  
22 residents of the State for at least three years next  
23 preceding their appointment.

24 Section 16. The members of regulatory and quasi-  
25 judicial bodies shall be nominated and appointed by the

1 Governor, with the advice and consent of the Senate,  
2 and may be removed in the manner provided by law. A  
3 regulatory or quasi-judicial body may appoint a prin-  
4 cipal executive officer when authorized by law, but  
5 the appointment shall be subject to the approval of the  
6 Governor.

7       Section 17. The Governor may fill any vacancy  
8 occurring in any office during a recess of the legis-  
9 lature, appointment to which is made by the Governor  
10 with the advice and consent of the Senate or of the  
11 Legislature in joint meeting. An appointment so made  
12 shall expire at the end of the next regular session of  
13 the Legislature, unless a successor shall be sooner ap-  
14 pointed and qualified. After the end of the session no  
15 ad interim appointment to the same office shall be made  
16 unless the Governor shall have submitted to the Senate  
17 a nomination to the office during the session and the  
18 Senate shall have adjourned without confirming or re-  
19 jecting it. No person nominated for any office shall  
20 be eligible for an ad interim appointment to such office  
21 if the nomination shall have failed of confirmation by  
22 the Senate.

ALASKA CONSTITUTIONAL CONVENTION

Commentary on the Executive Branch Article

(Section 1. Executive Authority.)

This section vests executive authority in a governor. The intention throughout the article is to centralize authority and responsibility for the administration of government and the enforcement of laws in a single elected official.

(Section 2. Qualifications of Governor.)

The age, citizenship, and residence qualifications are designed to ensure that the governor will be a mature person who is intimately familiar with the ideals and institutions of the United States and with conditions in Alaska. The residence requirement of seven years refers to legal residence and should not serve to disqualify residents of Alaska who are stationed outside Alaska while in the military service of the United States or in the service of the state.

(Section 3. Election of Governor.)

Provision is made for direct election of the Governor, but if two or more candidates get the same and highest number of votes, both houses of the legislature in joint meeting elect one of them to be governor. The legislature is called upon to provide for contested elections.

(Section 4. Term of Governor.)

The governor will hold office for four years. He can be elected for only two full successive terms. However, an official who fills a vacancy in the office of governor, can be elected for two successive terms immediately after serving the unexpired term. A governor who has served two full terms in succession is eligible for reelection again after one term out of office. The Committee believes in strong executive authority but realizes that the power granted could be used to perpetuate a governor in office. A lapse of four years after two full successive terms would, it is felt, tend to prevent such abuse of power.

(Section 5. Limit on Other Activities.)

This section would prevent the governor from resigning during his term of office for the purpose of having his successor appoint him to fill a vacancy in another state office. It would, however, allow the officers concerned to retain their active membership in the National Guard or the Military Reserve of the United States.

(Section 6. Secretary of State.)

The Committee believes that only persons who hold an elective office should succeed to the Office of Governor. However, the successor should be of the same political party as the governor to avoid unnecessary confusion or waste when a vacancy occurs. These considerations led the committee to adopt a plan of election

similar to that in effect in New York and also the same in principle as the arrangement for election of President and Vice-president of the United States. It calls for voters to cast a single vote applicable to both offices. The respective persons having the highest number of votes cast jointly for them for governor and secretary of state respectively would be elected. With respect to the duties of the Secretary of State, the Committee felt that he should have a full time job in the administration and that he should not preside over the Senate.

(Section 7 and 8. Succession.)

This section provides for succession in event the Governor-elect dies or for other reasons fails to qualify, in the event of a vacancy in the office of Governor, and in the event there is no secretary of state when a vacancy occurs in the office of governor. The order of succession is the Secretary of State, the President of the Senate and the Speaker of the House. Thus, only persons holding an elective office will succeed to the governorship. If a vacancy occurs in the office of Governor and there is no secretary of state, then an election will be held to fill the unexpired terms at the next general election unless the vacancies occur less than 60 days before a general election. No election would be held to fill an unexpired term in any year in which an election for a full term will be held.

The procedure for determining disability and continuous absence from the state is to be prescribed by law. An orderly pro-



cedure would, it is hoped, avoid the uncertainty and confusion that has prevailed elsewhere in the past when the chief executive has been incapacitated.

(Section 9. Compensation. )

This section will prevent the legislature from reducing the compensation of the Governor and Secretary of State during their respective terms of office. The Secretary of State would receive the compensation assigned to the Office of Governor when he fills a vacancy in that office, but not when he assumes the governor's duties during the temporary absence of the governor.

(Section 10. Executive Powers.)

This section makes the governor responsible for the faithful execution of the laws and gives him power to do so through the courts and by other means. It authorizes him to make recommendations to the legislature and to convene the legislature or the Senate alone when he deems it necessary in the public interest. Convening the Senate alone might be necessary to obtain Senate confirmation of appointments.

(Section 11. Armed Forces of the State.

The purposes for which the Governor may call out the armed forces of the state are the same as those contained in many state constitutions. The authority of the governor to appoint

officers of the armed forces is made subject to applicable law of the state and the United States.

(Section 12. Martial Law.)

This provision confers authority to declare martial law and at the same time limits the situations in which the authority can be exercised. In order to continue martial law for longer than 20 days, the approval of a majority of members of both houses of the legislature in attendance at a joint session would have to be obtained, and if the legislature were not in session at the time, the Governor would have to call it into special session for the purpose.

(Section 13. Executive Clemency.)

The power conferred by this section is similar to that conferred by many state constitutions on the chief executive of the state.

(Sections 14 - 17. Organization.)

A clear distinction is made between the administrative departments, such as public works, health, education, and welfare, and the regulatory, including quasi-judicial, bodies such as a rate-setting public utility commission. The head of an administrative department, whether single or multiple, can be removed at any time by the Governor. The members of regulatory bodies can be removed only in the manner provided by law. In

order to ensure maximum coordination of staff services, the appointment of an executive director for a regulatory body requires the governor's approval. The appointment and removal of an executive-director of any administrative department which is headed by a board are left to determination by law. The governor can from time to time by executive order, reorganize governmental agencies provided that any such executive order shall not become effective until a full regular session of the legislature has been held after the order is issued and has not disapproved it by a majority of both houses in joint session assembled.

ALASKA CONSTITUTIONAL CONVENTION

COMMITTEE PROPOSAL NO. \_\_\_\_\_

Report of the Committee on the Executive Branch

ARTICLE ON THE EXECUTIVE

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

Executive Authority	1	Section 1. The executive power of the State
	2	shall be vested in a governor.
Qualifications of Governor	3	Section 2. The governor shall be not less than
	4	thirty years of age, and shall have been for at
	5	least twenty years a citizen of the United States,
	6	and a resident of this state seven years next
	7	preceding his election.
Election of Governor	8	Section 3. The governor shall be elected by
	9	the qualified voters of this state. The person
	10	receiving the greatest number of votes shall be
	11	the governor; but if two or more shall be equal
	12	and greatest in votes, one of them shall be elected
	13	governor by the vote of a majority of all the members
	14	of both houses in joint meeting at the regular
	15	legislative session next following the election
	16	for governor by the people. Contested elections
	17	for the office of governor shall be determined
	18	in the manner provided by law.
Term of Governor	19	Section 4. The term of office of the governor
	20	shall be four years, beginning at noon on the first

1 Monday in December next following his election,  
2 and ending at noon on the first Monday in  
3 December four years thereafter. No person who  
4 has been elected governor for two full successive  
5 terms shall be again eligible to hold that office  
6 until the 1st Monday in December of the fourth  
7 year following the expiration of his second  
8 successive term.

9 Section 5. The governor shall not hold any  
10 other office or employment of profit under the  
11 state, or the United States, during his term of  
12 office. Compensation for service in the armed  
13 forces of the state or the United States is not  
14 profit as that term is here used.

Secretary  
of  
State

15 Section 6. There shall be a secretary of state,  
16 who shall have the same qualifications as the  
17 governor. He shall be elected at the same time  
18 and for the same term as the governor, and the  
19 election procedure prescribed by law shall provide  
20 that the electors, in casting their vote for  
21 governor shall also be deemed to be casting their  
22 vote for the candidate for secretary of state  
23 shown on the ballot as running jointly with the  
24 respective candidate for governor. The candi-  
25 date for secretary of state who runs jointly with

1 the successful candidate for governor shall  
2 be elected secretary of state. The secretary  
3 of state shall perform such duties as may be  
4 prescribed by law and as may be delegated to  
5 him by the governor.

Succession

6 § Section 7. In case the governor-elect shall  
7 die before he has qualified and assumed the  
8 office of governor, or in case he fails to qualify  
9 for any other cause, the powers, duties, and  
10 emoluments of the office of Governor shall devolve  
11 upon the person elected secretary of state at the  
12 same election, and he shall serve as governor  
13 for the term for which the governor-elect was  
14 elected. In case of a vacancy in the office of  
15 governor because of his death, resignation, im-  
16 peachment, or removal, his powers and duties  
17 shall devolve upon the secretary of state. In  
18 case of the temporary absence of the governor  
19 from office, the powers and duties shall devolve  
20 upon the secretary of state. Whenever for a  
21 period of six months a governor in office shall  
22 have remained continuously absent from the state  
23 or shall have been unable to discharge the duties  
24 of his office by reason of mental or physical  
25 disability, the office shall be deemed vacant.

*The procedure for determining continuous absence  
and disability shall be provided by law*

1 Section 8. If for any reason the secretary  
2 of state is incapable of acting, the President  
3 of the Senate and the Speaker of the House of  
4 Representatives in succession shall act as governor  
5 until the vacancy is filled or the disability  
6 removed. If the office of governor becomes vacant  
7 and there is no secretary of state, the offices  
8 of governor and secretary of state shall be filled  
9 for the remainder of the terms at the next suc-  
10 ceeding general election unless the vacancy occurs  
11 less than 60 days before the election; but no  
12 election to fill an unexpired term shall be held  
13 in any year in which a governor is to be elected for  
14 a full term. No election of a secretary of state  
15 shall be had in any event except at the time of  
16 electing a governor.

Compensa-  
tion

17 Section 9. The compensation of the governor  
18 and the secretary of state shall be prescribed by  
19 law and <sup>shall not be</sup> diminished during their term of office.  
20 When the secretary of state or other officer succeeds  
21 to the office of governor, he shall receive the  
22 compensation for that office.

Executive  
powers

23 Section 10. The governor shall be responsible  
24 for the faithful execution of the laws. To this  
25 end he shall have power, by appropriate action or

1 proceeding in the courts brought in the name  
2 of the state, to enforce compliance with any  
3 constitutional or legislative mandate, or to  
4 restrain violation of any constitution<sup>or</sup>  
5 legislative power or duty, by any officer,  
6 department or agency of the state; but this  
7 power shall not be construed to authorize any  
8 action or proceeding against the Legislature.  
9 The governor shall, at the beginning of each  
10 session, and may at other times, give the  
11 legislature information concerning the affairs  
12 of the state and recommend to its considera-  
13 tion such measures as he deems expedient. He  
14 may convene the Legislature, or the Senate  
15 alone, whenever in his opinion the public in-  
16 terest requires. ~~The~~

17 The governor shall, prior to the end of his  
18 term of office, prepare a written report on the  
19 conduct of his administration, which shall con-  
20 tain such information as may be useful to his  
21 successor in carrying out the duties of his  
22 office.

Armed Forces  
of the  
State

23 Section 11. The governor shall be commander-  
24 in-chief of the armed forces of the state, and  
25 may call out these forces to execute the laws,



1 suppress or prevent insurrection or lawless  
2 violence or repel invasion. The governor,  
3 as provided by law, shall nominate and appoint  
4 all general and flag officers of the armed  
5 forces of the state, with the advice and consent  
6 of the Senate, and shall appoint and commission  
7 all other officers.

Martial  
law

8 Section 12. The governor may proclaim  
9 martial law when the public safety requires it  
10 in case of rebellion or invasion or imminent  
11 danger thereof. *Martial law shall not continue*  
12 *for a longer period than 20 days, with each*  
13 *renewal of that majority of both houses in joint session*  
~~12 forthwith on its own initiative to ratify or~~  
~~13 revoke the proclamation.~~

Executive  
clemency

14 Section 13. The governor may grant pardons,  
15 commutations, and reprieves and may suspend and  
16 remit fines and forfeitures, ~~and offenses, committed~~  
17 ~~in violation of the law.~~ This power shall not  
18 extend to impeachment. A commission or other  
19 body may be established by law to aid and advise  
20 the governor in the exercise of executive  
21 clemency. A system for the granting of parole  
22 shall be provided by law.

Organiza-  
tion

23 Section 14. All executive and administra-  
24 tive offices, departments, and instrumentalities  
25 of the state government and their respective

1 functions, powers and duties shall be allocated  
2 by law among and within not more than twenty  
3 principal departments in such manner as to  
4 group the same according to major purposes so  
5 far as practicable. Regulatory and quasi-judicial  
6 bodies and temporary agencies may be established  
7 by law and need not be allocated within a princi-  
8 pal department. The governor may make such  
9 changes in the administrative structure or in the  
10 assignment of functions as may, in his judgment,  
11 be necessary for efficient administration. These  
12 changes shall be set forth in executive orders  
13 which shall become effective at the close of the  
14 next regular session of the legislature, unless  
15 disapproved by a resolution concurred in by a  
16 majority of all the members of the legislature  
17 meeting jointly.

18 Section 15. Each principal department shall  
19 be under the supervision of the Governor. The  
20 head of each principal department shall be a  
21 single executive unless otherwise provided by  
22 law, and shall be nominated and appointed by  
23 the governor, with the advice and consent of  
24 the Senate, to serve at the pleasure of the  
25 Governor during his term of office and until the

1 appointment and qualification of <sup>HIS</sup> ~~their~~  
2 successors, except as herein otherwise provided  
3 with respect to the Secretary of State. The  
4 heads of all principal departments appointed under  
5 the provisions of this section shall be citizens  
6 of this State and shall have been residents of  
7 the State for at least three years next preceding  
8 their appointment.

9 Section 16. The members of regulatory and  
10 quasi-judicial bodies shall be nominated and  
11 appointed by the Governor, with the advice and  
12 consent of the Senate, and may be removed in the  
13 manner provided by law. A regulatory or quasi-  
14 judicial body may appoint a principal executive  
15 officer when authorized by law, but the appoint-  
16 ment shall be subject to the approval of the  
17 Governor.

18 Section 17. The Governor may fill any vacancy  
19 occurring in any office during a recess of the  
20 legislature, appointment to which is made by the  
21 Governor with the advice and consent of the Senate  
22 or of the Legislature in joint meeting. An  
23 appointment so made shall expire at the end of  
24 the next regular session of the <sup>LEGISLATURE</sup> ~~Senate~~, unless  
25 a successor shall be sooner appointed and <sup>qualified</sup> qualify.

1 After the end of the session no ad interim  
2 appointment to the same office shall be made  
3 unless the Governor shall have submitted to  
4 the Senate a nomination to the office during  
5 the session and the Senate shall have adjourned  
6 without confirming or rejecting it. No person  
7 nominated for any office shall be eligible for  
8 an ad interim appointment to such office if the  
9 nomination shall have failed of confirmation by  
10 the Senate.

DRAFT ARTICLE ON THE EXECUTIVE BRANCH

Section 1

Establishment of the Executive

- OK
1. The executive power of the State shall be vested in a governor.
  2. The Governor shall be not less than thirty years of age, and shall have been for at least twenty years a citizen of the United States, and a resident of this state <sup>seven</sup> ~~eight~~ years next <sup>preceding</sup> ~~before~~ his election, ~~unless he shall have been absent during that time on the public business of the United States or of this state.~~
  3. The Governor shall be elected by the ~~legally~~ qualified voters of this state. The person receiving the greatest number of votes shall be the Governor; but if two or more shall be equal and greatest in votes, one of them shall be elected Governor by the vote of a majority of all the members of both houses in joint meeting at the regular legislative session next following the election for Governor by the people. Contested elections for the office of Governor shall be determined in such manner as may be provided by law.
  4. The term of office of the Governor shall be four years, beginning at <sup>NOON of 1st MANDAY of Dec</sup> (date) next following his election, and ending at <sup>1st MANDAY of Dec</sup> (date) four years thereafter. No person who has been elected Governor for two full successive terms shall be again eligible <sup>TO HOLD</sup> ~~for~~ that office until the <sup>1st MANDAY of Dec</sup> (date) of the fourth year following the expiration of his second successive term.
  5. The Governor shall not hold any <sup>OTHER</sup> office or employment of profit under the state, or the United States, during his term of office.

*See draft - 2 -*

6. There shall be a Secretary of State, who shall have the same qualifications as the Governor. He shall be of the same political party as the Governor and shall be elected at the same time, for the same term, and in the same manner as the Governor, and the election procedure prescribed by law shall so provide. He shall perform such duties as may be prescribed by law.

7. In the event of a vacancy in the office of Governor resulting from the death, resignation or removal of a Governor in office, or the death of a Governor-elect, or from any other cause, the functions, powers, duties and emoluments of the office shall devolve upon the Secretary of State, for the time being, and in the event of his death, resignation or removal, then upon the President of the Senate, for the time being; and in the event of his death, resignation or removal, then upon the Speaker of the <sup>HOUSE OF REPRESENTATIVES</sup> ~~General Assembly~~, for the time being; and in the event of his death, resignation or removal, then upon such officers and in such order of succession as may be provided by law; until a new Governor shall be elected and qualify.

8. In the event of the failure of the Governor-elect to qualify, or of the absence from the State of a Governor in office, or his inability to discharge the duties of his office, or his impeachment, the functions, powers, duties and emoluments of the office shall devolve upon the President of the Senate, for the time being; and in the event of his death, resignation, removal, absence, inability or impeachment, then upon the Speaker of the General Assembly, for the time being; and in the event of his death, resignation, removal, absence, inability or impeachment, then upon such officers and in such order of succession as may be provided by law; until the Governor-elect shall qualify, or the Governor in office shall return to the State, or shall no longer be

unable to discharge the duties of the office, or shall be acquitted, as the case may be, or until a new Governor shall be elected and qualify.

9. ~~Whenever a Governor-elect shall have failed to qualify within six months after the beginning of his term of office, or~~ whenever for a period of six months a Governor in office, or person administering the office, shall have remained continuously absent from the State, or shall have been unable to discharge the duties of his office by reason of mental or physical disability, the office shall be deemed vacant. ~~Such vacancy shall be determined by the Supreme Court upon presentment to it of a concurrent resolution declaring the ground of the vacancy, adopted by a vote of two-thirds of all the members of each house of the Legislature, and upon notice, hearing before the Court and proof of the existence of the vacancy.~~

10. In the event of a vacancy in the office of Governor, a Governor shall be elected to fill the unexpired term at the general election next succeeding the vacancy, unless the vacancy shall occur within sixty days immediately preceding a general election, in which case he shall be elected at the second succeeding general election; but no election to fill an unexpired term shall be held in any year in which a Governor is to be elected for a full term. A Governor elected for an unexpired term shall assume his office immediately upon his election.

11. The officers named in this Article shall receive for their services salaries fixed by law, which shall not be ~~diminished~~ diminished during their term of office. *When the Secretary of State succeeds to the office of*

*officer succeeds to the office of*  
11. The compensation of the Governor and of the Secretary of State shall be prescribed by law, but shall not be less than eighteen thousand dollars, and twelve thousand dollars, respectively, per annum. Such compensation shall not be increased or diminished for their respective terms, unless by general law applying to all salaried officers of the State. When the Secretary of State succeeds to the office of Governor, he shall receive the compensation for that office.

Section 2

Executive Powers

*Be responsible for the faithful execution*  
1. *of the laws* The Governor shall ~~take care that the laws be faithfully executed.~~ *of the laws* To this end he shall have power, by appropriate action or proceeding in the courts brought in the name of the State, to enforce compliance with any constitutional or legislative mandate, or to restrain violation of any constitutional or legislative power or duty, by any officer, department or agency of the state; but this power shall not be construed to authorize any action or proceeding against the Legislature. The Governor shall, at the beginning of each session, and may at other times, give the legislature information concerning the affairs of the State and recommend to its consideration such measures as he shall deem expedient. He may convene the Legislature, or the Senate alone, whenever in his opinion the public interest shall require.



2. The Governor shall be Commander-in-Chief of the armed forces of the State ~~[except when these forces are called into service of the United States]~~ and may ~~call out~~ <sup>activate</sup> these forces to execute the laws, suppress or prevent insurrection or lawless violence or repel invasion. The Governor shall <sup>AS PROVIDED BY LAW</sup> nominate and appoint all general and flag officers of the armed forces of the State, with the advice and consent of the Senate; <sup>AS PROVIDED BY LAW</sup> ~~All other commissioned officers of the armed forces shall be appointed and commissioned by the Governor.~~ ~~AS PROVIDED BY LAW~~

3. The Governor may proclaim martial law when the public safety requires it in case of rebellion or invasion or imminent danger thereof. The Legislature shall meet forthwith on their own initiative to ratify or revoke the proclamation.

4. The Governor may grant pardons, commutations, and reprieves ~~[in all cases other than impeachment and treason]~~ and may suspend and remit fines and forfeitures for crimes committed in violation of the laws of Alaska. This power shall not extend to impeachment. A commission or other body ~~[will]~~ may be established by law to aid and advise the Governor in the exercise of executive clemency.

5. A system for the granting of parole shall be provided by law.

X — X

Section 3

Executive/and Administrative/Offices and Departments

1. All executive and administrative offices, departments and instrumentalities of the state government and their respective functions, powers and duties shall be allocated by law among and

within not more than twenty principal departments in such manner as to group the same according to major purposes so far as practicable. Temporary commissions or agencies for special purposes may be established by law and need not be allocated within a principal department.

2. Each principal department shall be under the supervision of the Governor. The head of each principal department shall be a single executive unless otherwise provided by law. Such single executives shall be nominated and appointed by the Governor, with the advice and consent of the Senate, to serve at the pleasure of the Governor during his term of office and until the appointment and qualification of their successors, except as herein otherwise provided with respect to the Secretary of State and the Attorney General. (~~Note: Is Secretary of State to be a head of a principal department?~~)

3. Whenever a board, commission or other body shall be the head of a department, the members thereof shall be nominated and appointed by the Governor with the advice and consent of the Senate, and may be removed in the manner provided by law. Such a board, commission or other body may appoint a principal executive officer when authorized by law, but the appointment shall be subject to the approval of the Governor. Any principal executive officer so appointed shall be removable by the Governor, upon notice and an opportunity to be heard.

4. The Governor may fill any vacancy occurring in any office during a recess of the Legislature, appointment to which may be made by the Governor with the advice and consent <sup>EITHER</sup> of the Senate, or ~~by~~ <sup>of</sup> the Legislature in joint meeting. ~~An ad interim~~ appointment so made shall expire at the end of the next regular session of the Senate, unless a successor shall be sooner appointed and qualify. ~~and~~ After the end of the session no ad interim appointment to the same office shall be made unless the Governor shall have submitted to the Senate a nomination to the office during the session and the Senate shall have adjourned without confirming or rejecting it. No person nominated for any office shall be eligible for an ad interim appointment to such office if the nomination shall have failed of confirmation by the Senate.

*THE HEADS OF ALL PRINCIPLE DEPARTMENTS*  
5. ~~All officers~~ appointed under the provisions of ~~this~~ section shall be citizens of this State and shall have been residents of the State for at least THREE years next preceding their appointment.

6. Appointment and removal of Attorney General and filling vacancy in that office?

Section 4

Other Provisions Affecting Executive Branch

1. Impeachment: The Governor and all other principal State officers, while in office and for two years thereafter, shall be liable for impeachment for high crimes, misdemeanors or malfeasance in office. The house of representatives shall have the sole power of impeachment by vote of a ~~majority~~ majority of all the

members. All impeachments shall be tried by the Senate, and members ~~where~~<sup>WHEN</sup> sitting for that purpose, shall be on oath or affirmation, and the Chief Justice shall preside. No person shall be convicted without the concurrence of two-thirds of all the members of the Senate. Judgment in cases of impeachment shall not extend further than to removal from office, and to disqualification to hold and enjoy any public office of honor, profit or trust in this State; but the person convicted shall nevertheless be liable to indictment, trial and punishment according to law.

2. Veto Power: The veto power shall be vested in the Governor. Upon receipt of a bill passed by the legislature as provided by law, if he approves it he shall sign it and it shall become law. If the Governor does not approve such bill, he may return it with his objections to the legislature. He may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same; but he shall veto other bills, if at all, only as a whole. The Governor shall have ten days to consider bills presented to him ten or more days before the adjournment of the legislature sine die, and if any such bill is neither signed nor returned by the governor within that time, it shall become law in like manner as if he had signed it.

(Note: It is assumed that the Committee on the Legislative Branch will include detailed provisions on the veto power in its proposal.)

*Added by [unclear]*

3. External Relations: The State and its political subdivisions may cooperate with the United States and its territories, [and] with other states and their political subdivisions on matters of common interest [,] and, to the extent consistent with the laws of the United States, with foreign nations. The respective legislative bodies may appropriate such sums as [are] may be necessary for this purpose. In all intergovernmental relations involving the state, the Governor shall act as the agent of the state.

## CHECK LIST

### EXECUTIVE DEPARTMENT

#### Qualifications

- ✓ 1. Minimum age *30 yrs*
- ✓ 2. Citizenship *20 yrs*
- ✓ 3. Residence *7 yrs*
- ✓ 4. Prohibition of holding other offices

#### Method of Election

- ✓ 1. Length of term
- ✓ 2. Number of terms
- ✓ 3. Succession after four year break in term

#### Compensation

1. Prescribed by law, not to be diminished during incumbent's term.

#### Vacancies

- ✓ 1. Succession
  - (a) Secretary of State
  - (b) Further succession
2. Provision for election at next general election

#### Impeachment and Recall

- ✓ 1. Where charges brought
- ✓ 2. Where tried
- ✓ 3. Grounds for impeachment
- ✓ 4. Votes required to impeach

#### Executive duties

- ✓ 1. Oversee faithful execution of laws
- ✓ 2. Grant pardons, commutations and reprieves
- ✓ 3. Serve as Commander-in-Chief
- ✓ 4. Grant commissions in the name of the state

*Probably prepared by Mr. Ledy.*

CHECK LIST

5. Represent the state in dealings with other states and the federal government.

Legislative duties

- ✓ 1. Report on condition of state
- ✓ 2. Recommend desirable legislation
3. Submit a budget to the legislature  
(Finance and Taxation Committee)
4. Sign or disapprove measures passed by the legislature
5. Adjourn legislature when houses cannot agree upon adjournment

Administrative duties

1. Appoint heads of principal departments
2. Remove heads of principal departments
  - (a) Civil service -- See article IX of Model State Constitution
3. Require information in writing or otherwise from any administrative department, office or agency of the state
4. Make changes from time to time in the administrative structure or assignment of functions as in his judgment may be necessary for efficient administration
5. Appoint administrative manager

Secretary of State

- ✓ 1. Qualifications
  - ✓ (a) Minimum age
  - ✓ (b) Citizenship
  - ✓ (c) Residence
- ✓ 2. Method of election
3. Duties

CHECK LIST

Attorney General

1. Qualifications
  - (a) Minimum age
  - (b) Citizenship and residence
  - (c) Professional experience
2. Selection
  - (a) Nominated by:
  - (b) Appointed by Governor
  - (c) Confirmed by Senate
3. Duties



Constitutional Convention  
Committee Proposal/12  
December 15, 1955

ALASKA CONSTITUTIONAL CONVENTION

Report of the Committee on Executive Branch

Honorable William A. Egan  
President, Alaska Constitutional Convention

Dear Mr. President:

The Committee on the Executive Branch presents for consideration and adoption by the Convention the attached article entitled General and Miscellaneous Provisions; although these provisions are of particular interest to this committee, they were not included in the proposed Article on the Executive Branch because they have application also to the other branches of government.

A commentary is also attached which explains the purpose of each section.

Respectfully submitted,  
Victor Rivers, Chairman  
Frank Barr  
John C. Boswell  
Thomas C. Harris  
Maynard D. Londborg  
Katharine Nordale  
H. R. VanderLeest

ALASKA CONSTITUTIONAL CONVENTION

COMMITTEE PROPOSAL NO. 12

Introduced by Committee on Executive Branch

Article Containing General and Miscellaneous Provisions

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

Merit           1           Section 1. The legislature shall provide for a  
Principle       2           system under which the employment of persons by the  
                  3           State shall be governed by the merit principle.

Employees       4           Section 2. Membership in any employees' retire-  
Retirement    5           ment system of the State or any political subdivision  
                  6           thereof shall be a contractual relationship, the  
                  7           accrued benefits of which shall not be diminished or  
                  8           impaired.

Disquali-       9           Section 3. No person who advocates, or who  
fication       10          aids or belongs to any party, organization or  
for Dis-       11          association which advocates, the overthrow by force  
loyalty        12          or violence of the government of this State or of  
                  13          the United States shall be qualified to hold any  
                  14          public office or employment.

Oath of           15          Section 4. All public officers, before entering  
Office          16          upon the duties of their respective offices, shall  
                  17          take and subscribe to the following oath or affirmation

1 "I do solemnly swear (or affirm) that I will support  
2 and defend the Constitution of the United States,  
3 and the Constitution of the State of Alaska, and  
4 that I will faithfully discharge my duties as \_\_\_\_\_  
5 \_\_\_\_\_ to the best of my ability".  
6 The legislature may prescribe further oaths or  
7 affirmations.

Inter- 8 Section 5. The State and its political sub-  
Governmental 9 divisions may cooperate with the United States and  
Relations 10 its territories and with other states and their  
11 political subdivisions on matters of common interest  
12 and, to the extent consistent with the laws of the  
13 United States, with foreign nations. The respective  
14 legislative bodies may appropriate such sums as may  
15 be necessary for this purpose. In all intergovern-  
16 mental relations involving the state, the Governor  
17 shall act as the agent of the state.

Constitutional Convention  
Committee Proposal/12  
December 16, 1955

CONSTITUTIONAL CONVENTION OF ALASKA

COMMITTEE PROPOSAL NO. 12

Commentary on the Article on General and Miscellaneous Provisions

Section 1. Merit Principle: Only employment in certain Federally aided programs of the Territory is now governed by the merit principle. This section would call upon the legislature to establish a system under which employment generally by the state would be governed by the merit principle. A system governed by the merit principle would be one, for example, which comprehended professional, technical, clerical, and administrative positions of the state government. The positions comprehended within the system would be classified according to duties and responsibilities. Salary ranges would be established for the various classes of positions. Appointments would be made according to merit and fitness which would be ascertained, so far as practicable, by competitive examinations.

Section 2. Employee's Retirement. This will assure state and municipal employees who are now tied into various retirement plans that their benefits under these plans will not be diminished or impaired when the Territory becomes a state.

Section 3. Disqualification for Disloyalty. This conforms with the language of the Congressional enabling bills.

Section 4. Oath of Office. The oath is self-explanatory.

Section 5. Intergovernmental Relations. This provision is recommended mainly in order to make it clear that the state can participate in cooperative programs such as the Western Interstate Compact on Higher Education even though such programs may involve the expenditure of public funds outside the state. Some states have had to amend their constitutions in order to participate in such programs.

This provision would also authorize local government units in Alaska to cooperate with Federal agencies on grant-in-aid programs such as housing and airport construction. Local government units could maintain direct relations with Federal agencies, but the Governor would serve as agent for the state in developing the intergovernmental relations of state agencies.

In view of the close relationships which Alaska will have with the neighboring Canadian provinces, explicit authority is granted to the state to cooperate with foreign nations to the extent consistent with the laws of the United States.

Constitutional Convention  
Committee Proposal/11  
December 15, 1955

ALASKA CONSTITUTIONAL CONVENTION  
REPORT OF THE COMMITTEE ON EXECUTIVE BRANCH

Hon. William A. Egan  
President, Alaska Constitutional Convention

Dear Mr. President:

The Committee on the Executive Branch presents for consideration and adoption by the Convention the attached ordinance on the First Election of the Governor and the Secretary of State. A commentary explaining the need for this Ordinance is also attached.

Respectfully submitted,

Victor Rivers, Chairman

Frank Barr

John C. Boswell

Thomas C. Harris

Maynard D. Londborg

Katherine Nordale

H. R. VanderLeest

Constitutional Convention  
Committee Proposal/11  
December 15, 1955

CONSTITUTIONAL CONVENTION OF ALASKA

COMMITTEE PROPOSAL NO. 11

Introduced by Committee on Executive Branch

ORDINANCE ON THE FIRST ELECTION OF THE GOVERNOR  
AND THE SECRETARY OF STATE

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

1           The first governor and secretary of state  
2 shall hold office for a term beginning with the day  
3 on which they are elected and qualified and ending  
4 at noon on the first Monday in December of the even  
5 year following the next Presidential election. This  
6 term shall count as a full term for purposes of deter-  
7 mining eligibility for reelection only if it is four  
8 years or more in duration.

Constitutional Convention  
Committee Proposal/11  
December 15, 1955

ALASKA CONSTITUTIONAL CONVENTION

Commentary on the Ordinance on the First Election of Governor

The Committee on the Executive Branch believes that the governor and the secretary of state should be elected in the even years between the Presidential election years. This will minimize the influence of National politics in the election of the chief executive of the state and thereby make it more likely that the most qualified persons will be elected.

The proposed ordinance provides that the first elected governor and secretary of state will hold office from the day on which they are elected and qualified and ending on the first Monday in December of the first even year which follows the next Presidential election. This term could run from slightly over two years to almost six years. If the term is less than four years, the governor and secretary of state will be eligible for reelection for two full four-year terms in succession immediately following the first term.



Constitutional Convention  
Delegate Proposal/44  
Referred to Committee on  
the Executive Branch  
January 9, 1956

CONSTITUTIONAL CONVENTION OF ALASKA

DELEGATE PROPOSAL NO. 44

Introduced by Frank Barr

DEPARTMENT OF LABOR

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

1           A Department of Labor is hereby created to be under the  
2 supervision of a Commissioner of Labor who shall be elected  
3 by the qualified electors of the state at the same times and  
4 places as the Governor, and his term of office shall be four  
5 years. He shall be responsible to the governor and to the  
6 Legislature for the faithful performance of his duties, and  
7 shall submit to them any reports that may be required. His  
8 duties and compensation shall be provided by law, and his  
9 compensation shall not be diminished nor increased during his  
10 term of office.

Constitutional Convention  
Delegate Proposal/45  
Referred to the Committee  
on the Executive Branch  
and to the Committee on  
the Judiciary  
January 9, 1956

CONSTITUTIONAL CONVENTION OF ALASKA

DELEGATE PROPOSAL NO. 45

Introduced by Frank Barr

OFFICE OF THE ATTORNEY GENERAL

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

1           Section 1. An Attorney General shall be elected at  
2 the same time and in the same manner as the Governor, and  
3 his term of office shall be four years. He shall be the  
4 chief law officer of the State, shall represent the State  
5 in all courts of law, and shall see that all laws are uni-  
6 formly and adequately enforced throughout the State.

7           Section 2. He shall be legal advisor to the Legislature  
8 and all State officers, and shall perform such other duties  
9 as may be prescribed by law. He shall be responsible to the  
10 Governor and the Legislature for the faithful performance  
11 of his duties.

12           Section 3. The Attorney General shall receive for his  
13 services a compensation fixed by the Legislature which shall  
14 not be increased or diminished during his term of office. He  
15 shall devote his full time to his office and shall not re-  
16 ceive any salary, fees or other compensation from any other  
17 source.

1           Section 4. In case of vacancy in the office of Attorney  
2 General for any cause, the Governor shall appoint his  
3 successor to complete the term of office with the consent  
4 of a majority of both Houses of the Legislature in joint  
5 session assembled, or, when not in session, a poll of the  
6 members may be taken by mail by the President of the Senate  
7 and Speaker of the House.

REPORT OF THE COMMITTEE ON EXECUTIVE BRANCH ON DELEGATE  
PROPOSALS 44, 45, and 46.

There is no copy of this report in the files. The Journal of January 11, 1956, shows the following as the report:

"The Committee on the Executive Branch met on January 10 to consider Delegate Proposal No. 44, which would provide for the election of the Commissioner of Labor, and Delegate Proposal No. 46, which would provide for the election of the Attorney General. The Committee members in attendance at the meeting voted as follows on these proposals:

Delegate Proposal 44:

Do Pass:	Delegate Barr
Do Not Pass:	Delegates Boswell, Harris, Nordale, and V. Rivers

Delegate Proposal 46:

Do Pass:	Delegate Barr
Do Not Pass:	Delegates Boswell, Harris, and Nordale
No Recommendation:	Delegate V. Rivers"

-----  
[The two proposals are No. 44 and No. 45, and not No. 46.]

Referred to  
Committee on Executive  
Branch  
November 21, 1955

CONSTITUTIONAL CONVENTION OF ALASKA

PROPOSAL No. 15

Introduced by W. O. Smith

To Make Provisions of Constitution Mandatory

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

- 1 1. Constitution Mandatory: The provisions of this Constitu-
- 2 tion are mandatory, unless by express words they are declared
- 3 to be otherwise.

*The Legislature shall provide for the establishment of a Civil Service System which shall be governed by the merit principle*

DRAFT

General and Miscellaneous Sections

1. Civil Service: In the civil service of the state, as defined by law, all positions shall be classified according to duties and responsibilities, salary ranges shall be established for the various classes, and all appointments and positions shall be made according to merit and fitness to be ascertained, so far as practicable by competitive examinations.

2. Disqualification for Disloyalty: No person who advocates, or who aids or belongs to any party, organization or association which advocates, the overthrow by force or violence of the government of this State or of the United States shall be qualified to hold any public office or employment.

3. Oath of Office: All public officers, before entering upon the duties of their respective offices, shall take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States, and the Constitution of the State of Alaska, and that I will faithfully discharge my duties as

\_\_\_\_\_ to the best of my ability." The legislature may prescribe further oaths or affirmations.

REDRAFT OF PARA. ~~25~~, 7, 8, 9, & 10

Nordale

GOVERNOR -- Vacancy in Office

1. In case the Governor-elect shall die before he has qualified and assumed the Office of Governor, or in case he fails to qualify for any other cause, the powers, duties and emoluments shall devolve upon the person elected Secretary of State at the same election, and he shall serve as Governor for the term for which the Governor-elect was elected.
2. In case of a vacancy in the Office of Governor because of his death, resignation, impeachment, removal, or from any other cause, his powers and duties shall devolve upon the Secretary of State, ~~the President of the Senate, and the Speaker of the House in that succession~~ for the remainder of the term. In case of the temporary absence of the Governor from office, the powers and duties shall devolve upon the Secretary of State.
3. The legislature shall define the circumstances under which the Office of Governor shall be deemed vacant, except that whenever a Governor-in-Office shall have remained continuously absent from the state for a period of six months, or shall have been unable to discharge the duties of his office by reasons of mental or physical disability the office shall be deemed vacant.
4. If <sup>FOR ANY REASON</sup> the Secretary of State is incapable of acting ~~for any of said causes~~, the President of the Senate and the Speaker of the House of Representatives in succession shall act as Governor until the vacancy is filled or the disability removed.

5. If the Office of Governor become vacant and there be no Secretary of State, the offices of Governor and Secretary of State shall be filled for the remainder of the terms at the next succeeding general election unless the vacancy occurs less than 60 days before the election; but no election to fill an unexpired term shall be held in any year in which a governor is to be elected for a full term.



DRAFT OF ART. 6, 7, 8, 9, 10 - 1901

GOVERNOR -- Vacancy in office

1. In case the governor-elect shall die before he has qualified and assumed the office of governor, or in case he fails to qualify for any other cause, the powers <sup>and emoluments -</sup> and duties shall devolve upon the person elected secretary of state at the same election, and he shall serve as governor for the term for which the governor-elect was elected.

~~In case of the impeachment of the governor in office, or his death, resignation, removal from office, inability to discharge the duties of his office, or absence from the state, the powers and duties shall devolve upon the secretary of state for the remainder of the term or until the disability is removed.~~

4. If the Secretary of state is incapable of acting for any <sup>of said causes</sup> ~~of said causes~~, the President of the Senate and the Speaker of the House of Representatives in succession shall act as governor until the vacancy is filled or the disability removed.

~~The legislature may declare the cases in which the office of governor shall be deemed vacant.~~

5. If the office of governor become vacant and there be no secretary of state, the offices of governor and secretary of state shall be filled for the remainder of the terms at the next succeeding general election. <sup>3/2</sup> No election of a secretary of state shall be had in any event except at the time of electing a governor.

unless the vacancy occurs less than 60 days before the election; but no election to fill an unexpired term shall be held in any year in which a governor is to be elected for a full term.

2.

In case of a vacancy in the office of Governor because of his death, resignation, impeachment, removal, or from any other cause, his powers and duties shall devolve upon the Secretary of State, the President of the Senate, and the Speaker of the House in that succession for the remainder of the term. In case of the temporary absence of the Governor from office, these officers shall serve in the same succession and manner.

*The Power & duties shall devolve upon the Sec of State.*

~~The legislature shall define the circumstances under which a vacancy exists in the office of governor.~~

3.

The legislature shall define the circumstances under which the office of governor shall be deemed vacant, *except that a Governor who has been in office*

*shall have remained continuously absent from the state or shall have been unable to discharge the duties of his office by reason of mental or physical disability, the office shall be deemed vacant.*

DRAFT PROVISION

For Filling Vacancy In Office of Governor

1. In case of the failure of the governor to qualify, or of his impeachment, removal from office, death, resignation, inability to discharge the powers and duties of his office, or absence from the state, the powers and duties of the office shall devolve upon the secretary of state for the remainder of the term, or until the condition is removed.

2. In case of the failure to qualify, impeachment, removal, death, resignation, inability, or absence from the state, both of the governor and the secretary of state, the offices of governor and secretary of state shall be filled for the remainder of the terms at the next general election unless the vacancy in the office of governor occurs less than 60 days before the election provided that no election to fill an unexpired term shall be held in any year in which a governor is to be elected for a full term. Until the vacancies in the office of governor and secretary of state be filled by election, the President of the Senate and the Speaker of the House in succession shall act as governor.

5.19  
The Governor, in accordance with law, shall nominate and appoint all general and flag officers of the armed forces of the State, with the advice and consent of the Senate, and shall appoint and commission all other officers of the <sup>State</sup> ~~armed forces~~.

Sec 4

EXTERNAL RELATIONS

The Governor shall act as the <sup>?</sup>general agent of the state in relations with the Federal Government, Foreign Governments and other State governments. Nothing in this constitution shall be construed in such manner as to impair the constitutionality of any act passed by the legislature for the purpose of making effective the cooperation of the state with Federal, Foreign and State governments.

The legislature shall provide by law for the establishment of such agencies as may be necessary and desirable to promote cooperation on the part of this state with the above mentioned governments and may appropriate such sums as may be necessary to finance its fair share of the cost of these activities.

Sec 7

ARTICLE ON EXECUTIVE BRANCH

Draft Section on Secretary of State

6. There shall be a Secretary of State, who shall have the same qualifications as the Governor. He shall be elected at the same time and for the same term as the Governor, and the election procedure prescribed by law shall provide that the electors, in casting their vote for Governor, shall also be deemed to be casting their vote for the candidate for Secretary of State shown on the ballot as running jointly with the respective candidate for Governor. The candidate for Secretary of State who runs jointly with the successful candidate for Governor shall be elected Secretary of State. The Secretary of State shall perform such duties as may be prescribed by law and as may be delegated to him by the Governor.

Section 1

Establishment of the Executive

*Read 12/18/10*

1. The executive power of the state shall be vested in a governor.
2. The governor shall be not less than thirty years of age, and shall have been for at least 20 years a citizen of the United States, and a resident of this state 7 years next preceding his election.
3. The governor shall be elected by the qualified voters of this state. The person receiving the greatest number of votes shall be the governor; but if two or more shall be equal and greatest in votes, one of them shall be elected governor by the vote of a majority of all the members of both houses in joint meeting at the regular legislative session next following the election for governor by the people. Contested elections for the office of governor shall be determined in the manner provided by law.
4. The term of office of the governor shall be four years, beginning at noon on the first Monday in December next following his election, and ending at noon on the first Monday in December four years thereafter. No person who has been elected governor for two full successive terms shall be again eligible to hold that office until the 1st Monday in December of the fourth year following the expiration of his second successive term.
5. The governor shall not hold any other office or employment of profit under the state, or the United States, during his term of office.
6. There shall be a secretary of state, who shall have the same qualifications as the governor. He shall be elected at the same time and for the same term as the governor, and the election procedure prescribed by law shall provide that the electors, in casting

their vote for governor shall also be deemed to be casting their vote for the candidate for secretary of state shown on the ballot as running jointly with the respective candidate for governor. The candidate for secretary of state who runs jointly with the successful candidate for governor shall be elected secretary of state. The secretary of state shall perform such duties as may be prescribed by law and as may be delegated to him by the governor.

7. In case the governor-elect shall die before he has qualified and assumed the office of governor, or in case he fails to qualify for any other cause, the powers, duties, and emoluments shall devolve upon the person elected secretary of state at the same election, and he shall serve as governor for the term for which the governor-elect was elected.

In case of a vacancy in the office of governor because of his death, resignation, impeachment, <sup>or</sup> removal, ~~or from any other cause~~, his powers and duties shall devolve upon the secretary of state. *Here* [In case of the temporary absence of the governor from office, the powers and duties shall devolve upon the secretary of state.] *Prose*

~~The legislature shall define the circumstances under which the office of governor shall be deemed vacant, except that~~ whenever for a period of six months a governor in office shall have remained continuously absent from the state, or shall have been unable to discharge the duties of his office by reason of mental or physical disability, the office shall be deemed vacant.



If for any reason the secretary of state is incapable of acting, the President of the Senate and the Speaker of the House of Representatives in succession shall act as governor until the vacancy is filled or the disability removed.

If the office of governor become vacant and there be no secretary of state, the offices of governor and secretary of state shall be filled for the remainder of the terms at the next succeeding general election unless the vacancy occurs less than 60 days before the election; but no election to fill an unexpired term shall be held in any year in which a governor is to be elected for a full term. No election of a secretary of state shall be had in any event except at the time of electing a governor.

8. The officers named in this article shall receive for their services salaries fixed by law, which shall not be diminished during their term of office. When the secretary of state or other officer succeeds to the office of governor, he shall receive the compensation for that office.

## Section 2

### Executive Powers

1. The governor shall be responsible for the faithful execution of the laws. To this end he shall have power, by appropriate action or proceeding in the courts brought in the name of the state, to enforce compliance with any constitutional or legislative mandate, or to restrain violation of any consti-

tutional or legislative power or duty, by any officer, department or agency of the state; but this power shall not be construed to authorize any action or proceeding against the Legislature. The governor shall, at the beginning of each session, and may at other times, give the legislature information concerning the affairs of the state and recommend to its consideration such measures as he ~~shall~~ deem expedient. He may convene the legislature, or the Senate alone, whenever in his opinion the public interest ~~shall~~ require.

The governor shall, prior to the end of his term of office, prepare/<sup>a</sup>written report on the conduct of his administration, which shall contain such information as may be useful to his successor in carrying out the duties of his office.

2. The governor shall be commander-in-chief of the armed forces of the state, and may call out these forces to execute the laws, suppress or prevent insurrection or lawless violence or repel invasion. The governor in accordance with law shall nominate and appoint all general and flag officers of the armed forces of the state, with the advice and consent of the Senate, and shall appoint and commission all other officers.

3. The governor may proclaim martial law when the public safety requires ~~it~~ in case of rebellion or invasion or imminent danger thereof. The legislature shall meet forthwith on <sup>its</sup> ~~their~~ own initiative to ratify or revoke the proclamation.

4. The governor may grant pardons, commutations, and reprieves and may suspend and remit fines and forfeitures for crimes committed in violation of the law. This power shall not extend to

impeachment. A commission or other body may be established by law to aid and advise the governor in the exercise of executive clemency.

5. A system for the granting of parole shall be provided by law.

### Section 3

#### Executive and Administrative Offices and Departments

1. All executive and administrative offices, departments and instrumentalities of the state government and their respective functions, powers and duties shall be allocated by law among and within not more than twenty principal departments in such manner as to group the same according to major purposes so far as practicable. Temporary commissions or agencies for special purposes may be established by law and need not be allocated within a principal department. The governor may make from time to time such changes in the administrative structure or in the assignment of functions as may, in his judgment, be necessary for efficient administration. Such changes shall be set forth in executive orders which shall become effective at the close of the next regular session of the legislature, unless disapproved by a resolution concurred in by a majority of all the members of either House.

ALASKA CONSTITUTIONAL CONVENTION

Report of the Committee on Executive Branch

Honorable William A. Egan  
President, Alaska Constitutional Convention

Dear Mr. President:

The Committee on the Executive Branch presents for consideration and adoption by the Convention the attached article entitled General and Miscellaneous Provisions; although these provisions are of particular interest to this committee, they were not included in the propos<sup>ed</sup> Article on the Executive Branch because they have application also to the other branches of government.

A commentary is also attached which explains the purpose of each section.

Respectfully submitted,  
Victor Rivers, Chairman  
Frank Barr  
John C. Boswell  
Thomas C. Harris  
Maynard D. Londborg  
Katherine Nordale  
H. R. Vander Loest



interest and, to the extent consistent with the laws of the United States, with foreign nations. The respective legislative bodies may appropriate such sums as may be necessary for this purpose. In all intergovernmental relations involving the state, the Governor shall act as the agent of the state.

Constitutional Convention of Alaska

COMMITTEE PROPOSAL NO \_\_\_\_\_

Commentary on the Article on General and Miscellaneous Provisions

Section 1. Merit Principle: Only employment in certain Federally aided programs of the Territory is now governed by the merit principle. This section would call upon the legislature to establish a system under which employment generally by the state would be governed by the merit principle. A system governed by the merit principle would be one, for example, which comprehended professional, technical, clerical, and administrative positions of the state government. The positions comprehended within the system would be classified according to duties and responsibilities. Salary ranges would be established for the various classes of positions, <sup>Appointments</sup> would be made according to merit and fitness which would be ascertained, so far as practicable, by competitive examinations.

Section 2. Employee's Retirement. This will assure state and municipal employees who are now tied into various retirement plans that their benefits under these plans will not be diminished or impaired when the Territory becomes a state.

Section 3. Disqualification for Disloyalty. This conforms with the language of the Congressional enabling bills.

Section 4. Oath of Office. The oath is self-explanatory.

Section 5. Intergovernmental Relations. This provision is recommended mainly in order to make it clear that the state can participate in cooperative programs such as the Western Interstate

Compact on Higher Education even though such programs may involve the expenditure of public funds outside the state. Some states have had to amend their constitutions in order to participate in such programs.

This provision would also authorize local government units in Alaska to cooperate with Federal agencies on grant-in-aid programs such as housing and airport construction. Local government units could maintain direct relations with Federal agencies, but the Governor would serve as agent for the state in developing the intergovernmental relations of state agencies.

In view of the close relationships which Alaska will have with the neighboring Canadian provinces, explicit authority is granted to the state to cooperate with foreign nations to the extent consistent with the laws of the United States.



ALASKA CONSTITUTIONAL CONVENTION

Report of the Committee on Executive Branch

Honorable William A. Egan  
President, Alaska Constitutional Convention

Dear Mr. President:

The Committee on the Executive Branch presents for the consideration and adoption <sup>by</sup> the Convention the attached ordinance on the First Election of the Governor and the Secretary of State. A commentary explaining the need for this Ordinance is also attached.

Respectfully submitted,

Victor Rivers, Chairman

Frank Barr

John C. Boswell

Thomas C. Harris

Maynard D. Londborg

Katherine Nordale

H. R. Vander Leest

Constitutional Convention  
Committee Proposal/  
December 15, 1955

CONSTITUTIONAL CONVENTION OF ALASKA

COMMITTEE PROPOSAL NO. \_\_\_\_\_

Introduced by Committee on Executive Branch .  
ORDINANCE ON THE FIRST ELECTION OF THE GOVERNOR  
RESOLVED, that the following be agreed upon as part  
of the Alaska State Constitution:

1           The first governor and secretary of state  
2 shall hold office for a term beginning with the day  
3 on which they are elected and qualified and ending  
4 at noon on the first Monday in December of the even  
5 year following the next Presidential election. This  
6 term shall count as a full term for purposes of deter-  
7 mining eligibility for reelection only if it is four  
8 years or more in duration.

Constitutional Convention  
Committee Proposal/  
December 15, 1955

ALASKA CONSTITUTIONAL CONVENTION

Commentary on the Ordinance on The First Election of Governor

The Committee on the Executive Branch believes that the governor and secretary of state should be elected in the even years between the Presidential election years. This will minimize the influence of National politics in the election of the chief executive of the state and thereby make it more likely that the most qualified person will be elected.

The proposed ordinance provides that the first elected governor and secretary of state will hold office from the day on which they are elected and qualified and ending on the first Monday in December of the first even year which follows the next Presidential election. This term could run from slightly over two years to almost six years. If the term is less than four years, the governor and secretary of state will be eligible for reelection for two full four year terms in succession immediately following this first term.

Section 3

Executive and Administrative Offices, Departments  
and Instrumentalities and Other Bodies

1. All executive and administrative offices, departments, and instrumentalities of the state government and their respective functions, powers and duties shall be allocated by law among and within not more than twenty principal departments in such manner as to group the same according to major purposes so far as practicable. Regulatory and quasi-judicial bodies and temporary agencies may be established by law and need not be allocated within a principal department. The governor may make such changes in the administrative structure or in the assignment of functions as may, in his judgment, be necessary for efficient administration. These changes shall be set forth in executive orders which shall become effective at the close of the next regular session of the legislature, unless disapproved by a resolution concurred in by a majority of all the members of the legislature meeting jointly.

2. Each principal department shall be under the supervision of the Governor. The head of each principal department shall be a single executive unless otherwise provided by law, and shall be nominated and appointed by the Governor, with the advice and consent of the Senate, to serve at the pleasure of the Governor during his term of office and until the appointment and qualification of their successors, except as herein otherwise provided with respect to the Secretary of State, ~~and the Attorney General.~~

(Ms. Sady's draft.) (12-11-56)

The heads of all principal departments appointed under the provisions of this section shall be citizens of this State and shall have been residents of the State for at least three years next preceding their appointment.

3. The members of regulatory and quasi-judicial bodies shall be nominated and appointed by the Governor with the advice and consent of the Senate, and may be removed in the manner provided by law. <sup>*Regulatory and quasi-judicial bodies*</sup> ~~Such a body~~ may appoint a principal executive officer when authorized by law, but the appointment shall be subject to the approval of the Governor.

4. The Governor may fill any vacancy occurring in any office during a recess of the Legislature, appointment to which is made by the Governor with the advice and consent of the Senate or of the Legislature in joint meeting. An appointment so made shall expire at the end of the next regular session of the Senate, unless a successor shall be sooner appointed and qualify. After the end of the session no ad interim appointment to the same office shall be made unless the Governor shall have submitted to the Senate a nomination to the office during the session and the Senate shall have adjourned without confirming or rejecting it. No person nominated for any office shall be eligible for an ad interim appointment to such office if the nomination shall have failed of confirmation by the Senate.

5. Appointment and removal of Attorney General and filling vacancy in that office?

Suggested new sentence to be added at end of Section 3, paragraph 1, page 6:

"The Governor may make from time to time such changes in the administrative structure or in the assignment of functions as may, in his judgement, be necessary for efficient administration. Such changes shall be set forth in executive orders which shall become effective at the close of the next <sup>REGULAR</sup> ~~BIENNIAL~~ session of the legislature, unless disapproved by a resolution concurred in by a majority of all the members of either House.

Constitutional Convention  
Committee Proposal/  
December 16, 1955

ALASKA CONSTITUTIONAL CONVENTION  
Report of the Committee on Executive Branch

Hon. William A. Egan

President

Alaska Constitutional Convention

Dear Mr. President:

The Committee on the Executive Branch presents for the consideration and adoption <sup>of</sup> the Convention the attached Article on the Executive Branch. A commentary explaining the provisions of this Article is also attached.

Respectfully submitted,

Victor Rivers, Chairman

Frank Barr

John C. Boswell

Thomas C. Harris

Maynard D. Londborg

Katherine Nordale

H. R. Vander Leest

ALASKA CONSTITUTIONAL CONVENTION

Section 7 and 8. Succession. This section provides for succession in event the Governor-elect dies or for other reasons fails to qualify, in the event of a vacancy in the office of Governor, and in the event there is no secretary of state when a vacancy occurs in the office of governor. The order of succession is the Secretary of State, the President of the Senate and the Speaker of the House. Thus, only persons holding an elective office will succeed to the governorship. If a vacancy occurs in the office of Governor and there is no secretary of state, then an election will be held to fill the unexpired terms at the next general election unless the vacancies occur less than 60 days before a general election, No election would be held to fill an unexpired term in any year in which an election for a full term will be held.

The procedure for determining disability and continuous absence from the state is to be prescribed by law. An orderly procedure would, it is hoped, avoid the uncertainty and confusion that has prevailed elsewhere in the past when the chief executive has been incapacitated.



DRAFT PROVISION

For Filling Vacancy In Office of Governor

1. In case of the failure of the governor to qualify, or of his impeachment, removal from office, death, resignation, inability to discharge the powers and duties of his office, or absence from the state, the powers and duties of the office shall devolve upon the secretary of state for the remainder of the term, or until the condition is removed.

2. In case of the failure to qualify, impeachment, removal, death, resignation, inability, or absence from the state, both of the governor and the secretary of state, the offices of governor and secretary of state shall be filled for the remainder of the terms at the next general election unless the vacancy in the office of governor occurs less than 60 days before the election, provided that no election to fill an unexpired term shall be held in any year in which a governor is to be elected for a full term. Until the vacancies in the office of governor and secretary of state be filled by election, the President of the Senate and the Speaker of the House in succession shall act as governor.

DRAFT PROVISION

For Filling Vacancy in Office of Governor

In case of the failure of the governor to qualify, or of his impeachment, removal from office, death, resignation, inability to discharge the powers and duties of his office, or absence from the state, the powers and duties of the office shall devolve upon the secretary of state for the remainder of the term, or until the condition is removed. The legislature shall provide for the case of the failure to qualify, impeachment, removal, death, resignation, inability, or absence from the state, both of the governor and the secretary of state.

GOVERNOR -- Vacancy in office

In case the governor-elect shall die before he has qualified and assumed the office of governor, or in case he fails to qualify for any other cause, the powers and duties shall devolve upon the person elected secretary of state at the same election, and he shall serve as governor for the term for which the governor-elect was elected.

In case of the impeachment of the governor in office, or his death, resignation, removal from office, inability to discharge the duties of his office, or absence from the state, the powers and duties shall devolve upon the secretary of state for the remainder of the term or until the disability is removed.

If the Secretary of state is incapable of acting for any of said causes, the President of the Senate and the Speaker of the House of Representatives in succession shall act as governor until the vacancy is filled or the disability removed.

The legislature may declare the cases in which the office of governor shall be deemed vacant.

If the office of governor become vacant and there be no secretary of state, the offices of governor and secretary of state shall be filled for the remainder of the terms at the next succeeding general election.<sup>1/</sup> No election of a secretary of state shall be had in any event except at the time of electing a governor.

1/ unless the vacancy occurs less than 60 days before the election.

REDRAFT OF PARA. 6, 7, 8, 9, & 10

Nordale

GOVERNOR -- Vacancy in Office

1. In case the Governor-elect shall die before he has qualified and assumed the Office of Governor, or in case he fails to qualify for any other cause, the powers, duties and emoluments shall devolve upon the person elected Secretary of State at the same election, and he shall serve as Governor for the term for which the Governor-elect was elected.

2. In case of a vacancy in the Office of Governor because of his death, resignation, impeachment, removal, or from any other cause, his powers and duties shall devolve upon the Secretary of State, the President of the Senate, and the Speaker of the House in that succession for the remainder of the term. In case of the temporary absence of the Governor from office, the powers and duties shall devolve upon the Secretary of State.

3. The legislature shall define the circumstances under which the Office of Governor shall be deemed vacant, except that whenever a Governor-in-Office shall have remained continuously absent from the state for a period of six months, or shall have been unable to discharge the duties of his office by reasons of mental or physical disability the office shall be deemed vacant.

4. If the Secretary of State is incapable of acting for any of said causes, the President of the Senate and the Speaker of the House of Representatives in succession shall act as Governor until the vacancy is filled or the disability removed.

5. If the Office of Governor become vacant and there be no Secretary of State, the offices of Governor and Secretary of State shall be filled for the remainder of the terms at the next succeeding general election unless the vacancy occurs less than 60 days before the election; but no election to fill an unexpired term shall be held in any year in which a governor is to be elected for a full term.